

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.

67

No. A253156

REPORTERS' DAILY TRANSCRIPT

Monday, August 24, 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.

VOLUME 67

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

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<u>PEOPLE'S:</u>	<u>FOR IDENTIFICATION</u>	<u>IN EVIDENCE</u>
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173 - Photograph of male Caucasian	8803	
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1 LOS ANGELES, CALIFORNIA, MONDAY, AUGUST 24, 1970

2 9:03 A.M.

3 ---O---

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

6 MR. KANAREK: Good morning, your Honor.

7 THE COURT: Good morning, Mr. Kanarek.

8 The record will show Mr. Manson and Mr. Kanarek  
9 are present. Mr. Dougherty of the County Counsel's office  
10 and Captain Cline.

11 MR. KANAREK: Does Mr. Dougherty have anything  
12 further to offer?

13 MR. DOUGHERTY: We have nothing further, your Honor.

14 MR. KANAREK: I have been informed over the weekend  
15 that Mr. Fitzgerald, Mr. Shinn and Mr. Hughes are filing  
16 declarations, I believe later on today, your Honor, in  
17 connection with this very same issue as to the female  
18 defendants who are also denied the right to converse inter  
19 se with their respective attorneys, and a witness that may  
20 be present, and so I would ask your Honor if we may defer  
21 further proceedings on this so that the whole matter can be  
22 before your Honor together.

23 THE COURT: I don't see any reason to do that,  
24 Mr. Kanarek.

25 We are talking about a different jail and  
26 different persons.

1 MR. KANAREK: The principles are the same, your  
2 Honor, and we would welcome --

3 THE COURT: We are not dealing with principles here.  
4 We are talking about specific facts, persons and places.

5 MR. KANAREK: The issues are as identical as they  
6 can be. They are very close, in any event, to being the  
7 same.

8 We would like the opportunity of having your  
9 Honor decide all of these matters at the same time. They have  
10 asked me to mention this to the Court this morning.

11 THE COURT: I see no reason to decide them at the  
12 same time. They involve different facts, and the decision  
13 as to Mr. Manson will have nothing whatever to do as to any  
14 decision with the female defendants.

2-1  
1 MR. KANAREK: We also have the fact that there is no  
2 evidence that the County Counsel has adduced, there is  
3 nothing before the Court.

4 As your Honor knows, there was certain testimony  
5 offered by Captain Cline and, as your Honor knows and the  
6 record will reveal, Captain Cline, who is, I believe, the  
7 only witness who has been called by the prosecution, has  
8 given incompetent evidence in that he only recited hearsay  
9 as to certain matters that have been enunciated to the  
10 Court. He has no percipient knowledge whatsoever.

11 Captain Cline has testified and, of course, he  
12 has a high capacity in the jail -- I believe he is the  
13 captain in charge of the jail -- but we make our decisions  
14 in our courts based upon evidence, and the evidence that he  
15 stated was hearsay, conclusion. As I say, he had no  
16 personal knowledge.

17 So, therefore, we make a motion, at this time,  
18 to strike all of Captain Cline's testimony which is  
19 before the Court.

20 Now, the Court has made a certain request of us  
21 that we have honored; namely, that we not make public  
22 certain aspects of this testimony of Captain Cline, and we  
23 have honored that. But in any event, since Captain Cline  
24 is not percipient, it is absolutely incompetent, that  
25 evidence.

26 The Court, we respectfully suggest, has no



1 power to use that evidence to decide this case because of  
2 its incompetency.

3 Now, we say this as to the allegations of  
4 Captain Cline: If he has any competent evidence, or  
5 Mr. Dougherty has any competent evidence other than rank  
6 hearsay, other than rank conclusions, then let him bring  
7 the evidence to this Court. I would not object to it being  
8 done in chambers. After all, we are after a result here on  
9 behalf of Mr. Manson.

10 Let them bring their competent evidence.  
11 He made certain allegations to the Court, and I'm sure your  
12 Honor knows what I am suggesting. Let them bring their  
13 experts, let them bring their expert testimony if they have  
14 any of any kind of physical or chemical analysis, or what-  
15 ever it may be. Let them bring it to the Court, and then we  
16 can see what we can see. Otherwise, we have merely a  
17 protestation that certain things have occurred.

18 That is what we ask the Court at this time to  
19 do, to strike all of Captain Cline's testimony.

2A

1 from time to time. As I see it, all that is required  
2 is to show that the procedures now being used by the  
3 Sheriff are not harassing Mr. Manson, are not denying him  
4 any fundamental right or access to his counsel or  
5 visitors. In other words, that the procedures used, as I  
6 see it, and from my visit the other day, they are simply  
7 using procedures that are used for all prisoners from time  
8 to time.

9 There is nothing unusual about what is being  
10 done. No special procedure has been set up for Mr. Manson.  
11 And I really can't understand what your Complaint is based  
12 on.

13 MR. KANAREK: Then I will call Captain Cline.

14 May I call Captain Cline?

15 THE COURT: Well --

16 MR. KANAREK: I will call Captain Cline.

17 THE COURT: You may call Captain Cline, but at some  
18 point, Mr. Kanarek, this proceeding has got to come to an  
19 end. Every time we get down to the point of argument, you  
20 want to bring in something else.

A-1

1 THE COURT: Well, the motion will be denied.

2 Do you have anything further, Mr. Dougherty?

3 MR. DOUGHERTY: No, your Honor, but we request that  
4 the Court consider the three declarations that we have  
5 filed in this matter in ruling.

6 THE COURT: Yes. I have considered all the  
7 declarations on both sides and the points and authorities.

8 MR. KANAREK: As far as the declarations go, they are  
9 not percipient. There is nothing in the declarations that  
10 show anything of a percipient nature that Mr. Manson has  
11 done incorrectly.

12 In fact, your Honor, one of the declarations  
13 indicates that the whole basis is that he has somehow or  
14 other received letters which they deem to have come to  
15 him -- personal letters -- which they deem to have come to  
16 him improperly.

17 THE COURT: Is this your argument now, Mr. Kanarek?  
18 What stage are we in?

19 MR. KANAREK: I am asking that your Honor strike  
20 their declarations as being incompetent in that they don't  
21 show any percipient knowledge. They don't show anything  
22 percipient that Mr. Manson has done.

23 THE COURT: I think you misconceive this motion,  
24 Mr. Kanarek. It is not necessary for the Sheriff or the  
25 County Counsel to show that Mr. Manson has misbehaved in  
26 some fashion, although, apparently, that has been the case



3-1

1 MR. KANAREK: Well, your Honor, this is the first  
2 time that --

3 THE COURT: All right, you may call Captain Cline.

4 MR. KANAREK: All right, Captain Cline, please.

5 THE CLERK: Just be seated, sir, you have already  
6 been sworn, sir, would you state your name.

7 THE WITNESS: James L. Cline, C-l-i-n-e.

8 JAMES L. CLINE,

9 having been previously duly sworn, resumed the stand and  
10 testified further as follows:

11  
12 CROSS-EXAMINATION

13 BY MR. KANAREK:

14 Q State your witness or occupation?

15 A I am a Deputy Sheriff for the County of Los  
16 Angeles, with the rank of Captain, in charge of the Hall  
17 of Justice Jail.

18 Q Does that include the Hall of Justice attorney  
19 room?

20 A Yes, sir.

21 Q Captain Cline, would you tell us, would you  
22 describe for the Court and for all of us the facts in  
23 the attorney room proper for interviewing witnesses with  
24 an attorney present and a defendant present.

25 A Well, essentially there are two separate kinds  
26



1 of facilities:

2 There is a very large room which takes up the  
3 majority of what we call the attorney room, and in this  
4 large room there are three rows of benches with a parti-  
5 tion in the center.

6 At these benches attorneys interview pre-trial  
7 defendants.

8 We also have in this room a screened off --

9 Q I am now talking, Officer, about the benches  
10 only at this time.

11 Now, directing your attention to the policy  
12 of the County, the Sheriff's Department and the policy  
13 that is followed in that attorney room, would you tell us  
14 where witnesses who are with the attorney who is inter-  
15 viewing a defendant at the same time he is speaking to  
16 the witness, where do they normally sit, the witness, the  
17 attorney and the defendant.

18 A Well, it depends upon the circumstances. I  
19 would say as a general rule they sit in the attorney room.

20 Q They sit in the attorney room, the attorney  
21 and the witness on one side of the partition at the same  
22 table, and the defendant on the other side.

23 Is that correct?

24 A Yes, sir.

25 Q And about how high is this partition which  
26 goes down the center of each of the tables in the attorney

1 room?

2 A About 12 to 18 inches.

3 Q Now, directing your attention, Officer, to  
4 Mr. Manson, do you have any personal knowledge -- now, by  
5 that I mean anything that you observed with your five  
6 senses, your sense of sight, smell, hearing, touch,  
7 that kind of thing -- are you percipient to anything  
8 personal that Mr. Manson has done in the attorney room?

9 A With respect to what, sir?

10 Q With respect to any violation of jail rules.

11 A No, sir.

12 Q And, Officer, directing your attention to the  
13 so-called jail rules, are these jail rules laid out in  
14 any manual or in any writing that has ever been given to  
15 Mr. Manson, to your knowledge?

16 A They have been provided to Mr. Manson in a  
17 variety of forms.

3a fls.

A-1

1 MR. KANAREK: Your Honor, that is not responsive.  
2 May that be stricken?

3 THE COURT: It may or may not be responsive.  
4 You will have to follow it up.

5 MR. KANAREK: Certainly, your Honor.

6 Q BY MR. KANAREK: My question, Officer, is, have  
7 you set forth for Mr. Manson in writing, any particular  
8 set of jail rules?

9 A Yes, sir.

10 Q All right. What in writing have you told  
11 Mr. Manson?

12 A Well, with regard to a variety of different  
13 kinds of communications we advise all of the inmates in the  
14 County Jail, generally, what they can and cannot do, that  
15 is consistent with the Penal Code for example, that does  
16 prohibit any kind of communication in or out of the jail  
17 other than with attorneys without the permission of the  
18 jailer.

19 This appears in writing on various places  
20 throughout the jail area where inmates can view them.

21 Q All right, but would you tell us, then, Officer,  
22 would you tell us what writing has been given to  
23 Mr. Manson to your knowledge?

24 A I don't know of any specific piece of paper.

25 Q You know of no writing that Mr. Manson has  
26 been given, is that correct?

3a2

1 A That's correct.

2 Q And so you personally know of no rule that  
3 Mr. Manson has violated, is that right? I am talking about  
4 you, of your own personal knowledge.

5 A That is also correct.

6 MR. KANAREK: May I have a moment, your Honor, to  
7 look for a document?

8 (Pause.)

9 May I approach the witness, your Honor?

10 THE COURT: You may.

11 MR. KANAREK: Thank you.

12 Q BY MR. KANAREK: I show you a document dated  
13 July 3rd, 1970, and ask you if you recognize the signature  
14 at the bottom of that document.

15 A Yes, sir.

16 Q Whose signature is that?

17 A It's mine.

18 Q Did you, officer, send out that letter?

19 A Yes, I did.

20 Q By what authority, officer, do you interrupt  
21 Mr. Manson's receiving letters, telling people that he shall  
22 not receive letters?

23 A Well, there are a variety of different  
24 authorities.

25 Q Would you tell us what they are, and upon what  
26 you are relying?



1 A Well, to begin with, legally the authorities  
2 found in the Penal Code.

3 But over and above that we do place some  
4 limits upon personal communications with our inmates,  
5 again for a variety of reasons.

6 One is a very practical reason, that is --

7 Q Officer, my question is upon what authority you  
8 rely at this time.

9 I am not asking for any factual or alleged  
10 factual basis.

11 A Well --

12 Q What is the authority in law, the Constitution,  
13 case law, statutes?

14 THE COURT: That calls for a legal conclusion on the  
15 part of this witness.

16 MR. KANAREK: Your Honor, it goes to his state of mind  
17 as to probable cause of what he is doing.

18 THE COURT: I will sustain my own objection to that  
19 question.

20 Let's proceed.

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

23 THE COURT: You may.

24 MR. KANAREK: Your Honor, I offer this into evidence  
25 on behalf of Mr. Manson as an exhibit in connection with  
26 this special proceedings.

a4

1 THE COURT: May I see it?

2 MR. KANAREK: Yes, your Honor.

3 (Document handed to the Court.)

4 THE COURT: Any objection?

5 MR. DOUGHERTY: No objection.

6 MR. KANAREK: I believe the last letters which have  
7 been lost in the Xeroxing process, the last few words,  
8 or that last sentence should read:

9 "We ask your cooperation in this matter  
10 and request that you do not write any future  
11 letters, Sincerely, Peter J. Pitchess, Sheriff,"  
12 and it's "James L. Cline, Captain, Hall of Justice Jail  
13 Enclosure."

14 Would counsel agree that what I have read is  
15 in fact intended, because this Xerox copy -- would you like  
16 to look at it?

17 MR. DOUGHERTY: Could I look at it again,  
18 Mr. Kanarek.

19 MR. KANAREK: Surely, I think Captain Cline would  
20 agree that that is what is intended.

21 MR. DOUGHERTY: We will agree that is the language in  
22 the letter.

23 MR. KANAREK: Thank you, Counsel.

24 Q BY MR. KANAREK: Would you tell us, Captain,  
25 in connection with Mr. Manson, how many letters of this  
26 type have you sent out?

A One.

3b-1

1 Q This is the only one that you personally have  
2 sent out?

3 A That's correct.

4 Q I see, and then it is a fair statement that  
5 the normal procedure is for the witness to be interviewed  
6 in the presence of a lawyer and defendant as you have  
7 indicated, correct?

8 A No, it is not exactly correct. It depends a  
9 great deal on the particular inmate.

10 Q I see, and directing your attention, Captain,  
11 to Mr. Manson, is it a fair statement that Mr. Manson is  
12 presently interviewing witnesses in the presence of his  
13 attorney through the screen that Judge Older viewed in our  
14 presence last --

15 That is, the screen set up that has been put  
16 in the record that we viewed last Friday, is that correct?

17 A Generally that is correct, but not in all  
18 cases.

19 Q Would you tell us in which cases you do not  
20 require the witness to be present at the screen with the  
21 attorney when Mr. Manson is being interviewed?

22 A Well, actually there were a couple of  
23 occasions when Mr. Shinn called our office and specifically  
24 requested that we allow him to use the attorney room, on  
25 one occasion only, with one material witness that he felt  
26 was -- had never visited with Mr. Manson before and he felt



3b-2

1 on this occasion it was very important that he use the  
2 attorney room.

3 Not wishing to appear arbitrary we told him  
4 "Fine," that he could have the visit in that manner.

5 Q All right, now, therefore, in a particular  
6 determination as to whether Mr. Manson shall be interviewed  
7 with the witness present, at a place at the table that you  
8 have described for us, with the attorney on one side and  
9 with the witness and Mr. Manson on the other, with the  
10 12-foot partition, or 12-foot piece of wood down the middle,  
11 that determination is made by a Deputy Sheriff as to whether  
12 or not in a particular case that setup shall be used or  
13 the screen set up.

14 Is that correct?

4 fls.

15 A Well, not exactly, no, sir.  
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4-1

1 Q Well, then, how is that determination made as  
2 to when Mr. Manson may make use of the attorney room setup  
3 that you have just spoken of with the table and the screen  
4 setup? How is that decision made?

5 A Well, normally, as I have indicated, the  
6 procedure is that he is to use the screen.

7 However, there have been two or three occasions  
8 when Mr. Shinn has made a specific plea, when there was a  
9 very important interview, in his opinion. And this is nor-  
10 mally made to myself or the Chief of the Jail Division.

11 Q Tell me, what are the criteria, what are the  
12 bases, that in the future you will make a decision as to  
13 whether or not we can interview Mr. Manson at the table  
14 with the attorney and the witness on one side and Mr. Manson  
15 on the other, or whether we will have to use the screen?

16 Will you tell me how this decision will be made  
17 in the future?

18 A Well, as far as I am concerned, all of the  
19 future visits will be held at the screen, unless, as I have  
20 indicated, as Mr. Shinn has made a specific request on one  
21 or two occasions and we simply took his word for the fact  
22 that it was extremely important in this case that he use  
23 the attorney room, and we didn't inquire into whether, in  
24 fact, it was extremely important to specifically be at one  
25 of the benches.

26 Q Then, are you saying that if I tell you a visit

1 is extremely important, that you will then allow me to  
2 visit with Mr. Manson at the table with the witness on one  
3 side with myself and Mr. Manson on the other?

4 A Not necessarily, no. I can't say because the  
5 request has not been made.

6 Q So, you are going to evaluate each request that  
7 is made as it comes up as to whether or not it is extremely  
8 important or not; is that right?

9 A Probably, yes.

10 Q I see.

11 Now, directing your attention, Captain Cline,  
12 to the last time that you had an attorney visit with a  
13 witness at the screen with the defendant on the other  
14 side. Will you tell me the last time that occurred  
15 prior to Mr. Manson's situation?

16 A I couldn't tell you. It occurs frequently.

17 Q Well, what I mean is, when is the last time  
18 that you remember that it occurred?

19 A I don't specifically remember any one case.  
20 I have seen people at the visiting screen numerous times.

21 Q You have seen people at the visiting screen?  
22 Is it a fair statement that that screen is used for trustee  
23 interviews wherein the trustees in the jail interview with  
24 their families from time to time? Is that correct?

25 A No, that is not correct.

26 Q What else is that screen used for? Will you

1 tell me what the normal use of the screen setup that  
2 Judge Older and you and I viewed last Friday, would you  
3 tell us what the normal use of that screen setup is for?

4 A The normal use is when there are visitors for  
5 inmates that we classify as high security inmates.  
6 Generally those persons being held for capital offenses.

4A

4a-1

1 Q And when they are visiting with whom do you  
2 have the visit at the screen?

3 A Pardon, sir?

4 Q What is the status of the visitor that visits  
5 with the jail inmate normally at that screen?

6 A He is there as a visitor, a friend or has some  
7 relationship to the inmate.

8 Q In other words, it is not a lawyer-inmate  
9 visit; is that correct?

10 A No, it is not a lawyer-inmate visit.

11 Q That screen is set up primarily for visits  
12 between the inmate and friends or relatives but not with  
13 a lawyer?

14 A Well, here again, I can't give you an abso-  
15 lute statement.

16 The primary purpose of the screen is to  
17 facilitate security within the jail. So, if there is an  
18 occasion when it is important to have a high level of  
19 security, then the screen is used. Otherwise, it is not  
20 used.

21 So, it depends a great deal on the circum-  
22 stances existing at the time that a decision has to be  
23 made.

24 Q Now, directing your attention to the times  
25 that Mr. Manson has visited in the County Jail with his  
26 lawyer and with a witness.



4a-2

1 Is it a fair statement, Officer, that this has  
2 occurred on many, many occasions prior to the time that you  
3 came down with the edict that these visits should take  
4 place at the screen?

5 A Yes, that is true.

6 Q And directing your attention, Officer, then,  
7 to the doctrine of equal protection of the law.

8 Are you familiar with that doctrine?

9 A Yes.

10 MR. DOUGHERTY: I am going to object, your Honor. It  
11 calls for a legal conclusion.

12 THE COURT: Sustained.

13 BY MR. KANAREK:

14 Q Now, then, as far as you are personally concerned,  
15 Officer -- I am talking about your own percipient personal  
16 knowledge -- you know of no reason why Mr. Manson -- I am  
17 again talking only -- I want to emphasize that for your  
18 answer, so that you can obey the Court's orders that I am  
19 sure you know of previously -- my question to you is: Do  
20 you personally know of any reason, anything that you observed  
21 whatsoever why Mr. Manson -- that you observed personally --  
22 why Mr. Manson should be forced to visit at the screen with  
23 his lawyer in the presence of a witness and not in the  
24 attorney room?

25 A No, sir.

26 MR. KANAREK: Thank you.

ra-3

1 You may examine.

2  
3 CROSS-EXAMINATION

4 BY MR. DOUGHERTY:

5 Q Captain, are you familiar with the term  
6 "pen pal" letters used in the Hall of Justice Jail?

7 MR. KANAREK: I didn't hear that word?

8 THE COURT: "Pen pal letters."

9 MR. KANAREK: I will object to that as calling for a  
10 conclusion, improper foundation, hearsay.

11 It is a subjective thing for which there is no  
12 expertise.

13 THE COURT: Overruled.

14 MR. KANAREK: "Pen pal" is a subjective consideration.

4b fls. 15  
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A-1

1 THE COURT: You raised it with a copy of the letter,  
2 Mr. Kanarek. It refers to that.

3 If you want to put the letter into evidence,  
4 he can certainly explain what he meant by that term.

5 MR. KANAREK: There is no foundation.

6 THE COURT: The objection is overruled.

7 You may answer.

8 THE WITNESS: A pen pal letter, we construe, is a  
9 letter that is exchanged between two persons who do not  
10 know each other.

11 MR. DOUGHERTY: And the letter that you returned to  
12 the sender, the letter which is introduced into evidence  
13 now, was that sent to somebody who appeared to be  
14 acquainted with the defendant?

15 MR. KANAREK: I will object to that as assuming facts  
16 not in evidence.

17 THE COURT: I didn't hear the last part of the  
18 question.

19 Read the question.

20 (The question was read by the reporter.)

21 MR. KANAREK: Your Honor, that calls for a conclusion.  
22 Also, the letter itself that was returned is not the letter  
23 that we have offered. We have offered Captain Cline's  
24 letter. So, it assumes facts not in evidence.

25 THE COURT: I think the question is irrelevant in  
26 this proceeding in any event.



1 I will sustain my own objection to it.

2 MR. DOUGHERTY: I have no further questions.

3 THE COURT: Anything further?

4 MR. KANAREK: No, your Honor.

5 THE COURT: You may step down.

6 MR. KANAREK: I notice Mr. Fitzgerald is here  
7 presently, and I believe that he will verify that he is going  
8 to offer declarations as to Patricia Krenwinkel.

9 THE COURT: Do you have anything further, Mr. Kanarek,  
10 on your motion?

11 MR. KANAREK: Yes. I have no further evidence, but  
12 I would like to make argument.

13 THE COURT: Very well.

14 MR. KANAREK: If your Honor insists. Although we  
15 would like to postpone it.

16 THE COURT: As I say, I see no connection whatever  
17 between the two motions. If Mr. Fitzgerald, in fact,  
18 is going to file a motion, it would have nothing whatever  
19 to do with yours. Different facts, different jails. I  
20 couldn't make a finding as to his client on the basis of  
21 the facts that you adduced in this proceeding nor could I  
22 make an order as to Mr. Manson based upon facts that might  
23 have occurred over in Sybil Brand. They don't have any  
24 connection with each other.

25 MR. KANAREK: Your Honor, what I am saying is that we  
26 have a trial going on before your Honor in which Mr. Manson



1 is a co-defendant.

2 I submit there is no connection between  
3 Mr. Manson and these offenses that we have been here for  
4 two months on. But we are doing it altogether.

5 I was just asking it in the interest of  
6 expediency.

7 THE COURT: Make your argument.

8 MR. KANAREK: Very well.

9 On the one hand we have the doctrine of equal  
10 protection of the law and due process of the law under  
11 both Federal and California law. On the other hand, we  
12 have some intangible thing called jail rules, which they  
13 have not set out, some kind of subjective consideration  
14 made by the jail and the jail personnel, for which,  
15 really, they have no basis.

16 This record reveals no evidence whatsoever for  
17 what they have done in Mr. <sup>M</sup>anson's case.

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4c-1

1 Mr. Manson is charged with seven counts of  
2 murder and one count of conspiracy. Very serious charges.  
3 As a result of State action -- the Sheriff of Los Angeles  
4 County is State action -- he is being denied equal protec-  
5 tion of the law clearly.

6 He is being forced to interview witnesses at  
7 the screen. Everyone else, as far as this record goes,  
8 and in actuality, interviews witnesses in the attorney room  
9 proper with the attorney and witness present on one side  
10 of the table and the defendant on the other side.

11 It is a clear violation of equal protection of  
12 the law. It is arbitrary, it is capricious.

13 The Fourteenth Amendment protects defendants  
14 from arbitrary and capricious actions on the part of any  
15 State officer, and clearly, there is no showing whatsoever  
16 of any rational reason except a continuation of the  
17 harassment of Mr. Manson that was started way back when  
18 this case became a case in court, so to speak, at or  
19 about the time of the Grand Jury indictment, and perhaps  
20 even before.

21 There is a continual campaign against Mr.  
22 Manson based upon nothing. There is nothing in the record.

23 You look at these declarations. They don't  
24 say anything. There is paper here, but they don't respond  
25 to any of the issues.

26 They don't show that Mr. Manson has any

1 contraband. They don't show that Mr. Manson has violated  
2 any precise jail rule.

3 Penal Code 688 makes it very clear that prior  
4 to conviction, the only function of the Sheriff, your  
5 Honor, the only function of the Sheriff is to hold Mr.  
6 Manson, not to be an adjunct of the prosecutor, and not  
7 to do anything based upon this synthetic rationale that  
8 there is some kind of a security risk in Mr. Manson.

9 It is just whim and caprice. That is the only  
10 reason that he is forced to interview witnesses at the  
11 screen. Based on nothing else.

12 I am sure that the County Counsel can't refer  
13 to anything in this record, any competent evidence in this  
14 record, as to why Mr. Manson should be at the screen.

15 Now, historically, government, state action,  
16 governmental officials have used security as a way of  
17 sweeping things under the rug, so to speak.

18 Representative Moss of the United States  
19 Congress has been very active in trying to get the  
20 Federal Government to do something about this bushel  
21 basket called security. That is what it is, just a bushel  
22 basket, a rationale for the use of harassment. And right  
23 here in this particular case is a typical example.

4d fls. 24

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4D-1

1 Now, I don't know, but the day may come, your  
2 Honor, when the Sheriff, as far as the jail is concerned,  
3 will perform his function: Mainly, just to hold people in  
4 custody.

5 I hope that some day we will have a system  
6 where the jail is just that, where it is not run by the  
7 Sheriff.

8 Maybe it is an impossible task to ask of law  
9 enforcement personnel, to ask them, on the one hand, to be  
10 evidence-gatherers, and then all of a sudden to change their  
11 duties and become mere custodians. Maybe there is a con-  
12 flict of interest there that the human being, the human  
13 species, can't handle sufficiently.

14 I think maybe some day the Legislature will  
15 make the custody aspect completely and separately apart  
16 from the evidence-gathering aspect, the law-enforcing  
17 aspect of the Sheriff, and avoid this kind of thing.

18 I am sure that to a great extent it is, perhaps,  
19 subconscious on the part of these deputies, but they,  
20 your Honor, identify themselves with the clean guy, the good  
21 guy, the prosecutor; they identify themselves with "law  
22 and order." They have read the newspapers about  
23 Mr. Manson, they have read and probably seen and heard,  
24 and they have their private opinions concerning Mr. Manson.  
25 So, therefore, all of this comes out in this kind of  
26 arbitrary action, your Honor, and we ask your Honor to allow



1 Mr. Manson to have a witness present.

2 My God, there have been as many as seven deputies  
3 in there watching us when we talk in the presence of a  
4 witness.

5 Now, if the Board of Supervisors pays these  
6 people, that is a lot of salaries to stand there and  
7 watch, and if they can't monitor a lawyer with a witness  
8 talking to Mr. Manson, then there is something wrong with  
9 the deputy that they have there.

10 Because what can possibly go over that partition?  
11 Their eyes are glued on us every instant, every minute that  
12 we are there. And it is not just one set of eyes, it is a  
13 whole series of sets of eyes.

14 And I suggest, your Honor, that we not interject  
15 error. And the way not to have error in a case is by  
16 letting the defendant defend himself. And when you put this  
17 kind of an impediment there, that screen and all of that,  
18 and all of what goes with it, you interfere with a man's  
19 right to a fair trial.

20 I beg your Honor to allow us to go ahead and  
21 interview the witnesses. They can view us. They can  
22 even, for that matter, take motion pictures. I submit,  
23 let them take motion pictures of us as we are interviewing  
24 the witnesses, and it will be there forever in case there  
25 is any kind of contraband or impropriety that occurs there.

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5-1

1 But let us have the inter se conversation.  
2 Your Honor knows it from practicing law, you cannot inter-  
3 view a witness effectively through a screen.

4 When your Honor interviewed people in his law  
5 office, think of the cases that you had wherein you would  
6 have a screen.

7 THE COURT: Let's stay with this case, Mr. Kanarek.

8 MR. KANAREK: Well, yes, I am sure your Honor had  
9 criminal matters when your Honor was practicing law. It  
10 is very difficult to get that rapport, to get that  
11 intangible type of, I don't know -- feeling -- that  
12 empathy, if you want to call it that.

13 It is impossible to get that through a screen  
14 where there are two screens, and this kind of distance.

15 And then, on top of that, we have a situation  
16 where we wish to confer with other lawyers; we wish to  
17 confer with Mr. Fitzgerald, Mr. Shinn and Mr. Hughes,  
18 and if we have a witness present, a common witness, it  
19 becomes impossible, an impossible situation at that screen.

20 It's less than a charade, your Honor.

21 So we would ask your Honor to make an order  
22 allowing Mr. Manson to have a fair trial and let us do it  
23 out in the attorney room where we can interview these  
24 witnesses with some degree of effectiveness.

25 Thank you for listening to me, your Honor.

26 THE COURT: Mr. Dougherty?

1 MR. KANAREK: Your Honor, we have one other matter  
2 before the jury is brought down.

3 THE COURT: What is that, Mr. Kanarek?

4 MR. KANAREK: Your Honor, in the Saturday Times  
5 there was a reference -- there was a reference to Susan  
6 Atkins' alleged confession. I have the paper here, your  
7 Honor.

8 THE COURT: If you are going to raise something now,  
9 we don't have any of the parties present except Mr. Manson  
10 and only two of the counsel.

11 The prosecutors are not present so I would  
12 suggest, Mr. Kanarek, that this be raised by way of -- are  
13 you planning to make a motion, is that it?

14 MR. KANAREK: Well, your Honor --

15 THE COURT: Just tell me what relief you are seeking,  
16 sir?

17 MR. KANAREK: I am asking your Honor to voir dire  
18 the jury very cautiously because of this, what was written  
19 in the Times on Saturday morning, your Honor.

20 THE COURT: They don't read a paper that contains  
21 anything in it, Mr. Kanarek, as you well know, regarding  
22 this case.

23 MR. KANAREK: Theoretically.

24 THE COURT: Not theoretically, actually.

25 Until you present me with some evidence to  
26 the contrary we are not going to voir dire the jury again.

MR. KANAREK: Thank you, your Honor.

(Recess.)



5-2

1 MR. DOUGHERTY: We will submit the matter, your  
2 Honor.

3 THE COURT: All right.

4 I have considered all of the evidence,  
5 gentlemen, and I personally inspected the facilities.

6 I have inspected the cell in which Mr. Manson  
7 is kept, the attorney interview room and the so-called  
8 screen, and interviewing room behind that screen.

9 I think the issue narrows down to whether or  
10 not there has been any harassment of Mr. Manson and  
11 whether or not the procedures used by the Sheriff are  
12 reasonable.

13 I find no evidence of any harassment, and I  
14 find that the procedures used by the Sheriff are reasonable.

15 As far as the screen itself is concerned, I  
16 sat at the screen with someone on the other side.

17 He is easily recognizable. I can read a sign  
18 on the far wall in the other room 20 feet away without  
19 any difficulty. There is no difficulty in audible communi-  
20 cation; you can hear every word, and while it may not be  
21 quite as good as an interview without the screen, I think  
22 under the circumstances of this case that that security  
23 is a reasonable arrangement.

24 Accordingly the motion will be denied.

25 We will recess at this time for ten minutes  
26 in order to permit the jury to be brought down.



5a-1

10:00 A.M.

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

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

You may proceed, Mr. Bugliosi.

MR. BUGLIOSI: Call Dr. Noguchi.

THOMAS T. NOGUCHI,  
the witness on the stand at the time of the adjournment,  
resumed the stand and testified further as follows:

THE CLERK: You have already been sworn, Doctor. Do you need some help in setting up your diagram?

THE WITNESS: Yes, I have a diagram.

THE CLERK: Do you wish to set it up now, Doctor?

THE COURT: You may be seated, Doctor.

THE WITNESS: Thank you.

DIRECT EXAMINATION (RESUMED)

BY MR. BUGLIOSI:

Q Doctor, how many stab wounds did Abigail Folger have on her body?

A Just a moment -- the stab wounds observed during the examination were 28.

1 Q The original autopsy report indicated 21, is  
2 that correct?

3 A Yes, sir.

4 MR. KANAREK: Your Honor, I have no objection to  
5 Dr. Noguchi assisting himself, this particular witness,  
6 assisting himself with documents, but may the record reveal  
7 what he is actually referring to, that is all I ask.

8 Q BY MR. BUGLIOSI: You are referring to the  
9 autopsy report, is that correct, Doctor?

10 A Yes, sir.

11 Q On Abigail Folger?

12 A Yes, sir.

13 Q Now, the original autopsy report indicated  
14 21 stab wounds to Miss Folger, is that correct?

15 A Yes, sir.

16 Q Since that time you have determined that there  
17 were an additional seven stab wounds, is that correct?

18 A Yes.

19 Q For a total of 28?

20 A Yes, sir.

21 Q Were all of these wounds penetration wounds?

22 A Yes, sir.

23 Q How many of these 28 stab wounds were fatal  
24 in your opinion in and of themselves?

25 A I would say <sup>the</sup>stab wound in the chest was  
26 definitely fatal.

1 Q In terms of number, we will get into the  
2 location when you approach the diagram, in terms of  
3 number how many of the stab wounds were fatal?

4 A I would say -- I have to go over them one by  
5 one -- but I believe there were five or six stab wounds  
6 that should be considered as fatal stab wounds.

7 Q Did you observe any gunshot wounds to  
8 Miss Folger's body?

9 A No, sir.

10 Q Did you prepare any diagrams of Miss Folger's  
11 body?

12 A Yes.

13 Q You brought them to court with you today?

14 A Yes, sir.

15 Q Are those diagrams to your right front?

16 A Yes, to my left, sir.

17 Q To your left front -- all right, okay, doctor,  
18 would you again approach the diagrams and insert on the dia-  
19 grams the location of each of the 28 stab wounds and  
20 identify the organ or part of the body that the wounds  
21 penetrated.

22 Also indicate on the diagram which wounds were  
23 fatal and why they were fatal.

24 Also indicate the direction of thrust of all  
25 the wounds.

26 A Yes, sir.



1 MR. STOVITZ: Do you want to mark the diagram?

2 Q BY MR. BUGLIOSI: How many diagrams did you  
3 make of Miss Folger?

4 A Two diagrams.

5 THE COURT: Mr. Bugliosi, would you hand the doctor  
6 the hand microphone, please.

7 MR. BUGLIOSI: Yes.

8 (Microphone handed to the witness.)

9 MR. BUGLIOSI: May this diagram here be marked  
10 People's next in order?

11 THE COURT: 160 for identification.

12 THE WITNESS: Again, for purposes of identification,  
13 I have placed the 28 stab wounds, from stab wounds No. 1  
14 to stab wound No. 21, and other stab wounds which are  
15 recognized in a close examination of the photograph, stab  
16 wounds A, B, C, D, to according numbers.

17 For a summary, the number of stab wounds  
18 found in the face was 4; four stab wounds were found in the  
19 face, one stab wound was found in the left ear.

20 Five on the area of the neck, including the  
21 front and the back portion of the neck.

22 Three stab wounds were found in the chest,  
23 that is, the front portion of the trunk, and two stab  
24 wounds were found in the abdominal area, and two in the  
25 back, and one stab wound was found in the right arm and one  
26 stab wound was found on the left arm and two stab wounds



0107  
1 were found on the left side, one stab wound found in the  
2 right shoulder.

3 In addition, three stab wounds were found,  
4 recognized on the photograph which I have incorporated in  
5 this diagram, that is, the three additional stab wounds  
6 on the chest area.

7 Now, stab wound 1 is only for the purpose of  
8 identification, found on the left side of the face,  
9 extending from above the left ear obliquely situated  
10 across the left cheek to the angulation of the left side of  
11 the mouth.

5B

5b-1

1 Now I will make marking on the diagram and  
2 label it 1.

3 (Witness no marks.)

4 This I did not consider as a fatal stab  
5 wound.

6 The length of the stab wound was four inches.

7 And stab wound No. 2 was found in the left  
8 ear. It measures 1-1/2 inches in skin length but it did  
9 not penetrate the soft portion of the left ear lobe.

10 This is No. 2.

11 Stab wound No. 3 was found in the left cheek,  
12 one inch in skin length. It is now labeled No. 3.

13 Stab wound No. 4 was found at the lower  
14 cheek, which is marked 4.

15 Stab sound No. 7 was found below the lower  
16 lip -- it should be 5, someone said; it goes up and down,  
17 so I might go over this and number it 7 which is dictated,  
18 and also documented in the autopsy protocols, so I will  
19 stick with the original designation of numbers.

20 4, a stab wound in the face and one in the  
21 left ear.

22 Now, in the neck area there was a stab wound  
23 situated on the left side of the neck, penetrating not  
24 only the soft tissue but a deeper tissue of the muscle  
25 which measures 1-1/2 inches in length. This is labeled  
26 as No. 5.

5b-2

1 Stab wound No. 6 is found at the front portion  
2 of the left side of the lower neck, causing a deep pene-  
3 tration into the trachea; that is the windpipe, and also  
4 the esophagus.

5 The trachea and esophagus shows a through and  
6 through stab wound. This caused a massive hemorrhage, and  
7 blood exuded into the windpipe, causing, I would say, an  
8 obstructive phenomenon, which may without medical atten-  
9 tion be considered a fatal wound.

10 This is No. 6.

11 Q Would you mark that "fatal".

12 A "F" for fatal.

13 On the back of the neck we found three more  
14 stab wounds.

15 No. 7 was a wide shaped stab wound measuring  
16 1-1/2 inches in its greatest distance, this was found to  
17 be superficial.

18 And another stab wound was labeled stab wound  
19 18, which measures one inch on the skin length and pene-  
20 trated into the deeper tissue of the posterior aspect of  
21 the neck. This is 18.

22 Another stab wound found, this was labeled  
23 20, it is in the back of the neck and it measured one  
24 inch in skin length, and penetrated in deeper tissue.

25 On the chest area --

26 Q Doctor, just for a second here now, the



5b-3

1 diagram you are looking at now indicates a wound No. 7,  
2 is that correct, by the neck.

3 Is there a 7 there?

6 fls.

4 A Yes.  
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6-1

1 Q You also have a 7 on the other diagram.

2 A This should be 17 rather than 7. Thank you for  
3 mentioning that. It is 17. Correction, please.

4 Now, in the chest area there are three stab  
5 wounds.

6 Wound No. 8, which was found in the mid portion  
7 of the chest, which lies in an oblique position when the  
8 body is placed in a standing position, and measures one  
9 and a half inches in skin length, penetrating not only  
10 the soft tissues but the bony structure called the sternum,  
11 and the soft tissue that is beneath the sternum which is  
12 called the media stinum, and penetrated to the aorta,  
13 which is the large blood vessel that arises from the heart,  
14 causing a massive hemorrhage.

15 So, I would consider this stab wound No. 8  
16 definitely fatal.

17 Now, stab wound No. 9 is situated on the left  
18 side of the chest, slightly below the nipple.

19 This stab wound penetrated the thoracic cavity  
20 also causing a massive hemorrhage.

21 So, I would consider this also fatal. No. 9 is  
22 fatal.

23 Now, stab wound 12. Stab wound 12 is found  
24 lower on the mid portion of the chest. The surface  
25 length of the stab wound measures 1-1/2 inches in length  
26 and penetrated deep into the chest cavity into the lung

1 causing a massive hemorrhage.

2 So, this is 12, and I would consider this a  
3 fatal wound.

4 Now, there were three stab wounds recognized  
5 in a close examination of the black and white, the offi-  
6 cial photograph. I have studied and restudied it, and  
7 it not only appears in one photograph but it appears in a  
8 second photograph, and I have also confirmed and reconfirmed  
9 with a number of photographs taken. I would consider that  
10 the appearance of the stab wounds are similar to the  
11 stab wounds found in this vicinity. I labeled these stab  
12 wounds A, B and C.

13 Stab wound A is located slightly inside of  
14 the right breast, especially to the right of the nipple.

15 Stab wound B is located more to the center  
16 of the lower chest area.

17 These two stab wounds, from the photograph,  
18 appear to be about one inch in skin length.

19 Stab wound C is found in the lower chest  
20 area near the junction of the abdomen, and measures  
21 approximately one inch in skin length.

22 Since we don't have further documentation,  
23 I would not be able to tell how deep the stab wounds were.

24 6a fls.  
25  
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6A-1

1 In the abdominal area there are two stab wounds.

2 One is labeled as stab wound No. 15, which was  
3 a widely-open stab wound located in the right upper  
4 quadrant of the abdomen, near the liver area.

5 This stab wound, at the time of examination in  
6 the Hall of Justice, and also at the time of the  
7 examination at the crime scene, I observed a thin  
8 membranous tissue exuding from or protruding from the  
9 abdominal cavity. It was later identified as a portion of  
10 the omentum. This is the soft tissue like a curtain,  
11 curtain-like tissue, covering the front portion of the  
12 abdominal contents.

13 This stab wound, after careful examination,  
14 was found to continue into the abdominal cavity, and it  
15 caused three stab wounds in the transverse colon, the large  
16 intestine, which lies horizontally in the upper portion of  
17 the abdomen, causing leakage of fecal material into the  
18 abdominal cavity.

19 I would consider this a fatal wound. This is  
20 stab wound 15 and is fatal.

21 Stab wound 10 is found in the lower abdominal  
22 wall, measuring 1 inch in length. It penetrates through  
23 the entire thickness of the abdominal wall, but it didn't  
24 seem to do much damage in the lower intestine.

25 This is labeled 10.

26 Then stab wound 13 is located in the right upper

633

1 arm. It is 1 inch in length.

2 Stab wound 14 is located in the right upper  
3 arm, 1 inch in length.

4 There are two additional stab wounds that were  
5 found after close examination of the photographs. These  
6 were labeled stab wound D, which was found in the right  
7 shoulder, on the back of the shoulder; and stab wound E  
8 was found on the back of the right forearm.

9 Now, stab wound 11 on the left -- well, may  
10 I continue on the right arm?

11 There are a number of stab wounds and cuts  
12 associated with stab wound No. 16 which was found in the  
13 palm, inside of the right hand, and this is located  
14 between the thumb and the palm portion of the thumb and  
15 the index finger.

16 However, these were slashing types of cuts  
17 found inside the thumb and inside of the index finger,  
18 which I would interpret as associated with stab wounds  
19 consistent with defense wounds.

20 I will place the term here "defense wounds."

65

6b-1

1 MR. KANAREK: Your Honor, may that conclusion of  
2 Dr. Noguchi's be stricken as a conclusion on his part,  
3 the term "defense wound"? There is no foundation in the  
4 record for that at this time.

5 MR. BUGLIOSI: Your Honor, with 8000 autopsies he  
6 should be in a position to state an opinion as to what  
7 is a defense wound.

8 MR. FITZGERALD: How many stabbings has he witnessed?

9 MR. KANAREK: I think that invades the province of  
10 the jury, your Honor, and I would ask that that be  
11 stricken.

12 THE COURT: At this point it is at least non-  
13 responsive.

14 The objection will be sustained.

15 MR. STOVITZ: May we then ask the Clerk later on to  
16 cover over the word "defense" with a white piece of paper,  
17 because the ink that the doctor used I don't think can  
18 be erased very easily.

19 THE COURT: Very well.

20 MR. BUGLIOSI: I have a question about defense  
21 wounds at this point.

22 Q What is a defense wound, Doctor?

23 MR. KANAREK: I object to that as no foundation laid  
24 for the doctor's expertise in this particular aspect.

25 I think it invades the province of the jury  
26 for even that question to be asked.



1 THE COURT: I think you had better lay some founda-  
2 tion, Mr. Bugliosi.

3 Sustained.

4 BY MR. BUGLIOSI:

5 Q Doctor, in the terminology of autopsies, is  
6 there such a term as defense wound?

7 A Yes, sir.

8 Q What does defense wound mean in the terminology  
9 of autopsies?

10 A The term defense wound is in the area of  
11 forensic science. It indicates a wound that is sustained  
12 during a defensive motion.

13 The wound indicates a decedent's action,  
14 the decedent trying to guard himself from further injury.

15 Q Now, you indicated that one of these wounds  
16 here is a defensive wound.

17 MR. KANAREK: Your Honor, that is still improper.  
18 There is no enough foundation laid.

19 MR. BUGLIOSI: All right. I will go further.

20 BY MR. BUGLIOSI:

21 Q How many defensive wounds have you seen,  
22 Doctor, in the 8,000 autopsies that you were involved in?

23 MR. KANAREK: That is calling for a conclusion  
24 without proper foundation.

25 THE COURT: Sustained.  
26

1 BY MR. BUGLIOSI:

2 Q Did you see any wounds on Miss Folger's body  
3 which, in your opinion, appear to be defense wounds?

4 MR. KANAREK: I object on the grounds of improper  
5 foundation.

6 THE COURT: Overruled.

7 You may answer.

8 THE WITNESS: I see two stab wounds that should be  
9 considered as defense wounds.

10 BY MR. BUGLIOSI:

11 Q The wounds were consistent with being defense  
12 wounds?

13 A Yes.

14 MR. KANAREK: That is leading and suggestive and  
15 improper foundation, your Honor.

16 THE COURT: Overruled.

17 You may answer.

18 MR. BUGLIOSI: Would you mark those two wounds  
19 "defense wounds"?

20 THE COURT: Was there an answer?

21 MR. STOVITZ: I believe the answer was yes.

22 THE COURT: Mr. Reporter?

23 (The answer was read by the reporter.)

24 THE WITNESS: I will start here.

25 16 appears to be a defense wound. "Def." for  
26 defense wound.

1 Stab wound 11, on the left hand and left wrist,  
2 should be considered as a defense wound.

6c fls.

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C-1

1 MR. BUGLIOSI: Q What is the basis for your  
2 opinion, Doctor, that these two particular wounds are  
3 defense wounds?

4 MR. KANAREK: May I have, your Honor, a continuing  
5 objection, so I don't interrupt the doctor, on foundation  
6 as to this defense wound area?

7 THE COURT: Very well.

8 MR. FITZGERALD: I will join in that objection.

9 MR. BUGLIOSI: You may answer the question, Doctor.

10 THE WITNESS: Defense wounds are not always clearly  
11 differentiated from the ordinary type of wounds, except as  
12 stab wounds, in our opinion, that occur when the hands are  
13 involved in trying to take a knife or a knife-like sharp  
14 instrument away. It often results in incised wounds on the  
15 palm or on the back of the forearm.

16 This is a quite consistent finding in the  
17 many cases which I personally have handled where there is  
18 someone trying to stab the individual and the decedent is  
19 trying to either take a sharp instrument away or trying to  
20 guard himself from further stabbing.

21 oftentimes the right-handed person shows more  
22 defense wounds on the left hand; the left-handed person  
23 often uses the right arm or the right hand to guard him-  
24 self.

25 These stab wounds are found on both hands.  
26 Namely, stab wound 11 and stab wound 16. They show the cut

6C2

1 patterns consistent with the holding of a sharp instrument.

2 This is the reason why I feel these should be  
3 classified as defensive stab wounds.

4 MR. BUGLIOSI: Q You may continue, Doctor.

5 A So, this is stab wound No. 11.

6 Then the decedent's back showed two stab wounds  
7 which I have labeled stab wound No. 19, which was found  
8 in the lower back. This was labeled 19.

9 Stab wound No. 21 was found on the left side of  
10 the lower back, measuring 2 inches in skin length, and  
11 penetrating the deeper tissue.

12 Now, on the front, more or less the left side of  
13 the left thigh, there are two additional stab wounds which  
14 were identified in the photograph, which I have labeled  
15 stab wound F and stab wound G. These are found on the  
16 outer side of the left thigh, and I did not consider these  
17 to be fatal stab wounds.

18 I believe I have now described a total of 28  
19 stab wounds.

20 Q All right, Doctor. You may resume the witness  
21 stand.

22 Did all of Abigail's stab wounds appear to  
23 have been inflicted while she was still alive, or did any  
24 appear to have been inflicted after death?

25 A There were no definite postmortem stab wounds  
26 that I found in my opinion. The stab wounds were caused

C3

1 while she was alive or she was in the stage of a dying  
2 process.

3 Q Is it possible to determine by examining wounds  
4 whether they were inflicted before or after death?  
5 Is there any indication on the wound?

6 A Yes.

7 When a person is alive, having blood circulation  
8 and the maintenance of blood pressure and the general  
9 circulation, when a wound is inflicted, the blood exudes  
10 from the surface of the stab wound. That is not too  
11 difficult to understand.

7



7-1

1 When a person is dead -- when a stabbing is  
2 produced on a dead body, where there is no blood circula-  
3 tion, no blood pressure, then the stab wound will show  
4 the exposure of the yellow fatty tissue, and there is a  
5 gradation of changes apt to occur in a multiple stabbing.

6 After the fatal stab wound, and the blood  
7 exudes or exsanguinates from the aorta or vital tissue,  
8 oftentimes, after a fatal stab wound the blood pressure  
9 drops so rapidly it lacks the characteristic sign of the  
10 tissue reaction.

11 However it shows some changes, pinkish to  
12 reddish coloring rather than pure yellow fat tissue  
13 exposed on the stab wound.

14 Q If the wound is inflicted after death, I take  
15 it it is not as dark around the wound as one inflicted  
16 before death?

17 A Yes, sir, that is true.

18 Q Because of the absence of the blood?

19 A That is true.

20 Q In the vicinity of the wound?

21 A Yes, sir.

22 Q On the date August 10th, 1969, at about 2:15  
23 p.m. at the Los Angeles County Coroner's Office, Doctor,  
24 did you also supervise and direct an autopsy on the body  
25 of one Jay Sebring?

26 A Yes, sir.



1 Q Was the physical autopsy itself conducted by  
2 Dr. R. C. Henry of your office?

3 A Yes, sir.

4 Q But you were present during the entire autopsy?

5 A Yes, sir.

6 Q Directing and supervising it?

7 A Yes, sir.

8 Q And I take it Dr. Henry's autopsy findings were  
9 reduced to a written autopsy report?

10 A Yes, sir.

11 Q And you have this report with you in court  
12 today?

13 A Yes, sir.

14 Q And you have examined it before coming to court?

15 A Yes, sir.

16 MR. BUGLIOSI: Is there any objection to Dr. Noguchi  
17 looking at and referring to the autopsy report as he testi-  
18 fies?

19 MR. FITZGERALD: No objection.

20 MR. HUGHES: No objection.

21 MR. SHINN: No objection.

22 MR. KANAREK: No objection.

23 BY MR. BUGLIOSI:

24 Q Doctor, as a result of the autopsy on the body  
25 of Jay Sebring, Doctor, did you form any opinion as to the  
26 cause of death?

1 A Yes, I did.

2 Q What is that opinion?

3 A My opinion is that the cause of death was an  
4 exsanguination due to multiple stab wounds.

5 Q When you say "exsanguination," what do you mean  
6 by that?

7 A Exsanguination is a medical term designating  
8 conditions which perhaps if I use the word, the term  
9 "bled to death" that might be the term.

10 Q Bled to death?

11 A Yes.

12 MR. BUGLIOSI: Your Honor, I have a photograph here  
13 of a male Caucasian, may it be marked People's next in  
14 order?

15 THE COURT: 161 for identification.

16 MR. BUGLIOSI: I have here another photograph of a  
17 male Caucasian, may it be marked People's 162 for identifi-  
18 cation?

19 THE COURT: It will be so marked.

20 MR. BUGLIOSI: I have here another photograph of a  
21 male Caucasian, may it be marked People's 163 for identifi-  
22 cation.

23 THE COURT: It will be so marked.

24 MR. BUGLIOSI: I have here another photograph of a  
25 male Caucasian, may it be marked People's 164 for identifi-  
26 cation?

161 Id.

162 Id.

163 Id.

164 Id.

THE COURT: It will be so marked.

BY MR. BUGLIOSI:

Q Doctor, I show you People's 161 for identification. Was that photograph taken under your direction?

A Yes, sir.

Q Is that a photograph of Jay Sebring?

A Yes, sir.

Q Was that taken on August 10, 1969, at the Los Angeles County Coroner's office?

A Yes, sir.

Q About what time?

A It was taken, I believe, in the morning.

Q Prior to the autopsy?

A Oh, yes, sir.

Q What portion of Mr. Sebring's body is shown in that photograph?

A The picture shows the back of the left hand, and it also shows the chest, abdomen, neck and a portion of the face.

Q People's 162 for identification, is that also a photograph of Jay Sebring taken at your direction at the Los Angeles County Coroner's Office?

A Yes.

7a fls.



7-A

1 Q On August 10th?

2 A Yes, sir.

3 Q In the morning?

4 A Yes, sir.

5 Q And what is depicted in that photograph, what  
6 portion of Mr. Sebring's body?

7 A Face, neck and both arms.

8 Q I show you People's 163 for identification, do  
9 you know what is shown in that photograph?

10 A Yes, I do.

11 Q What is that?

12 A This picture shows the back of Jay Sebring,  
13 showing the back of the neck and the head and the total  
14 portion of the back including a portion of the buttocks.

15 Q That was taken under your direction at the  
16 Coroner's Office on August 10th?

17 A Yes, sir.

18 Q I show you People's 164 for identification,  
19 is that also a photograph of Jay Sebring?

20 A Yes, sir.

21 Q Taken on August 10th at the Coroner's Office  
22 under your direction?

23 A Yes, sir.

24 Q What is shown on that photograph?

25 A The side of the body, mainly, in the left  
26 axilla, armpit, and left side of neck, and a portion of  
the left side of the face.

7a2

1 MR. BUGLIOSI: Thank you, Doctor.

2 Q On People's 161 through 164, these four  
3 photographs, are they all fair and accurate representations  
4 of the respective portions of Mr. Sebring's body depicted  
5 therein?

6 A Yes, they are.

7 Q At the time the photographs were taken?

8 A Yes, sir.

9 Q Doctor, you went to the scene of the Tate  
10 residence on August 9, is that correct?

11 A Yes, sir.

12 Q And you testified earlier that you saw Miss  
13 Tate's body at the scene, is that correct?

14 A Yes.

15 Q Did you also see Jay Sebring's body?

16 A Yes, I did.

17 Q And it was in the proximity of Miss Tate's  
18 body?

19 A Yes.

20 Q In the living room of the Tate residence?

21 A Yes, sir.

22 Q Was there a rope around Mr. Sebring's neck at  
23 the time you were at the scene?

24 A Yes, there was.

25 Q Did this rope that was around Mr. Sebring's  
26 neck extend to Sharon Tate's neck?

/A3

1 A Yes.

2 Q And that was a rope which Mr. Finken of your  
3 office cut --

4 THE COURT: Mr. Bugliosi, can you change the angle  
5 of your microphone.

6 Q BY MR. BUGLIOSI: That was a rope that  
7 Mr. Finken of your office cut, sir?

8 A Pardon me, please?

9 Q That was the rope that Mr. Finken of your  
10 office cut?

11 A Yes.

12 Q To separate Mr. Sebring from Miss Tate, is  
13 that correct?

14 A Yes, sir.

15 Q I show you People's 107 for identification, you  
16 notice there is a rope around Mr. Sebring's neck depicted  
17 in this photograph, is that correct?

18 A Yes.

19 Q Now, when Mr. Sebring's body arrived down at  
20 the Coroner's Office was this rope still around his neck?

21 A Yes.

22 Q But it had been cut, that is, that portion  
23 connecting him with Miss Tate had been cut?

24 A Yes.

25 Q Did you remove this rope from around  
26 Mr. Sebring's neck at the Coroner's Office?



1           A     Yes, I did.

2           Q     What did you do with the rope?

3           A     I turned this rope over to a representative who  
4 was present from the Los Angeles Police Department.

5           Q     How many stab wounds, Doctor, did Mr. Sebring  
6 have?

7           A     A total of seven stab wounds.

8           Q     At the original autopsy report it was  
9 indicated six.

10          A     Yes.

11          Q     And you found an additional stab wound?

12          A     Yes.

13          Q     How many of these stab wounds were fatal in  
14 and of themselves in your opinion?

15          A     At least three stab wounds would be  
16 fatal I would say.

17          Q     All of the seven, however, were penetration  
18 wounds, I take it?

19          A     Yes, sir.

20          Q     Did you observe any gunshot wound to Mr.  
21 Sebring's body?

22          A     Yes.

23          Q     How many?

24          A     One gunshot wound.

25          Q     Was that a fatal wound, in your opinion?

26          A     Yes, it could be classified as a fatal wound.

1 Q The original autopsy report did not indicate  
2 that that particular gunshot wound was a fatal wound?

3 A That is true.

4 Q You re-evaluated the wound and you feel it could  
5 have been the fatal wound, is that correct?

6 A Yes. May I clarify that?

7 The term "fatal wound," it could be fatal --  
8 that would be a division of the severeness of the wound, the  
9 injury to the body.

10 Naturally, when injury is extensive, there are  
11 multiple stab wounds involved, one would be most fatal  
12 and other stab wounds could be fatal by itself if no  
13 medical attention is given.

14 But in light of additional stab wounds, by  
15 separating which one is the fatal one, we often find  
16 difficulty, and we use the term "could be fatal," and this  
17 is a category that you might also use the word "potentially  
18 fatal."

19 Q Thank you, Doctor.

20 Did you make diagrams of Mr. Sebring's body  
21 also?

22 A Yes.

23 Q And you brought those diagrams to court with  
24 you today?

25 A Yes, I did.

26 Q Is this the diagram of Mr. Sebring's body --

1 A Yes, sir.

2 Q -- which you made?

3 A Yes.

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Q How many diagrams did you make, one or two?

A Two diagrams.

MR. BUGLIOSI: May I mark both of them People's next in order, your Honor?

THE CLERK: 165, your Honor.

MR. BUGLIOSI: People's 165?

THE COURT: 165 for identification.

BY MR. BUGLIOSI:

Q All right, Doctor, would you again step to the diagram, indicate on the diagram the location of each wound and indicate the part of the body or the organ that the particular wound penetrated.

Also, if the wound is fatal, indicate that on the diagram and why it is fatal, and the direction of thrust of each wound.

And also the wound tract on that bullet wound, the path the bullet followed once it entered Mr. Sebring's body.

A All right, sir.

Again, for purposes of identification I labeled the stab wounds, stab wounds No. 1 to No. 7, and stab wound No. 1 was found on this side of the mid-chest.

On the left side of the mid-chest. The stab wound measures one and a half inches on the skin surface and penetrated front to back and left to right, and in an upper direction, severing a portion of the aorta, which

165 Id.



7b-2

again is a large blood vessel coming from the heart, and causing massive hemorrhage.

This No. 1 is in my opinion a fatal wound.

Stab wound No. 2 is located slightly below the location of stab wound No. 1, it is still in the chest, the mid-portion of the chest, slightly to the left side, and stab wound No. 2 measures one and one-half inches in length, penetrating into the chest cavity.

Stab wound No. 3 is located on the left side of the upper chest, penetrating into the chest cavity, and this is marked No. 3.

The gunshot wound was found in the left axilla, inside the armpit, and this was found slightly in front of the midline of the left side of the chest.

The wound tract penetrated downward, penetrated to the left fifth rib, and penetrating through the left lung.

Q You are now talking about the path the bullet followed once it entered the body?

A That's right.

Then the bullet was found adjacent to the exit wound, found in the back, basically the left side of the mid-back, and I personally recovered during the fluoroscopic X-ray examination --

Under fluoroscopic examination I found what appears to be fragments of lead which still remained in

1 the bony structure which we did not attempt to pick up  
2 the entire fragments.

3 Q But you recovered part of the bullet that  
4 entered Mr. Sebring's body?

5 A Yes.

6 Q Was that bullet found near the exit wound of  
7 the bullet?

8 A Yes. In fact, that's right, the bullet had  
9 penetrated the body but it did not penetrate through his  
10 garment, shirts, so the bullet was trapped in between the  
11 surface of the skin and the shirts.

12 Now, stab wound -- I might say that the examina-  
13 tion of the gunshot wound did not disclose any powder  
14 residue or power deposit, gunpowder deposit on the surface  
15 of the entrance area.

16 Q What is the significance of that?

17 A This has a significance as to whether or not how  
18 close the gun was at the time the gun was fired.

19 That is, the distance between, say, the muzzle  
20 and the decedent's body, often referred to as "muzzle  
21 distance."

22 Q If the muzzle distance is close, are you  
23 indicating normally there are powder burns around the  
24 gunshot wounds?

25 A Yes, generally speaking, yes.

26 Q You found no such powder burns around the

1 gunshot wound on Mr. Sebring's body?

2 A True.

3 Q You may continue.

4 A Stab wound No. 4 found in the mid-back, labeled  
5 one and a half inches in length. This was labeled No. 4.

6 Stab wound No. 5 was found on the left side of  
7 the mid-back, again one and one-half inches in length,  
8 labeled No. 5.

9 No. 6 is located in the lower portion of the  
10 left mid-back; it measured one and a half inches in length  
11 and it is one of three stab wounds penetrating into the  
12 lung, which I would consider it if it is not immediately  
13 fatal, it is potentially fatal, a potentially fatal wound,  
14 so I will place "F", indicating fatal wound.

15 7c fls.

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1 Q "Potentially fatal," meaning if the person  
2 did not get immediate medical attention he would die, is  
3 that correct?

4 A Yes, sir.

5 Q You may continue.

6 A I believe I have described six stab wounds.

7 There is one stab wound which is in the  
8 diagram, which is stab wound No. 7; it measures half an  
9 inch in skin length; it was indeed superficial.

10 This was found in the left shoulder.

11 There are wounds found in the back of the left  
12 hand, precisely it's between the ring finger and the  
13 middle finger of the left hand.

14 It was a slicing type of a wound; it was super-  
15 ficial.

16 An examination of the face disclosed there was  
17 a series of contusions, that is, tissue damage caused by a  
18 blunt force, this is often referred to medically speaking  
19 as contusions, dark, red, swollen soft tissues.

20 This contused area was found on the nose,  
21 left upper and lower eyelids, and also lip, showing  
22 considerable swelling.

23 I believe that is all.

24 Q Doctor, again referring to these contusions,  
25 do you have any opinion as to what caused these contusions  
26 to Mr. Sebring's face?



7C2

1           A       In my opinion these contusions were caused by  
2 the application of blunt force against the facial structure,  
3 causing breakage of capillaries underneath the skin, called  
4 subcutaneous tissue, causing hemorrhage into the tissues,  
5 causing swelling.

6           A blunt force could be delivered with a number  
7 of objects, but basically this contusion, without obvious  
8 breakage of the surface of the skin, which would exclude  
9 the probability of a sharp object such as an axe or hammer,  
10 but more likely the soft, padded, a heavy object capable of  
11 delivering blunt force.

12          Q       Can you give us an example of such an object?

13          A       Most common one which I have experienced, by  
14 having these cases, usually is a fist.

15          MR. BUGLIOSI: You may resume the witness stand,  
16 Doctor.

17          Q       BY MR. BUGLIOSI: Going back briefly to these  
18 powder burns and the absence thereof, how close does the  
19 muzzle of the weapon have to be to the skin or the body  
20 of the victim before it will leave powder burns, normally?

21          A       Well, it varies quite a bit because --

22                I think I will be able to express my opinion in  
23 a set of circumstances, where a person exposing the skin  
24 without having any clothing on.

25                If the muzzle distance is closer, say -- first  
26 of all, if it is a contact wound, and if the muzzle was  
so close to the skin, you can call this muzzle contacting

1 the skin, the almost entire burnt and unburnt powder is  
2 propelled right into the tissue which causes sometimes  
3 a tearing of the skin showing a singeing of hair and a  
4 large amount of deposit of the powder in the subcutaneous  
5 tissue; sometimes it goes deeper than that into the boney  
6 structures. It may show unburnt powder.

7 However, if the muzzle distance is greater,  
8 then such unburnt powder may not be detectable in the  
9 wound tract, but on the surface.

10 Those are the grayish, dark grayish, round  
11 particles, deposits on the surface.

12 Depending on the weapon and the cartridge, it  
13 varies a great deal.

14 In fact, it is very difficult to determine the  
15 muzzle distance unless the weapon, the suspected weapon is  
16 tested.

17 However, generally speaking, powder is usually  
18 visible within 15 inches, that is muzzle distance from the  
19 skin is 15 inches, by careful examination we will see either  
20 unburnt powder or black smoke on the surface of the skin.  
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1           Beyond that level, it is not detectable by the  
2           naked eye, but often we can perform a chemical analysis.

3           Q       So, it is your opinion, then, that at the time  
4           that Mr. Sebring was shot, the muzzle of the firearm was  
5           probably in excess of 15 inches from Mr. Sebring's body;  
6           is that correct?

7           A       Yes.

8           THE COURT: Mr. Bugliosi, we will take the morning  
9           recess at this time.

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

13           The court will recess for 15 minutes.

14           (Recess.)

15           THE COURT: All parties, counsel and jurors are  
16           present.

17           You may continue, Mr. Bugliosi.

18           MR. BUGLIOSI: Your Honor, I have here what appears  
19           to be a damaged bullet and a small envelope.

20           May the bullet and the envelope be collectively  
21           marked People's next in order?

22           THE COURT: 166 for identification.

23           BY MR. BUGLIOSI:

24           Q       Doctor, I show you what appears to be a damaged  
25           bullet and an envelope in which the bullet came.

26           Have you ever seen this bullet before?

166 Id.



8-2

1 A Yes, I have.

2 Q When is the first time that you saw this  
3 bullet?

4 A That was August 10th, 1969, during the  
5 examination.

6 Q Where did you see this bullet?

7 A I saw it in the X-ray room.

8 Q Specifically, this is the bullet you have been  
9 referring to in your testimony?

10 A Yes.

11 Q This is the bullet that you found lodged between  
12 Mr. Sebring's shirt and his back?

13 A Yes.

14 Q At the time of the fluoroscopy examination?

15 A Yes.

16 Q At the time of that examination, Mr. Sebring  
17 had his shirt still on?

18 A Yes.

19 Q And looking through the fluoroscopy, you saw  
20 this particular bullet?

21 A Yes.

22 Q And you removed the bullet; is that correct?

23 A Yes.

24 Q What did you do with the bullet after you  
25 found it?

26 A I placed it in an identified envelope for



1 evidence, and I turned this envelope over to Mr. Lee,  
2 Sergeant Lee of the LAPD Crime Lab.

3 Q Referring to the small envelope that I am  
4 holding here --

5 A Yes.

6 Q -- do you find your signature on that envelope?

7 A Yes.

8 Q On the reverse side, in the bottom corner,  
9 "Thomas Noguchi"?

10 A Yes.

11 Q And you turned this particular bullet here,  
12 People's 166 for identification, over to Sergeant Lee of  
13 the Los Angeles Police Department?

14 A Yes.

15 Q On August the 10th, 1969?

16 A Yes.

17 Q Now, you indicated that the bullet wound --  
18 that the bullet which entered Mr. Sebring's body also  
19 exited his body; is that correct?

20 A Yes.

21 Q There was an exit wound?

22 A Yes.

23 Q In the vicinity of his back?

24 A Yes.

25 Q Was this particular bullet here, People's 166  
26 for identification, close to the exit wound?

1           A     Yes. As a matter of fact, it was within  
2 two or three inches away from the exit wound.  
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1 Q You will notice, Doctor, that this particular  
2 bullet here is rather damaged; is that correct?

3 A Yes. The base, and also one side of the bullet  
4 is flattened.

5 Q Would it appear that parts of this bullet are  
6 no longer attached to the bullet?

7 A Yes.

8 Q Parts of the bullet have fallen off; is that  
9 correct?

10 A Yes.

11 Q In the fluoroscopy examination did you find any  
12 bullet fragments in Mr. Sebring's body?

13 A Yes, I did.

14 Q What part of his body?

15 A It was in the back, in the center portion of the  
16 body structure.

17 From the fluoroscopic examination, I would think  
18 that the fragments were lodged in the spinal processes.  
19 That is a portion of the spine.

20 Q Did you remove these bullet fragments from  
21 Mr. Sebring's body?

22 A No, I did not attempt to do so.

23 Q They remain in his body?

24 A Yes.

25 Q Doctor, on the date of August 10th, 1969,  
26 at about 12:00 p.m., at the Los Angeles County Coroner's  
Office, did you also supervise and direct an autopsy on the

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deceased body of one Voityck Frykowski?

A Yes.

Q And was the physical autopsy itself conducted by Gaston Herrera of your office?

A Yes.

Q I take it you were present during the entire autopsy?

A Yes.

Q Directing and supervising it?

A Yes.

Q Was Dr. Herrera's findings reduced to a written autopsy report?

A Yes.

Q Did you examine the report before coming to court today?

A Yes.

Q And you have it on your person?

A Yes.

MR. BUGLIOSI: Is there any objection to Dr. Noguchi looking at and referring to the autopsy report of Dr. Herrera?

MR. FITZGERALD: No objection.

MR. KANAREK: No objection.

MR. SHINN: No objection.

MR. HUGHES: No objection.

MR. BUGLIOSI: Q Did you form any opinion as to



the cause of death as a result of the autopsy on his body?

A Yes.

Q What is that opinion, Doctor?

A It is my opinion that the cause of death is multiple stab wounds of the body causing massive hemorrhage.

MR. BUGLIOSI: I have here a photograph of a male Caucasian, your Honor.

May it be marked People's 167 for identification?

THE COURT: It will be so marked.

MR. BUGLIOSI: I have here another photograph of a male Caucasian.

May it be marked People's 168 for identification?

THE COURT: It will be so marked.

MR. BUGLIOSI: I have here another photograph of a male Caucasian.

May it be marked People's 169 for identification?

THE COURT: It will be so marked.

MR. BUGLIOSI: I have here another photograph of a male Caucasian.

May it be marked People's 170 for identification?

THE COURT: It will be so marked.

MR. BUGLIOSI: I have here another photograph of a male Caucasian.

May it be marked People's 171 for identification?

THE COURT: It will be so marked.

MR. BUGLIOSI: I have here another photograph of a

1 male Caucasian.

2 May it be marked People's 172 for identifi-  
3 cation?

4 THE COURT: It will be so marked.

5 MR. BUGLIOSI: I have here another photograph of a  
6 male Caucasian.

7 May it be marked People's 173 for identifi-  
8 cation?

9 THE COURT: It will be so marked.  
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1 MR. BUGLIOSI: I have here another photograph of a  
2 male Caucasian.

3 May it be marked People's 174 for identifica-  
4 tion?

174 Id.

5 THE COURT: It will be so marked.

6 MR. BUGLIOSI: I have here another photograph of a  
7 male Caucasian.

8 May it be marked People's 175 for identifica-  
9 tion?

175 Id.

10 THE COURT: It will be so marked.

11 BY MR. BUGLIOSI:

12 Q I show you People's 167 for identification,  
13 Doctor.

14 Was that photograph taken under your direction?

15 A Yes.

16 Q Of Mr. Frykowski?

17 A Yes.

18 Q On the date of August 10th?

19 A Yes.

20 Q At the County Coroner's Office?

21 A Yes.

22 Q And what portion of the body is depicted in  
23 that photograph?

24 A It depicts the face and the chest and upper  
25 portion of the arms.

26 Q I show you People's 168 for identification.

1 Was that also taken under your direction?  
2 A Yes.  
3 Q Of Mr. Frykowski?  
4 A Yes.  
5 Q At the Coroner's Office?  
6 A Yes.  
7 Q On August 10th?  
8 A Yes.  
9 Q What is shown in that photograph?  
10 A It shows the left side of a body, the face  
11 and neck.  
12 Q I show you People's 169 for identification.  
13 Is that also a photograph of Mr. Frykowski --  
14 A Yes.  
15 Q -- taken under your direction?  
16 A Yes.  
17 Q At the Coroner's Office?  
18 A Yes.  
19 Q On August the 10th?  
20 A Yes, sir.  
21 Q What is shown in that photograph?  
22 A The picture shows the entire back and legs  
23 and back of the head.  
24 Q I show you People's 170 for identification.  
25 Was that also taken under your direction at  
26 the Coroner's Office on August the 10th?



- 1 A Yes.
- 2 Q And that is a photo of Mr. Voityck Frykowski?
- 3 A Yes.
- 4 Q What portion of his body is depicted?
- 5 A It depicts the left arm and the chest, and also
- 6 a portion of the face.
- 7 Q I show you People's 171 for identification.
- 8 Is that also a photograph of Mr. Frykowski?
- 9 A Yes.
- 10 Q Taken on August the 10th at the Coroner's Office?
- 11 A Yes.
- 12 Q Under your direction?
- 13 A Yes.
- 14 Q What is depicted in that photograph?
- 15 A It shows the back of the left hand.
- 16 Did I say the right hand? This is the right
- 17 hand.
- 18 Q Of Mr. Frykowski?
- 19 A Yes.
- 20 Q I show you People's 172 for identification.
- 21 Is that also a photograph of Mr. Frykowski taken
- 22 at the Coroner's Office on August the 10th under your
- 23 direction?
- 24 A Yes, sir.
- 25 Q What is shown in that photograph?
- 26 A It shows the top of the head and also the chest

and left arm.

1 Q I show you People's 173 for identification.

2 Is that also a photograph of Mr. Frykowski  
3 taken at the Coroner's Office on August the 10th?  
4

5 A Yes.

6 Q Under your direction?

7 A Yes.

8 Q What is shown in that photograph?

9 A It shows the left leg and a portion of the right  
10 leg.

11 Q I show you People's 174 for identification.

12 Is that also a photograph of Mr. Frykowski?

13 A Yes.

14 Q Taken under your direction?

15 A Yes.

16 Q On August 10th at the Coroner's Office?

17 A Yes.

18 Q What is shown in that photograph?

19 A It shows the right side of the chest and also  
20 the right arm.

8c fls.

AC-1

1 Q I show you People's 175 for identification.

2 Is that also a photograph of Mr. Frykowski  
3 taken under your direction on August 10th at the Coroner's  
4 office?

5 A Yes.

6 Q What portion of the body is shown there,  
7 Doctor?

8 A It shows the lower portion of the abdomen and  
9 left leg.

10 Q Are People's 167 through 175 fair and accurate  
11 representations of the respective portions of Mr. Frykowski's  
12 body that are depicted therein?

13 A Yes.

14 Q As you saw it when you viewed his body at the  
15 Coroner's office?

16 A Yes, sir.

17 Q I take it you also made some diagrams of  
18 Mr. Frykowski's body; is that correct, sir?

19 A Yes, sir.

20 Q Okay.

21 Would you please step to the diagram?

22 THE COURT: Mr. Stovitz, move that back just a little  
23 so I can see it.

24 MR. STOVITZ: Yes, sir.

25 MR. BUGLIOSI: Q Did you make two diagrams,  
26 Doctor?

8C2

176

1 A Yes.

2 MR. BUGLIOSI: May I mark these two diagrams as  
3 People's 176 for identification, your Honor?

4 THE COURT: Yes. It will be so marked.

5 (Mr. Bugliosi marks the two diagrams.)

6 MR. BUGLIOSI: Q Doctor, I think we got a little  
7 bit ahead of ourselves. Would you please return to the  
8 witness stand.

9 A Yes, sir.

10 Q How many stab wounds were there on Mr.  
11 Frykowski's body?

12 A A total of 51 stab wounds.

13 Q Were all of these penetration wounds?

14 A Yes, they were.

15 Q How many of these wounds, if any, were posterior,  
16 that is, to the back of Mr. Frykowski's torso and to the  
17 back of his legs?

18 A In the back area there were five stab wounds.

19 Q The back of his torso?

20 A I will have to refer to the diagram.

21 Q I am referring to stab wounds at any part or to  
22 any part of Mr. Frykowski's body in the posterior region;  
23 not only his back, but let's say the back of his legs, if  
24 any.

25 A I wish I had a diagram with me in order to  
26 depict those that I have not counted in reference to the back



1 and the front wounds.

2 I have separated the wounds according to body  
3 location.

4 Q At this moment, however, you are aware of five  
5 stab wounds to Mr. Frykowski's back; is that correct?

6 A Yes.

7 Q Okay.

8 How many of these 51 stab wounds were fatal, in  
9 your opinion, Doctor, in and of themselves?

10 A I would say at least seven.

11 Q In addition to the 51 stab wounds, did you find  
12 any other wounds on Mr. Frykowski's body; specifically, in  
13 the area of the head?

14 A Yes.

15 There were irregular, large, widely-spread  
16 lacerations, tears, on the scalp, mainly on the top of the  
17 head.

18 There were a total of 13 such lacerations.

19 Q How deep were these lacerations?

20 A The depth was actually the thickness of the  
21 entire scalp. That would be about one quarter of an inch  
22 in thickness.

23 Q You say thickness?

24 A Thickness.

25 Q I am talking about depth.

26 A That is the depth.

1 Q All right.

2 Was any one of these 13 deep lacerations  
3 fatal in and of themselves?

4 A I doubt it very much. However, collectively,  
5 it would cause death.

6 Q The 13 deep lacerations collectively, in your  
7 opinion, would have been fatal?

8 A Yes.

9 Q Have you formed any opinion as to the type of  
10 instrument used to cause these lacerations?

11 A Yes, I have.

12 Q What is that opinion?

13 A In my opinion, based on the appearance of the  
14 widely-spread, irregular, in some areas somewhat curved  
15 wounds, I would think that the weapon involved would be  
16 heavy, but it has to be a blunt instrument.

9-1

Q A heavy, blunt instrument?

A Yes, the surface of the instrument would not have any sharp cutting edge. This was based on the lack of any identifiable cut on the surface of the scalp, laceration, or the surface of the scalp and based on the length of the laceration, I would think the object, the contact object that is involved should have the contact surface which should be more than two inches in length.

Q I show you People's 40 for identification, Doctor, a .22 caliber Longhorn revolver --

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

THE COURT: In connection with this matter?

MR. KANAREK: Yes, your Honor.

THE COURT: Very well.

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

MR. KANAREK: Your Honor, it is my position that there is no foundation at this time, and it is prejudicial to use this gun and allow the jury to view it in this context at this stage of the proceedings because there is no showing of any relationship between Mr. Manson and this gun, and once you ring the bell you cannot unring it.

I object to any use of this gun.

He can bring in a rock; he can bring in a flat piece of steel.

The prejudicial value far outweighs the

9-2

1 probative value and there is no basis in this record to  
2 ask the doctor for any expert opinion.

3 I think your Honor agrees with me, before you  
4 ask for an opinion you have to have in the record the  
5 foundation for the expert opinion and there is nothing to  
6 connect this gun in connection with any -- as opposed to  
7 any other so-called instrument in the whole wide wide  
8 world.

9 MR. BUGLIOSI: May I be heard?

10 I am not going to ask him if this gun caused  
11 this wound. I will ask him if the butt of this revolver  
12 could have caused the wound, is this the type of object.

13 I am not going to say, "Did this weapon cause  
14 this wound?"

15 MR. KANAREK: We are dealing with a lay jury, your  
16 Honor. It is improper.

17 As Mr. Witkin points out, you cannot ask any  
18 such question unless you have the foundation in the record  
19 of the identity of the instrument or whatever he is trying  
20 to connect up here.

21 MR. STOVITZ: Your Honor, we represent to the  
22 Court, as counsel well knows, we will be able to put  
23 this particular gun in the hands of Mr. Manson prior to  
24 August 8th, 1969.

25 We will show that this was the weapon that  
26 was used, not only by Mr. Manson at the Spahn Ranch but



1 by other persons at the Spahn Ranch.

2 We will also call your Honor's attention to  
3 the way that Mr. Kanarek graphically used this gun in  
4 examination of Linda Kasabian, and displayed this gun to  
5 the jury on many many occasions in the past.

6 We submit the matter, your Honor.

7 MR. KANAREK: That was after we objected on the  
8 grounds of irrelevancy and the materiality.

9 He already had the gun identified by Linda  
10 Kasabian. That was only a defense matter.

11 THE COURT: The objection is overruled, Mr. Kanarek,  
12 let's proceed.

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

15 BY MR. BUGLIOSI:

16 Q Looking at this revolver, Doctor, People's 40  
17 for identification, would the butt, that is the handle of  
18 this revolver, in your opinion, be able to cause the type  
19 of lacerations you found on Mr. Frykowski? *And!*

20 A May I examine it?

21 Q You may examine it.

22 MR. KANAREK: I object on the grounds it calls for  
23 a conjecture, your Honor.

24 THE COURT: Overruled.

25 MR. KANAREK: May I have a continuing objection on  
26 the grounds of foundation, your Honor, as well as the

materiality and relevancy.

THE COURT: Continuing as to what?

MR. KANAREK: As to any kind of interrogation using this gun in these proceedings, your Honor, it is our position there is an improper foundation for the solicitation of expert opinion or any opinion at all or any use of the gun.

THE COURT: Very well, you may have a continuing objection.

MR. KANAREK: Thank you, your Honor.

THE WITNESS: In my opinion, which I based from the appearance of the laceration, that certainly a heavy instrument, and it being a curved laceration, and there is no sharp, penetrating type of object involved, this pistol would most likely create a similar laceration as found on the scalp of the decedent.

BY MR. BUGLIOSI:

Q Did you find any gunshot wounds on Mr. Frykowski's body?

A Yes.

Q How many?

A Two gunshot wounds.

Q The original autopsy report indicated one gunshot wound?

A Yes. However, the diagram does show a second gunshot wound documented.

1           Q     Your updated opinion then is there were two  
2 gunshot wounds to Mr. Frykowski's body, is that correct?

3           A     Yes.  
4  
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9a fls.

9-A-1

1 Q In your opinion were these gunshot wounds  
2 fatal, or non-fatal?

3 A The gunshot wound in the back penetrating --  
4 just a moment, please --

5 As to the fatality of the gunshot wound, it is  
6 a gunshot wound in the back, more or less the left axilla,  
7 that would be a fatal wound by itself, a fatal gunshot  
8 wound.

9 Q The other wound was not a fatal wound?

10 A That is true, sir.

11 Q Where was that second gunshot wound?

12 A The second gunshot wound was found on the  
13 front of the left mid thigh, through and through,  
14 just penetrating superficial tissue showing an entrance  
15 wound and exit wound on the surface of the skin.

16 Q Is it your opinion, then, that Mr. Frykowski  
17 was shot twice, is that correct?

18 A Yes, sir.

19 Q Were any of these two bullets recovered to  
20 your knowledge by the office?

21 A Yes, the bullet entered from the back more or  
22 less the left axilla was found in the mid-portion of the  
23 body and recovered by Dr. Herrera, and placed in the envelope  
24 which I also checked before he turned this envelope over to  
25 a representative of the Los Angeles Police Department.

26 Q You were present when Dr. Herrera recovered



A-2

1 that bullet?

2 A Yes.

3 MR. BUGLIOSI: Your Honor, I have here another  
4 envelope containing a bullet. May the envelope and the  
5 bullet be collectively marked People's next in order.

6 THE COURT: 177 for identification.

7 Q BY MR. BUGLIOSI: I show you the envelope and  
8 the bullet contained therein, People's 177 for identification,  
9 have you ever seen that bullet before?

10 A Yes.

11 Q Is this the bullet that Dr. Herrera removed  
12 from Mr. Frykowski's body?

13 A Yes.

14 Q And turned over to whom?

15 A I believe Sergeant Lee.

16 Q Of the Los Angeles Police Department?

17 A Of the Los Angeles Police Department.

18 Q In your presence?

19 A Yes.

20 Q I take it you are familiar with Dr. Herrera's  
21 signature?

22 A Oh, yes.

23 Q You have seen it countless times?

24 A That's right.

25 Q Looking at this envelope that contains the  
26 bullet, do you see Dr. Herrera's signature on that

177

1 envelope?

2 A Yes, his signature is at the bottom of this  
3 envelope.

4 Q The front side?

5 A On the front side, yes.

6 Q After the word printed "signed," you see the  
7 signature, "Gaston Herrera, M.D."

8 A Yes.

9 Q What about the second bullet, was that  
10 recovered by your office?

11 A No, sir, it was a through-and-through gunshot  
12 wound. There was no bullet found in the body.

13 Q Did Mr. Frykowski have any defense wounds on  
14 his body?

15 A Yes, there were.

16 Q Where were these defense wounds found?

17 A The defense wounds were found in the right hand  
18 and also left forearm.

19 Q Approximately how many were there?

20 A I would say at least seven or eight.

21 Q What does the presence of these defense wounds  
22 indicate to you?

23 A The presence of the defense wounds --

24 Q Those particular defense wounds on Mr. Frykowski.

25 A It indicates to me that, first of all, at the  
26 time the decedent faced the assailant he knew --

1 MR. FITZGERALD: I will ask that be stricken as a  
2 conclusion.

3 THE COURT: Sustained.

4 Q BY MR. BUGLIOSI: Yes, Doctor --

5 THE COURT: That answer will be stricken. The jury  
6 is admonished to disregard it.

7 Q BY MR. BUGLIOSI: Without going specifically  
8 into Mr. Frykowski's state of mind at the time the  
9 wounds were inflicted, do you have any other opinion as to  
10 the significance of these defense wounds to Mr. Frykowski?

11 A Yes, I do.

12 Q What is that opinion?

13 A First of all, the decedant was conscious and  
14 he knew --

15 Q You say "conscious."

16 A Conscious, and he got himself further damage,  
17 he received a number of cuts and stab wounds in both  
18 hands,

19 Q Are these defense wounds indicative of a  
20 strong struggle between Mr. Frykowski and the assailant?

21 MR. FITZGERALD: Objection, that calls for a  
22 conclusion.

23 MR. BUGLIOSI: I don't believe so, your Honor.

24 THE COURT: Overruled, you may answer.

25 THE WITNESS: Based on the number of stab wounds  
26 and the severity of the stab wounds, I would say yes.



1 Q BY MR. BUGLIOSI: Thank you, Doctor.

2 Now, you may step to the diagram at this time  
3 and insert the following things on the diagram:

4 The location of the 51 stab wounds and the 13  
5 lacerations and also the two gunshot wounds.

6 Also identify the organ or the part of the body  
7 that each wound penetrated, and when you come to a fatal  
8 wound, indicate it as such.

9 Also indicate the direction of the thrust of the  
10 stab wound and the lacerations and the path the two bullets  
11 followed once they entered Mr. Frykowski's body.

12 A Yes, sir. Again, for the purpose of  
13 identification, I labeled these stab wounds by numbers.

14 At this time there were so many numbers that I  
15 decided it would be best to label it in a geographical  
16 or topographical or orientation.

17 So I labeled one the front portion of the body,  
18 trunk; the number of stab wounds, 1 to 11.

19 And in the back I also designated stab wounds  
20 1 to 5.

21 The right arm, 1 to 3. Left arm stab wounds  
22 1 through 16.

23 In the right hand I labeled it 1 through 5,  
24 and in the left hand 1 through 3, and in the left leg 1  
25 through 8.

26 Starting in the front portion of the trunk,



1 medically speaking, the anterior trunk, stab wound No. 1  
2 was located in the center portion of the upper chest.

3 It measured 1 inch in skin length, penetrated  
4 deep into the chest cavity, penetrated the left lung  
5 causing massive hemorrhage which I believe I have mentioned  
6 before, there are a number of fatal stab wounds.

7 This is one of the fatal stab wounds.

8 No. 1, fatal.

9 No. 2 stab wound, stab wound No. 2 is  
10 located on the left side of the chest, 1 inch in skin  
11 length, penetrating deep into the chest, piercing the left  
12 lung.

13 This is No. 2. It is also fatal.

14 Stab wound No. 3 is located still on the left  
15 side of the chest in the vicinity of stab wounds 1 and 2,  
16 and stab wound 3, which I am going to explain to you --

17 Stab wound No. 3 is located slightly above  
18 the left nipple; it measures 1-1/4 inches in skin length,  
19 and penetrated slightly upwards and penetrated into the  
20 left chest cavity, which I believe stab wound No. 3 also  
21 to be fatal.

10-1

1 Stab wound No. 4 is located in the vicinity of  
2 the multiple stab wounds located on the left side of the  
3 chest. It measures one inch in length and three inches in  
4 depth, and the direction is slightly upward, front to  
5 back. No. 4. No. 5 is located more or less in the  
6 lateral aspect, the outer side of the left side of the  
7 chest, penetrating into the chest cavity, piercing the left  
8 lung, which I believe should be classified as a fatal stab  
9 wound.

10 Stab wound No. 6 is located in the lower por-  
11 tion of the chest, almost at the junction of the abdominal  
12 wall, piercing into the abdominal cavity. It measures  
13 about one inch in length.

14 This labeled No. 6. No. 6 is found on the  
15 left lateral aspect of the chest.

16 The wound tract penetrated in the left to  
17 right direction and penetrated into the spleen.

18 The stab wound itself measures one and a  
19 quarter inches in skin length. This is No. 7.

20 No. 8 is below No. 7. It measured only a  
21 half inch in length and a half inch in depth. It was not  
22 a fatal stab wound.

23 No. 9 is found more lateral to the left chest.  
24 This is 9.

25 10 is found in the left mid-abdomen penetrating  
26 superficially into the abdominal wall.

2  
10-X

1 The stab measures one quarter inch in length,  
2 and it was superficial.

3 There was a last stab wound in the front portion  
4 of the chest, which is stab wound 11. It was rather  
5 superficial, but it was found on the upper chest, on the  
6 right side. Not fatal.

7 Now, continuing on the wounds to the front  
8 portion of the trunk, the anterior trunk. I would like  
9 to explain some stab wounds on the back in relation to it.

10 There were five stab wounds on the back.  
11 These, again, were labeled 1 through 5.

12 No. 1 is found on the right side of the upper  
13 portion of the chest penetrating about three-quarters of an  
14 inch into the deeper tissue. It only measures a half inch  
15 in length.

16 No. 2 is located in the vicinity of stab  
17 wound No. 1 but is slightly below the location of stab  
18 wound No. 1. It measures, I believe, three-quarters of  
19 an inch in skin length, penetrating into the right lung.  
20 I would say this would be a fatal wound.

21 Stab wound No. 2 was described.

22 No. 3 was found on the left side of the mid-  
23 back. It measured one inch in length, penetrating deep  
24 into the left chest cavity, piercing the left lung. I  
25 would consider this also a fatal stab wound.

10a fls. 26



10A-1

1 Stab wound 4 is found slightly to the right  
2 of stab wound No. 2. It is found on the right side of  
3 the upper back, penetrating deep into the tissue. The  
4 surface of the stab wound measures three-quarters of an  
5 inch in length.

6 The last stab wound, No. 5, is found in the  
7 right lower back just at the upper portion of the right  
8 buttock. It measures three-quarters of an inch in length  
9 and three-quarters of an inch in depth.

10 Now, I will have to describe this one by one.

11 The right arm. The right arm shows three  
12 stab wounds, and the right hand has five stab wounds.

13 Stab wound No. 1 on the right arm was found  
14 on the inside of the right upper arm, which was not fatal.

15 The back of the right arm shows two stab  
16 wounds, one which is labeled stab wound No. 2, found in  
17 the right shoulder area; and stab wound No. 3, which is  
18 found on the back of the right forearm, in the mid portion.

19 Now, the right palm of the hand shows five  
20 clearly identifiable cuts, which I considered to be stab  
21 wounds consistent with a defense type action, and we have  
22 so made such documentation in the autopsy report.

23 Now, the left arm should show 16 stab wounds,  
24 and three stab wounds on the left hand.

25 The stab wounds on the left arm had about --  
26 the stab wounds measured one inch throughout. There are



1 some three-quarters of an inch, or some fractional  
2 changes, but for the purpose of documentation, for the  
3 51 stab wounds, I think that is good enough.

4 Stab wound No. 1 is found in the front portion  
5 of the left upper arm near the shoulder, down to stab  
6 wound No. 16 found on the left wrist.

7 I am simply marking this on the diagram,  
8 People's 176, as No. 1, No. 2, No. 3. Still on the upper  
9 arm. No. 4, No. 5, No. 6, No. 7, shown on the diagram  
10 of the front, the full size diagram. And No. 8 is also  
11 shown here.

12 No. 9 is found more or less near the elbow.

13 Nos. 10 through 16 are found in back of the  
14 left arm.

15 9, as I mentioned, is at the elbow. 10, 11,  
16 12 and 13 were found on the inside of the left wrist.

17 13 is here. Then back to 14, 15 and 16.

18 THE COURT: It is 12:00 o'clock, Mr. Bugliosi.

19 We will recess for the noon hour at this time.

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

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

24 (Whereupon at 12:00 o'clock p.m. the court  
25 was in recess.)  
26