

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.

72

No. A253156

REPORTERS' DAILY TRANSCRIPT

Wednesday, August 26, 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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LOS ANGELES, CALIFORNIA, WEDNESDAY, AUGUST 26, 1970

2:10 o'clock p.m.

- - - -

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

You may continue, Mr. Bugliosi.

M. JOSEPH GRANADO,

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

DIRECT EXAMINATION (Continued)

BY MR. BUGLIOSI:

Q People's 7 for identification shows Sharon Tate's body and Jay Sebring's body, is that correct?

A Yes.

Q And then it appears to show a rope going upwards towards presumably a ceiling, is that correct?

A That is correct.

Q Looking at People's Exhibit 14 for identification, it does show the beam and the rope over the beam; is that correct?

A That is correct.

Q But you cannot clearly see Sharon Tate or Jay Sebring's body in this photograph; is that correct?

A That is correct.

10 fls.

1 Q Have you ever seen any photograph taken by
2 the Los Angeles Police Department depicting not only the
3 bodies of Sharon Tate and Jay Sebring but the rope and the
4 beam with the rope over the beam?

5 A In one total picture?

6 Q Yes.

7 A No.

8 Q In view of that, Officer, have you drawn any
9 sketch the way Sharon Tate and Jay Sebring looked when you
10 arrived at the scene, including the rope over the beam?

11 A I tried.

12 Q You did the best you could?

13 A That is correct.

14 Q You are a chemist, you are not an artist; is
15 that correct?

16 A That is correct.

17 Q Do you do a little dabbling in the arts?

18 A A little bit.

19 Q Okay.

20 This sketch was not drawn to scale?

21 A That is correct.

22 Q Do you have that sketch today with you in
23 court?

24 A Yes.

25 Q Can I see it?

26 A Yes.

1 (The witness produces a document and handed
2 it to Mr. Bugliosi.)

3 (Mr. Bugliosi shows the document to all counsel,
4 and all counsel confer.)

5 MR. BUGLIOSI: Your Honor, I have here a sketch. May
6 it be marked People's next in order?

7 THE CLERK: 196, your Honor.

8 THE COURT: 196 for identification.

9 BY MR. BUGLIOSI:

10 Q Officer, would you step down off the witness
11 stand?

12 (The witness leaves the stand and approaches
13 the board.)

14 (The sketch is stapled to the board.)

15 BY MR. BUGLIOSI:

16 Q Officer, taking a look at People's 196 for
17 identification, is this the sketch that you drew?

18 A Yes. That is the best I could do.

19 Q Now, is this Sharon Tate right here?
20 (Indicating.)

21 A Yes.

22 Q Is that Jay Sebring?

23 (Indicating.)

24 A That is correct.

25 MR. BUGLIOSI: Your Honor, may I mark this "ST" for
26 Sharon Tate?

1 THE COURT: Yes.

2 Before you do so, Mr. Bugliosi, let Mr. Darrow
3 pull the end of that blackboard out so that it is at an
4 angle.

5 (Pause while the Clerk readjusts the board.)

6 (Mr. Bugliosi marks the sketch.)

7 BY MR. BUGLIOSI:

8 Q This is Jay Sebring?

9 A Correct.

10 MR. BUGLIOSI: I will mark that "JS," and "ST" for
11 Sharon Tate.

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11 fls.

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1 MR. BUGLIOSI: May I mark that "Couch", your Honor?

2 THE COURT: Yes.

3 BY MR. BUGLIOSI:

4 Q Does the American flag drape over the couch
5 right here?

6 A That's correct.

7 Q Is that the way it was when you arrived at
8 the scene?

9 A Yes.

10 Q Orienting ourselves here, now, where would
11 the front door of the Tate residence be?

12 A Towards this location, away from the -- to the
13 back and away from the board.

14 Q Would this be the living room area right
15 here?

16 A That's correct.

17 Q The sofa was inside the living room, of
18 course?

19 A Yes.

20 Q Where was the fireplace?

21 A Towards me, here.

22 Q About right here?

23 A In this area.

24 Q Over here?

25 A Yes.

26 Q What about the two bedrooms, would they be

1 up this way?

2 A They were through a door that way, into the
3 board.

4 Q If it were on the diagram it would be in
5 this direction here on top?

6 A That's correct.

7 Q What about the dining room and the kitchen?

8 A They were towards me in this direction, not
9 back towards the door, but this direction here.

10 Q Is this the rope, right here?

11 A Yes.

12 Q Is this the beam?

13 A That's correct.

14 MR. BUGLIOSI: May I mark that "beam", your Honor?

15 THE COURT: You may.

16 MR. BUGLIOSI: May I mark this "rope"?

17 THE COURT: Yes.

18 BY MR. BUGLIOSI:

19 Q Would the fireplace be about right here where
20 I am pointing?

21 A I would say in this area here; there was
22 another stuffed couch here in this area, here.

23 Q Right about here?

24 A That's correct.

25 MR. BUGLIOSI: May I mark this "fireplace area,"
26 your Honor?

1 THE COURT: Yes.

2 BY MR. BUGLIOSI:

3 Q Officer, would you go over the sketch at
4 this time, perhaps in red, I don't know if the jury can
5 see the sketch from where they are sitting.

6 Go over your sketch in red.

7 A What portion?

8 Q Just the basic outline of the couch and the
9 bodies and the rope and the beam and indicate once again
10 to the jury the manner in which the rope was tied around
11 Jay Sebring and Sharon Tate's neck and the way it
12 extended over the beam.

13 A I am outlining the couch now.

14 In front of the couch was the body of Sharon
15 Tate.

16 Now I am outlining the body of Sebring.

17 Then we have the stuffed chair next to
18 Sebring.

19 Then we have the beam supporting the loft and
20 the rest of the structure above.

21 Q Will you use blue to designate the rope?

22 A Yes.

23 Now, the rope was a loose end, coming from
24 the lower rear end of Sebring. It went under Sebring.

25 Q Talk a little louder, Officer.

26 A It went under Sebring.

1 Then there was a double loop around his neck
2 over the towel that was draped over his head.

3 Then, leaving from there, underneath him
4 towards Sharon Tate, then wound twice around Sharon Tate
5 and came back next to the rope that came from Sebring,
6 and led towards the couch upwards towards the ceiling
7 around the beam.

8 It went over the beam and down again next to
9 the other rope going up, and then it went and touched the
12 fls 10 floor of the living room.

L2-1

1 Q One piece of rope?

2 A That is correct.

3 Q Where did the rope finally end up? Here on the
4 floor?

5 A That is correct.

6 Q Hanging loose?

7 A Yes.

8 Q If one were to pull that rope, would it
9 tighten the rope around Sharon Tate's neck or Jay Sebring's
10 neck?

11 A Around Sharon's neck.

12 Q Not Jay's neck?

13 A No. You would have to lift her up.

14 Q Then the rope was cut by a member of the
15 Coroner's office about right here? (Indicating)

16 A Yes.

17 Q Right in the center?

18 A I will show that with an arrow across the
19 location where it was cut.

20 MR. BUGLIOSI: May I mark this "where rope was cut,"
21 your Honor?

22 THE COURT: Yes.

23 (Mr. Bugliosi so marks.)

24 MR. BUGLIOSI: Thank you, Officer.

25 You may resume the witness stand.

26 (Whereupon, the witness resumes the stand.)

-2

1 MR. BUGLIOSI: Q This towel which was around
2 Jay Sebring's head when you first arrived on the scene,
3 did it completely cover his face?

4 A Yes.

5 Q Did it completely cover his head?

6 A Yes.

7 Q Directing your attention, Officer, to People's
8 94 for identification, there seems to be two separate
9 large areas of blood; is that correct?

10 A Yes.

11 There is an area here, and then --

12 Q To the left, and then to the right?

13 A Yes.

14 Q This is outside the front door of the Tate
15 residence; is that correct?

16 A That is correct.

17 Q This area that I am pointing to right now, the
18 bottom left-hand corner of the photograph, you got a
19 sample of blood from that area?

20 A That is correct.

21 Q And you typed it, and it came out what?

22 A That blood was human blood type O, sub type MN.

23 Q This area right here; is that correct?

24 A That is correct.

25 That is 22 inches from the north --

26 MR. KANAREK: Your Honor, may I approach the witness?

12-3

1 THE COURT: Yes.

2 MR. KANAREK: Thank you.

3 THE WITNESS: That is 22 inches south of the north
4 edge of the porch.

5 The porch being over here 22 inches.

6 (indicating)

7 MR. BUGLIOSI: Q What portion of this area
8 right here did you take the sample from?

9 A I can't recall.

10 Q Did you take a sample from every inch?

11 A No.

12 Q Every square inch?

13 A No.

14 I took a random sampling. Then I assumed that
15 the rest of it was the same.

16 Q You don't know if this random sampling is
17 representative of the blood type of the whole area here?

18 A That is correct. I would have to scoop every-
19 thing up.

20 Q Would you indicate, point out where you took
21 this random sampling from? Just point it out, officer.

22 A I would approximate in this area in the center.
23 (Indicating.)

24 Q This area right here?

25 A Yes.

26 MR. BUGLIOSI: May I make a circle here, your Honor,

1 "Q-MN"?

2 MR. KANAREK: I would rather have the officer do it,
3 your Honor.

4 May the officer do it?

5 THE COURT: Yes. Let the officer do it.

6 MR. BUGLIOSI: All right.

7 (The witness marks.)
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1 MR. KANAREK: Your Honor, Mr. Bugliosi has put an
2 arrow there.

3 MR. BUGLIOSI: Yes. I did it in a very sinister
4 fashion. I had my hand block your view.

5 MR. KANAREK: I am not saying that.

6 MR. BUGLIOSI: You didn't pick that up?

7 MR. KANAREK: I want the record to reveal what
8 occurred. I am not alleging that there was anything sinister
9 about it.

10 MR. BUGLIOSI: I think it was sinister, and I think
11 the record should reflect that, Mr. Kanarek.

12 THE COURT: All right, gentlemen.

13 What is your comment?

14 MR. KANAREK: My comment was that the arrow was
15 drawn by Mr. Bugliosi.

16 Just so the record will reveal what, in fact,
17 occurred, your Honor. That is all that I am asking.

18 THE COURT: All right.

19 BY MR. BUGLIOSI:

20 Q Above this area of blood there is another
21 separate area of blood next to what appears to be a
22 damaged bush; is that correct?

23 A I don't know if it is damaged or not. I
24 can't tell from that.

25 Q You see some bushes here; is that correct?

26 A Yes.

1 Q Now, right adjacent to the bush or bushes,
2 Officer, you see what appears to be a large amount of
3 blood; is that correct?

4 A Yes.

5 Q Did you take any sample of blood from that
6 area?

7 A No. I have none.

8 I have checked my books and I haven't seen
9 any from that area.

10 Q Any particular --

11 MR. KANAREK: May he finish his answer?

12 I am not sure he is finished, your Honor.

13 MR. BUGLIOSI: I apologize.

14 THE WITNESS: I did not find any from that particular
15 area.

16 BY MR. BUGLIOSI:

17 Q You did not find any or you did not take any?

18 A I did not take any.

19 Q You did not take any sample of blood from the
20 pool of blood adjacent to the bushes here?

21 A That is correct.

22 Q Was there any particular reason for that?

23 A No.

24 At the time, I guess I assumed all of the
25 blood was of similar origin.

26 Q From one and the same person?

1 A Yes.

2 MR. BUGLIOSI: Your Honor, could the officer encircle
3 that area and then indicate on the photograph that that
4 area was not blood typed?

5 MR. KANAREK: Well, your Honor, I will object to that.
6 That is assuming facts not in evidence.

7 This officer assumed that everything that was
8 there came from the same source, your Honor. I object
9 to that marking.

10 THE COURT: Sustained.

11 MR. KANAREK: Thank you.

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13 13 fls.

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1 MR. BUGLIOSI: Your Honor, I am simply having a
2 photograph --

3 THE COURT: He has already indicated from which area
4 he took a sample.

5 MR. BUGLIOSI: Right.

6 THE COURT: Thereby excluding all other areas.

7 MR. BUGLIOSI: Well, I think the record clearly
8 shows that, and I wanted the photograph to show that he
9 did not take a sample.

10 THE COURT: You circled the area from which the sample
11 was taken.

12 MR. BUGLIOSI: All right.

13 Q BY MR. BUGLIOSI: Showing you People's 41 for
14 identification, did you try to get a blood type from any
15 of the blood on that rope?

16 A Yes.

17 Q This was the rope that was around Sharon?

18 A That's correct.

19 Q What blood type did you come up with?

20 A I typed areas that I have marked G-28, A, B, and
21 C, and all of those areas gave me a human blood type, O,
22 sub type M.

23 Q What about the rope that was around Jay Sebring,
24 People's 194 for identification, did you try to get a
25 sample of blood from that rope?

26 A No, that had other -- it was wrapped around with

13-2

1 other bloody clothing.

2 Q Bloody clothing of Jay Sebring?

3 A That's correct.

4 Q Why didn't you take a blood sample from this
5 rope?

6 A Because any blood type there would probably be
7 contaminated with the blood type of Sebring.

8 Q Officer, I show you People's 3B for
9 identification, do you know what is shown on that photo-
10 graph?

11 A Yes.

12 Q What is shown on that photograph?

13 A An automobile.

14 Q Do you know what type of automobile?

15 A It is a Ford automobile.

16 Q Have you ever seen that automobile before?

17 A Yes, I have.

18 Q Where and when, for the first time?

19 A I saw this automobile on the 2nd day of
20 December, 1969.

21 Q A 1959 Ford?

22 A A '59 Ford, four-door, the I.D. number is right
23 here.

24 Q Where did you see the car on that date,
25 December 2nd, 1969?

26 A I believe this was -- I have it written here,

1 "Howard Sommers' Garage, 7252 Deering, Canoga Park,
2 California."

3 Q And did you go out to Howard Sommers' Garage
4 with the purpose of inspecting this car here, this 1959
5 Ford, to ascertain whether there were any blood spots on
6 the car?

7 A Yes.

8 Q Did you examine the interior of the car?

9 A I did.

10 Q What was the result of your examination?

11 A I did not find any blood stains in the vehicle
12 other than a benzidine reaction on the right upper corner
13 of the glove compartment.

14 Q Is that a positive benzidine reaction when you
15 apply benzidine to the upper right-hand corner of the
16 glove compartment, is that correct?

17 A That's correct.

18 Q Did you run your Ouchterlony test?

19 A No, because I could not obtain any more
20 coloring off the edge.

21 Q There was an insufficient amount of the
22 substance to run your Ouchterlony test to determine
23 whether it was human blood?

24 A That is correct, that is the area around the
25 glove compartment.

26 Q It turned bluish-green when you applied

1 benzidine to it.

2 A Yes, the right upper corner of the glove
3 compartment.

4 Q I show you People's 120 for identification, did
5 you ever see that wooden piece before?

6 A Yes.

7 Q Where did you see it for the first time?

8 A In the living room.

9 Q Of the Tate residence?

10 A Yes.

11 Q This was before it ended up beneath the chair,
12 is that correct?

13 A That is correct.

14 Q And did you take this into your custody?

15 A Yes, after it was printed.

16 Q Is this the piece that had some blood on it?

17 A No, this is the piece that gave me the positive
18 benzidine.

19 Q I'm sorry, the positive benzidine, right.

20 I show you People's 121 for identification,
21 did you ever see that piece of wood before?

22 A Yes, that is G2 and this is G3. I have it
23 marked, and this is G2.

24 Q You have got no positive benzidine on that.

25 A No, on this I got a positive benzidine and also
26 I got human blood type O, sub type MN.

1 Q Where were these two pieces in relation to each
2 other when you first observed them?

3 A Close together.

4 Q On the floor?

5 A Yes, sir.

6 MR. BUGLIOSI: Your Honor, I have here another piece
7 of wood, a small speck of wood, may it be marked People's
8 next in order?

9 MR. STOVITZ: Counsel, may I suggest you keep it in
10 the plastic bag so it doesn't get lost.

11 MR. BUGLIOSI: You want me to show it to him in the
12 plastic bag!

13 MR. STOVITZ: No, keep it near the plastic bag.

14 MR. BUGLIOSI: I will do that.

15 THE COURT: 197 for identification.

16 Q BY MR. BUGLIOSI: Did you ever see this piece
17 of wood before?

18 A Yes.

19 Q Where did you see this piece of wood for the
20 first time?

21 A Outside on the front porch, approximately a
22 foot away from the front door as you went through the door.

23 Q Did you take this piece of wood into your
24 custody?

25 A Yes, I did. That is marked G1.

26 Q This is G1, this little piece of wood?

1 A That's correct.

2 Q Was this negative for Benzidine?

3 A No, that was positive for Benzidine.

4 Q All right, what about human blood?

5 A Insufficient.

6 Q Insufficient amount to run your test, right?

7 A That's correct.

8 Q Did you ever look for a photograph, if any,

9 depicting where this little piece of wood was on the

10 premises?

11 A I did.

12 Q Did you find such a photograph?

13 A No.

14 Q Were you ever given any clothing by the

15 Los Angeles Police Department Homicide Division to

16 examine for the presence of blood?

17 A Yes.

18 Q Do you have your record with you with respect

19 to your examination of the article of clothing?

20 A Yes.

21 Q When did you receive the clothing?

22 A Which ones? I have numerous ones.

23 Q All right, referring to the turtle neck

24 sweater, the T-shirts, things like that, did you receive

25 them on December 16, 1969?

26 A What was that date again?

1 Q December 16th, 1969.

2 A Yes.

3 Q From whom did you receive them on that date?

4 A From Calkins.

5 Q Sergeant Calkins of the Los Angeles Police
6 Department?

7 A Yes.

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1 Q I show you People's 50 for identification.

2 A Yes, sir.

3 Q Have you ever seen the article of clothing
4 that has been marked People's 50 for identification?

5 A Yes. I have my marking of G50.

6 Q You have marked it G50 yourself?

7 A Yes.

8 Q And it is marked People's 50 for identifica-
9 tion now?

10 A Yes.

11 Q When did you see that article of clothing for
12 the first time?

13 A December 16th, 1969.

14 Q This is one of the articles of clothing given
15 to you by Sergeant Calkins?

16 A Yes.

17 Q Did you conduct any kind of examination with
18 respect to that article of clothing?

19 A Yes, I did.

20 Q What examination did you conduct?

21 A I shook --

22 Q You will have to talk a little bit more
23 loudly.

24 A I shook the clothing out as much as I could.
25 Then I looked for areas that would give me a positive
26 reaction to benzidine.

14-2

1 Q What, if anything, did you find with respect
2 to that article?

3 A I believe when I got this article it was
4 inside out.

5 Here. In the area of the right sleeve, I
6 took some samples which gave me a positive benzidine.

7 Then I ran a human, and I set up for blood
8 typing.

9 I had a positive human reaction and a possible
10 O.

11 Q A possible O, you say?

12 A Yes.

13 Q Did you get any sub blood type?

14 A I didn't, no. I didn't run it for blood,
15 sub blood type.

16 Q So you got a positive benzidine, and when you
17 ran the human, the Ouchterlony test, you got an O?

18 A A possible O.

14a fls.

14-3

1 Q I show you People's 51 for identification.
2 Is that marked G51 by your internal records?

3 A I don't think so.

4 Q Tell me this: Do you have a G51 in your
5 internal record?

6 A I have a G51.

7 Q What is G51 in your internal records?

8 A It is genuine Roebucks, blue denims, 30-inch
9 waist, 29-inch long.

10 MR. BUGLIOSI: May the record reflect, your Honor,
11 that People's 51 for identification is a pair of blue
12 denims. There is a tab on them, on the back, saying
13 "Genuine Roebucks."

14 May the record so reflect, your Honor?

15 THE COURT: Yes.

16 BY MR. BUGLIOSI:

17 Q To your knowledge, did you receive this pair
18 of blue denim pants from Sergeant Galking on December 16,
19 1969?

20 A Yes.

21 Q All right.

22 Would you please relate the type of examina-
23 tion you ran with respect to those pants and what the
24 results of the examination were?

25 A I found there is where I got a positive
26 benzidine, and I circled those areas and took portions of

14-4

1 material. Then I set up the material and I obtained a
2 negative human reaction.

3 Q Is that a negative human on those pants?

4 A That's right.

5 Q I show you People's 52 for identification.

6 Have you ever seen that black T-shirt before?

7 A Yes. That is marked G52.

8 Q All right.

9 Would you please relate -- is this one of
10 the articles you got from Calkins on December the 16th?

11 A That is correct.

12 Q What examination did you conduct and what
13 were the results of the examination?

14 A I checked it for blood, possible blood, and
15 found some areas that gave me a positive benzidine,
16 and I subjected these areas to analysis and found a
17 negative reaction to human precipitants.

18 Q Now, you say when you get a benzidine reaction
19 that there is a high probability that that is blood; is
20 that correct?

21 A Yes.

22 Q But you can't be certain unless you conduct
23 that other test; right?

24 A Unless I get a human reaction.

25 Q I show you People's 53 for identification, a
26 white T-shirt.

14-5

Have you ever seen that white T-shirt before?

A Yes.

14b fls.

14-6

1 Q Is that one of the articles of clothing that
2 you got from Sergeant Calkins on December the 16th?

3 A That is correct.

4 Q What test did you run and what were the results?

5 A I took samples from an area that I marked A
6 and an area that I marked B, from the shirt.

7 Both of these areas gave me a positive benzidine.
8 Both of these areas also gave me a positive human and a
9 blood type of B.

10 Q Any sub blood type?

11 A No.

12 Q I show you People's 54 for identification.

13 Is that one of the articles you got from
14 Sergeant Calkins on December the 16th?

15 A Yes. It appears to be the dark Navy blue
16 T-shirt type shirt.

17 Q Marked G54 by your records?

18 A Yes.

19 Q That is Granada 54; is that correct?

20 A Right.

21 It has Towncraft on the label. It has the
22 word Penn. Then the word small, or the letter S for small,
23 I guess. 34 to 36.

24 Q What test did you run and what result?

25 A The benzidine gave me a negative reaction.

26 No human test.

14-7

1 Q You didn't even run a human test?

2 A No.

3 Q I show you People's 55 for identification,
4 some blue denims.

5 Did you also receive that article of clothing
6 from Calkins on December 16th?

7 A Yes. G55.

8 Q What test and what result?

9 A I found the stains to be negative to benzi-
10 dine, so no human was run.

11 Q I show you People's 56 for identification,
12 some black denims.

13 Was that also an article that you got from
14 Sergeant Calkins on December 16th?

15 A Yes. G56.

16 Q What test did you run and what result?

17 A All the stains gave a benzidine reaction which
18 was negative. No reaction. So, no human was run.

15 fls.

5-1

1 Q Could you demonstrate to the jury -- strike
2 that.

3 Could you outline the areas of these
4 respective items of clothing where you got a positive
5 Benzidine reaction and then apply some Benzidine to it
6 and show the reaction to the jury, the reaction of the
7 clothing to the Benzidine?

8 A On which article?

9 Q Whichever article you got a positive Benzidine
10 on.

11 A The T-shirt.

12 MR. FITZGERALD: That is irrelevant and immaterial,
13 the presence of animal blood --

14 MR. STOVITZ: There was positive human reaction on 53.

15 MR. FITZGERALD: He is not doing the human test,
16 Mr. Stovitz, if you would listen.

17 MR. BUGLIOSI: The testimony is if there is a positive
18 Benzidine there is a high probability there is human
19 blood.

20 MR. FITZGERALD: That is not his testimony.

21 MR. BUGLIOSI: Let me ask him again, I thought that
22 was his testimony.

23 THE COURT: What do you propose to do, have a
24 demonstration with a Benzidine reaction?

25 MR. BUGLIOSI: Yes, your Honor, also the area of
26 the clothing upon which he got the Benzidine reaction,
how much blood was on the clothing or what could have

1 been blood, if it is a speck or a large area, I think the
2 jury is entitled to know that.

3 THE COURT: He testified about that.

4 MR. BUGLIOSI: I think he would almost have to
5 measure it otherwise.

6 THE COURT: I think that is something that can be
7 described without demonstration.

8 The objection is sustained.

9 Q BY MR. BUGLIOSI: Looking at the white T-shirt
10 again, could you give the jury an idea of the area from
11 which you've got a positive Benzidine?

12 A The areas that I got a positive Benzidine
13 that I can tell you at this time is the area that I marked
14 A and B.

15 Q You indicated the area?

16 A Yes, sir, they are marked.

17 Q You indicated the extent of the area? You
18 have encircled that?

19 A I encircled the area.

20 Q That is the only area you got a positive
21 Benzidine on?

22 A No, that is the area that I took my sample
23 from.

24 Q Do you recall what areas of this white T-shirt
25 you got a positive Benzidine on?

26 A I recall the areas I specifically checked;

1 I took the area I got my strongest reaction and typed
2 those.

3 Q If you apply Benzidine to the T-shirt at this
4 late date, to the entire T-shirt, would there be a reaction
5 at this late date?

6 A I would think so.

7 Q Right now you don't know what areas would
8 react, is that correct?

9 A No, I know that the area that I encircled would
10 react.

11 MR. BUGLIOSI: I again suggest, Your Honor, it is
12 very relevant as to how much blood was on this T-shirt.
13 Was it a speck or was it bathed in blood.

14 It is very relevant unless the defense would
15 care to stipulate it had quite a bit of blood on it.

16 MR. FITZGERALD: The testimony indicates that the
17 Benzidine test itself is irrelevant.

18 Subsequent and further tests have to be
19 performed to indicate the presence of human blood.

20 We are not interested here in the presence or
21 absence of animal blood of the mammal family.

22 What we are here to determine is, is there
23 human blood of the human origin.

24 MR. BUGLIOSI: The defense might not be interested.
25 This would go to the weight. Maybe the jury would want to
26 know.

1 THE COURT: I think this can be done out of the
2 presence of the Court. The objection is sustained.

3 Q BY MR. BUGLIOSI: Officer, will you remove
4 this article of clothing back to your office tonight,
5 with the Court's permission, and try to ascertain the areas
6 on these respective items of clothing.

7 Will you do that and come back tomorrow
8 morning? Is that all right?

9 A Yes.

10 MR. STOVITZ: Or some later date perhaps, Counsel.

11 MR. BUGLIOSI: All right.

12 Q In any of these items of clothing did you get a
13 positive Benzidine but negative for blood, negative for
14 human?

15 A Yes, I did.

16 Q Do you have any explanation for that?

17 A Yes, the blood --

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1 Q You will have to talk a little more loudly,
2 Officer.

3 A The blood could be animal, or the clothing
4 could have been out to the elements, and there is a
5 destruction of the human component, that is, the protein-
6 ation material that gives the human reaction.

7 Q In other words, when human blood is exposed to
8 the elements, you mean like rain and sunshine?

9 A Well, mere rain would dilute it.

10 Q Rain would dilute it?

11 A Yes.

12 Q What about sunshine?

13 A That can again also break down by ultraviolet
14 radiation, it could break down your human component.

15 Q So when human blood then is exposed to the ^K [✓]
16 elements for a period of time there is a likelihood that
17 the human component of the blood will disintegrate?

18 A Yes, many things can happen.

19 Q So that when you thereafter run the human test,
20 the Ouchterlony test, you no longer get a positive for
21 human blood, is that correct?

22 A Yes, this is possible.

23 Q Even though originally the substance may have
24 been human blood, is that correct?

25 A Yes.

26 Q Do you have any estimate as to the amount of [↑] [↑]

15a-2

1 time that has to elapse before blood which is exposed to
2 the elements starts to lose its human components?

3 A I don't know because it varies, because if you
4 keep this blood in the laboratory, I know it is going to
5 last for years, three years that I know of.

6 Q I am referring to now, when it is exposed to
7 the elements.

8 A I don't know, this would vary with various
9 conditions, I could not give you an estimate.

10 Q What is the likelihood of the human components
11 remaining in the blood after it has been exposed to the
12 elements for approximately or close to four and a half
13 months?

14 MR. KANAREK: Your Honor, that is calling for a
15 conjecture.

16 MR. BUGLIOSI: He is an expert, he is qualified in
17 this field.

18 MR. KANAREK: There is no foundation in the report
19 for that kind of testimony.

20 THE COURT: Sustained.

21 BY MR. BUGLIOSI:

22 Q I show you People's 40 for identification, have
23 you ever seen that revolver before?

24 A Yes, I did.

25 Q When did you see that revolver before the first
26 time?

15a-3

1 A I received this revolver on December 16th,
2 1969, from William J. Lee, the firearms expert of SID.

3 Q Scientific Investigation Division of the Los
4 Angeles Police Department?

5 A That's correct.

6 Q Did you conduct any blood test with respect
7 to that revolver?

8 A Yes.

9 Q When did you conduct the test?

10 A Immediately after I received the weapon.

11 THE COURT: We will take the recess now, Mr.
12 Bugliosi.

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

16 The court will recess for 15 minutes.

17 (Recess.)
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16 fls.

16-1

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

3 You may continue, Mr. Bugliosi.

4 BY MR. BUGLIOSI:

5 Q You examined that revolver for blood: is that
6 correct?

7 A That is correct.

8 Q On what date?

9 A I took the sample on 12/16/69, and it was
10 sometime during that week that I obtained my results.

11 Q What were the results?

12 A In the area of the hammer, this side of the
13 hammer, I found human blood Type B.

14 In the area inside the remaining left grip
15 on the weapon I found human blood type B.

16 Q You notice that there is one piece of grip
17 on that handle, do you not?

18 A That is correct.

19 Q Did you do anything with the grip when you
20 conducted the examination?

21 A Yes. I removed it by unscrewing this screw
22 here.

23 Q Then you put it back?

24 A That is correct.

25 Q When you received that revolver, was the other
26 half of the grip on the revolver?

1 A Would you repeat that question?

2 Q Yes, sir.

3 When you examined the revolver, was the right
4 half of the grip on the revolver?

5 A No.

6 Q It was gone?

7 A That is correct.

8 Q You have never seen the right half?

9 A No.

10 Q You have seen three pieces of wood which you
11 found at the scene; is that correct?

12 A That is correct.

13 Q Do you know whether they belong to this half
14 of the handle?

15 MR. KANAREK: That is calling for a conclusion, your
16 Honor.

17 MR. BUGLIOSI: Withdraw the question.

18 We will go on to something else.

19 BY MR. BUGLIOSI:

20 Q I show you People's Exhibit 42 for identifica-
21 tion.

22 Do you know what is shown in that photograph?

23 A Yes. That is the body of Steven Parent in
24 the automobile.

17 fls.

7-1

1 Q Is this the way his body looked when you
2 arrived at the scene?

3 A Yes.

4 Q Directing your attention to the right front
5 passenger seat, do you see a clock-radio?

6 A Yes.

7 Q Did you see that radio at the scene?

8 A I did.

9 Q Did you pick the radio up and book it, or book
10 it with the Property Division of the Los Angeles Police
11 Department?

12 A No, I believe the detectives -- the investiga-
13 tors -- did that.

14 Q You turned the radio over to the detectives at
15 the scene?

16 A Yes.

17 Q Do you have that radio with you here in court?

18 A I do.

19 MR. BUGLIOSI: May I see it?

20 Your Honor, I have here a radio, a Zony FM-AM
21 Digimatic radio.

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

23 THE COURT: 198 for identification.

24 MR. BUGLIOSI: Is it 198, your Honor?

25 THE COURT: Yes.

26 MR. STOVITZ: What is 197, your Honor?

NDX

7-2

1 THE CLERK: The piece of wood.

2 MR. STOVITZ: Oh, yes, thank you.

3 Q BY MR. BUGLIOSI: You notice this radio also
4 has a clock on the left side, is that correct?

5 A That is correct.

6 Q On the right side it is a radio, is that
7 right?

8 A Yes.

9 Q And it, of course, has a cord, is that correct?

10 A Yes.

11 Q When you found the radio did you look at the
12 time on the radio?

13 A I did.

14 Q What time was registered on the radio at that
15 time?

16 A 12:15 a.m.

17 Q Directing your attention to the time that is
18 presently on the radio, it says 12:17 a.m. Do you know
19 how it advanced from 12:15 to 12:17 a.m.?

20 A No, I do not.

21 Q In any event it was 12:15 a.m. when you saw
22 the radio in Steven Parent's car, is that correct?

23 A That's correct.

24 Q Was this cord attached to anything inside
25 Steven Parent's car?

26 A No.

1 Q It was unattached?

2 A That's correct.

3 THE COURT: When you say it was 12:15 a.m., you mean
4 the clock was 12:15 a.m.?

5 THE WITNESS: The clock read 12:15 a.m.

6 MR. BUGLIOSI: Thank you, Officer, no further
7 questions at this time.

8 THE COURT: Mr. Fitzgerald.

9
10 CROSS-EXAMINATION

11 BY MR. FITZGERALD:

12 Q Officer, do I understand your testimony
13 correctly, when determining or searching for the presence
14 or absence of human blood on a particular object, you
15 first run a Benzidine test, is that correct?

16 A Yes.

17 Q If there is a positive Benzidine reaction,
18 that indicates the presence of blood on the object, is
19 that right?

20 A Yes, that indicates the presence of a high
21 probability of blood being present on the object.

22 Q It does not indicate there is blood present,
23 just a high probability of blood?

24 A I would indicate it as a high probability.

25 Q Now, the type of blood that there is a high
26 probability of is generically referred to as animal blood,

1 is that correct?

2 A Well, inasmuch as we are all animals.

3 Q Yes, inasmuch as we are all animals.

4 A Yes.

5 Q To determine whether an object has human blood
6 a further test is required, a further test other than the
7 Benzidine test, is that correct?

8 A That is correct.

9 Q And that test is referred to as what?

10 A One can refer to it -- some individuals refer
11 to it as a human precipitant, which is what happens:

12 It precipitates out the protein components of
13 the human blood as reacted with human antisera.

14 Q So if that precipitant test is positive, then
15 one can form the opinion that the blood is of human
16 origin?

17 A Yes.

18 Q As opposed to some other form of animal?

19 A That's correct.

20 Q And in your experience you frequently experienced
21 the situation where the blood was of animal origin as
22 opposed to human origin, say, for example, in the
23 situation where blood from meat is found on a piece of
24 cloth in the kitchen, or something like that?

25 A That is correct.

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18-1

1 Q Then, once you have determined that the
2 blood is from a human being, you conduct still a further
3 test to determine what blood type it is; is that correct?

4 A Yes. A test or tests, depending on the
5 material.

6 Q Sometime it requires more than one test?

7 A That is correct.

8 Q And then still a further test is required to
9 determine the blood type sub grouping?

10 A That is correct.

11 Q The circumstances that we have been talking
12 about? We have been talking about M and N and MN.

13 A That is correct.

14 Q So a mere positive reaction on a benzidine
15 test simply indicates the presence of animal blood,
16 nothing more, nothing less?

17 MR. BUGLIOSI: Your Honor, that is a misstatement
18 now.

19 I think Mr. Fitzgerald knows that when you
20 say "animal," you are not referring to a human being.
21 I am going to object on that ground. It is a deliberate
22 effort, I think, to get this witness confused.

23 MR. FITZGERALD: I don't know enough to confuse him. ✓

24 THE COURT: Overruled.

25 He may answer.

26 Do you have the question in mind?

18-2

1 THE WITNESS: Yes.

2 I would put it differently though. I would
3 say that benzidine would react with blood whether human or
4 animal; or you could say that human is animal too, so
5 you could categorize it as all animal.

6 MR. FITZGERALD: I have nothing further.

7 THE COURT: Mr. Shinn?

8 MR. SHINN: Your Honor, may I defer my cross-
9 examination until tomorrow morning, your Honor? I
10 believe at that time he is going to testify on the other
11 matter that we discussed at the bench.

12 THE COURT: Well, if he is testifying and the oppor-
13 tunity presents itself, you may, but I don't know what
14 tomorrow will bring.

15 MR. STOVITZ: We have no objection, your Honor.

16 I believe counsel indicated that his cross-
17 examination would be very brief and related to a specific
18 matter.

19 This witness will be back and we have no
20 objection.

21 THE COURT: All right.

22 MR. SHINN: Thank you.

23 THE COURT: Mr. Kanarek, any questions?

24 MR. KANAREK: No questions.

25 THE COURT: Any redirect?

26 MR. BUGLIOSI: No, your Honor.

18-3

1 THE COURT: You may step down, sir.

2 THE WITNESS: Thank you.

3 MR. STOVITZ: Your Honor, the next witness relates
4 to Count VI, VII and VIII in the indictment and will be
5 offered as to all defendants. I just want the record
6 to be clear.

7 We will call Frank Struthers to the stand.

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

9 Would you please repeat after me.

10 I do solemnly swear --

11 THE WITNESS: I do solemnly swear --

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

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

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

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

16 THE CLERK: -- before this court --

17 THE WITNESS: -- before this court --

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

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

20 THE CLERK: -- the whole truth --

21 THE WITNESS: -- the whole truth --

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

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

24 THE CLERK: -- so help me God.

25 THE WITNESS: -- so help me God.

26 THE CLERK: Would you be seated, please.

18-4

1 Would you please state and spell your name?

2 THE WITNESS: Frank Lynn Struthers; F-r-a-n-k,
3 Lynn, L-y-n-n, Struthers, S-t-r-u-t-h-e-r-s.

4 MR. KANAREK: Your Honor, may I have the objection
5 on the grounds of immateriality and relevancy?

6 THE COURT: Very well.

18a fls.

7 MR. KANAREK: Thank you.
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FRANK LYNN STRUTHERS,

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

DIRECT EXAMINATION

BY MR. STOVITZ:

Q May I call you Frank?

A Yes.

Q How old are you?

A Sixteen.

Q Do you go to school?

A Yes.

Q What school do you go to?

A Marshall High.

Q What grade are you in?

A The 10th.

Q Directing your attention to August the 1st, 1969. Where were you living at that time?

A 3301 Waverly Drive, Los Angeles.

Q And who, if anyone, were you living there with at that location?

A Mr. and Mrs. Leno La Bianca, my mother and stepfather.

Q I take it that Rosemarie La Bianca was your mother?

1 A Yes.

2 Q And Leno La Bianca was your stepfather?

3 A Yes.

4 Q Was there any other person that lived with
5 you in the same household at the same time?

6 A Just off and on my sister, who had her own
7 apartment.

8 Q And your sister's name is what?

9 A Susan Struthers.

10 Q For how many years had you been living at
11 that location? Continuously, that is?

12 A About a year.

13 Q And prior to that, had you, your mother and
14 stepfather lived in another location?

15 A Yes.

16 Q What was the other location?

17 A 4053 Woking Way.

18 Not far from that residence.

19 Q Could you spell that name, the name of the
20 street?

21 A W-o-k-i-n-g Way.

22 Q Do you recall specifically the month that
23 you moved into the Waverly address? Was it before school
24 started in September of '68 or after school started in
25 September of '68?

26 A It was around November.

1 Q November of '68; is that correct, sir?

2 A Yes.

3 Q Directing your attention to the first part of
4 August, 1969, did you go on some type of vacation?

5 A To Lake Isabella.

6 Q And who did you go there with?

7 A Some friends of the family's and mine, the
8 Saffles.

9 Q Would you spell that name?

10 A S-a-f-f-i-e.

11 Q And did you have occasion to see your mother --
12 and I will call him Mr. La Bianca -- at Lake Isabella in
13 the early part of August, 1969?

14 A They came and dropped off our boat which we
15 had up there.

16 Q What type of boat was this?

17 A It was a ski boat, a type of speed boat.

18 Q Was this something that traveled around by
19 the use of a trailer?

20 A A trailer on the back of a car, yes.

21 Q A trailer on back of a car?

22 A Yes.

23 Q And did Mr. La Bianca and your mother stay
24 there that day?

25 A They stayed there for that day and part of
26 the night. They left about 9:00.

1 Q Then did you have occasion to see your mother
2 and stepfather again after that?

3 A They came back to pick up the boat to bring it
4 back by our car.

5 Q And that was when, sir?

6 A This was Saturday.

7 Q August the 9th, 1969?

8 A Yes.

9 Q And were you intending to return with them at
10 that time?

11 A I was, but the family that we were staying with
12 wanted me to stay with them for the remainder of the day.

13 Q So you stayed an extra day; is that correct?

14 A Yes.

15 Q Do you recall who else returned with your mother
16 and stepfather on August the 9th, 1969?

17 A My sister.

18 Q Susan? Is that right?

19 A Susan.

20 Q What time of day or night was it that they
21 left Lake Isabella on August the 9th, 1969?

22 A About 9:00 o'clock that night.

23 Q It was already dark; is that right?

24 A Yes.

25 Q And do you recall what car, if any, Mr. La
26 Bianca was driving?

1 A A green '68 Thunderbird.

2 Q And did your mother have a car for her own use?

3 A A '55 Thunderbird, which was at the house.

4 Q Is this a trip that you make from Lake Isabella
5 to your house quite regularly?

6 A No. This was the only time we had ever been
19 fls. 7 up there. The first time.

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1 Q Now, then, you last saw your mother, step-
2 father and sister, Susan, about 9:00 o'clock, is that
3 correct?

4 A Yes.

5 Q Now, then, when did you leave Lake Isabella at
6 that time?

7 A I left on Sunday, the next day in the afternoon
8 around 3:00 or 4:00.

9 Q And who, if anyone, did you leave with?

10 A The Saphies.

11 Q Did you drive directly from Lake Isabella to
12 Los Angeles?

13 A Yes.

14 Q Do you recall whether or not you stopped for
15 lunch, dinner or refreshments on the way?

16 A We did stop at one time on the way in Mojave.

17 Q And do you recall what time it was that the
18 Saphies dropped you off at your house?

19 A 8:00 o'clock.

20 Q Was it still daylight or twilight or what?

21 A It was dark.

22 Q Dark?

23 A Yes.

24 Q All right, now, when they dropped you off, I
25 take it, did they take you up to your door or down at
26 the bottom where the sidewalk is?

19-2

1 A They left me off in the middle of the street,
2 there is no sidewalk.

3 Q Did you have certain belongings with you, like a
4 suitcase or something?

5 A A suitcase and some other equipment.

6 Q That you had with you, is that right?

7 A Uh-huh.

8 Q What happened next?

9 A I walked up the driveway and I noticed before
10 I went up that the boat was still hitched onto the car,
11 and I came up the driveway and opened the garage and put
12 some of the gear that I had away, and walked up to the back
13 door.

14 We never use the front door often at all.

15 Q All right, what happened when you got to the
16 back door?

17 A I knocked on the door and nobody answered.
18 I noticed that all the lights were off and the shades
19 were pulled all around.

20 Q What happened next, sir?

21 A I walked over to the den window and knocked on
22 it, and called, called out to them.

23 Nobody answered so I went down, back down the
24 driveway not far away to a little hamburger type stand
25 and called the house to see if anyone would answer.

26 Q Do you recall, did you have one number at the

4-3

1 house or two numbers?

2 A One number.

3 Q Do you recall whether or not you got a busy
4 signal or a ringing signal or what?

5 A It rang.

6 Q It rang, all right, and after no one answered,
7 what did you do next?

8 A I called the Saphies back again and told them --

9 Q Don't tell us what you said.

10 You did speak to them, is that correct?

11 A Yes.

12 Q All right, then did you call someone else after
13 that?

14 A And I called -- I tried calling my father, but
15 I could not have the number -- I did not have the number,
16 but I called the work where my sister is.

17 Q That is Susan?

18 A Susan, right.

19 Q What happened next?

20 A And they got hold of her and told her to call
21 back at the pay phone where I was.

22 Q You did have a telephone conversation with your
23 sister, is that right?

24 A Yes.

25 Q All right, and then did you return to your
26 home there on Waverly?

19-4

1 A Uh-huh.

2 Q By "uh-huh," would you kindly answer either

3 yes or no?

4 A Yes, excuse me.

5 Q Did you have to wait long before your sister

6 arrived?

7 A No, 20 minutes.

8 Q So this would take you to about what, 9:30 or

9 so?

10 A About 9:30, yes.

11 Q What happened next?

12 A And we drove up the driveway in the car.

13 Q Whose car was this?

14 A This was Joe Dorgan's car.

15 Q What happened next?

16 A And we got the keys out of the T-Bird.

17 Q Your mother's T-Bird?

18 A Yes.

19 Q What happened next?

20 A And we opened the back door and walked into the

21 kitchen which is the first room into the back door, and

22 turned on the lights, walked in toward the dining room and

23 when we got to the living room my sister stayed back in

24 the kitchen.

25 Joe and I walked up to the dining room. When

26 we got to the living room we saw Leno La Bianca.

9-5

1 Q Without giving us a vivid description, what
2 position was he in when you first saw him?

3 A In a type of crouched position.

4 Q Did he appear to be injured or hurt in any
5 manner at that time?

6 A We did not stay long enough, but we knew that
7 is what was wrong.

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1 Q Do you recall what happened next?

2 A Then we came out, turned around right away and
3 walked out the back door.

4 On the way out Joe picked up -- Joe Dorgan
5 picked up the phone. He was going to dial, but he dropped
6 the phone and we came out and back down the driveway in the
7 car and called from some neighbor's phone.

8 MR. STOVITZ: Your Honor, I have an aerial photograph
9 of the address, 3301 Waverly.

10 May this photograph be marked 200? I know
11 there is probably another number that fits, but we are
12 going to use that for another purpose.

13 May this photograph be marked Exhibit 200?

14 THE COURT: It will be so marked.

15 Q BY MR. STOVITZ: I show you Exhibit 200, sir,
16 and ask you if you have ever seen your house from that
17 position.

18 A No.

19 Q Do you recognize the house depicted in the
20 center of the photograph as your house there on Exhibit 200?

21 A Yes.

22 Q And the wall that is adjacent to the house,
23 is that wall to certain property next to your house?

24 A Yes.

25 Q Whose property is that, if you know?

26 A It is ^aMr. Donahue.

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19a2

1 Q Donahue?

2 A Yes.

3 Q Is that a large estate that is depicted in this
4 photograph?

5 A Yes.

6 Q And can you, using this black pen, put in where
7 the boat and your step-father's Thunderbird was parked
8 that night when you came home on August the 9th.

9 A (Witness complies.)

10 Q All right, now, you have indicated a rectangle
11 on Exhibit 200 --

12 I am going over it now, and you put a line
13 behind it. What is the line?

14 A The boat.

15 Q Was the boat blocking the driveway?

16 A It was just adjacent to the driveway.

17 Q And the trailer, we will put it like that,
18 is that correct, sir?

19 A Yes.

20 Q So I will put a V in front of the car to
21 indicate the direction the car was facing, is that
22 right?

23 A Yes, sir.

24 Q All right, now. Then you see the front door of
25 the house here on Exhibit 200, is that right?

26 A Yes.

1 Q We will put an F on top of that front door
2 for front door.

3 The back door is where, sir?

4 (Witness indicates.)

5 You are indicating back here?

6 A Uh-huh.

7 Q I will put a B back there for back door.
8 Any other doors shown on this photograph?

9 A The side door, right here.

10 Q S for side door on Exhibit 200.

11 Any other doors shown on this photograph?

12 A Another side door.

13 Q Another side door, so we will put S-1 at this
14 door and S-2 at this door.

15 And where is your room in that house?

16 A Towards the back door.

17 Q Towards the door that is marked B, is that
18 right?

19 A Yes.

20 Q Now, is this photograph a fair representation
21 of the way your house looked on August 9, 1969, leaving
22 out the automobiles that were there at that time?

23 A Yes, sir.

24 Q Now, you stated that you went across the street;
25 somebody called, is that right?

26 Do you remember who it was that called?

1 A I don't know their name.

2 Q All right, did you have to wait long before any
3 police arrived?

4 A Five minutes.

5 Q And were they uniformed officers?

6 A Yes.

7 Q All right, and did you go with the uniformed
8 officers or did you wait at the house?

9 A I stayed in the house.

10 Q Without telling us what was said did you tell
11 the uniformed officers what you had observed?

12 A I told them nothing.

13 Q Did someone in your presence have a conversation
14 with uniformed officers?

15 A Joe Dorgan did.

16 Q I take it you previously -- well, Joe Dorgan
17 was with you at that time, is that right?

18 A Yes.

19 Q Now, did you enter your home there that evening
20 of August 9th -- it would be August 10th, I'm sorry,
21 August 10th, 1969, did you enter your home that evening
22 when the officers arrived?

23 A No.

24 Q Did you ever return to your home after that?

25 A Yes.

26 Q When was that?

1 A About four or five days later.

2 Q And at that time that you entered your home
3 did you search your home to see if anything was missing?

4 A Yes.

5 MR. KANAREK: Very well, your Honor, it has been
6 asked and answered.

7 Q BY MR. STOVITZ: Did you notice whether or not
8 any personal items belonging to you were missing?

9 A None.

10 Q By "none," you mean nothing was missing?

11 A Yes.

12 Q And did you notice whether any personal items
13 belonging to either your step-father or mother were
14 missing?

15 A Yes.

16 Q What did you notice about that?

17 A My mother's billfold or wallet type, ladies'
18 wallet, was missing.

19 Q I show you Exhibit 65 for identification and ask
20 you to look at this, if you want to you can look at any
21 of the identification.

22 Have you ever seen this particular wallet
23 before today?

24 A Yes.

25 Q Whose wallet is that?

26 A That is my mother's wallet.

1 Q Did you see her use this wallet on many
2 occasions or just on times when she gave you money?

3 A Many occasions.

4 Q Do you recall what color the wallet was at the
5 time that you noticed it when it was in the possession
6 of your mother?

7 A It was a light tan leather.

8 Q Not the dark tan as it appears now, is that
9 correct?

10 A No.

11 Q Going to a wrist watch, I am removing from
12 Exhibit 65 for identification, I will ask you to look at
13 this wrist watch.

14 Do you recognize that wrist watch?

15 A It is my mother's watch.

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19B

19b-1

1 Q You have seen her wear that on many occasions?

2 A Many occasions.

3 Q Opening the wallet, now, I notice what appears
4 to be a photograph.

5 Do you recognize what is depicted in that
6 color photograph?

7 A It is a graduation ceremony.

8 Q Of whom?

9 A Of me.

10 Q Now, you had lived with your mother and
11 stepfather for approximately how many years?

12 A Approximately ten years.

13 Q Did you know what occupation if any your mother
14 had the last several years of her lifetime?

15 A Yes.

16 Q What occupation?

17 A Owning and running a dress shop and gift shop.

18 Q Do you know what location that dress shop was
19 at?

20 A Gateway Center on Figueroa Street.

21 Q That is North Figueroa, is that right?

22 A North Figueroa.

23 Q Do you know what occupation if any your
24 stepfather, Mr. Leno La Bianca had?

25 A Yes.

26 Q What was that, sir?

19b-2

1 A Supermarkets.

2 Q You used the plural, there, was it more than
3 one market?

4 A Yes.

5 Q How many markets do you know of?

6 A Four.

7 Q Do you know where their approximate locations
8 are?

9 A Three of them were on Figueroa and one of
10 them was in the neighborhood of the -- they were all
11 situated in the same Figueroa neighborhood.

12 Q Do you know the names of those markets?

13 A They're all Gateway Markets.

14 Q They were all called Gateways.

15 Now, do you know what relationship your step-
16 father had to these stores? Did he manage them? Did he
17 work in them or what?

18 A He was the major stockholder.

19 Q Now, did you have any pets on the premises
20 at 3101 Waverly?

21 A Yes.

22 Q What type of pets?

23 A Three dogs and three cats.

24 Q And where were the cats usually kept?

25 A Outside.

26 Q And where were the dogs usually kept?

19b-3

1 A Inside or outside.

2 The side door was open during the day and they
3 stayed inside during the nighttime.

4 Q During the nighttime they stayed inside?

5 A Yes.

6 Q In the order of the age of these pets, tell us
7 their ages and their description and their size.

8 A There was a medium size black Laborador
9 retriever. He was about five years old.

10 There was a miniature poodle about three years
11 old.

12 There was a, I guess you call it, just a dog,
13 no actual name, was about a year old, which was kept
14 outside all of the time.

15 And the cats were all three of them gray,
16 gray and white.

17 Q Do you know what the habits of your stepfather
18 and your mother when you were not there, were, as to where
19 these dogs were kept as far as, say, before they went to
20 bed versus after they went to bed?

21 A The same as when I was there, if that is what
22 you mean.

23 Q In other words, what you have just told us
24 was the habits of your stepfather and mother, is that
25 right?

26 A Yes.

19b-4

1 Q So then the Laborador retriever and the little
2 poodle were usually kept inside, is that right?

3 A Uh-huh, yes.

4 Q Now, when you came there that night on
5 August 10th with Joe Dorgan, and Susan, where were the
6 dogs if you know?

7 A Inside.

8 Q All three of them inside?

9 A One of them was outside in the little compound.

10 Q And do these dogs bark when strangers arrive
11 at the door?

12 A Yes.

13 Q Do they bite when strangers arrive at the door?

14 A No.

15 MR. STOVITZ: Your Honor, we have a black and white
16 diagram drawn to apparent scale of one inch to five feet,
17 depicting the location of 3301 Waverly Drive.

18 May this diagram be marked Exhibit 201 for
19 identification?

201 Id.

20 THE COURT: It will be so marked.

21 BY MR. STOVITZ:

22 Q Frank, can you see this diagram from where you
23 are sitting there on the witness stand?

24 A Yes.

25 Q All right, I'm going to go up the parallel
26 lines here and ask you, is that the driveway?

1 A Yes.

2 Q And the driveway leads to a garage.

3 Does the garage have an overhead door that you
4 lift up and the door goes to the top?

5 A Yes.

6 Q Now, behind the garage is indicated an apart-
7 ment, was that apartment being occupied on the 9th of
8 August?

9 A No.

10 Q Do you know what that apartment was used for?

11 A Just for -- there was pool table down there
12 and some musical instruments.

19c fls

19C-1

1 Q Now, going into what is indicated as "fenced
2 area and steps," do these steps lead to the back door that
3 we have labeled B on Exhibit 200?

4 A Yes.

5 Q That is the doorway B, that is the back door?

6 A Yes.

7 Q And that is the door that you first went to
8 when you first got there alone, is that right?

9 A Yes.

10 Q All right, now, then going back down the
11 driveway to the walk, that says "steps up."

12 Is this the front door that we have labeled
13 F?

14 A Yes.

15 Q I labeled it F, the front door, is that the
16 front door?

17 A Yes.

18 Q I see. We will go down the walkway and north
19 again on the diagram where there is a porch that indicates
20 a doorway here, that was labeled S1, I believe, on Exhibit
21 200.

22 Look at that.

23 A Yes.

24 Q And then we go to a further doorway back here.
25 Was that another doorway?

26 A It was up right next to S-1.

1 Q S-1 and S-2 were right next to each other, is
2 that right?

3 A Yes.

4 Q All right, now, were those two side doors
5 commonly used?

6 A We left it open for the dogs to get out, in and
7 out, to go into the fenced area there.

8 Q All right, now, were there any other doors
9 to this house shown on Exhibit 201 other than the ones
10 we have just indicated, the front door, the back door and
11 the two side doors?

12 A There is another back door.

13 Q Where would that be, if you can tell me?

14 A From the other back door.

15 Q From this back door?

16 A Uh-huh, up.

17 Q This way, east or west?

18 A To the right.

19 Q To the right, this way?

20 A And up.

21 Q And up?

22 A Towards north, a little further.

23 Q Where it says "service porch"?

24 A Yes.

25 Q I see "service porch" and a "swinging door."

26 A Yes.

1 Q Did you commonly use that door to the service
2 porch?

3 A Yes, that was used all the time.

4 Q Do you remember which door it was that you
5 used there that night when you and Joe Dorgan went in there,
6 that door that is next to the service porch or this door
7 next to the bedroom?

8 A The service porch door.

9 Q The service porch door I am pointing to now where
10 the word "service" is, is that right?

11 A Yes.

12 Q And this bedroom here where we labeled it
13 "bedroom" here, was that your bedroom?

14 A Yes.

15 Q Do you recall which one of these bedrooms
16 your mother and step-father commonly used?

17 A The main bedroom there, next to the living
18 room.

19 Q This one here?

20 A Yes.

21 MR. STOVITZ: With the Court's permission may I
22 label that "main"? It is now labeled bedroom. I will
23 put a main on top of the bedroom.

24 THE COURT: Very well.

25 Q BY MR. STOVITZ: All right, and then, Frank,
26 this is your bedroom, is that right?

1 A Yes.

2 MR. STOVITZ: I will put "Frank's" on top of the word
3 "bedroom."

4 Q And who, if anyone, used this back bedroom
5 here where there is a couch and table?

6 A It was a type of guest room.

7 Q Was that used when you were living there?

8 A By my sister when she came and such.

9 Q All right, we will just leave that back as
10 bedroom then.

11 Now, when you last saw your mother, that was
12 on Saturday, August 9th, 1969, did she express to you any
13 statement as to where she was going after she left you
14 at Lake Isabella?

15 A Home.

16 MR. STOVITZ: You may inquire, Counsel.

17
18 CROSS-EXAMINATION

19 BY MR. FITZGERALD:

20 Q Mr. Struthers, was your step-father,
21 Mr. La Bianca, a coin collector?

22 A Yes.

23 Q Would he have numerous coins in your home
24 at 3301 Waverly Drive?

25 A There were some. Most of them were kept in
26 the safety deposit box at our bank.

1 Q Did he have a large collection of nickels and
2 other coins?

3 A Yes.

4 Q At the house?

5 A Yes.

6 Q Also your mother frequently left keys to her
7 car in the ignition parked in the driveway, isn't that
8 correct?

9 A Yes.

10 Q And on that key chain in the car were contained
11 keys to the house, right?

12 A Yes.

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20-1 1

Q And before August the 8th or 9th or 10th,
your house had been entered by people without permission;
isn't that correct?

4

A Yes.

5

Q And that had happened actually on several
occasions; right?

7

A Yes.

8

MR. FITZGERALD: Nothing further.

9

THE COURT: Mr. Shinn?

10

MR. SHINN: No questions, your Honor.

11

THE COURT: Mr. Kanarek?

12

MR. KANAREK: No questions, your Honor.

13

THE COURT: Mr. Hughes?

14

MR. HUGHES: No questions, your Honor.

15

THE COURT: Any redirect?

16

MR. STOVITZ: No, none at this time.

17

THE COURT: You may step down, sir.

18

MR. STOVITZ: Call Ruth Sivick.

19

THE CLERK: Raise your right hand, please.

20

Would you please repeat after me.

21

I do solemnly swear --

22

THE WITNESS: I do solemnly swear --

23

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

24

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

25

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

26

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

20-2

1 THE CLERK: -- before this court --

2 THE WITNESS: -- before this court --

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

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

5 THE CLERK: -- the whole truth --

6 THE WITNESS: -- the whole truth --

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

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

9 THE CLERK: -- so help me God.

10 THE WITNESS: -- so help me God.

11 THE CLERK: Would you be seated, please.

12 Would you please state and spell your name.

13 THE WITNESS: Ruth Sivick; S-i-v-i-c-k.

14
15 RUTH SIVICK,

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

19
20 DIRECT EXAMINATION

21 BY MR. STOVITZ:

22 Q Is it Miss or Mrs. Sivick?

23 A Mrs.

24 Q What is your business or occupation?

25 A Self-employed. I have a dress shop.

26 Q The name of that dress shop?

20-3

- 1 A Miss Valentina.
- 2 Q And directing your attention to August of
- 3 1969, did you know a woman by the name of Rosemary La
- 4 Bianca?
- 5 A Yes, I did.
- 6 Q And in what connection did you know her?
- 7 A I was her dearest friend and business
- 8 partner.
- 9 Q Was she a partner in that business?
- 10 A Yes, she was.
- 11 Q Directing your attention to the last time that
- 12 you saw Mrs. La Bianca alive. Could you give us the date?
- 13 A It was Friday the 8th.
- 14 Q August, 1969?
- 15 A That's right.
- 16 Q And where was it that you saw her at that time?
- 17 A We went buying into town.
- 18 Q You went buying?
- 19 A Yes.
- 20 Q For your store, I take it?
- 21 A Yes.
- 22 Q Following that, did you have a conversation
- 23 with her concerning going on a vacation or a trip?
- 24 A Yes.
- 25 Q And when did that take place?
- 26 A Well, she mentioned it that Friday, and then

1 Saturday morning she called me and asked me if I would
2 feed the animals while she was gone.

3 Q Did she say how long she would be gone?

4 A She said she would be back about 2:00 or 3:00
5 o'clock in the morning.

6 Q Did you thereafter hear from Mrs. La Bianca
7 after that Saturday, August the 9th, 1969?

8 A No, I did not.

9 Q How long did you know Mrs. La Bianca?

10 A About 12 years.

11 Q And how long had you known Leno La Bianca?

12 A About ten.

20a fls.

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20A-1

1 Q Did you then go over to her home at 3301
2 Waverly Drive sometime on Saturday, August the 9th, 1969?

3 A Yes, I did.

4 Q What time was it that you went over there?

5 A Between 6:00 and 6:15 p.m.

6 Q And did everything appear to be in order?

7 A Yes.

8 Q How did you enter the house, if you did?

9 A I took the key from underneath the mat at the
10 front door.

11 Q What did you do when you went in?

12 A I greeted the dogs and went to the refrigerator,
13 took the food out and fed them.

14 Q All three dogs?

15 A Two. The little one was not to be fed. One was
16 outside.

17 Q Did you check to see that everything was okay;
18 the telephone on the hook and --

19 A No, sir, I did not.

20 Q You did not?

21 A No.

22 Q Did you leave the lights on or off when you
23 left?

24 A I didn't touch the lights. It was still light
25 when I went in.

26 I believe she had a light timer. I am not sure.

20a2

1 Q Now, was your sole purpose in going there to
2 feed the dogs?

3 A Yes.

4 (Mr. Stovitz shows two photographs to
5 defense counsel.)

6 MR. STOVITZ: Your Honor, I have a photograph of a
7 female. May it be marked Exhibit 202 for identification?

8 And I have a photograph of a male. May that
9 be marked 203 for identification?

10 THE COURT: They will be so marked.

11 MR. STOVITZ: Q I show you a picture, Exhibit
12 203 for identification.

13 Is that a photograph of Rosemary La Bianca as
14 she appeared in life?

15 A Yes, it is.

16 Q I show you a photograph, Exhibit 204.

17 Is that a photograph of Leno La Bianca as he
18 appeared in life?

19 A Yes.

20 THE COURT: May I see those?

21 MR. STOVITZ: Yes, your Honor.

22 (Mr. Stovitz hands the photographs to the Court.)

23 MR. STOVITZ: Q Now, when you were there on
24 Saturday, August the 9th, 1969, did you notice any
25 writing on the walls such as the words "Death to pigs" or
26 "Rise"?

Ja3

1 A No, sir.

2 Q Did you notice any writing on the refrigerator
3 as you went to the refrigerator?

4 A No, sir.

5 MR. STOVITZ: Your Honor, I have two photographs.

6 (Mr. Stovitz shows the photographs to opposing
7 counsel.)

8 MR. STOVITZ: Your Honor, I have two photographs.

9 May the one showing some pictures plus the
10 words "Death to pigs" be marked as Exhibit No. 205 for
11 identification?

12 THE COURT: 205?

13 MR. STOVITZ: Yes.

14 THE COURT: The next number is 204.

15 MR. STOVITZ: 204. I am sorry, your Honor.

16 THE COURT: It will be so marked.

17 MR. STOVITZ: And another photograph showing some
18 type of a painting with the word "Rise" on top of the
19 painting.

20 May that be marked Exhibit 205 for identifi-
21 cation?

22 THE COURT: It will be so marked.

23 MR. KANAREK: Your Honor, I gather that I have a
24 continuing objection on immateriality and irrelevancy with
25 this witness?

26 THE COURT: Very well.

MR. KANAREK: Thank you.

054

OB

20b-1

1 MR. STOVITZ: I show you aExhibit 204 for
2 identification.

3 Forget about the words "Death to pigs" now.

4 Q Do you recognize the scene depicted in that
5 photograph?

6 A I recognize it, but there was a mural of
7 some sort across here.

8 Q All right.

9 Now, directing your attention to what appears
10 to be some type of round rectangular object in the center
11 of this Exhibit 204.

12 Do you recognize what that object is?

13 A Yes. That was across here.

14 Q All right.

15 Would you take this red pen, and bearing in
16 mind that this looks like a speck on Exhibit 204, but
17 it may be a nail hole in the wall or it might be a defect
18 on the lens of the camera, would you sketch in where you
19 think the mural was, just giving us a rectangular outline?

20 A Well, it was quite long and narrow, so --

21 Q Keep your voice up, please.

22 A It was long and it went something like this.

23 (Indicating.)

24 Q Then you believe that the rectangle that is
25 shown here where I am putting a check mark was on the wall
26 in the red outline that you have drawn on Exhibit 204; is

1 that correct?

2 A The last time I was at her home, yes.

3 Q You definitely know that the words "Death to
4 pigs" were not there?

5 A Yes, I know that.

6 Q I show you -- by the way, what wall, if any,
7 is depicted in Exhibit 204 for identification? What wall?

8 A You mean, as I walk into the house?

9 Q Yes.

10 A The one that would be facing me.

11 Q Is that in the living room?

12 A Yes.

13 Q I show you Exhibit 205 for identification.
14 I will ask you if you recognize the scene
15 depicted in that photograph?

16 A Yes, I do.

17 Q What is that scene depicted there?

18 A It is an oil painting.

19 Q An oil painting in whose home?

20 A Rosemary La Bianca's.

21 Q And this doorway shown in this Exhibit 205
22 leads to what room?

23 A I can't say.

24 Q All right.

25 Where is this oil painting? In the living room?
26 The bedroom? The dining room?

1 A I think it was in the living room.

2 Q The living room?

3 A Yes.

4 Q And when you last saw the house, on August the
5 9th, 1969, was the word "Rise," r-i-s-e, that is written
6 here above the oil painting on the wall at that time?

7 A Not that I recall.

8 MR. STOVITZ: Your Honor, I have a picture of what
9 appears to be a double door refrigerator.

10 (Mr. Stovitz shows the photograph to defense
11 counsel.)

12 MR. STOVITZ: May this photograph be marked Exhibit
13 No. 206 for identification?

14 THE COURT: It will be so marked.

15 BY MR. STOVITZ:

16 Q I show you Exhibit 206 for identification.

17 Is that the refrigerator that you went into
18 to get the dogs' food?

19 A Yes, it is.

20 Q At the time that you went into that refrigerator
21 were the letters H-e-l-t-e-r, S-k-e-l-t-e-r written on the
22 refrigerator as they appear now in this photograph?

23 A No, sir.

206 Id.

20c fls.

C-1

1 Q When did you first learn of the passing away
2 of Rosemary and Leno La Bianca?

3 A I believe it was about 3:00 o'clock in the
4 morning when Susan had called me.

5 Q That is Susan Struthers; is that right?

6 A That's right.

7 Q When you left on Saturday afternoon, can you
8 tell us the condition of the front door?

9 A What?

10 Q Did you lock the front door?

11 A Yes, I did.

12 Q Did you check to see if the back door and the
13 two side doors were locked?

14 A Yes.

15 The only door I was not able to lock was the
16 screen door. It seemed to have been warped. That was to
17 the side where it went out to the yard.

18 Q Was there another door behind the screen door?

19 A From the inside of the house there was first the
20 door and then the screen door.

21 I tried to lock the screen door and I couldn't.
22 It was warped. So I made sure that the other door was
23 locked.

24 Q What about the windows? Did you notice whether
25 or not the windows were locked?

26 A No, sir, I did not take notice of anything like

20C2

1 that.

2 Q And when you left, the two dogs, the Labrador
3 Retriever and the Poodle, were inside; right?

4 A Right.

5 Q Do you know what the location of the other dog
6 was?

7 A Yes. In the back yard.

8 You had to go out the kitchen door to that
9 yard.

10 Q Approximately how long did you stay there in
11 the house feeding the dogs?

12 A Well, I would say I was there about 30, 35
13 minutes.

14 Q What time was it that you left?

15 A A little after 6:30.

16 Q Had you ever eaten dinner at Rosemary La Bianca's
17 house?

18 A Many times.

19 Q Had you helped her prepare dinner sometimes?

20 A Yes.

21 MR. STOVITZ: Your Honor, I have what appears to be
22 a large, two-pronged fork, and a bread knife.

23 May the fork be marked as People's Exhibit next for
24 identification?

25 THE COURT: 207.

26 MR. STOVITZ: And the knife 208, your Honor?

23

1 THE COURT: 208 for identification.

2 MR. STOVITZ: Q I show you Exhibit 207 for
3 identification.

4 Have you ever seen a fork similar to that
5 before today?

6 A I have seen forks like that. I couldn't swear
7 that it was Rosemary's.

8 Q Did you ever see one similar to that at
9 Rosemary La Bianca's house?

10 A She had many types of things.

11 Q You will have to keep your voice up.

12 A She had many of those types of things.
13 I just don't recall.

14 Q I show you this bread knife, Exhibit 208 for
15 identification.

16 Have you ever seen a knife similar to that
17 at Rosemary La Bianca's house?

18 A Yes. I have seen similar knives, but I
19 wouldn't know if that was the one.

20 MR. STOVITZ: You may inquire, Counsel.

21 MR. FITZGERALD: I have no questions of this witness.

22 MR. SHINN: No questions.

23 THE COURT: Mr. Kanarek?

24 MR. KANAREK: No questions. Thank you, your Honor.

25 THE COURT: Mr. Hughes?

26 MR. HUGHES: No questions, your Honor.

20C4

1 Thank you, your Honor.

2 THE COURT: You may step down.

3 THE WITNESS: Thank you.

4 MR. BUGLIOSI: Your Honor, is this a convenient
5 time?

6 THE COURT: We will adjourn at this time, ladies and
7 gentlemen.

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

11 The Court will adjourn until 9:45 tomorrow
12 morning.

13 (Whereupon, at 4:13 p.m. the court was in
14 recess.)

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