

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

DEPARTMENT NO. 104

HON. CHARLES H. OLDER, JUDGE

COPY

THE PEOPLE OF THE STATE OF CALIFORNIA,

Plaintiff,

vs.

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

Defendants.

70

No. A253156

REPORTERS' DAILY TRANSCRIPT
Tuesday, August 25, 1970
P. M. SESSION

APPEARANCES:

For the People:	AARON H. STOVITZ and VINCENT T. BUGLIOSI, DEPUTY DISTRICT ATTORNEYS
For Deft. Manson:	I. A. KANAREK, Esq.
For Deft. Atkins:	DAYE SHINN, Esq.
For Deft. Van Houten:	[REDACTED] RONALD HUGHES, Esq.
For Deft. Krenwinkel:	PAUL FITZGERALD, Esq.

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JOSEPH B. HOLLOMBE, CSR.,
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>	<u>REDIRECT</u>	<u>RECROSS</u>
NOGUCHI, Thomas T. (Cont'd)			9010(B)	9011(F)
BAGGOT, King	9016	9030(F)		
GRANADO, M. Joseph	9039			

E X H I B I T S

<u>PEOPLE'S:</u>	<u>FOR IDENTIFICATION</u>	<u>IN EVIDENCE</u>
191-A through 191-E - Photographs	9020	

1 LOS ANGELES, CALIFORNIA, TUESDAY, AUGUST 25, 1970

2 2:00 o'clock p.m.

3 - - - -

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

6 You may continue, Mr. Kanarek.

7
8 THOMAS T. NOGUCHI,

9 the witness on the stand at the time of the noon recess,
10 resumed the stand and testified further as follows:

11
12 CROSS-EXAMINATION (Continued)

13 BY MR. KANAREK:

14 Q Dr. Noguchi, over the noon hour have you had
15 an opportunity to study the blood types.

16 It seems like you had a problem with one of
17 the blood types.

18 A Well, I -- we were referring to blood type
19 of Parent. Our report shows his blood type was B type
20 Rh positive.

21 Q I see, now, Doctor, can you tell us, assuming
22 that blood had passed from a human body outside the human
23 body onto a surface or, well, let's say it is located
24 outside the human body.

25 Is there any time period involved, or is there
26 a time period after which the analysis of the blood type

1 becomes inaccurate?

2 A Yes, there is a time factor involved in many
3 ways.

4 Q Could you tell us, is this time period a long
5 period, for instance does it amount to like a week or two,
6 let's^{say}/blood comes from the human body and it is exposed to
7 the atmosphere.

8 In a week could you still tell that blood type?

9 A We should be able to tell blood type, yes.

10 Q And what is the time period, could you give us
11 some sort of a time period, let's say, ordinary Southern
12 California type of atmosphere, minimum amount of rain,
13 and so forth, what would be the time period after which
14 you could not tell what the blood type was?

15 A Well, if a blood stain has sufficient quantity
16 we should be able to tell the blood type of the A, B, O
17 system.

18 If it dried without chemical changes I would
19 say we should be able to tell even though it had been dry
20 for many years.

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Q Is that right?

A Yes.

Q I see.

Now, what happens, Doctor, if blood of two different types mixes? Does that interfere with the analysis?

A Yes.

Q Now, directing your attention to the flagstone area near the front porch.

Do you have that in mind, Doctor?

A Yes.

Q At the Tate residence?

A Yes.

Q Was any blood analysis done as to that area, Doctor?

A Not in my department. None of the staff from my department conducted any examination for blood stains.

Q Do you know if anybody, to your knowledge, conducted an analysis of blood in that flagstone area, Doctor?

A I am not certain but I believe the Los Angeles Police Department has conducted a series of blood stain determinations for blood typings.

Q Now, when you want blood typed, what laboratory do you send the blood to, Doctor?

MR. BUGLIOSI: Irrelevant.

THE COURT: Sustained.

1 MR. KANAREK: Pardon?

2 THE COURT: Sustained.

3 BY MR. KANAREK:

4 Q Well, in connection with the particular blood
5 that was analyzed as far as the Tate residence is concerned,
6 what laboratory did you use?

7 MR. BUGLIOSI: Irrelevant.

8 THE COURT: Overruled.

9 THE WITNESS: Actually, as to blood stain determina-
10 tion concerned at the scene, we have relinquished jurisdic-
11 tion, and it is entirely a Police Department matter.

12 I have neither ordered nor requested such
13 examination.

14 BY MR. KANAREK:

15 Q Maybe I didn't make that clear, Doctor.

16 You did request blood analyses of certain
17 samples taken from the people that passed away, did you
18 not?

19 A Yes. I felt that it was necessary.

20 As a matter of fact, it is a routine procedure
21 to determine the blood type of the decedent's blood taken
22 from the body cavity or blood vessels.

23 Q And what laboratory did you send that blood to
24 for analysis?

25 A The laboratory in my department.

26 Q So this analysis was done right in your own

1 department?

2 A Yes, sir.

3 Q The blood typing?

4 A The blood typing of the blood obtained from
5 the decedents' bodies.

6 Q Now, directing your attention to the chemical
7 analyses that were made as to each of the people that passed
8 away. Where were those chemical analyses made?

9 A These chemical analyses were also made in my
10 department in the toxicological laboratory.

11 Q Now, did you attempt to analyze for LSD as far
12 as any of the tissue of the people that passed away is
13 concerned?

14 A We did not, sir.

15 Q Did you sent it out for someone else to
16 analyze?

17 A No, sir.

18 Q For LSD?

19 A No, sir.

20 Q You didn't cause any analysis to be made for
21 LSD whatsoever; is that correct?

22 A That is true.

23 Q Now, Doctor, you have testified that immediate
24 medical attention -- that some of these wounds were fatal
25 because there was not immediate medical attention; is
26 that correct?

1 A Well, by isolating one stab wound which I
2 classified as a stab wound that was potentially a fatal
3 stab wound, that was based on the hypothetical situation
4 where if he had received one stab wound in a similar
5 condition and if he had not had medical attention, I
6 would consider that he would die from hemorrhage.

7 But in these four decedents, there were numerous
8 stab wounds. Death was not due to lack of medical atten-
9 tion.

10 Q Now, Doctor, would you take for us the wounds
11 of Abigail Folger.

12 Would you get your diagram for Abigail Folger.

13 MR. STOVITZ: May I help the witness, Counsel?

14 MR. KANAREK: Yes.

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1 Q Now, is it a fair statement, Doctor -- I am
2 now directing your attention to Abigail Folger -- you cannot
3 tell the sequence of the wounds that you told us about?

4 A No, I cannot.

5 Q So at one time it is a fair hypothesis that at
6 one time certainly Abigail Folger had no wounds upon her
7 body, right?

8 A Yes.

9 Q Is that correct?

10 A Yes.

11 Q At one time -- so at some time she had one wound
12 upon her body?

13 A Yes, she would have to have one wound to start
14 with.

15 Q To start with, right.

16 Now, directing your attention to that hypothesis,
17 there were wounds upon her body which were superficial?

18 A Yes.

19 Q Is that correct?

20 A Yes, sir.

21 Q And directing your attention to, let us say,
22 someone intervening and stopping the injuries before any
23 of the fatal injuries were inflicted, the superficial wound
24 would not have been fatal in any event.

25 MR. BUGLIOSI: Assumes a fact not in evidence, your Honor,
26 that the first wound was superficial..

1 MR. KANAREK: Your Honor, we have a right to
2 interrogate in this matter.

3 THE COURT: Overruled, you may answer.

4 THE WITNESS: Yes, such condition could occur.

5 Q BY MR. KANAREK: Now, directing your attention
6 to the injuries of Abigail Folger; will you tell us, if you
7 can, by looking at the injuries upon her body, would you
8 pinpoint for us what wounds in no event, even untreated,
9 if there are such wounds, would have been fatal?

10 A Did you say would not be fatal, or would be?

11 Q That's right, even if untreated. I gather
12 it is a fair statement that there are some wounds upon
13 Abigail Folger's body which, even if untreated, if she
14 received no medical attention whatsoever, that they would
15 not have been fatal.

16 Is that a fair statement?

17 A Yes.

18 Q Would you pinpoint for us which of those
19 wounds, would you state for us which wounds those are?

20 Would it be helpful to use your protocol?

21 A I think I can handle that. Of course, there is
22 a difference of a gradation of the severity, from one that
23 is most fatal to one that is less likely fatal, but yet is
24 a very dangerous wound to the one that, perhaps, which may
25 have very little consequence as far as fatality is
26 concerned.

1 I will be very happy to point out perhaps two
2 or three which in my opinion would be of no consequence
3 as far as fatality is concerned.

4 Q All right. You have enunciated all of the
5 wounds. Would you tell us instead of two or three, could
6 you look over your notes and tell us which wounds would in
7 no event have been fatal even if untreated?

8 A Referring to People 's Exhibit 160, I believe
9 I can spot wound No. 16, defense wound, as I mentioned
10 before, it would be easily controllable as far as the
11 bleeding is concerned.

12 May I mark this with a check?

13 MR. KANAREK: Certainly.

14 May the record reflect, your Honor, that
15 Dr. Noguchi -- you are now going to put a check at each of
16 those --

17 Q That would not be fatal even if untreated, is
18 that correct?

19 A Yes. I believe stab wound 11 associated with
20 the cuts in the left hand can be controlled without medical
21 attention.

22 Of course, I am considering immediate
23 medical attention. This, indeed, could lead to an
24 infection, and the patient can die from an infection, too,
25 but as far as immediate --

26 MR. KANAREK: That would take a certain number of
days, wouldn't it, perhaps, or a great number of hours

1 before such infection would occur.

2 A Oh, yes, oh, yes, I'm just concerned in toto.

3 Q Very well.

4 A I would check 11 to be a wound which
5 required no medical attention.

6 I am inclined to believe that stab wound F and G
7 may require no medical attention.

8 But when the total number of the stab wounds
9 increase, it increases the danger of the bleeding, so I
10 am reluctant to mark too many.

11 Q Give us your best opinion, Doctor, and at the
12 same time tell us your reasons why you feel the way you
13 do.

14 A Yes, all right, I will be very happy to.

15 Stab wound F and G I would check with a
16 question mark as far as danger to life is concerned.

17 I have stab wound D and E, possibly they would
18 be classified in the same category with some reservation,
19 so I will check with a question mark D and E.

20 The remainder of the stab wounds are widely
21 separated. If it causes a great deal of bleeding, I can't
22 make any more evaluations as to the fatality.

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1 Q Yes, Doctor.

2 Now, directing your attention to those that
3 you have pointed out to us so far. Which of those are
4 not defensive wounds as you have termed defensive wounds?

5 A Well, stab wound D and E, I believe, cannot
6 be considered as defense wounds; and stab wound F and G
7 would not be classified as defense wounds.

8 In other words, defense wounds, in my opinion,
9 are stab wounds 11 and 16.

10 Q Now, Doctor, then directing your attention to
11 the -- I will withdraw that.

12 Would you now direct your attention to wounds
13 which would not have been fatal if medical attention had
14 been obtained.

15 I am now asking for wounds that you have not
16 termed fatal in any event. I am now asking for those
17 stab wounds that would not have caused or contributed to
18 death if medical attention had been received.

19 A Well, I would say that stab wound 11 and 16
20 are probably considered in the same category.

21 I can find only two that are probably less
22 damaging to the human body.

23 Q Now, you have told us, Doctor, that your
24 analysis is such that you have no way of telling which
25 wounds were inflicted first. You have no way of doing
26 that whatsoever; is that correct?

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A In this case, yes.

Q I am talking about Abigail Folger now.

A That is true.

Q You have no way of knowing?

A That is true.

Q Correct?

A Yes.

Q Now, Doctor, directing your attention to the position of the body as you saw it, and assuming that this person was in the house at a time prior to passing away, and directing your attention, Doctor, to a situation wherein the lady traversed a distance beginning at some point in the house, viewing, if you would, the diagram of the area, having in mind that this person traversed a distance from the house to the place of repose where she presumably passed away, do you have an opinion as to her physical vigor at the time she left the house, having in mind everything that you have considered in connection with this case as far as the evidence that has come to your attention, all of the autopsies that have taken place under your jurisdiction, all of that, can you give us an opinion as to her physical vigor or her physical strength at the time, the instant, that she exited the house?

MR. BUGLIOSI: That is ambiguous, your Honor, and calls for gross speculation.

MR. KANAREK: Well, your Honor, this man is a doctor.

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MR. BUGLIOSI: He already testified that he doesn't know the sequence of the wounds.

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MR. KANAREK: He is the best one to tell us.

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THE COURT: Sustained.

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BY MR. KANAREK:

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Q Do you have in mind now -- you certainly went to the house and you personally viewed the premises; is that right, Doctor?

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A Yes, sir, I did.

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1 Q Now, do you have an estimate for us, or can you
2 use any of the exhibits concerning which you testified, do
3 you have an estimate for us of what distance Abigail Folger
4 traversed from the time she left the house until she came
5 to the place of repose where you found her?

6 MR. BUGLIOSI: That calls for a conclusion, your
7 Honor.

8 MR. KANAREK: He was percipient, your Honor. He was
9 there.

10 MR. BUGLIOSI: He has no way of knowing where she
11 started out.

12 THE COURT: I think the question may be ambiguous,
13 Mr. Kanarek.

14 Are you talking about the distance from where
15 she laid at the front of the house? Is that what you are
16 talking about?

17 MR. KANAREK: Yes.

18 THE COURT: All right. Overruled.

19 You may answer.

20 MR. KANAREK: Do you have that question in mind,
21 Doctor?

22 THE WITNESS: Yes, I do.

23 BY MR. KANAREK:

24 Q What is that distance?

25 You could use the exhibit there, if you wish,
26 Doctor, or any other material that you have to assist you.

1 A Thank you.

2 Q And your memory, having been there, Doctor.

3 A I will do the best I can, based on the
4 physiological evaluation following the fatal injuries
5 inflicted.

6 THE COURT: Doctor, I don't think you understand the
7 question.

8 He wants to know how far was it from where
9 Miss Folger lay to the front door of the house.

10 MR. STOVITZ: I believe, your Honor, the question was
11 originally the back door of the house.

12 THE COURT: The back door?

13 MR. KANAREK: No, it wasn't, your Honor.

14 MR. STOVITZ: Was it the front door, Counsel?

15 MR. KANAREK: That is correct.

16 MR. STOVITZ: I am sorry, your Honor.

17 THE COURT: Do you understand the question?

18 THE WITNESS: I believe so, yes.

19 I didn't actually measure it because I left
20 most of the scene investigation to the respective police
21 agencies.

22 Just relying on my recollection, my memory,
23 perhaps it was a distance, supposing where I stand to be
24 the porch, perhaps the distance where Miss Folger's body
25 was found must have been the distance to where the two
26 brown metal cabinets are located. Maybe a little bit

1 further down.

2 MR. KANAREK: Would you, Doctor, go to the diagram
3 and perhaps with the diagram that will refresh your recollec-
4 tion of the actual scene?

5 THE WITNESS: I am afraid that I did not make an
6 attempt to locate the particular location, and I don't know
7 whether I would be able to assist you further.

8 MR. KANAREK: Then, your Honor, may I have the
9 exhibit picture of the house?

10 THE COURT: Very well.

11 What number do you want, Mr. Kanarek?

12 (Mr. Kanarek and the Clerk confer.)

13 MR. STOVITZ: Would your Honor want to speculate for
14 the record the distance between where the doctor is standing
15 and the metal cabinet here?

16 About 36 feet, your Honor?

17 THE COURT: I don't think my speculation is what is
18 in issue.

19 If the witness cares to make an estimate, he
20 may do so.

21 MR. STOVITZ: Mr. Kanarek, would you say it is
22 between 30 and 40 feet from where the doctor is standing
23 to these metal cabinets?

24 MR. KANAREK: I don't know that I am -- does your
25 Honor have some kind of a chart?

26 THE COURT: Not for that distance.

1 MR. KANAREK: I would certainly agree that it is
2 something like that, your Honor.

3 THE COURT: From the front of the bench to the
4 railing is approximately 22 feet.

5 It would appear to be about the same distance.

6 MR. KANAREK: Very well.

7 THE COURT: Possibly more.

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

9 THE COURT: You may.

10 BY MR. KANAREK:

11 Q Doctor, I show you a picture of what appears to
12 be a residence.

13 Do you recognize that residence?

14 A Yes, I do.

15 Q Do you see this "A" there? The letter "A"?

16 A Yes.

17 Q Does that appear to you to be about the place
18 that you saw the body of Abigail Folger?

19 A Yes, I would say so, yes.

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1 Q Now, in any event, Doctor, regardless of
2 distance that was traversed, would you say that a person,
3 taking your recollection of the physical characteristics
4 of Abigail Folger, would you say that a person like that
5 who was running, let's say, vigorously, let's say many
6 feet, say 30, 40, 50, feet, do you have an opinion as to
7 what the physical condition of a person, having the
8 characteristics of Abigail Folger, having all of her
9 characteristics in mind, do you have an opinion as to
10 whether or not she could traverse a distance of, let's say,
11 30, 40, 50, 60 feet while running if she had any of these
12 fatal injuries?

13 A Yes, I do have an opinion.

14 Q Would you tell us your opinion?

15 A Based upon a number of observations in the past,
16 I believe, although difficult, but Miss Folger will be
17 able to run, to escape from the location where she received
18 the fatal stab wound which was found on the center portion
19 of the chest.

20 Q Have you finished?

21 A Yes.

22 Q I see.

23 Now, is it a fair statement, putting aside for
24 the minute the injury to the aorta, forgetting that wound
25 for the moment, and directing your attention to the other
26 wounds that you say were fatal, is it a fair statement

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1 that if medical attention had been received by her, she
2 would not have passed away from the other fatal injuries,
3 or from the other injuries that you have deemed to be
4 fatal.

5 MR. STOVITZ: Unintelligible, your Honor, and calls
6 for speculation.

7 THE COURT: Sustained.

8 Q BY MR. KANAREK: Well, Doctor, directing your
9 attention to, first, let's look at --

10 Forgetting the injury to the aorta, how many
11 other injuries did she have that you feel could have been
12 fatal?

13 A I believe I mentioned at least seven stab wounds.

14 Q All right. Now, was one of those the aorta?

15 A Yes, sir.

16 Q So, therefore, you feel there would be six
17 stab wounds that could have been fatal, is that correct?

18 A Yes, sir.

19 Q Now, is it a fair statement that these six
20 stab wounds would not have been fatal if she had received
21 medical attention?

22 A Pardon me, are you referring to the six stab
23 wounds collectively or individually?

24 Q All right, would you answer it both ways for us?

25 A First of all, collectively --

26 MR. STOVITZ: I object to the question. It calls for

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1 speculation, if she received medical injuries in the
2 operating room or if she received the injuries out on the
3 lawn.

4 The question is ambiguous.

5 If she received the injuries in an operating
6 room, I would submit that the answer would be one way. If
7 she received them out at the Cielo address, the answer would
8 be another way.

9 THE COURT: I am sure the doctor is capable of taking
10 all of that into account in his answer.

11 Overruled.

12 THE WITNESS: I believe individual stab wounds, six
13 stab wounds, classified as fatal stab wounds, by themselves
14 would be considered as fatal even though medical attention
15 and perhaps surgical procedure is given to the decedent-
16 patient.

17 I doubt very much that chance of survival would
18 be increased.

19 Q BY MR. KANAREK: All right, now, you are saying --
20 All right, then, let me ask you this question:
21 Would you then, Doctor, analyze for us the
22 reasonable medical probability of her recovering if, let us
23 say, she had only one of those injuries.

24 I am now referring to an injury other than to
25 the aorta.

26 If she had received only one, and an intervening

1 force had stopped the other injuries from occurring, and
2 she received medical attention after that, one of the
3 injuries other than the injury to the aorta.

4 MR. STOVITZ: Unintelligible, irrelevant, immaterial
5 and calls for speculation.

6 MR. KANAREK: I think the doctor understands the
7 question, your Honor.

8 THE COURT: Of course, you did not specify which one
9 you were talking about.

10 MR. KANAREK: I understand that. I am trying to make
11 it as speedy as possible, your Honor.

12 THE COURT: The objection is sustained.

13 Q BY MR. KANAREK: Let's do it this way -- all
14 right, doctor, will you take each of the injuries other
15 than the injury to the aorta and assume -- assume that one
16 of those injuries had occurred, only one.

17 Would you analyze each one of those for us and
18 tell us whether there was a reasonable medical probability
19 of her recovery if there had been medical attention given
20 to her.

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1 MR. BUGLIOSI: It's irrelevant, your Honor, because
2 there were more than one.

3 THE COURT: Sustained.

4 BY MR. KANAREK:

5 Q Well, Doctor, you told us you don't know --
6 You certainly don't know the sequence of these
7 events, right? I mean the stab wounds.

8 A That is true, sir.

9 Q Now, if you assume that -- well, may I ask
10 this:

11 Is it possible for Abigail Folger to have run
12 40, 50, 60 feet after having been stabbed in the aorta?

13 MR. BUGLIOSI: That is, the only wound?

14 MR. KANAREK: Yes.

15 BY MR. KANAREK:

16 Q After being stabbed only in the aorta.

17 MR. BUGLIOSI: The question is ambiguous.

18 THE COURT: Overruled, you may answer.

19 THE WITNESS: As far as possibility is concerned, it
20 is still possible.

21 BY MR. KANAREK:

22 Q Is it probable?

23 A Well, since it caused a massive hemorrhage,
24 the probability is less.

25 Q That such could occur after being stabbed in
26 the aorta because of the massive hemorrhage that her injury

1 to the aorta caused, right?

2 A Yes. Perhaps I am not too certain what the
3 probability is.

4 Actually if a person determines to escape from
5 further injury, my experience in observing other cases is
6 it is still possible, and the probability is less, it
7 means sometimes they cannot make it, and some would make it.

8 Q Did you, Doctor, conduct any analysis whereby
9 you took the stab wounds and lined the stab wounds up with
10 the garments, or the garment worn by Abigail Folger?

11 A Yes, I believe I studied the garments, yes.

12 Q Did you make that relationship, did you relate
13 the stab wounds to the tearing of the garment?

14 A No, we have made the removal, and we turned the
15 garment to the Los Angeles Police Department for further
16 examination.

17 Q I see. So you did not make an analysis of
18 the tearing of the garment by any particular stabbing
19 weapon or weapons?

20 A No.

21 Q Now, here, Doctor --

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

23 THE COURT: Yes.

24 BY MR. KANAREK:

25 Q I will show you a picture that has been called
26 Exhibit No. 102 for identification.

1 Does that picture orient distance to you
2 perhaps a little better than People's Exhibit 4?

3 A Yes.

4 Q Now, having in mind, Doctor, this distance,
5 if that will assist you, having that distance in mind,
6 and if you have in mind the fatal -- what the injuries
7 that you have denominated as injuries that would be fatal,
8 do you have an opinion, by looking at that picture now,
9 as to whether or not any of those fatal injuries were
10 inflicted after Miss Folger came to a place of repose
11 where you see her in that picture, People's 102?

12 A I'm sorry, I do not understand.

13 Is there any stab wounds that were created
14 after?

15 MR. KANAREK: I will rephrase the question.

16 BY MR. KANAREK:

17 Q Having People's Exhibit No. 102 in front of you,
18 and having in mind conversations, in connection with the
19 matters that you have worked on, in connection with the
20 Tate residence, do you have an opinion as to whether or not
21 Miss Folger received any of those fatal injuries at the
22 place you see her in People's Exhibit 102?

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1 MR. FITZGERALD: Objection. That calls for
2 speculation and conjecture.

3 MR. KANAREK: I don't see that. I don't know why it
4 does, your Honor.

5 THE COURT: Overruled.

6 You may answer.

7 THE WITNESS: I would not be able to express my
8 opinion.

9 MR. KANAREK: Q You wouldn't be able to
10 express your opinion, but is it a fact that it is not outside
11 the realm of probability that fatal injuries could have
12 been inflicted where you see Miss Folger in People's Exhibit
13 122?

14 MR. STOVITZ: Objection. Calls for speculation, your
15 Honor.

16 MR. FITZGERALD: Calling for speculation, your Honor.

17 THE COURT: Sustained.

18 MR. KANAREK: Q Now, Doctor, you have been to the
19 scene of the Tate residence, right?

20 A Yes.

21 Q Now, do you have an estimate for us, from your
22 experience, from your professional experience, as to the
23 time that it would have taken for medical assistance to come
24 to the Tate residence if an alarm had been sounded at the
25 house immediately next door to the Tate residence?

26 MR. BUGLIOSI: Calls for a conclusion.

18-2

1 MR. FITZGERALD: Objection, your Honor. It is
2 irrelevant.

3 MR. KANAREK: I haven't finished.

4 MR. FITZGERALD: It is objectionable as far as it
5 went.

6 MR. KANAREK: Maybe I could have saved it, your Honor.

7 THE COURT: You could have tried.

8 MR. FITZGERALD: May I have just a moment to confer
9 with Mr. Kanarek?

10 THE COURT: Yes.

11 (Mr. Fitzgerald and Mr. Kanarek confer.)

12 DEFENDANT MANSON: Your Honor, this lawyer is not
13 doing what I am asking him to do; not even by a small margin
14 is he doing what I asked him to do.

15 THE COURT: Mr. Manson, you are not permitted to
16 speak out. You may confer with your attorney.

17 DEFENDANT MANSON: He is not my attorney, he is your
18 attorney.

19 MR. STOVITZ: Your Honor, may we have the 3:00
20 o'clock recess?

21 THE COURT: No, we are not going to have our recess
22 now.

23 Bear in mind what I have told you in the past,
24 Mr. Manson. You are not permitted to speak out.

25 DEFENDANT MANSON: I would like to dismiss this man
26 and get another attorney.

18-3

1 THE COURT: You think about what you have just said
2 and I will take that matter up a little later.

3 Now, let's proceed.

4 Ladies and gentlemen, you are admonished to
5 disregard the statements made by Mr. Manson that you just
6 heard.

7 Let's proceed.

8 MR. KANAREK: Your Honor, that last question, may I
9 have that read back?

10 MR. FITZGERALD: There was an objection to the last
11 question that was sustained, your Honor.

12 MR. STOVITZ: No. I believe that we interrupted
13 Mr. Kanarek.

14 He was going to ask about how long it was going
15 to take to get medical attention. I objected because of
16 speculation. From what hospital? From what aid station?

17 THE COURT: Reframe the question.

18 MR. KANAREK: All right.

19 If I may put it to you this way, then,

20 Q Directing your attention to the injuries, would
21 you go over each of the fatal injuries that you have
22 spoken of and tell us how much time, what is the maximum
23 amount of time that would be involved in getting medical
24 equipment to the Tate residence?

25 MR. EUGLIOSI: Ambiguous, your Honor.

26 MR. FITZGERALD: Calling for conjecture and

1 speculation and beyond the scope of his expertise.

2 MR. KANAREK: Well, I don't know that it is.

3 THE COURT: Sustained.

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1 BY MR. KANAREK:

2 Q Doctor, having in mind each of the fatal
3 injuries that you have spoken of, and having in mind the
4 effect of each of these injuries. Let us assume, if you
5 would take them separately, that is, the effect upon Miss
6 Folger, if she has been injured separately, as to each of
7 these injuries, how soon would help have had to reach her
8 at the scene where she was in order to save her life?

9 MR. STOVITZ: Your Honor, I object to this question.

10 If it is asked as a hypothetical question, it
11 is not based upon the evidence in this case. If it is not
12 a hypothetical question, it calls for speculation.

13 THE COURT: Sustained.

14 BY MR. KANAREK:

15 Q Well, do you have an opinion, Doctor, as to
16 how much time there would be allowed to have saved Miss
17 Folger if each of these injuries had occurred separately,
18 if you take into account the instance that each of these
19 injuries occurred?

20 MR. BUGLIOSI: That is ambiguous, your Honor.

21 MR. KANAREK: I don't think it is, your Honor.

22 THE COURT: Read the question.

23 (The question was read by the reporter.)

24 MR. BUGLIOSI: It also calls for a conclusion, your
25 Honor.

26 THE COURT: Sustained.

18a-2

1 BY MR. KANAREK:

2 Q Well, Doctor, certainly if there had been
3 medical equipment at the scene where Miss Folger was
4 injured, she could have been saved, if, let us say,
5 forgetting the injury to the aorta.

6 MR. STOVITZ: Your Honor, if this calls for a
7 hypothetical question --

8 MR. KANAREK: I haven't finished the question.

9 MR. STOVITZ: I am sorry, Counsel. You dropped your
10 voice.

11 BY MR. KANAREK:

12 Q Having in mind each of the injuries, and
13 assuming that each injury had occurred separately, and
14 forgetting the injury to the aorta, certainly if there
15 had been medical equipment right at the Tate residence,
16 she wouldn't have died; isn't that right?

17 MR. BUGLIOSI: I object.

18 If you drop the wound to the aorta, then it
19 is calling for an answer that would be irrelevant to the
20 charges in this case.

21 MR. KANAREK: You can't say that.

22 THE COURT: Sustained.

23 BY MR. KANAREK:

24 Q Let me put it to you this way, Doctor. Except
25 for the injury to the aorta, if Miss Folger had received
26 medical attention in time -- in time, whatever that time

1 would have been -- she wouldn't have died; is that
2 correct?

3 A You are asking me one by one?

4 Q Give it to us one by one.

5 MR. BUGLIOSI: That calls for the wildest conjecture.

6 MR. KANAREK: How could he tell, your Honor?

7 THE COURT: I think the question is ambiguous, Mr.
8 Kanarek.

9 Reframe the question.

10 BY MR. KANAREK:

11 Q Having in mind, Doctor, the injuries that
12 occurred to Miss Folger, will you tell us -- now, putting
13 aside the injury to the aorta -- will you tell us whether,
14 if she had received medical attention on time, would she
15 have lived?

16 MR. BUGLIOSI: It is irrelevant, your Honor; and
17 if it is a hypothetical question, it is not based on the
18 facts.

19 THE COURT: Well, it has already been asked and
20 answered.

21 MR. KANAREK: No, your Honor. I haven't asked that
22 question.

23 THE COURT: I am going to sustain the objection.

24 MR. KANAREK: On what ground, your Honor?

25 THE COURT: It is irrelevant.

26 MR. KANAREK: It is relevant to the defense in view

1 of what Linda Kasabian testified to, your Honor. It is
2 most relevant.

3 THE COURT: Just a moment.

4 If you wish to argue that point, approach the
5 bench.

18b fls. 6

MR. KANAREK: Yes, your Honor.
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1 (Whereupon, all counsel approach the bench and
2 the following proceedings occur at the bench outside of the
3 hearing of the jury:)

4 THE COURT: Go ahead, Mr. Kanarek.

5 MR. KANAREK: The point is that one of the matters that
6 the jury is certainly going to have to decide is the
7 culpability of Linda Kasabian in this fact situation, and
8 one of the issues is whether or not if she had acted would
9 Mr. Frykowski and Abigail Folger be alive.

10 That is something that must be considered by
11 them.

12 THE COURT: Why?

13 MR. KANAREK: Pardon?

14 THE COURT: Why?

15 MR. KANAREK: Because it goes to the element of her
16 culpability.

17 In other words, she has told us a story, and I
18 think that the normal human reaction would be to call for
19 help.

20 MR. STOVITZ: Your Honor, had Dr. Christian Barnard
21 been present with an operating room set up to operate on the
22 victim, the wound to the aorta would have been fatal.
23 The doctor has so testified practically. Not in so many
24 words.

25 Counsel is asking a hypothetical question based
26 upon leaving out one important factor, and that is the wound

18B2

1 to the aorta.

2 THE COURT: You already know that Miss Kasabian made
3 no effort to call for help. She has told you that.

4 If there is any culpability on that account, it
5 is already established by her own testimony.

6 Furthermore, you already asked the doctor about
7 the so-called fatal wounds individually, and he has answered
8 that question as to whether or not any one by itself would
9 have been fatal. You asked that question.

10 MR. KANAREK: Very well.

11 THE COURT: You asked him if medical help had been
12 present, and so on.

13 MR. KANAREK: The point is that the aorta injury may
14 have occurred while she was on the ground. She may not have
15 had the aorta injury when she left the house. She may have
16 had nothing. She may not have been injured at all when she
17 left the house.

18 THE COURT: I think it has been covered and the
19 question asked is irrelevant now.

20 Now, while you are at the bench, I am not sure
21 that I understand what Mr. Manson said or meant. I heard
22 what he said, but I am not sure that I understand what he
23 meant or whether it was just a spontaneous explanation of
24 temporary displeasure, or what.

25 MR. STOVITZ: I think that is what it sounded like to
26 me.

3B3

1 THE COURT: But I can't treat it that lightly. I
2 have to assume that he has something that he wishes to tell
3 the Court, and I am going to find out what it is.

4 Now, the question is whether we should do it
5 in chambers or in open court.

6 I think that initially it should be done in
7 chambers and then if, in effect, it amounts to a motion of
8 some kind, then we will have to decide where to go from
9 there.

10 But I can't simply ignore it. He has made a
11 statement to me which carries some substance, I think.

12 MR. STOVITZ: Your Honor, we have one witness, a
13 gentleman from ABC Television who found the clothes. His
14 testimony will take all of five minutes.

15 He is going on vacation, ready to leave the
16 country on Thursday. Now, tomorrow is Wednesday, but he
17 would like to prepare for his trip out of the country.

18 We were hoping that we would be able to get
19 to this witness today.

20 Will counsel be able to estimate how long you
21 will be with Dr. Noguchi?

22 MR. KANAREK: No.

23 MR. STOVITZ: Originally, yesterday, counsel told me
24 that he would be about 15 to 20 minutes. The other
25 attorneys told me that it was their estimate as well.

26 He can ask any relevant questions he wants, but

1 I would ask the indulgence of the Court. It would be an
2 inconvenience to call him back tomorrow is all, but it is
3 essential that we do call him tomorrow.

4 THE COURT: He can be taken out of order, if necessary.

5 We will take our recess. At the close of the
6 recess, I would like to see counsel and the defendant in
7 chambers.

8 MR. KANAREK: I would oppose anything in chambers.

9 MR. BUGLIOSI: It is for your benefit.

10 MR. KANAREK: I don't care.

11 MR. BUGLIOSI: He might say in open court that you
12 are the most incompetent attorney in the State of
13 California.

14 MR. KANAREK: I don't care. I want it in open court,
15 whatever it is.

16 MR. BUGLIOSI: Outside the presence of the jury?

17 MR. KANAREK: Outside the presence of the jury,
18 perhaps, but in open court.

19 MR. SHINN: Do you want an evidentiary hearing?

20 THE COURT: I was suggesting it for your benefit as
21 merely a preliminary matter. Perhaps you didn't hear me
22 before.

23 I thought that I said if there was any substance
24 to what he said, that it was, in fact, a formal motion
25 which he wanted decided by the Court, then we would come
26 back into open court and hear it.

1 On the other hand, if he is simply making a
2 temporary expression of displeasure and didn't mean anything
3 by it --

4 MR. KANAREK: Whatever it is, I want this in open
5 court, your Honor.

6 THE COURT: Very well.

7 MR. KANAREK: Whatever.

8 THE COURT: Very well, we will take our recess at
9 this time.

10 (Whereupon, all counsel return to their
11 respective places at counsel table and the following
12 proceedings occur in open court within the presence and
13 hearing of the jury:)

14 THE COURT: We will take our afternoon recess,
15 ladies and gentlemen.

16 Do not converse with anyone nor form or
17 express any opinion regarding the case until it is finally
18 submitted to you.

19 The Court will recess for 15 minutes.

20 (Recess.)
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1 THE COURT: All parties and counsel are present.

2 The jury is not present.

3 Mr. Manson, before the recess you made some
4 statements to the Court, and I told you I would hear from
5 you later.

6 What I meant was, after the jury had been
7 taken out of the courtroom. Do you have anything you wish
8 to say to the Court at this time?

9 DEFENDANT MANSON: Your Honor, I have said to this
10 Court numerous times that I have no rapport with this
11 attorney. I have no communications with attorneys.

12 THE COURT: "With attorneys"?

13 DEFENDANT MANSON: With attorneys.

14 THE COURT: Plural?

15 DEFENDANT MANSON: Plural, any that I have ever
16 met, and I have met quite a few.

17 I have asked permission to ask the questions
18 myself, and operate behind these other attorneys.

19 I took this man as an attorney to file a
20 federal motion to get my pro per back.

21 I took it to a higher court, but that seems
22 to have gotten stalled in the procedure.

23 So I asked Mr. Kanarek not to do certain
24 things, and it doesn't have any effect on him. Anything
25 I ask him he does anyway, and I have asked him to do
26 other things that he won't do.

19-2

1 But then, on the other hand, he does a lot
2 of things that are good, you know, but I have no control
3 over him. I have no control over what he asked.

4 If I ask him not to ask certain questions,
5 he asked the questions anyway. I have asked that I may
6 be allowed to ask my own questions. I cannot see having
7 an attorney, and then I cannot see changing attorneys.

8 He is a good man. He is a sincere and honest
9 and truthful human being and I like him very much as a
10 person, but as an attorney he doesn't represent me. He
11 cannot represent me.

12 In the eyes of the Court I am inadequate, and
13 I don't know how to overcome this obstacle, so I am forced
14 to remain silent, having been told to do so on several
15 occasions,

16 THE COURT: That is true of any defendant represented
17 by counsel, Mr. Manson. There is nothing unusual about
18 that and you are not being singled out because of that.

19 When you are represented by counsel, whether
20 you are in a criminal case or a civil case, you must
21 speak through that counsel, when he represents you; that
22 is the purpose of your attorney.

23 So there is no arbitrary action by the Court
24 with respect to you for that reason. You are being
25 given the same treatment every other defendant gets.

26 DEFENDANT MANSON: But speaking through a counsel on

19-3

1 something that the Court is not versed in, and understand-
2 ing another awareness that may be child like in one sense,
3 but then confusing in another sense to explain it to a
4 man who has had maybe 20 years of schooling.

5 He only understands what he understands, and
6 I cannot transfer my thought, I cannot bring him to my
7 thought. He has his thought.

8 I have no control over his thought, and he
9 has no control over my thought, and for me to express
10 my words through this man is impossible.

11 I cannot express my words through him; I
12 can only express my words through me.

13 I would like to, as I have said many times,
14 I would like to represent myself. It would be much
15 faster; it would be less confusing and it would be not
16 very many questions asked.

17 THE COURT: Well, I see nothing to make me change
18 my mind, Mr. Manson, in that regard.

19 You have made that motion many times in the
20 past, not only before this Court, but also in other
21 courts, and it always been denied, and, as I say, I see
22 nothing at this time, nor have I seen anything during the
23 trial to make me change my opinion that you are not
24 competent to represent yourself in a case of this
25 complexity.

26 MR. HUGHES: Your Honor, I would join Defendant

1 Manson's motion that he be allowed to represent himself.

2 THE COURT: Why do you wish to join, Mr. Hughes?

3 MR. HUGHES: I feel it is critical to the defense
4 and my client Miss Van Houten that Mr. Manson be allowed
5 to represent himself.

6 THE COURT: Well, in any event, as I have indicated,
7 I have no intention of changing my mind as to that point.

8 Now, are you seeking some other relief from
9 the Court?

10 DEFENDANT MANSON: Well, I checked around the last
11 two or three weeks. I don't think there is an attorney
12 in town that would take the case.

13 I am very capable of handling it myself, and
14 I think a lot of you realize this. I think this is one
15 reason I am not allowed, and I don't like --

16 Like you, you as the courtroom, as a whole,
17 have me locked, and you have me locked with this attorney.

18 Unless there is some way in which we can
19 hook all of the attorneys up and make one of the attorneys
20 the lead counsel, if they have anything like that in this
21 courtroom, then maybe he can be subject to Mr. Fitz-
22 gerald's --

23 20 fls.
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1 THE COURT: Under our system, that is not the way it
2 works, Mr. Manson.

3 Attorneys operate independently as an
4 individual and are not subject to any other attorney's
5 direction or control.

6 DEFENDANT MANSON: And he is certainly not subject
7 to my direction and control.

8 THE COURT: That is why we have attorneys, because
9 they have the expertise and the knowledge and the skill and
10 experience to handle the case.

11 The client doesn't always understand why a
12 question is being asked or why a certain thing is being
13 done.

14 I think what is needed here more than anything
15 else is for a little closer rapport between you and
16 Mr. Kanarek, if there is a misunderstanding.

17 DEFENDANT MANSON: Well, I think that would be humanly
18 impossible.

19 THE COURT: Well, it takes two people to have an
20 understanding.

21 DEFENDANT MANSON: As a human being. But as an
22 attorney-client, it is a different situation altogether.

23 THE COURT: Are you asking the Court for any
24 relief at this time? And if so, what is it?

25 DEFENDANT MANSON: Well, since the recess, Mr. Kanarek
26 said he would do what I asked him to do.

1 How long this will last, I don't know.
2 We did pretty good at the first of it.
3 Then we kind of lost control when the testimony started.

4 The only relief that I can possibly see is that
5 the Court would relief itself and help itself by letting
6 me help myself.

7 THE COURT: I don't follow you. What does that
8 mean?

9 DEFENDANT MANSON: It means that the confusion
10 hasn't started. That possibly I have a little more under-
11 standing in line with some of the things that we may
12 get into in the defense that could be explained easier from
13 someone who is standing on a certain street that you have
14 never been on, to bring you to their thought.

15 THE COURT: I am still not sure I understand you.

16 DEFENDANT MANSON: Well, each person has their own
17 reality, and that ranch was a different reality from what
18 you people think as reality.

19 What you people live and think and breathe and
20 walk around in is your reality, and it is no less real than
21 my reality, but it is already beginning to lean, to be
22 slanted, and the words that are used in my reality aren't
23 even close to what you may use in your reality.

24 You are going to have ^{to have} someone in the middle to
25 interpret the confusion because it is certainly going to be
26 confusing to you.

1 THE COURT: Well, are you asking for any relief at
2 this time?

3 MR. MANSON: Yes. I am asking again to be my own
4 counsel.

5 THE COURT: Well, I have already disposed of that
6 question.

7 Is there anything else?

8 DEFENDANT MANSON: I don't think you will ever be
9 able to dispose of that question.

10 THE COURT: Anything else?

11 MR. MANSON: Live with it.

12 THE COURT: All right. Your motion is denied.

13 Let's bring the jury back.
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1 (Whereupon the jury comes back into the court-
2 room and the following proceedings are had in open court,
3 all defendants, counsel and jurors present:)

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

6 You may proceed.

7 (Dr. Noguchi resumes the stand.)

8 BY MR. KANAREK:

9 Q Doctor, how long is the agonal stage?

10 A Well, this depends on the case.

11 Sometimes the agonal stage could be very short.
12 Sometimes the agonal stage, as in the case of cancer,
13 may be very long.

14 Q I see.

15 Now, forgetting about the aorta injury, would
16 you give us an estimate as to the agonal stage as to each
17 of the other wounds Abigail Folger had?

18 MR. BUGLIOSI: That is way too broad, your Honor, and
19 I object on that ground.

20 THE COURT: Sustained.

21 BY MR. KANAREK:

22 Q Well, taking each of those wounds that Abigail
23 Folger had separately, assuming each one came separately,
24 would you give us the agonal stage for each of the ones
25 that you have called possibly fatal?

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

20a-2

THE COURT: Sustained.

1 BY MR. KANAREK:

2 Q Now, Doctor, what is the spelling of agonal?
3 I don't think I have it right?

4 A A-g-o-n-a-l.

5 Q Two "n's" or one "n"?

6 A One. A single "n".

7 Q I see.

8 Would you tell us briefly what factors go
9 into calculating the agonal stage in an injury, Doctor?

10 MR. BUGLIOSI: It is irrelevant.

11 THE COURT: Overruled.

12 THE WITNESS: Well, it depends on the organs. In
13 the case of stab wounds, it depends largely on whether
14 the stab wounds involved the vital organs, such as the
15 heart, the aorta, the lungs, or other organs in the
16 abdomen.

17 BY MR. KANAREK:

18 Q Now, Doctor, I gather as to Mr. Frykowski
19 that you have no further or different estimate as far as
20 being able to tell us the sequence of injuries; is that
21 correct?

22 A That is true.

23 Q In other words, Mr. Frykowski, is it a fair
24 statement, as far as your analysis is concerned, as far
25 as the times, the sequence of those injuries, all of the
26

1 injuries you have testified to concerning him, Doctor, that
2 you cannot give us anything definite as to sequence,
3 duration, or any of that?

4 A As to the sequence, I would not even venture
5 to state which one was the first stab wound.

6 As to the duration --

7 Q Of the agonal stage?

8 A The agonal stage? Again, individually it may
20b fls. 9 be very difficult. Collectively, I do have an opinion.

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1 Q All right. What is your opinion of what the
2 agonal stage was as to Mr. Frykowski after he came to his
3 place of repose?

4 A By the agonal stage, of course, I am referring
5 to the stage after the decedent received his fatal injury.

6 Q Right.

7 A I believe, based on the compound collective
8 stab wounds, including the gunshot wounds, I do not believe
9 Mr. Frykowski, considering his weight and height and stature
10 and age, would be able to survive more than 10 or 15
11 minutes at the limit.

12 Q And that is after he received all of his injuries?
13 That is what you are thinking in terms of; right?

14 A I was talking about fatal stab wounds.

15 Q After he had received all of them, then your
16 estimate is the number of minutes you have indicated; right?

17 A Yes.

18 The agonal stage is the stage of dying, the
19 dying stage, so that shortly after the decedent received
20 the fatal stab wound, then his what we call volitional
21 activity, that is, his ability to continue the activity, will
22 decline slowly as the blood pressure declines, and toward
23 the end of the agonal stage the decedent will be quite
24 calm, more or less unable to get up; perhaps, medically
25 speaking, we may be able to tell whether the patient is
26 suffering in the terminal stage, but from his person you may

1 not be able to tell it, that is, shallow breathing and
2 motionless condition. But the agonal stage, as a medical
3 man, we include from the beginning to the end when the heart
4 stops.

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1 Q And of course if the man wasn't injured or
2 received only superficial injuries he would never reach
3 the agonal stage, is that correct?

4 A That's correct.

5 Q And the same goes for Miss Folger, right?

6 A That's true.

7 MR. KANAREK: Thank you.

8 MR. STOVITZ: Is that all, Counsel?

9 MR. KANAREK: That is all at this time.

10 THE COURT: Mr. Hughes, any questions?

11 MR. HUGHES: I believe by stipulation I was not
12 going to cross-examine.

13 THE COURT: Any redirect examination, Mr. Bugliosi?

14 MR. BUGLIOSI: A couple of questions, your Honor.

15
16 REDIRECT EXAMINATION

17 BY MR. BUGLIOSI:

18 Q Dr. Noguchi, did you ever make a particular
19 study of knife wounds?

20 A Yes.

21 Q Did you ever do a research paper on knife
22 wounds?

23 A Yes.

24 Q Did you ever present the paper to any medical
25 group?

26 A Yes.

1 Q When was this?

2 A In 1966 I presented a paper entitled "Determina-
3 tion of a Stabbing Weapon Based on the Shape of the Stab
4 Wound."

5 This paper was presented before the members of
6 the American Academy of Forensic Sciences in Chicago.

7 I believe a similar paper was presented in
8 1968 at the National Association of Coroners.

9 MR. BUGLIOSI: Thank you, no further questions.

10
11 RE-CROSS-EXAMINATION

12 BY MR. FITZGERALD:

13 Q Could we make arrangements to get a copy of
14 either or both of those presentations?

15 A Yes, I will be very happy to.

16 These presentations, you see, there were a
17 series of slides, which I don't have a copy of.

18 MR. FITZGERALD: I have nothing further, thank you.

19 THE COURT: Have you anything further, Mr. Kanarek?

20 MR. KANAREK: No, thank you, your Honor.

21 THE COURT: You may step down, Doctor.

22 MR. KANAREK: But the doctor is available. He is
23 not going on vacation or anything for the next couple of
24 months, is he?

25 THE COURT: I don't know.

26 MR. KANAREK: Are you, Doctor?

1 THE WITNESS: I am invited by the Governor of Kansas
2 this coming Thursday, I have to present a paper the
3 coming Friday.

4 I shall be back Monday morning.

5 MR. KANAREK: Thank you.

6 MR. STOVITZ: May the witness be excused now, your
7 Honor?

8 THE COURT: Yes, the witness is excused subject to
9 being recalled.

10 THE WITNESS: Thank you.

11 MR. STOVITZ: Call King Baggot.

12 MR. FITZGERALD: Could we approach the bench in
13 regard to the witness who is about to be called?

14 THE COURT: Very well.

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

17 MR. FITZGERALD: The witness that has been called
18 by the prosecution, one King Baggot, my personal investiga-
19 tion leads me to believe is an employee of Channel 7
20 News, and a photographer.

21 And in connection with his duties at Channel 7,
22 after reading the Susan Atkins confession in the Los
23 Angeles Times, entitled "Two Nights of Terror," I believe
24 Sunday, December 14th, he and a camera crew went to the
25 Benedict Canyon area of the City of Los Angeles and based
26 on directions contained in the Susan Atkins story looked

1 for some clothing and some knives and some murder weapons
2 and found some clothing, and that clothing is going to be
3 received, or is going to be attempted to be received into
4 evidence.

5 The only reason I bring this to the Court's
6 attention is that I don't want this material --

7 MR. BUGLIOSI: Right, he has already been instructed
8 on that.

9 MR. FITZGERALD: -- I don't want the Susan Atkins
10 story to come out on either direct or cross-examination.

11 MR. STOVITZ: That will be taken care of.

12 MR. BUGLIOSI: He has already been told, he has been
13 instructed several times not to mention anything about the
14 article.

15 THE COURT: You have heard everything that was said,
16 Mr. Kanarek?

17 MR. KANAREK: Yes, your Honor.

18 THE COURT: You heard it?

19 MR. BUGLIOSI: Yes.

20 MR. KANAREK: I gathered the District Attorney is
21 implying his questions will not elicit any such --

22 MR. FITZGERALD: I am worried about cross-examination
23 as well.

24 MR. STOVITZ: We will take care of it, your Honor, the
25 witness will go to facts and not to any state of mind.

26 We won't have any problems.

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

MR. STOVITZ: Mr. Baggot, would you please take the witness stand.

21a fls.

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

2 Would you please repeat after me:

3 I do solemnly swear --

4 THE WITNESS: I do solemnly swear --

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

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

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

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

9 THE CLERK: -- before this Court ---

10 THE WITNESS: -- before this Court --

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

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

13 THE CLERK: -- the whole truth --

14 THE WITNESS: -- the whole truth --

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

16 THE WITNESS: -- and nothing but the truth.--

17 THE CLERK: -- so help me God.

18 THE WITNESS: -- so help me God.

19 THE CLERK: Would you be seated, please.

20 Would you please state and spell your name.

21 THE WITNESS: King Baggot.

22

23 KING BAGGOT,

24 called as a witness by and on behalf of the People, being

25 first duly sworn, was examined and testified as follows:

26

DIRECT EXAMINATION

1
2 BY MR. STOVITZ:

3 Q The first name is K-i-n-g?

4 A That's right.

5 Q What is your present business or occupation,
6 sir?

7 A I am a newsreel cameraman for KABC TV.

8 Q And directing your attention to December 15th,
9 1969, what was your business or occupation on that date?

10 A I was a newsreel cameraman for ABC.

11 Q How long have you been a newsreel cameraman as
12 of December 15th, 1969?

13 A Approximately five years.

14 Q Directing your attention to the afternoon of
15 that date, did you have a particular assignment?

16 A Yes, we did.

17 Q And when you speak of "we," who else are you
18 talking about, sir?

19 A I was in the company of reporter Al Wiman,
20 and sound man Eddie Baker.

21 Q How do you spell Wiman?

22 A W-i-m-a-n.

23 Q Did you have occasion to go to the vicinity of
24 an address at 10050 Cielo Drive in the City and County of
25 Los Angeles?

26 A Yes, we did.

21a3

1 Q Approximately what time of the day or night was
2 it that you went there, sir?

3 A Approximately about 3:00 o'clock.

4 Q P.M., is that right?

5 A Pardon me?

6 Q P.M.?

7 A .M.

8 Q Do you recall who, if anyone, was driving?

9 A I was.

10 Q And did you then proceed in any direction from
11 that address at 10050 Cielo Drive?

12 A We proceeded down the hill and made a right turn
13 which would be south.

14 Q That gets you to Sunset Boulevard, is that correct?

15 A That's correct.

16 Q What happened after that, sir?

17 A We turned around and went back to the house
18 again.

19 Q Then you actually went right up to the gate of
20 10050 Cielo Drive again?

21 A We did, sir.

22 Q Then did you come down the hill?

23 A We did, sir.

24 Q Then did you turn left before going north?

25 A We did, sir.

26 Q Did you proceed at any rapid speed or do you

1A4

1 recall the speed you proceeded at?

2 A Approximately 35 miles an hour.

3 Q And I take it it was still daylight at that
4 time?

5 A Yes, it was.

6 Q Bearing in mind December 15th, daylight ends
7 at about 5:00 o'clock?

8 A Right, correct.

9 Q Did you come to a certain location on a road
10 wherein your car stopped?

11 A We did.

12 Q What was that address, if you know?

13 A Approximately, I believe, it was 2901, I'm not
14 quite certain.

15 Q Directing your attention to this map here,
16 Exhibit No. 98, can you see it from where you are sitting
17 on the witness stand?

18 A No, I cannot.

19 Q All right, can you see the place I am pointing
20 at as 10050 Cielo Drive from where you are sitting?

21 A Yes, I can.

22 Now, tracing my finger north on Benedict
23 Canyon all the way to a loop and down to a square that is
24 marked 2901 residence, is that the area that you
25 stopped?

26 A Yes, sir.

1 Q Now, is there any particular service station
2 there or any particular break in the road there or --

3 A That is approximately the first break in the road
4 where you are allowed to get off Benedict Canyon onto a
5 shoulder off the road.

6 Q And this shoulder, was it asphalt, dirt or what?

7 A It was dirt.

8 Q At that place did your car come to an absolute
9 halt?

10 A Yes, sir.

11 Q Did you exit the car?

12 A Yes, sir.

13 Q What happened next?

14 A I looked over the road and we saw some
15 clothing.

16 Q Did you see it yourself?

17 A Yes, sir.

18 Q What type of clothing did you see at that time?

19 A All we could see was a little patch of black,
20 black cloth.

21 Q You keep using the quotes "we;" is this an
22 editorial we?

23 A Yes, it is -- I.

24 Q Did you see the black pile?

25 A I saw the black pile.

26 Q Could you tell us how far down the hill you

1 noticed this?

2 A Approximately 50 feet.

3 Q And what is the angle of the hill at that
4 location?

5 A Again, approximately, 30 or 35 degrees.

6 Q Did you then go down to that location where you
7 saw what appeared to be clothing?

8 A Yes, I did.

9 Q How soon after seeing it?

10 A Immediately.

11 Q Then when you got back, what, if anything, did
12 you notice?

13 A I noticed that it was several clothes,
14 instead of just the one black cloth we could see from up
15 above.

16 Q Do you recall now how many different items of
17 clothing you noticed at that particular time?

18 A Approximately, again, three pairs of pants,
19 three shirts and a sweat shirt.

20 MR. STOVITZ: Your Honor, I have a series of
21 photographs, may they be marked collectively as
22 People's next in order?

23 There are five photographs.

24 THE CLERK: 191, your Honor.

25 THE COURT: 191, A through E.

26 MR. STOVITZ: Yes, your Honor.

21b-1

BY MR. STOVITZ:

1 Q I show you 191-A and ask you, do you know what
2 is depicted in that photograph?

3 A Yes, I do.

4 Q What is that, sir?

5 A A pair of Levis.

6 Q And is that the pair of Levis that you saw in the
7 exact condition that you saw it on December 15th, 1969?

8 A Yes, it is.

9 Q I show you 191-B and ask you what is depicted
10 in that photograph?

11 A Another pair of Levis.

12 Q Is that the pair of Levis that you saw --

13 A Or black pants, I'm not sure.

14 Q Is that in the exact condition you saw them
15 in on December 15th, 1969?

16 A Yes, it is.

17 Q And I show you Exhibit 191-C and ask you what
18 is depicted in that photograph?

19 A Two different -- maybe three different pairs
20 of clothing, Levis.

21 Q Were they the clothing that you saw in the
22 exact condition you saw them in on December 15th, 1969?

23 A Yes, they were.

24 Q I show you Exhibit 191-D and ask you what
25 is depicted in that photograph, sir?
26

21b-2

1 A That is an overall photograph of the entire
2 area with the clothes there.

3 Q And does that show the clothing exactly the
4 way you first spotted them on December 15th, 1969?

5 A Yes.

6 Q I show you 191-E, sir, and ask you what is
7 depicted in that photograph?

8 A Another pair of pants.

9 Q And are those pants exactly the way they were
10 when you first observed them on December 15th, 1969?

11 A Yes, they are.

12 Q Were you present when these photographs were
13 taken?

14 A Yes, I was.

15 Q Now, after first noticing this clothing, were
16 any calls put out to the Police Department?

17 A Yes, there was.

18 Q And did any police officers arrive at the
19 scene?

20 A Yes, they did.

21 Q About what time was it with relation to daylight
22 or the hour, if you know?

23 A It was right at twilight, I imagine right
24 around 5:00 o'clock, maybe a little bit before.

25 Q Do you recall the names of any of the officers
26 that arrived?

21b-3

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A Mike was one. I knew him by his first name.

Q Is this Mike, here, the gentleman in the gray suit?

A Yes, it is.

MR. STOVITZ: May the record indicate he is pointing to Mr. McGann, your Honor?

THE COURT: The record will so indicate.

BY MR. STOVITZ:

Q And without telling us what was said, did you have a conversation with Mr. McGann?

A Myself, I did not enter into the conversation. It was told that the clothes --

Q Don't tell us what the conversation was, but there was a conversation between one of your associates and Mr. McGann, is that it?

A True, yes.

Q Was some artificial lighting arranged at that time?

A Yes, there was.

Q Who arranged for the artificial lighting?

A Myself.

Q And what did that artificial lighting consist of?

A Running an AC cord from across the street connected with lights.

I also carry a 30-volt power pack which had

2Ib-4 1

a light on it.

2

Q Did you have a film camera with you at that time?

3

4

A Yes, I did.

5

Q Did you film this event at that time?

6

A Yes, I did.

7

Q Now, then, did you do anything after Mr. McGann arrived at that location?

8

9

A Nothing except film the incident.

10

Q Film the incident?

11

A Yes.

12

Q Did you go down with Mr. McGann to 50 feet below the top of the mountain top?

13

14

A Yes, I did.

15

Q Did you point out to Mr. McGann what you observed?

16

17

A Yes, sir, I did.

18

Q And did you point out to Mr. McGann the location of the clothes as depicted in these photographs, 191-A through 191-E?

20

21

A Yes, I did.

22

Q Now, did you notice what, if anything, Mr. McGann did with the clothing?

23

24

A He placed them in what I believe were plastic bags.

25

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Q And as he did that did you observe this?

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A Yes, I did.

Q Were you observing it through the lens of your camera or were you actually observing it with your own eyes?

A Through the lens of the camera.

Q And did you yourself mark this clothing so you could identify them specifically by any marking?

A No way at all.

Q Did you observe whether or not any police officers in your presence marked the clothing?

A Not to my knowledge.

21c fls.

21C-1

1 Q As you sit there now I will show you Exhibit 50,
2 which appears to be a velour type of man's shirt,
3 possibly a woman's shirt, but it is a velour shirt, in any
4 event, with long sleeves.

5 Does this look like one of the items of
6 clothing, Exhibit 50, that you first observed there on
7 December 15th?

8 A Yes.

9 Q I show you Exhibit 52 for identification. It
10 appears to be a black T-shirt.

11 Does this appear to be one of the items of
12 clothing that you observed at that location on December
13 15, 1969?

14 A Yes.

15 Q I show you Exhibit 51. It appears to be a pair
16 of blue denims, label "Genuine Roebucks".

17 Does this appear to be one of the pairs of
18 trousers you observed there on December 15, 1969?

19 A Yes.

20 Q I show you People's Exhibit 53, it appears to
21 be a white T-shirt covered with some sort of substance.

22 Does this appear to be one of the items of
23 clothing that you observed there on December 15, 1969?

24 A Yes.

25 Q I show you Exhibit 54 for identification; it
26 appears to be a blue T-shirt, labeled "Towncrest," size 34 to

1 36.

2 Does this appear to be one of the T-shirts that
3 you observed there on December 15, 1969?

4 A Yes.

5 MR. KANAREK: Your Honor, I gather we have the same
6 continuing objection as to materiality and relevancy as to
7 all of this witness' testimony.

8 THE COURT: You have if you ask for it.

9 MR. KANAREK: Pardon me?

10 THE COURT: I say you do if you ask for it.

11 MR. KANAREK: Yes, I am asking, your Honor.

12 THE COURT: Very well.

13 MR. KANAREK: Thank you.

14 Q BY MR. STOVITZ: I show you what Exhibit 55 for
15 identification appears to be, a pair of blue denim trousers.

16 The label is Diamond W Brand.

17 Does this appear to be one of the pairs of
18 trousers you observed there on December 15th, 1969?

19 A Yes.

20 Q I show you Exhibit 56 for identification, which
21 appears to be a pair of black trousers.

22 Does this appear to be one of the trousers
23 that you observed there on December 15, 1969?

24 A Yes.

25 Q Could you give us the circumference of the
26 area of the clothing or the diameter, if there was a

1 circle drawn about all of the clothing where you first
2 spotted the clothing?

3 A I believe it would be in about a radius of
4 six feet.

5 Q A radius?

6 A 12 foot diameter.

7 Q So it would be a 12 foot diameter?

8 A Yes.

9 Q Do you recall whether any particular items of
10 clothing were connected to each other in any fashion or were
11 they all loose?

12 A They were all loose.

13 Q Did you recall whether or not when you first
14 observed the clothing whether there appeared to be any growth,
15 vegetation, upon the clothing?

16 A Yes.

17 Q What did you notice about that?

18 A It appeared that growth and dirt had covered some
19 clothing -- partial of the clothing.

20 Q And the, what you call, the ordinary dirt from
21 the soil, that is, soil dirt, was there any soil dirt upon
22 any of the clothing when you first observed it?

23 A Yes.

24 Q What did you notice about that?

25 A It appeared it had slidden from the top of the
26 road downward.

1 Q How could you tell that?

2 A It appeared that the clothes had been there
3 and that the dirt had slidden over a partial of them, not
4 all of them, but just partially like it had fallen from the
5 top.

6 Q Oh, not the clothes slid, but the dirt slid?

7 A The dirt slid.

8 Q Mr. Baggot, would you kindly step down and
9 step to the diagram map there showing Ventura Boulevard on
10 the top.

11 (Witness approaches the diagram.)

12 Q BY MR. STOVITZ: That would be Exhibit 98 for
13 identification. Show us upon which side of the road, that
14 is, the Benedict Canyon Road, the clothing was found, if
15 you can, the approximate scale is 1 inch to 480 feet.

16 Try to keep your distance approximate.

17 You have indicated with an X there on Exhibit 98
18 as to where the clothes were found, is that right?

19 A Yes.

20 MR. STOVITZ: May I, with the Court's permission,
21 write in "clothes found"?

22 THE COURT: Yes, you may.

23 Q BY MR. STOVITZ: Now, you stated that you did
24 some filming that day, is that correct, that location?

25 A Yes.

26 Q Did you film anything before the police arrived?

1 A Yes.

2 Q Did you film anything after the police
3 arrived?

4 A Yes.

5 Q All right, after taking these films did you
6 notice whether or not the films came out?

7 A Yes.

8 Q You viewed the finished product, is that
9 right?

10 A Yes.

11 Q Are these films available somewhere in the
12 studio where you still work?

13 A Yes, they are.

14 MR. STOVITZ: You may inquire, Counsel.

15
16 CROSS-EXAMINATION

17 BY MR. FITZGERALD:

18 Q You found these clothes on December 15th,
19 correct?

20 A Yes.

21 Q Not September.

22 A December.

23 MR. FITZGERALD: I have nothing further.

24 THE COURT: Mr. Shinn?

25 MR. SHINN: No questions, your Honor.

26 THE COURT: Mr. Kanarek.

MR. KANAREK: No questions, your Honor.

MR. FITZGERALD: We would like to approach the bench
before this witness is excused.

THE COURT: Very well.

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1 (Whereupon all counsel approach the bench and
2 the following proceedings occur at the bench outside of
3 the hearing of the jury:)

4 MR. FITZGERALD: It is one of the contentions of
5 the defendants that the Susan Atkins story or confession,
6 or published version, however one wants to refer to it,
7 was illegally and unlawfully obtained, and that this
8 witness came back and as a result of reading that con-
9 fession located and seized this clothing. Consequently,
10 it is the fruit of the so-called poison tree.

11 Now, what we wanted to do, and the reason that
12 I asked to approach the bench, is that the defendants would
13 like to have this testimony of this witness, that is,
14 the witness that just testified, subject to a motion to
15 strike until such time as the Court conducts a hearing on
16 the admissibility of the statement of Susan Atkins.

17 Now, actually, I am the attorney for Patricia
18 Krenwinkel, but it is my position that I am in a position
19 to object as well as Mr. Shinn, although Mr. Shinn wants
20 to object.

21 Also, another purpose in approaching the
22 bench was to either ask this witness outside of the presence
23 of the jury or obtain a stipulation from the prosecution that
24 he went looking for the clothing as a result of reading
25 a published version of her confession in the Los Angeles
26 Times.

22-2

1 MR. STOVITZ: In answer to that, your Honor, I do
2 not mind that this evidence comes in subject to a motion
3 to strike, but I think the so-called "fruit of the poison
4 tree" doctrine does not apply to civilian witnesses.

5 This witness was not employed by the Los
6 Angeles Police Department and did not receive his informa-
7 tion from the Los Angeles Police Department. And had he
8 looked, as an ordinary news man, for this thing, he would
9 have found it himself, once Linda Kasabian's testimony had
10 gotten out.

11 So, bearing in mind the various cases that
12 deal with the poison fruit doctrine, we don't believe that
13 this fruit is poisoned nor even badly tarnished.

14 MR. BUGLIOSI: We can give the Court several cases,
15 including a United States Supreme Court case, holding
16 that the Fourth and Fourteenth Amendments to the United
17 States Constitution are not affected.

18 MR. FITZGERALD: That is a legitimate rejoinder on
19 the part of the prosecution. However, we have two answers
20 to that.

21 One is that while that may be the state of the
22 law at the present time, it may not be the law a week from
23 now or a day from now.

24 Secondly, it is our contention, and at such
25 time we are going to ask the opportunity to show, that
26 her statement was published as the result of state action

22-3

1 by law enforcement officers, and in conjunction with the
2 assistance of persons within the Los Angeles County
3 District Attorney's Office, which puts the confession in a
4 somewhat different posture than it would be if we were
5 dealing solely with a civilian witness who seized a piece
6 of private property.

22a-fls.

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1 MR. SHINN: Your Honor, in response to Mr. Stovitz's
2 remark, I think the "silver platter doctrine" is involved.
3 I think that that doctrine may apply in this case.

4 MR. BUGLIOSI: The "silver platter" doctrine refers
5 to State and Federal courts, and I don't think we have that
6 issue here. There is no Federal court involved.

7 MR. SHINN: It is a constitutional issue.

8 MR. STOVITZ: In any event, I think that the
9 inspiration for finding this may have occurred from his
10 reading of the Los Angeles Times, but I think that that
11 matter is immaterial because we have a civilian witness
12 involved.

13 As counsel says, he wants to preserve the
14 record for appeal, I have no objection to him stating his
15 objection for the record and your Honor taking it subject
16 to a motion to strike.

17 If your Honor doesn't feel it supports the
18 prosecution, we can have a full evidentiary hearing on
19 -it.

20 MR. KANAREK: On behalf of Mr. Manson, I join in
21 all of Mr. Fitzgerald's comments as to this matter at the
22 bench.

23 THE COURT: His testimony will be received subject to
24 a motion to strike.

25 MR. FITZGERALD: Thank you.

26 MR. SHINN: All right.

22-5

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MR. STOVITZ: Very well.

2

MR. FITZGERALD: May he be excused subject to being recalled?

3

4

MR. STOVITZ: Yes. He will be back in two weeks.

5

MR. FITZGERALD: At such time as we may need him.

6

MR. BUGLIOSI: The next witness is going to be Joe Granado.

7

8

He is going to make use of the map here and show on the map where the blood was found, and testify to the type of blood found on the premises.

9

10

11

The jury will never be able to see the particular points from where they are.

12

13

THE COURT: You mean this particular diagram?

14

MR. BUGLIOSI: Yes. This large one right here.

15

I wonder if it could be brought up close to the jury?

16

17

THE COURT: We don't have much time left today.

18

MR. STOVITZ: That part can be done tomorrow.

19

You can get in the foundation of going there today.

20

21

THE COURT: Why don't you go as far as you can without the diagram today.

22

23

MR. BUGLIOSI: All right.

24

And then tomorrow we will move the diagram up closer? Because I don't think they can see from where they are. I don't think they can see the small specks of

25

26

1 blood.

2 THE COURT: Yes.

3 (Whereupon all counsel return to their
4 respective places at counsel table and the following
5 proceedings occur in open court within the presence and
6 hearing of the jury:)

7 MR. STOVITZ: May Mr. Baggot be excused?

8 THE COURT: Yes.

9 You are excused subject to being recalled.

10 MR. STOVITZ: Thank you.

11 MR. BUGLIOSI: The People will call Joe Granado.

22b fls. 12

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

Would you repeat after me.

I do solemnly swear --

THE WITNESS: I do solemnly swear --

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

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

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

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

THE CLERK: -- before this Court --

THE WITNESS: -- before this Court --

THE CLERK: -- shall be the truth --

THE WITNESS: -- shall be the truth --

THE CLERK: -- the whole truth --

THE WITNESS: -- the whole truth --

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

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

THE CLERK: -- so help me God.

THE WITNESS: -- so help me God.

THE CLERK: Would you be seated, please.

Would you please state and spell your name.

THE WITNESS: M. Joseph Granado; G-r-a-n-a-d-o.

M. JOSEPH GRANADO,

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

DIRECT EXAMINATION

1
2 BY MR. BUGLIOSI:

3 Q What is your occupation and assignment, sir?

4 A Police officer for the City of Los Angeles,
5 assigned to the Scientific Investigation Division as a
6 Forensic chemist or criminalist.

7 Q On the date of August the 9th, 1969, did you
8 proceed to the Roman Polanski residence at 10050 Cielo
9 Drive in the City of Los Angeles?

10 A I did.

11 Q And what time did you arrive there approximately?

12 A Approximately 10:00 o'clock in the morning.

13 Q Did you enter the residence?

14 A I did.

15 Q What was the purpose of your going to that
16 address on that date and time?

17 A To investigate the scene of a homicide.

18 Q After you arrived at the scene, Officer, did you
19 observe what appeared to be blood in several places on the
20 premises?

21 A I did.

22 Q What is your training and experience, if any,
23 in the field of blood analysis?

24 A I have had both on-the-job training and I have
25 a bachelor of arts and master of science in criminalistics,
26 where I took master courses in the typing of various types

1 of blood.

2 Q Is that the extent of your background and
3 training in the field of blood analysis?

4 A Also research which I have done on the job.

5 Q How long have you been in the Scientific
6 Investigation Division of the LAPD?

7 A For approximately six years.

8 Q Are there certain so-called blood types?

9 A Yes, there are.

10 Q And what are the blood types?

11 MR. KANAREK: Your Honor, has he been established now
12 as a purported expert?

13 THE COURT: Are you objecting?

14 MR. KANAREK: Well, I can do it on cross-examination.

15 MR. BUGLIOSI: I will lay a further foundation if you
16 are not satisfied, Mr. Kanarek.

17 THE COURT: Apparently there is no objection.

18 Let's proceed.

19 MR. KANAREK: I think there should be some voir dire,
20 your Honor, as to his background.

21 MR. STOVITZ: Do you want to do it now or on cross-
22 examination, Counsel?

23 MR. KANAREK: Whichever the Court prefers.

24 THE COURT: Let's proceed.

25 MR. BUGLIOSI: Q Have you ever qualified in a
26 court of law as an expert in the field of blood analysis,

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Officer?

A I have.

22c-1

1 Q About how many times?
2 A Over 50 times.
3 Q In the Municipal Court?
4 A Both in the Municipal Court and the Superior
5 Court.
6 Q Here in the County of Los Angeles?
7 A That is correct.
8 Q What about the Federal Courts?
9 A I have testified in Federal Court but concern-
10 ing other matters.
11 Q All right.
12 What are the blood types, Officer?
13 A The main groups?
14 Q Yes.
15 A There are four main groups. Type A, Type B,
16 Type AB and Type O.
17 Q Are there sub blood types?
18 A Yes, there are several sub blood types, but
19 the ones that are used with dry blood is the M and N group-
20 ings.
21 Q Now, the blood that you found on the premises
22 at the Cielo Drive address, was that dried blood?
23 A That is correct.
24 Q Now, what sub blood types are there with
25 respect to dry blood?
26 A The M and N grouping. Some people have an

22c-2

1 M factor and others have an N factor.

2 Q N as in Nancy?

3 A Yes.

4 And others have an MN factor, in various
5 proportions.

6 Q So, there is M as in Mary and N as in Nancy,
7 and MN as in Mary Nancy; is that correct?

8 A Yes.

9 Q Did you ever receive, Officer, a sample of the
10 blood from the bodies of the following people: Sharon
11 Marie Polanski, Jay Sebring, Voityck Frykowski, Abigail
12 Folger and Steven Parent?

13 A I did.

14 MR. KANAREK: Your Honor, I am requesting the same
15 objection on immateriality and irrelevancy as to this
16 witness also.

17 THE COURT: Very well.

18 MR. KANAREK: Thank you.

19 BY MR. BUGLIOSI:

20 Q Do you recall when and where you received these
21 samples of blood from these five victims?

22 A I received the samples in the Coroner's Office.

23 Q From a representative of the Coroner's Office?

24 A Yes. And I would have to refer to my notes
25 for the actual dates.

26 Q You didn't bring your notes with you today?

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A No. They are down in your office.

Q You will have them tomorrow morning?

A Yes.

Q All right.

And my door is locked; is that correct?

A That is correct.

Q But you did receive samples of blood from those five people, and you got the sample from the Coroner's Office; is that correct?

A That is correct.

Q Was this shortly after the homicides?

A Yes.

Q The five homicides?

A That is correct.

Q That would be around August the 10th or 11th or 12th, 1969?

A I would place it around there, yes.

Q Did you ever conduct any examination to determine the blood type and sub blood type of these five victims?

A I did.

Q What type of examination did you conduct?

A I examined both the sera and the cells of the blood, and typed both the sera and the blood cells.

Q Any other type of examination?

A Not of the blood from the victims.

1 Q When did you conduct this examination?

2 A Subsequent to the time that I picked it up.

3 Q And from your examination of these samples
4 of blood, were you able to determine the blood types and
5 sub blood types of the five victims?

6 A Yes.

7 Q And that information is in your notes; is
8 that correct?

9 A That is correct.

10 MR. BUGLIOSI: Would this be a convenient time, your
11 Honor, to adjourn?

12 THE COURT: We will adjourn at this time, ladies and
13 gentlemen.

14 Do not converse with anyone nor form or
15 express any opinion regarding the case until it is finally
16 submitted to you.

17 9:45 tomorrow morning.

18 (Whereupon at 4:13 p.m. the court was in
19 adjournment.)

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