

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.

69

No. A253156

REPORTERS' DAILY TRANSCRIPT

Tuesday, August 25, 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.

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MURRAY MEHLMAN, CSR.,
Official Reporters

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I N D E X

| <u>PEOPLE'S WITNESS:</u> | <u>DIRECT</u> | <u>CROSS</u> |
|--------------------------------|---------------|--------------------------------|
| NOGUCHI, Thomas T. (Cont'd) | 8895(B) | 8897(F) 8921(Sb) 8949(K) |

LOS ANGELES, CALIFORNIA, TUESDAY, AUGUST 25, 1970

9:50 A.M.

---Q---

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

You may continue, Mr. Bugliosi.

THOMAS T. NOGUCHI,

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

FURTHER DIRECT EXAMINATION

BY MR. BUGLIOSI:

Q Doctor, with respect to People's Exhibit 141 through 147, the photographs depicting Sharon Tate, did you number the wounds on these black and white photographs?

A Yes, I did.

Q Were you able to find all of the wounds on these photographs that were on the diagram?

A Yes, I did.

Q And with respect to People's Exhibit 150 through 159, the photographs of Miss Folger, did you number those wounds?

A Yes, I did.

Q Did you find all the wounds that were on the diagram on these photographs?

A Yes.

1 Q With respect to People's Exhibit 161 through
2 164, the photographs of Jay Sebring, did you number those
3 wounds?

4 A Yes, I did.

5 Q Were you able to find on the photographs the
6 wounds depicted on the diagram?

7 A Yes.

8 Q With respect to People's Exhibits 167 through
9 175, the photographs of Voityk Frykowski, did you number
10 those wounds?

11 A Yes, I did.

12 Q Did you find on the photographs the wound that
13 you have indicated on the diagram?

14 A Yes.

15 Q And with respect to People's Exhibits 178 through
16 183, the photographs of Steven Parent, did you number
17 those wounds?

18 A Yes, I did.

19 Q And you found all of the wounds on the
20 photograph that were on the diagram?

21 A Yes.

22 MR. BUGLIOSI: No further questions.
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1 THE COURT: Cross-examination, Mr. Fitzgerald?

2 MR. FITZGERALD: Thank you.

3 CROSS-EXAMINATION

4 BY MR. FITZGERALD:

5 Q Dr. Noguchi, in chronological order, can you
6 give us the dates and the times that the autopsies were
7 performed on the various victims, the various decedents?
8

9 You may refer to your materials or your notes,
10 if you like.

11 A Thank you.

12 As to the autopsies of the five decedents,
13 Abigail Folger, as to the time of commencement of the
14 autopsy, was August 10th, 1969, at 9:50 a.m.

15 Then the next case was Sharon Tate Polanski,
16 starting at 11:20 a.m.

17 There were two cases handled on or about noon.
18 That was Voltyck Frykowski and -- pardon me.

19 There was one case handled Friday at noontime.

20 Then two cases, Steven Earl Parent and Jay
21 Sebring, were handled about 2:00 o'clock.

22 Now, from the documents, the autopsy was
23 commenced at 2:00 p.m. for Parent and 2:15 for Jay Sebring.

24 Q Thank you.

25 Can you tell us who was present at the autopsies
26 of Abigail Folger besides yourself?

1 A I know the autopsy assistant, Mr. Charles
2 Moore, and naturally, a pathologist who was handling that
3 case.

4 Q Which was who?

5 A Dr. Russell C. Henry.

6 Q Were those the only persons present?

7 A I believe Sergeant McGann was present, and I
8 believe, from time to time, Deputy District Attorney John
9 Miner was present in the autopsy room.

10 Q Was sergeant McGann also present at the autopsies
11 of Tate, Frykowski, Sebring and Parent?

12 A As I recall, Sergeant McGann was spending a
13 great deal of time in the autopsy area. My recollection
14 is that he was present at all autopsies.

15 Q Was Deputy District Attorney John Miner also
16 present during the other autopsies other than Folger,
17 which would be Tate, Frykowski, Folger -- excuse me --
18 Tate, Frykowski, Sebring and Parent?

19 A I don't believe he stayed until late. He was
20 there in the early period of examinations. I believe he
21 was still available until about 2:00 o'clock.

3-1

1 Q Do you know him?

2 A Yes, I do know him professionally.

3 Q Does he have some particular function to your
4 knowledge in the office of the District Attorney?

5 MR. STOVITZ: "Had", Counsel.

6 MR. FITZGERALD: Had -- excuse me.

7 Q Did he have a particular function within the
8 office of the District Attorney to your knowledge?

9 A Well, as I understand it he is the chief of
10 the medical legal section of the District Attorney's Office?

11 Q He is their medical legal expert?

12 A Yes.

13 Q Now, did you discuss with any of the police
14 officers present at the autopsy findings the police
15 officers had made at the scene of the offense?

16 MR. BUGLIOSI: Ambiguous, your Honor.

17 THE COURT: Do you understand the question, Doctor?

18 THE WITNESS: Yes.

19 THE COURT: You may answer.

20 THE WITNESS: I believe there were conversations
21 inquiring about a certain information which may be
22 important for us to express -- for us to express a medical
23 legal opinion.

24 BY MR. FITZGERALD:

25 Q Did any of these conversations take place
26 prior, or before the autopsy was performed on any of the

3-2

1 people we have just mentioned?

2 A Well, yes, nothing in detail. I was on the
3 scene. I saw Sergeant McGann at the scene of the investiga-
4 tion, conducted by me and my staff.

5 It was basically for a factual gathering. I
6 don't recall discussing anything, anything, that is, which
7 would be outside of a Coroner's investigation.

8 Q You were present at the scene on Cielo Drive?

9 A Yes.

10 Q When was that?

11 A At about 2:00, I believe, 2:00 p.m. of August
12 9, 1969.

13 Q Did you observe the bodies before they were
14 removed by representatives from your office?

15 A Yes, I ordered the bodies not to be disturbed
16 until I arrived at the scene.

17 Q Is there some reason why you so ordered?

18 A Well, first of all it is my responsibility to
19 make sure that the bodies are not moved until we release
20 the bodies to the deputies.

21 It is a matter of routine.

22 However, in this case I felt it was necessary
23 for me to be at the scene. There is no point of my going
24 to the scene where the bodies have already been moved.

25 Q There are numerous criminal homicides within
26 the County of Los Angeles every year, are there not?

1 A Oh, yes.

2 Q Approximately how many Coroner's investigations
3 were conducted during the year 1968 or 1969 if you happen
4 to have the figure?

5 MR. STOVITZ: Excluding automobile accidents, Counsel?

6 MR. FITZGERALD: Excluding automobile accidents.

7 THE WITNESS: Well --

8 BY MR. FITZGERALD:

9 Q Or can you give us some sort of indication?

10 A About seven to 8,000 cases.

11 Q Now, you don't physically go to the scene of
12 each one of these investigations, do you?

13 A No, sir.

14 Q And you don't physically go to the scene of
15 every criminal homicide, or every alleged criminal homicide,
16 do you?

17 A No, sir.

18 Q Was there some reason that you happened to go
19 to the scene of this particular homicide?

20 A Yes.

21 Q Would you explain?

22 A I was informed by the senior investigator on
23 call; the situation was explained, which I felt was
24 necessary for me to conduct not only the autopsy but the
25 scene of the investigation, so I would be better able to
26 judge some of the questions that might arise later on.

1 This is one of the reasons that I responded at
2 the scene.

3 Q Are there other reasons?

4 You have just stated that was one of the
5 reasons. Are there other reasons?

6 A Yes.

7 The other reason is, this is a very unusual
8 case indeed, and I felt the County of Los Angeles needed
9 the County Coroner to be at the scene.

10 Q Did you discuss with any of the police officers
11 at the scene anything about weapons that might have been
12 used to kill the people you saw in there?

13 A Yes, there were discussions.

14 Simply, it is part of the inquiry, yes, we had
15 a discussion.

16 Q Do you remember whom you talked to?

17 A I believe Sergeant McGann and Lieutenant
18 Helder, I believe.

19 Q Helder?

20 A Helder, and Lieutenant Maddox. I think Maddox
21 is a lieutenant in charge of the West Los Angeles detectives.

22 Q Did you also have conversations with police
23 officers at the scene as to the time the bodies were
24 discovered?

25 A Yes, I believe I received such information.

26 Q And I take it you had other discussions concerning

1 the circumstances surrounding the bodies with the police
2 officers present at the scene, without telling us the
3 nature of those discussions?

4 A Yes.

4 fls.

4-1

1 Q Now, at the scene you saw a rope around the
2 neck of Thomas John Sebring; is that correct?

3 A Yes.

4 Q And you saw the other end of that rope in the
5 vicinity of the neck of Sharon Marie Polanski?

6 A Yes.

7 Q So, part of your opinion that Sharon Marie
8 Polanski was hanged prior to her death is based on your
9 observations at the scene?

10 A Yes.

11 Q They are not based necessarily on the
12 examination of the abrasions or contusions you noticed on
13 her face or cheek or jaw area; is that right?

14 A Of course, I have to rely on what I actually
15 saw on the body, and if I have to decide which one I weigh
16 the most, I would have to say that the abrasions, the
17 two abrasions, found on the left cheek, would be the ones
18 that I weigh the most before I express my opinion.

19 Q But the conclusions you arrived at as a foren-
20 sic pathologist are based not only on the pathological
21 findings but they are also based on investigations that may
22 have been conducted at the scene, and also they may be
23 based in part upon conversations you had with police
24 officers?

25 A Sir, are you referring to the opinion, the
26 specific opinion, which I have expressed before?

Q Well, let's take all of your opinions in connection with the autopsies of all of these decedents.

Are any of your opinions based in part on observations at the scene?

A The investigation at the scene by me alone, sir?

Q Did your investigation at the scene of the crime lead you -- well, strike that.

Was your investigation at the scene part of your opinion-making process in respect to any of the conclusions you have drawn with respect to any of the decedents?

A Yes.

Q You are familiar with the hyoid bone?

A Yes.

Q Dr. Noguchi, would you spell it, please?

A H-y-o-i-d.

Q What is the hyoid bone?

A The hyoid bone is a U-shaped bone which is part of the larynx, which is located slightly above the Adam's apple, which is attached to a number of muscles.

It is a quite fragile bony structure. It is often involved in the case of manual strangulation.

Q The hyoid bone is frequently, if not always -- well, strike that.

The hyoid bone is frequently broken or fractured when persons are manually strangled; is that correct?

1 A Yes.

2 Q And it is one of the pathological indications
3 of death by strangulation, is it not?

4 A Yes.

5 Q Is it also normal to find a fractured hyoid
6 bone when somebody has been hanged by the neck?

7 A Not too frequently, but we sometimes observe a
8 hemorrhage around the hyoid bone of a person who is hanged,
9 who has hanged either himself -- most likely himself --
10 where the rope is tied around the neck, involving the
11 entire circumference of the neck. In this case we some-
12 times find a hemorrhage around the hyoid bone.

13 Q Did you find the hemorrhage around the hyoid
14 bone of Sharon Marie Polanski?

15 A No, sir.

16 Q Did you look for one?

17 A Oh, yes, I did.

18 Q Did the decedent corpse of Sharon Marie
19 Polanski have a fractured hyoid bone?

20 A No, sir.

21 Q Is it your opinion, Doctor, based upon what
22 you observed at the scene, any conversations you might have
23 had with police officers, and your performing the autopsy
24 on Sharon Marie Polanski, that she was actually suspended
25 by full body weight at the end of a rope?

26 A I don't recall. There were some forms of

1 questions as to whether or not that were true.

2 Q Have you finished your answer?

3 A Yes.

4 Q Are you able to answer my question whether or
5 not, in your opinion, Sharon Marie Polanski was suspended
6 by a rope with her full body weight before death?

7 A I believe I would be able to answer your
8 question.

9 Q Would you, please? What is your opinion?

10 A I would be glad to.

11 I believe, based on wound findings on the left
12 side of the cheek and the way the rope was tied at the
13 scene that I personally observed, the way the rope was
14 placed over the beam of the living room, I would form the
15 opinion that Miss Sharon Tate had been suspended, perhaps
16 not too long a period, but perhaps a partial suspension for
17 a short time.

18 As to whether or not this was caused after death
19 or before death, it appears that the abrasion is a dark --
20 pardon me -- it is sort of a light reddish, and I believe
21 that the suspension was caused during the agonal stage.

22 Q I didn't hear that last word.

23 A Agonal stage; during the dying process.

24 Q All right. Continue, please.

25 Please finish if that is not the conclusion.

26 A I might elaborate further.

Q Would you, please?

A My opinion of a possible short time suspension was based on the lack of severe constriction of the ligature or rope mark, only a mere rope burn, and the rope burn was placed in such a manner it shows around the curvature of the left cheek bone, which gives the impression that the friction was caused by pulling upward; that is, upward in the sense if the decedent's body were placed in a standing position.

5-1

1 Q In your examination of the decedents, Folger
2 and Polanski, did you find any human flesh beneath their
3 fingernails?

4 A I did not check the tissues underneath, but we
5 carefully removed the fingernails, preserved in an
6 envelope, and we saved them in our laboratory for further
7 examination.

8 Q In your examination of the decedent corpses
9 of Folger, Polanski and Frykowski, did you find any, what
10 appeared to be hair particles or strands of hair in their
11 hands?

12 A I did not observe any.

13 Q Now, you have arrived at various opinions and
14 conclusions in connection with the nature of the weapon
15 used to cause the various deaths of the various decedents,
16 have you not?

17 A Yes, I have.

18 Q Are any of those opinions, preliminarily,
19 based in part on conversations you had with police officers?

20 A I would say no, there are a number of possi-
21 bilities that were mentioned.

22 However, I would be the last one to take some-
23 one's word until I am convinced that would be the most
24 likely object involved.

25 Q Was one of the possibilities mentioned to you
26 by police officers the possibility of a bayonet being used

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1 as the assaulting weapon?

2 A Yes.

3 Q Didn't that influence you somewhat in coming
4 to your conclusion that a bayonet was used as the assaulting
5 weapon?

6 A I think I more influenced the police officer
7 rather than I was influenced.

8 He was influenced perhaps more than I had been
9 influenced.

10 Q Now, in your association with some 8,000
11 autopsies, I take it that a number of those autopsies
12 had involved the use of sharp instruments and objects
13 as the cause of death?

14 A That is true.

15 Q So your experience covered some what, 15 years
16 period?

17 A About ten years.

18 Q Ten years, and in this ten-year period I take
19 it you have seen a number of different kinds of knives, is
20 that right?

21 A Yes.

22 Q And on a number of occasions when you have
23 performed autopsies, police officers have been present at
24 the autopsy and they have actually showed you the weapon
25 that was used; it was obtained right at the scene of the
26 crime, isn't that correct?

5-3

1 A Well, I don't know whether it was used in any
2 crime or not, but the weapon was shown to us and I have a
3 routine word for police officers:

4 "Will you please let me have a chance to
5 express an opinion first and show me the weapon later."

6 Q Well, you performed a number of autopsies
7 where a knife has actually been protruding or sticking in
8 the person upon whom the autopsy is about to be performed,
9 correct?

10 A Yes, there are a number of cases as such.

11 Q And there is not much question in those cases
12 as to what sort of a knife was used to cause death,
13 correct?

14 A That's correct.

15 Q And as a result, from time to time, you have
16 seen a number of different kinds of knives, isn't that
17 correct?

18 A Yes.

19 Q What sort of a wound would be caused by a
20 knife with a serrated blade?

21 A Well, it depends on what kind of a serrated
22 edge.

23 If it is a bread knife serration, which I
24 have studied before, it does not show very characteristic
25 change other than a single cutting edge or a stab wound.

26 But the hunting type of a knife which has a

5a fls.

1 distinct serrated edge spread apart on the back portion
2 of the blade --
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1 Q A fishing knife, one used to scale fish, or a
2 hunting knife.

3 A Well, a hunting knife and a fishing knife, I
4 believe, has some type of serrations on the top.

5 If you pierce through the cardboard you do see
6 separations which are very characteristic with this type of
7 a knife.

8 Q This type of hunting knife?

9 A Hunting knife, yes.

10 Q But if it was a bread knife with a serrated
11 blade it would not be necessarily reflected in the wound
12 characteristics?

13 A That is true. That is my experience.

14 Q Consequently, in this case it is possible that
15 if a knife was used it could have had a serrated blade?

16 A If limited to --

17 Q Limited to the other configurations of the
18 proposed weapon that you have heretofore outlined, correct?
19 That it was an inch to an inch and a half wide and at least
20 five inches long.

21 Wait a minute, let me take it this way:

22 Isn't it possible that the proposed knife in
23 this case could be at least five inches long, an inch or an
24 inch and a half in width, and have a portion of the blade
25 serrated?

26 A Yes, although the serration must be gentle, and

1 should not spread like a saw, that has serrations and they
2 are spread apart.

3 Q Are you familiar with a knife called the
4 stiletto?

5 A I don't recall.

6 Q Are you familiar with the types of wounds likely
7 to be incurred by a sword?

8 A Well, as I have seen stab wounds, yes, by
9 sword -- that was a Japanese sword.

10 Q Could you tell by the wound without any other
11 information that was caused by a Japanese sword?

12 A Yes, if the tip of the weapon reaches an organ
13 such as a kidney or liver, often that stabbing wound shows
14 a very elongated -- leaving a stab wound almost similar to
15 the size and shape of the tip of the stabbing weapon.

16 Q In other words, those organs you have just
17 mentioned preserve the mold or form or configuration of the
18 weapon used to penetrate?

19 A Yes.

20 Q Do letter openers leave particular kinds of
21 wound configurations?

22 A The letter opener to which I am accustomed to
23 see, which is not too sharp, the stab wound caused by a
24 letter opener is quite different from stab wounds which were
25 seen on the four decedents, and it is -- of course I like to
26 know the size -- but it is quite different from what I saw

1 in the wound on Parent and the five decedents.

2 Q Now, in your experience there are numbers of
3 different kinds of knives on the commercial market, are
4 there not?

5 A Oh, there are many.

6 Q Which makes your path pretty difficult some-
7 times in attempting to ascertain the particular kind of
8 knife used, isn't that right?

9 A Yes.

10 Q Now, you indicated that in your opinion the
11 knife that was used to assault the various decedents was
12 at least five inches in length, is that correct?

13 A Yes.

14 Q What was the deepest stab wound that you found
15 on any of the decedents?

16 A It was five inches.

17 Q In your experience, bayonets are usually 18
18 to 22 inches in length, aren't they?

19 MR. BUGLIOSI: Are you talking about the blade?

20 MR. FITZGERALD: The blade.

21 Q Measured from the hilt to the tip?

22 A I believe there are different types of bayonets.

23 Q Have you ever seen a five-inch one?

24 A No, I have seen a shorter one, but I think the
25 way things were, it would be more than five inches.

26 Q And you previously testified that in your opinion

1 the knife that was used to assault the decedents was
2 strong?

3 A Yes, I did use the word strong.

4 Q Would it be fair to say, then, that it was of
5 a sturdy metal?

6 A Yes, sir.

7 Q And if in fact the weapon that was used was a
8 bayonet, a bayonet could easily penetrate the sternum,
9 could it not?

10 A Yes.

11 Q And the sternum is that bony structure in the
12 center of one's chest, is that correct?

13 A Yes, sir.

14 Q Now, you previously testified that the chemical
15 analysis, the toxicological analysis of the blood of
16 Mr. Frykowski revealed that his blood contained .6
17 milligrams percentage MDA, is that correct?

18 A .6 milligrams percentage reading was found in
19 the urine specimen.

20 Q Urine, excuse me.

21 What does that mean to a lay person, not a
22 doctor?

23 A The amount of the MDA found in the urine
24 indicated that the decedent had injected or ingested the
25 same drug within a few hours.

26 Q And I believe you testified that a toxicological

1 examination of the urine --

2 A Yes, sir.

3 Q -- of Abigail Folger --

4 A Yes, sir.

5 Q -- was it in the urine of Folger as well?

6 A Yes, sir, both specimens were urine.

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1 Q That toxicological examination revealed that
2 there was contained therein 2.4 milligrams percent MDA;
3 is that correct?

4 A Yes, sir.

5 Q Now, what does the figure 2.4 percent milli-
6 grams mean? Is that a little? Is that medium? Is that
7 a lot? Could you somehow evaluate the amount for us,
8 put it in some frame of reference from which we might be
9 able to evaluate it?

10 A I would be glad to. I will try.

11 First of all, if it is an overdose -- in this
12 case obviously the drug was not the cause of death. We
13 have very little experience with MDA. Only several cases
14 are registered where there has been a toxicological
15 determination in the State of California.

16 I can only say, in comparison with other
17 amphetamine groups, from this trace of amphetamine in
18 the urine itself it would be difficult to tell whether or
19 not the person had any pharmacological changes prior to
20 death.

21 Q Now, you referred to a trace. Is .6 milligrams
22 percent a trace, or is that a substantial quantity?

23 A As to the term substantial, I would say that
24 it is rather difficult to tell.

25 In comparison with other cases, this value
26 is about one-tenth of the value found in the urine of a

6-2

1 person who intentionally swallows the medicine for the
2 purpose of self destruction.

3 Q What about 2.4 milligrams? Would that be about
4 24 percent of a fatal dose?

5 A I was referring to 2.4 milligrams.

6 Q Oh, I see.

7 A fatal dose, then, would be 10?

8 A Well, the only one that I know, in a fatal case,
9 which would have a value in the urine sample, was, I believe,
10 33 milligrams percent in the urine.

11 Q You would not be able to testify as to the
12 physical symptoms that would be likely displayed by someone
13 with those respective amounts of MDA present in their blood?

14 A I am afraid not. I have very little experience
15 with this chemical.

16 Q What is an autopsy protocol? Is that commonly
17 referred to as an autopsy report?

18 A Yes, sir.

19 Q The original autopsy protocol indicated that
20 Voityck Frykowski was shot once; isn't that correct?

21 A Yes.

22 Q And that determination was later changed; is
23 that correct?

24 A Yes.

6a fls.

6-3

1 Q What was the reason for that change and when
2 did it occur?

3 A About the third conference we had.

4 Q Who is we?

5 A We, that is the Deputy District Attorney,
6 Mr. Bugliosi, and me and my colleagues.

7 We felt that it would be necessary to double
8 check with the pictures that were labeled and numbered.

9 As I was reviewing the diagram, I found a
10 notation made in the diagram that there was a gunshot
11 wound through and through. So, I had to go back to the
12 black and white photograph, and I went back to the colored
13 photographs, and sure enough there was a through and through
14 gunshot wound found.

15 I did not recognize it under the X-ray examina-
16 tion because there was no detectable lead fragments found.

17 Q So, you can make mistakes from time to time?

18 A Omissions, perhaps; no major mistakes.

19 MR. FITZGERALD: Thank you.

20 I have no further questions.

21 THE COURT: Mr. Shinn, any questions?

22 MR. SHINN: Thank you.
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CROSS-EXAMINATION

1
2 BY MR. SHINN:

3 Q Doctor, you stated that you were at the Tate
4 residence?

5 A Yes.

6 Q And I believe you went there on, what? The
7 10th of August or the 9th of August?

8 A August 9th, 1969.

9 Q And that was approximately about what time,
10 2:00 o'clock in the afternoon?

11 A Yes.

12 Q Someone was there before you from your office;
13 is that correct?

14 A Yes.

15 Q When you were at this premises, the Tate
16 residence, did you make any type of tests on the bodies?

17 A No, I did not make any tests, sir.

18 Q Are there various types of tests that you can
19 make to determine the time of death, the approximate time
20 of death, of the victims?

21 A Yes.

22 Q What are the various types, methods, you could
23 use?

24 A Well, we use conventional methods, which are
25 the degree of rigidity called rigor mortis, and the degree
26 of discoloration caused by the blood settling in a dependant

1 portion of the body. This is called livor mortis.

2 Also, we check the body temperature to see if
3 there is any difference between the normally expected body
4 temperature compared to the body temperature found at the
5 scene, which sometimes is quite helpful and sometimes is
6 not too helpful.

7 Then we use an examination of the stomach
8 contents as to whether or not the person has had any meal,
9 and if so, what kind of meal; whether it is breakfast,
10 or whether it is consistent with lunch or dinner.

11 Sometimes we also document the amount of urine.
12 A full bladder is often found in the early morning.

13 Then there are a number of physiological
14 tests to determine whether or not muscle contractions still
15 remain after death.

16 We also check whether or not the surface of
17 the eyeballs are clear. This sometimes helps us a great
18 deal.

19 There are a number -- we can do a post-mortem
20 chemistry, and we can do about 20 different tests. However,
21 none of the things, unfortunately, are too reliable.

6b fls.

6B-1

1 Q Now, what would be the best method to use, say,
2 on the scene?

3 A Well, we still stick with the standard techniques;
4 a determination of rigor mortis or livor mortis, lividity,
5 and temperature taken of the liver.

6 Q In other words, these various methods you just
7 described could be done at the scene; is that correct?

8 A Yes.

9 Q Were any of these methods used on any of the
10 victims at the scene to determine the approximate time of
11 death?

12 A Yes. Three methods were used under my
13 direction.

14 I did not do the tests personally except that
15 at the scene I did instruct and direct on the conducting
16 of the examination.

17 Q On which of the victims were these examinations
18 given at the scene?

19 A The five decedents.

20 Q On these five decedents did you use these three
21 methods or did you use just one of the methods you
22 described?

23 A The three methods.

24 Q From that were you able to approximate the time
25 of death?

26 You can refer to your notes if you want to,

Doctor.

1 A I tried to determine the approximate time of
2 death. It was a rather difficult task for me, but I would
3 be able to express an opinion, which may not be too helpful,
4 based on solely what I saw and what the tests showed.

5 Q Could you give us an approximate time, say,
6 on Folger, Miss Folger?

7 THE COURT: Before you answer that question, Doctor,
8 we will take our recess at this time.

9 Do not converse with anyone nor form or express
10 any opinion regarding the case until it is finally submitted
11 to you.

12 The Court will recess for 15 minutes.

13 (Recess.)
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1 THE COURT: All parties, counsel and jurors are
2 present.

3 You may continue, Mr. Shinn.

4 MR. SHINN: May I have the last question read back,
5 your Honor?

6 THE COURT: You had started to inquire about the
7 doctor's opinion as to the time of death.

8 MR. SHINN: I believe he was still answering, your
9 Honor.

10 MR. STOVITZ: Yes, he was telling how difficult it
11 was for him to answer the question and then we broke for
12 recess.

13 THE COURT: Apparently this reporter does not have
14 that question so you will have to reframe it.

15 BY MR. SHINN:

16 Q Doctor, do you recall the last question I
17 asked you before the recess?

18 A Yes, I do.

19 Q And did we direct this question to a particular
20 victim -- I believe it was Miss Folger?

21 A Yes.

22 Q And I believe I asked you to give us an
23 approximate time of her death and I believe you were looking
24 at notes there.

25 A Yes.

26 Q Do you have that information now, Doctor?

1 A Yes, I think I was about to express my
2 opinion.

3 I think I can only express an opinion by
4 perhaps some of the mental exclusions which I often use.

5 In this case the body temperature was not
6 too helpful because the room temperature and the environ-
7 mental temperature at Miss Tate's residence was so high,
8 I believe that Miss Folger, for example --

9 Q Doctor, may I remind you that Miss Folger, I
10 believe, was found on the lawn, out in the open I believe.

11 A Yes, she was found in the green lawn, and the
12 sun was shining, and I would almost describe it as a
13 burning hot sun, and she was found face up and the --
14 pardon me.

15 (Witness looks through documents.)

16 The temperature at 2:00 p.m. of August 9,
17 1969, the environmental temperature outside was 88 degrees
18 Fahrenheit, and her temperature was taken, and it
19 registered 92 degrees.

20 But --

8 fls.

1 MR. STOVITZ: Is that centigrade?

2 THE WITNESS: Fahrenheit. 92 degrees Fahrenheit.

3 And the rectal temperature, which I felt may be
4 necessary because of the burning sun, the rectal temperature
5 was 89 degrees Fahrenheit.

6 At that time Miss Folger had four plus -- that
7 is marked -- rigor mortis in the neck, jaw, shoulder, elbow,
8 wrist, hip, knee and ankle.

9 That means she was in full rigor mortis.

10 MR. SHINN: Q Doctor, what does that mean?

11 A Full rigor mortis has completely developed
12 involving the entire body.

13 This gives us some idea as to the approximate
14 time of death.

15 Q I see.

16 A May I go on further?

17 Q Yes.

18 A I felt that as the body was exposed to the
19 burning sun, I thought it was best to study the body in
20 intervals.

21 So, the body was removed to the Hall of Justice
22 and a restudy of the liver temperature and rigor mortis
23 was made. This was about 6:20 to 6:23 p.m. of August 9th,
24 1969.

25 The room temperature at that time in the Hall
26 of Justice was 83.5 degrees in Fahrenheit. The liver

8-2

1 temperature was 91.5 degrees in Fahrenheit.

2 The rigor mortis in the neck area was com-
3 pletely gone. However, we registered a 4 plus, a strong
4 remaining rigor mortis in the jaw, about 2 plus rigor mortis
5 in the elbow and wrist, and 3 plus in the hip.

6 We use zero for absent and 4 plus for maximum
7 rigor mortis. So, two would be halfway, three closer to
8 four, and one is closer to leaving or the developing stage.

9 The hip, knee and ankle showed 3 to 4 plus
10 rigor mortis.

11 I again instructed that a few things be done,
12 a rigor mortis and a liver temperature to be checked at
13 8:25 a.m.

14 The room temperature remains the same, 83 degrees
15 Fahrenheit. The liver temperature declined very slowly to
16 87.5 degrees in Fahrenheit.

17 At that time only the hip, knee and ankle showed
18 rigor mortis.

19 I might add that 1 plus degree of rigor mortis
20 was found in the wrist.

21 Based on these findings, I shall try very hard
22 to express an opinion.

23 First of all, I would like to exclude from these
24 findings that the decedent's body at this time had not
25 been more than 36 hours from the time of examination
26 about 2:00 o'clock. The reason is that rigor mortis usually

1 occurs and develops rapidly when a person dies after
2 vigorous physical exercise. And also, rigor mortis often
3 appears faster in the hot burning sun and warm temperature.
4 But rigor mortis leaves the body rather rapidly.

5 Now, I believe the liver temperature, if I use
6 the liver temperature at this time, which more or less
7 leads to the environmental temperature, I think it would be
8 difficult for me to pinpoint the exact timing.
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1 Q Is that your answer, Doctor? Give us an
2 approximate time of death.

3 Before you answer that question, Doctor, did
4 you in your reports make an approximate time of death of
5 any of these victims?

6 Are you trying to approximate the time of
7 death now?

8 A Well, I'm trying to -- I have attempted many
9 times in the past, and we have a document in here, and I
10 am trying to figure out whether or not I would be able to
11 express an opinion which may be meaningful.

12 But I think based on this evidence here I can
13 give a specific timing.

14 If I go to another case, perhaps, the stomach
15 contents may be of assistance in determining the approx-
16 mate time of death.

17 Q Well, in this case did you make an examination
18 or test for the stomach contents of Miss Folger?

19 A Yes, the test is basically the examination of
20 the gastric contents by visual means.

21 Q So in these various methods that you use,
22 could you give us the approximate time of death, in your
23 expert opinion?

24 A My expert opinion, it is unfortunate, I know
25 there are limitations on the time, and I believe I am quite
26 cautious not to express an opinion when I am not able to

1 back my opinion in a scientific manner.

2 I would say in Mrs. Sharon Tate's stomach --

3 Q Pardon me, Doctor, I am still with Miss Folger.

4 A Well, I would do the best I can on this, but
5 I don't think I really can express an opinion.

6 Q Well, Doctor, then let me ask you this:

7 Do you feel with all this information that
8 you have that it is very difficult for you to give us an
9 approximate time of death, is that what you are saying,
10 Doctor?

11 MR. STOVITZ: As to Miss Folger.

12 MR. SHINN: Yes, we are still on Miss Folger.

13 THE WITNESS: Yes.

14 BY MR. SHINN:

15 Q Well, in the past, Doctor, have you -- not in
16 this case -- but have you in other cases made the time of
17 death in other cases?

18 MR. STOVITZ: Immaterial, your Honor.

19 MR. SHINN: I just want to go into the background.

20 THE COURT: Overruled, you may answer.

21 THE WITNESS: Yes, I have.

22 BY MR. SHINN:

23 Q And that was on the basis of these various
24 tests and methods that you have just described to us
25 in court?

26 A Yes.

1 Q Now, as to Mr. Frykowski, you would not be
2 able to give us an approximate time of death on Mr.
3 Frykowski, or maybe with that information you can give us
4 the approximate time of death, by looking at your notes.

5 A Well, I will be able to express -- yes, I think
6 perhaps in all fairness, based on what we know in science,
7 that rigor mortis usually develops two or three hours
8 after death and gradually it develops in an area of the
9 jaw, neck, shoulders, the arms and wrists area, to the
10 abdominal muscles, the back, and to the knee and ankles.

11 Now, this is usually completed in 12 hours.

12 But when there is physical activity involved
13 and hot temperature is involved, the formation of complete
14 rigor mortis may be present at eight hours after death.

15 Usually rigor mortis remains for 18 hours
16 after death; perhaps sometimes for 24 hours.

17 But certainly, rigor mortis will disappear
18 after 36 hours.

19 Based on these figures, at 8:25 p.m. of
20 August 9th, 1969, the pattern of rigor mortis as I would
21 consider it, is definitely leaving, it is almost to the
22 end.

23 So that probably reaching 24 to 36 hours
24 range --

25 Now, let's figure this out.

26 MR. STOVITZ: Do you want some pencil and paper,

1 Doctor?

2 THE WITNESS: I think I can do it, thank you very
3 much.

4 If we figure between 24 hours to 36 hours
5 prior to the 8:25 p.m., it will be sometime on August 8th,
6 1969, 8:25, to 36 hours, makes around -- so let's say
7 early morning of August 9th, 1969.

8 That is the best we can do.

9 Q Doctor, is your answer that death could have
10 occurred on August 8th from 8:25, did you say, 8:25 p.m.
11 or a.m.?

12 A A.m.

13 Q August 8th, 8:25?

14 A 8:25.

15 Q 8:25 p.m.?

16 A P.m., yes.

17 Q At night, to August 9th?

18 A Let me see just a moment now.

19 I believe -- may I correct this?

20 I believe, first of all, may I caution that it
21 is a usage of the number, 24 hours to 36 hours, that is
22 based on the standard curve, but I think that the rigor
23 mortis alone should not be used for a total criterion.

24 I think perhaps because of the body preservation--
25 that might have occurred before 24 hours, and prior to the
26 time of the examination.

10 fls.²⁶

10-1

1 Q So your answer still is August the 8th, 8:25
2 p.m., to approximately the early morning hours of August the
3 9th, 1969, Doctor? Would that be your answer then?

4 A Yes, I believe that is the answer.

5 It is not totally outside the scope of the
6 analysis of rigor mortis.

7 Q On Mr. Frykowski, what methods did you use,
8 Doctor?

9 A Essentially the same.

10 Q That is, the three methods?

11 A Yes.

12 Q Did that method include the sustaining method,
13 the body sustaining the blood?

14 I don't recall what you said about the three
15 methods. Did that include the sustaining method?

16 A Lividity, and another one is rigor mortis, and
17 another one would be liver temperature.

18 Q Would you say that the approximate time of
19 death of Sebring would be the same? Or is it different
20 from your notes?

21 I am referring to Mr. Sebring now.

22 A That is essentially the same. The three methods
23 were used.

24 Q On Mr. Sebring?

25 A Yes.

26 Q Doctor, are you saying that at the scene,

10-2

1 at the Tate residence, that you did make these three types
2 of tests; is that correct?

3 A Yes.

4 Q Then later, Doctor, at the Hall of Justice,
5 you made various other types of tests; is that correct,
6 Doctor?

7 A Well, the same tests, the same type of tests,
8 but it is done in a different location and at a different
9 time.

10 Q Now, did anyone show you a knife regarding this
11 case before coming to court today or yesterday?

12 Did the District Attorney or the Police
13 Department officers show you any type of a knife?

14 A Somebody showed me one this morning.

15 MR. SHINN: Your Honor, is that Exhibit --

16 MR. STOVITZ: That is 39, is it not, Mr. Kanarek?

17 MR. KANAREK: I showed it to Dr. Noguchi, but I
18 don't know the exact number.

19 MR. FITZGERALD: 39.

20 MR. SHINN: 39?

21 Q Doctor, did you see this particular knife
22 before coming to court today?

23 A No, sir.

24 Q Did anyone from the Police Department or from
25 the District Attorney's Office show you any type of a
26 weapon before coming to court to testify?

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A Yes. Quite a few. They asked my opinion.

Q Concerning this case?

A Yes.

Q They showed you quite a few?

A Yes.

Q Did they show you any type of a knife?

A Yes.

10A

10-4

1 Q Do you recall what type of a knife they showed
2 you?

3 A There was, I think, what appeared to be a
4 hunting type of knife.

5 Q Let me ask you this, Doctor. Do you know the
6 person or persons that showed you this knife?

7 A Yes. It was Officer DeWayne Wolfer of the
8 Los Angeles Police Department.

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

10 THE COURT: In connection with this matter?

11 MR. KANAREK: Yes, Your Honor.

12 THE COURT: Very well.

13 (Whereupon, all counsel approach the bench and
14 the following proceedings occur at the bench outside of
15 the hearing of the jury:)

16 MR. KANAREK: Your Honor, it seems to me --

17 THE COURT: Let's get to the point now.

18 MR. KANAREK: Yes.

19 The point is that Mr. Shinn is interrogating
20 in connection with "this case," and evidently this witness
21 may have in his mind something that happened in connection
22 with the La Bianca matters.

23 I will object to any questions which will
24 bring out anything concerning any weapons that Linda
25 Kasabian was questioned about, that is, concerning the
26 La Bianca matter at this point. I think it is outside the
scope.

1 MR. STOVITZ: Maybe we can stipulate that when
2 counsel refers to "this case," that he refers to the five
3 decedents up to now. Okay?

4 MR. KANAREK: Okay.

5 MR. STOVITZ: Let's go.

6 THE COURT: He has been asked at this point whether
7 or not he was shown any weapons.

8 MR. KANAREK: Yes, and I will object to Mr. Shinn
9 bringing in anything -- we haven't come to the La Bianca
10 matters yet.

11 MR. STOVITZ: We will stipulate that when you are
12 talking about "this case," that you are talking about the
13 five deceaseds up to now. Okay?

14 MR. SHINN: Yes.

15 THE COURT: All right.

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

20 MR. SHINN: Doctor, we are now talking about the Tate
21 incidents and not any other incidents.

22 A Yes.

23 Q Do you follow me, Doctor?

24 A Yes, I do.

25 MR. STOVITZ: The five deceased found at the Tate
26 residence.

1 MR. SHINN: Yes.

2 Q So, when I ask you these questions now,
3 Doctor, I am concerned with the Tate residence incidents.

4 A Yes.

5 Q When I ask you whether or not these officers
6 showed you any type of weapon, I am still concerned about
7 the Tate incidents and nothing else.

8 A All right.

9 Q Do you understand that, Doctor?

10 A Yes.

11 Q I hope I didn't confuse you.

12 A No.

13 Q Now, you stated that a police officer showed
14 you a knife.

15 We are still concerned with the Tate incident;
16 correct, Doctor?

17 A Yes.

18 Q Was that knife shown to you in connection with
19 the Tate incidents?

20 A Yes.

21 I believe, at my request, Officer Wolfer was
22 able to bring some of the knives for comparison, for me to
23 check.

24 I don't carry a knife. I don't have a knife in
25 my office. So I had to have some type of a reference.

26 Q But, Doctor, was this in reference to the Tate

1 incidents when this officer showed you this knife?

2 A Yes. In connection with the Tate incidents.

3 However, it is more or less a study that I
4 have been connected with for many years, to study and
5 determine the size and shape of a weapon.

6 You may call this in connection with the Tate
7 case, but it is more or less my interest, rather than
8 having a stabbing weapon to be actually connected with the
9 particular case.

10 Q But these weapons that he showed you were not
11 connected with this case, was it, Doctor?

12 MR. STOVITZ: That calls for a conclusion on the
13 part of this witness, your Honor, and I object to the
14 question on that basis.

15 MR. SHINN: May I be heard, your Honor, before the
16 Court makes a ruling?

17 THE COURT: Very well.

18 MR. SHINN: If he knows of his own knowledge whether
19 these were connected with the case he can answer the
20 question.

21 MR. STOVITZ: With the addition of that, we will
22 withdraw our objection.

23 MR. BUGLIOSI: But even on that basis, your Honor, it
24 would be based on hearsay. His conclusion would be
25 based on what someone told him.

26 THE COURT: I think the question is objectionable,
Mr. Shinn.

The objection is sustained.

10b-1

1 Q Do you know of your own knowledge whether or
2 not these weapons that were shown to you were connected
3 with this case?

4 MR. BUGLIOSI: That calls for a conclusion and also
5 hearsay.

6 THE COURT: Sustained.

7 BY MR. SHINN:

8 Q Now, when this officer showed you these knives,
9 did he say that maybe this type of a knife might have made
10 this type of a wound?

11 MR. BUGLIOSI: Calls for hearsay, and it is also
12 irrelevant.

13 MR. SHINN: It goes to the issues, your Honor.

14 THE COURT: Read the question.

15 (The question was read by the reporter.)

16 THE COURT: Overruled. You may answer.

17 THE WITNESS: Of course, I asked for any weapons
18 large enough and about one to one and a half inches wide,
19 and at least five inches long. So, he brought several
20 knives. I more or less asked him. I asked him to bring
21 it over.

22 I don't think he in any way mentioned this
23 had anything to do with the stab wounds.

11 fls.

11-1

1 Q But did these knives help you form your opinion
2 as to the description of these wounds?

3 A Well, kind of helped me. There is one he
4 had that I don't think that is the one I have in mind;
5 that way it helped me.

6 Q Now, the type of wounds that you described,
7 Doctor, isn't it possible they could have been made by,
8 say, a bamboo type of a weapon?

9 MR. STOVITZ: Bamboo?

10 MR. SHINN: Bamboo.

11 BY MR. SHINN:

12 Q Isn't that possible, Doctor?

13 A Well, I would say even a well made bamboo
14 would not be able to produce such characteristic stab
15 wounds.

16 Q Doctor, is there a method where you can examine
17 a body to determine whether or not that person has taken
18 LSD?

19 A Well, we have tried, but there is no valid
20 test available for detecting small quantities of LSD in
21 the person who died.

22 Any instant where we study on the blood,
23 urine or organ specimen, so that my answer is no as far
24 as I know, we don't have a method, and established method
25 for detection of LSD in the body.

26 Q How about a large dose? You said a small

11-2

1 dose. How about a large dose of LSD?

2 Would it be possible to determine whether or
3 not that person has taken a large dose of LSD?

4 A There might be a possibility. There is one
5 scientist who claimed to be able to -- he claims he
6 would be able to detect LSD from a broad sample.

7 But we have not been able to produce any
8 results.

9 I believe he is dealing with large quantities,
10 but we do know by number of the tests, by using a gastro
11 chromatograph or thin layer chromatograph to isolate the
12 compound.

13 But if we are dealing with very minute quanti-
14 ties like perhaps one-tenth of one-millionth of a gram,
15 and distribute it in fluid, we have not been able to
16 recover it.

17 Q Is it fair to say, Doctor, none of these tests
18 were made?

19 A That is true.

20 Q No test of any kind regarding LSD in these
21 five victims was made, is that correct, Doctor?

22 A That is true.

23 Q Now, is it possible to determine whether or
24 not a person had a heart attack, who had the stab wounds?

25 A The stab wounds causing a heart attack?

26 Q No, say the heart attack first, and then the

11-3

1 stab wound. Is it possible to determine that?

2 A Yes.

3 Q In other words, you could examine the heart
4 and determine the person died before he was stabbed or
5 bled to death?

6 MR. STOVITZ: That is ambiguous, before he was
7 stabbed or before he bled to death?

8 MR. SHINN: Before he was stabbed.

9 THE WITNESS: Yes, we should be able to tell.

10 When a person dies from a heart attack and then
11 he or she is stabbed, there will be no bleeding.

12 BY MR. SHINN:

13 Q Well, was such a test made on these five
14 victims?

15 A Yes, we examined the heart. There was no sign
16 of a heart attack.

17 Q You stated that Mr. Frykowski had a certain
18 percentage of MDA in his urine, is that correct?

19 A Yes.

20 Q Does the time element make that test vary,
21 the longer you wait the less percentage in the body, or
22 the shorter time you wait the more percentage in the body?

23 MR. STOVITZ: If the doctor understands the question
24 I will withdraw my objection; but I will object on the
25 grounds it is unintelligible.
26

1 BY MR. SHINN:

2 Q Do you understand the question, Doctor?

3 A I think so, I think I do.

4 Q All right.

5 THE COURT: You may answer.

6 THE WITNESS: Thank you.

7 Theoretically true, it is true except when a
8 person takes a medication and excretes it from the kidney,
9 naturally the high dosage of such drug found in the urine
10 will be in the earlier phase of the clinical application,
11 than waiting for another, say, 12 to 24 hours.

12 But it is very difficult when we are dealing
13 with a urine sample, generally speaking I think I would
14 agree that at an earlier phase I would expect to find a
15 high excretion of the amphetamine group.

16 But I would like to caution that we are dealing
17 with urine. Urine -- its contents, the medications are
18 washed through the kidneys so that a person who takes a
19 large amount of water, then the compound in that water
20 will be diluted.

21 If a person does not take any fluid, if he
22 is dehydrated, the concentration of the chemicals per
23 100 cc. may be greater.

24 But if you are dealing with a blood determination,
25 I think such determination -- the value would be more
26 reliable.

11a fls.

11A-1

1 Q Doctor, then is your answer that the longer
2 you wait the less you find in the body, the less you find
3 in the body?

4 MR. STOVITZ: I object to the question as ambiguous.

5 Q BY MR. SHINN: Doctor, do you understand the
6 question?

7 A I think so; simply common sense -- the longer
8 you wait after ingestion, the less likely to show a higher
9 concentration of medication or drugs in the urine.

10 That is simple; that is true.

11 Q Doctor, will you tell us what time you made
12 this test on Mr. Frykowski by looking at your notes, the
13 urine test?

14 A Actually we collected the urine sample at the
15 time of autopsy. Once the sample is retained in the
16 specimen jar, the contents do not change.

17 Q Can you tell us when you took this urine
18 specimen from Mr. Frykowski, the date and time?

19 Perhaps it is in your notes.

20 A I will be very happy to tell you, just during
21 the time of the autopsy, five cases collectively, in the
22 morning or early afternoon of August 10th, 1969.

23 But I might also mention that metabolic
24 processes in the human body stop after death, so that the
25 urine sample that shows certain drugs in the bladder, it
26 means it was there at the time of death.

11a2

1 Q Doctor, you testified at the Grand Jury hearing,
2 did you not, I think it was on December 5th and the 8th.

3 MR. KANAREK: Your Honor, I would object and ask to
4 approach the bench, your Honor.

5 THE COURT: Very well.

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

8 MR. SHINN: This doctor did testify at the Grand Jury
9 hearing, and then he testified the last two days, and
10 according to his testimony in court now there is a difference
11 from the time he testified at the Grand Jury hearing, the
12 number of stab wounds -- that's all I wanted to bring out.

13 MR. BUGLIOSI: Of course, it has been brought out on
14 direct, that there has been a change in stab wounds, gun-
15 shot wounds.

16 Is that what you are seeking?

17 MR. SHINN: Inconsistent testimony.

18 MR. KANAREK: My point is to ask the Court to admonish
19 the jury not to consider that for any purpose.

20 THE COURT: Consider what?

21 MR. KANAREK: This statement about the Grand Jury,
22 and is also calls for the inference and the knowledge, I
23 am sure, where I disagree with the Court, I am sure that
24 these people will make the inference from that statement
25 that Susan Atkins testified at the Grand Jury.

26 I ask the Court to admonish the jury and mere

1 admonishment not sufficing, I ask the Court to grant a
2 mistrial because any reference to the Grand Jury in my
3 opinion, they will connect up Susan Atkins to that
4 Grand Jury.

5 THE COURT: I don't even know what you are talking
6 about.

7 MR. STOVITZ: I don't either.

8 THE COURT: These cases don't come into being by
9 some process of immaculate conception.

10 It is either by Grand Jury or preliminary
11 hearing. That is no secret.

12 MR. SHINN: Your Honor, in the interest of time I
13 will withdraw my question.

14 MR. STOVITZ: Thank you, Mr. Shinn.

15 MR. KANAREK: May I have rulings on my requests, your
16 Honor.

17 THE COURT: Denied.

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

20 MR. SHINN: Your Honor, I will withdraw my last
21 question, your Honor.

22 THE COURT: Very well.

23 MR. SHINN: That finishes my cross-examination.

24 THE COURT: Any questions, Mr. Kanarek?

25 MR. KANAREK: Yes, your Honor, thank you.
26

lib-1

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

2 THE COURT: Yes.

3
4 CROSS-EXAMINATION

5 BY MR. KANAREK:

6 Q Dr. Noguchi, I have here a document entitled
7 "The Continuation Sheet."

8 Is this one of the official documents in your
9 office concerning this case?

10 A Yes, sir.

11 Q And it is one of the documents you have used
12 in connection with making your statement that you have made
13 here in court.

14 You read this over before coming to court?

15 A I must admit this particular document, I did
16 not read it. I did not read it carefully if I have read
17 it. This was prepared by another person.

18 Q Well, is it a fair statement, Doctor, that
19 many of these documents have been prepared by other
20 people?

21 A That's right.

22 Q And this document is an official document,
23 part of the matters that occurred at the Tate residence,
24 is that correct?

25 MR. BUGLIOSI: I object to this line of questioning,
26 your Honor. I would like to approach the bench on this.

1 THE COURT: Very well.

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

4 MR. BUGLIOSI: I have had this experience before in
5 other cases. The guy from the Coroner's Office, I don't
6 know what you would call him, a Coroner's Deputy, goes
7 to a scene and makes statements like this, I have had it
8 in other murder cases, and it almost creeps into the
9 evidence.

10 The beginning of the statement is as follows:

11 "Apparently entertaining a mixed group
12 of four young people at her luxurious avant
13 garde ranch estate type home, the party was
14 noticed by neighbors down the street" --

15 This man, Mr. Finken, arrives at the scene,
16 he is just a functionary of the Coroner's Office, and he
17 is stating here conclusions as to what happened at the
18 scene of the murder.

19 This is what Mr. Kanarek is trying to go into
20 right now.

21 I would like to nip it in the bud. It is
22 hearsay; it is conclusionary; it is ridiculous.

23 I have seen this happen on other murder cases,
24 where, for some reason, deputies from the Coroner's Office
25 go out and state conclusions as to how murders took
26 place.

1 This is what Mr. Kanarek is attempting to do
2 with this document right now, for all I know the next ques-
3 tion of Dr. Noguchi would be:

4 "Q Isn't it true, Doctor, that this document
5 says?"

6 I have seen that document before.

7 Finken had it. I am very aware of that docu-
8 ment.

9 I suggest Mr. Kanarek's motivation is not ethical
10 with respect to this document.

11 MR. KANAREK: The District Attorney cannot have it
12 both ways.

13 THE COURT: Let's get to the point.

14 MR. KANAREK: I am put on the defensive here, your
15 Honor.

16 The point is this is an official document made
17 in the ordinary course of business.

18 THE COURT: Then you should have cross-examined Mr.
19 Finken on that document when he was a witness.

20 MR. KANAREK: This witness has spoken as to many
21 documents that have been made by many people in connection
22 with this case, your Honor, so this is just another document.

23 THE COURT: What do you propose with respect to this
24 document, Mr. Kanarek?

25 MR. KANAREK: I am going to ask him whether his
26 testimony is based in part upon the events that are set

1 out here, and it is perfectly legitimate.

2 THE COURT: His testimony as to what?

3 MR. KANAREK: As to the matters he has specified to.

4 It is a matter of a fair trial.

5 MR. STOVITZ: I suggest we mark this as defense
6 exhibit for identification, let the doctor read it during
7 the lunch hour.

8 If the doctor has in fact used any of the
9 incidents report in that two-page document, counsel has the
10 right to go into it.

11 If the doctor says he has not used this docu-
12 ment, then he does not have a right to cross-examine on it.

13 Similar to a textbook.

14 THE COURT: Mr. Finken testified he was an investigator
15 from the Coroner's Office.

16 This is apparently his investigation report,
17 a portion of it, of his findings, whatever they are based
18 on, at the Tate residence.

19 Now, how do you expect to use this in connection
20 with Dr. Noguchi?

21 MR. KANAREK: Your Honor, many of the things Dr.
22 Noguchi has testified to, he is not percipient.

23 THE COURT: You can ask him if he relied on this.

24 MR. KANAREK: That is what I asked him.

25 THE COURT: Without reading it to the jury.

26 MR. KANAREK: The fact of the matter is that one

1 document, counsel somehow or another, because it doesn't
2 line up with his theory of the case, he is objecting to.

3 MR. BUGLIOSI: Your Honor, I think we have to
4 establish right now whether he can read any portion of this.
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1 THE COURT: I just told him he could not.

2 He may ask Dr. Noguchi if he relied on the
3 report.

4 MR. BUGLIOSI: The reason I came up here, your Honor,
5 is because I am fearful that he is going to start blurting
6 out the contents of the document. This is the reason that
7 I took up the Court's time.

8 THE COURT: You can show it to Dr. Noguchi and ask
9 Dr. Noguchi to read it as to whether or not he can answer
10 the question as to whether or not he relied on any part of
11 it, but you are not to read it, of course, in front of the
12 jury, unless and until such time as it is received in
13 evidence.

14 MR. KANAREK: I am sure your Honor agrees with me,
15 and counsel would agree with me, if he wanted to advocate
16 material in this document, that an expert opinion is
17 predicated upon hearsay.

18 You cannot object to hearsay when you evaluate —

19 THE COURT: You may ask him whether he relied on it.
20 All I am saying is don't read it or any portion of it aloud
21 so the jury may hear it until such time as it is received
22 in evidence, if it ever is.

23 MR. KANAREK: Very well.

24 (Whereupon, all counsel return to their
25 respective places at counsel table and the following
26 proceedings occur in open court within the presence and

2-2

1 hearing of the jury:)

2 MR. KANAREK: Q Dr. Noguchi, directing your
3 attention to this morning at the recess period.

4 During that recess period, did we have a
5 discussion, you and I?

6 A Yes.

7 Q And did I hand you a knife?

8 A Yes.

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

11 THE COURT: You may.

12 MR. KANAREK: Q Is that the knife that you have
13 in your hand?

14 I think when I handed it to you it had either
15 connected with it or adjacent to it a piece of paper which
16 I think is the identification of it.

17 MR. STOVITZ: It is Exhibit 39 for identification,
18 Counsel. We will all stipulate to that.

19 MR. KANAREK: Yes. Here it is. Right.

20 Q Now, Doctor, is it a fair statement that until
21 this morning you had never seen this knife?

22 A That is true, yes.

23 Q No one from the District Attorney's Office
24 or any law enforcement agency had called you to see this
25 knife or have this knife in your possession?

26 A That is true, yes.

Q Now, directing your attention, Doctor, to -- well, first of all, would you tell us, Doctor, what blood types each of the people who passed away at the Tate residence had?

A Miss Sharon Tate, O positive; that is, RH positive.

Miss Folger, B; RH negative.

Mr. Frykowski had blood type B; RH negative.

Mr. Sebring, O; RH negative.

And Mr. Parent had B. Is that satisfactory?
Type B.

Q Is there anything further that will define it?
It is up to you.

Have you answered the question?

A I am looking for the RH type for Mr. Parent.

Q Well, over the noon recess, Doctor, can you locate that?

A Yes.

Q We might save a few minutes.

A Yes, I will be happy to do so.

Q Now, Doctor, would you tell us how long after human blood leaves the body it is still possible to determine the blood type?

MR. STOVITZ: In the body or out of the body, Counsel?

I object to the question as ambiguous.

MR. KANAREK: All right. I will rephrase it.

L2A-1

1 MR. KANAREK: Q Directing your attention first to
2 blood that is outside the human body. How long after blood
3 leaves the human body can that blood be identified by
4 blood type?

5 A Well, providing the blood protein, specifically,
6 the reacting agents called antigen, is not destroyed by
7 heat or other chemical factors, then I would expect that we
8 would be able to tell the blood type specifically, A, B,
9 AB or O from a blood stain kept for many, many years.

10 Q Now, directing your attention, Doctor, to the
11 back step leading to the swimming pool at the rear of the
12 house.

13 There was blood found at that point; is that
14 correct?

15 MR. STOVITZ: That calls for a conclusion of this
16 witness, your Honor. I also object that it is outside the
17 scope of the direct examination.

18 THE COURT: overruled.

19 MR. KANAREK: Q Are you familiar with that, the
20 blood that was found at the back step leading to the swimming
21 pool at the rear of the house? Are you familiar with that?

22 A I went through the bedroom to the swimming pool.
23 I don't remember the name of the person, but it was pointed
24 out to me that this was the area of the blood stain. But I
25 do not recall whether I saw the blood stain or not.

26 Q Now, Doctor, directing your attention to the

1 diagram.

2 Can you see the diagram from where you are
3 sitting?

4 A Yes, I can see the general outline of the diagram,
5 sir, yes.

6 Q Now, was this blood, the spot that was located
7 at or near the back steps leading to the swimming pool at the
8 rear of the house, was that blood analyzed for blood
9 type?

10 A Not in my department, no.

11 Q Well, now, then, directing your attention to
12 -- you have been very intimate in connection with this case,
13 Doctor? We are referring to the events at the Sharon Tate
14 home. Is that correct?

15 A Well, for the last two or three days I have been,
16 yes. I have been more or less refreshing my memory, yes.

17 Q I mean, from the inception, from the beginning
18 a year ago, I mean last August, August of '69. You have
19 been very intimate with this matter; right?

20 A I would say so, yes.

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1 Q Now, to your knowledge, Doctor, has any other
2 laboratory or any other governmental unit caused to be
3 analyzed the blood that I have just indicated at the back
4 steps leading to the swimming pool?

5 MR. BUGLIOSI: That calls for a conclusion, your
6 Honor, and it concerns our next witness. It is beyond the
7 scope of the direct.

8 MR. KANAREK: Your Honor, what I am saying is that
9 Dr. Noguchi, in connection with his opinions, makes use
10 of hearsay. There is no question about it. And we are
11 entitled to go into matters that are relevant and material.

12 MR. BUGLIOSI: It calls for a conclusion and it calls
13 for hearsay. It is irrelevant and beyond the scope of
14 the direct.

15 THE COURT: Overruled.

16 You may answer.

17 MR. KANAREK: Do you remember the question, Doctor?

18 THE WITNESS: Yes, I do.

19 I believe, but whether it was done or not I am
20 not too sure, but I believe the Los Angeles Police Depart-
21 ment SID, Scientific Investigation Division, has analyzed
22 the blood found near the swimming pool.

23 This is the information I received.

24 MR. KANAREK: I see.

25 BY MR. KANAREK:

26 Q Can you tell us from looking at your records,

12b-2

1 or from your recollection -- or I have a document here;
2 from this document -- may I approach the witness, your
3 Honor?

4 THE COURT: You may.

5 BY MR. KANAREK:

6 Q From whatever you have brought to court for
7 us, Doctor, can you tell us what blood type was found at
8 that place that we have been speaking of there near the
9 swimming pool?

10 MR. STOVITZ: Your Honor, this is immaterial,
11 irrelevant, outside the scope of direct examination of
12 this witness.

13 THE COURT: Sustained.

14 It now appears that the doctor did not know
15 of his own knowledge whether any prior tests had been
16 conducted.

17 We will take the noon recess at this time.

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

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

22 (Whereupon at 12:00 p.m. the court was in
23 recess.)
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