

COPY

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.

73

No. A253156

REPORTERS' DAILY TRANSCRIPT

Thursday, August 27, 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:

~~XXXXXXXXXX~~
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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PEOPLE'S: FOR IDENTIFICATION IN EVIDENCE

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LOS ANGELES, CALIFORNIA, THURSDAY, AUGUST 27, 1970

9:53 o'clock a.m.

- - - -

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

You may proceed, Mr. Stovitz.

MR. STOVITZ: Call Mr. Fokianos.

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

Would you please 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 case now pending --

THE WITNESS: -- in the case 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: -- nothing but the truth --

THE WITNESS: -- nothing but the truth --

THE CLERK: -- so help me God.

THE WITNESS: -- so help me God.

THE CLERK: Would you be seated, please, and state

1 and spell your name.

2 THE WITNESS: My name is John Fokianos. My last
3 name is spelled F-o-k-i-a-n-o-s.

4
5 JOHN FOKIANOS,
6 a witness called by and on behalf of the People, was
7 examined and testified as follows:

8
9 DIRECT EXAMINATION

10 BY MR. STOVITZ:

11 Q What is your business or occupation, sir?

12 A I am a news vendor.

13 Q And where is the location of that business,
14 sir?

15 A At the corner of Hillhurst and Franklin in
16 the Los Feliz area.

17 Q How long have you been located in that
18 particular spot?

19 A Since 1945.

20 Q Is this a stand that you have or an actual
21 store?

22 A No, it is a stand; it is a news corner.

23 Q Did you know a Mr. Leno La Bianca in his
24 lifetime?

25 A Yes, he was a customer of mine.

26 Q For how long had you known him, sir?

1 A Well, I would say maybe two years.

2 Q Did you know Mrs. Rosemary La Bianca?

3 A Yes.

4 Q How long had you known her?

5 A Probably about a similar amount of time.

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Q Also as a customer?

A Yes.

Q Directing your attention to Saturday night, early Sunday morning. That would be August the 9th or Sunday morning would be August the 10th, of 1969.

Did you have occasion to see Mr. and Mrs. La Bianca at any time either of those nights?

A Yes, I did. It was early Sunday morning.

Q About what time?

A Between 1:00 and 2:00 o'clock in the morning.

Q And how do you fix the time that way?

A Well, I could tell because business was rather slow and we had a little opportunity to talk a bit at the time.

Q Could you tell the Court exactly what occurred without going into the conversation; where you first noticed them and what transaction took place?

A Well, first of all, I noticed how they approached.

Did you want the approach?

Q Yes.

A Well, they were heading east on Franklin, and they made a right turn into the standard station, which would be heading south, so that they would make a U-turn, so to speak, legally, and come up heading north on Hillhurst Avenue to pick up their paper.

1 I suppose they tried to save me a trip having
2 to cross the street.

3 Q Did you notice anything unusual about the vehicle
4 they were driving?

5 A Well, they were pulling a trailer.

6 Q And what type of vehicle were they driving?

7 A It was a Thunderbird.

8 Q A Thunderbird?

9 A Yes.

10 Q And the trailer, did it have anything on top of
11 the trailer?

12 A I couldn't recall right now.

13 Q All right.

14 You stated that they went through the Standard
15 service station and came adjacent to your news vending
16 place, is that right?

17 A Right.

18 Q Do you recall whether or not Mr. La Bianca or
19 Mrs. La Bianca exited the car?

20 A No, neither one got out of the car.

21 Q And did you notice whether anyone else was
22 in the car besides the two of them?

23 A No one else that I noticed was in the car.

24 Q You stated that you had time to talk. How long
25 did you talk then?

26 A I would say about three minutes or so.

1 Q Without telling us what was said, what was the
2 topic that you talked about?

3 A It was about Tate, the event of the day. That
4 was the big news.

2A-1

1 Q Did they make any type of purchase from you?

2 A Yes.

3 Q What purchase did they make?

4 A They bought, if I remember correctly, an evening
5 Herald, a Sunday Herald, and they did not purchase a
6 Times. I don't know whether they had one or what the
7 deal was, but the Times happened to have the case in it,
8 you know, about the Tate case of that day, and it was the
9 big news, and they seemed quite interested in it.

10 So, I happened to have an extra filler, so
11 I gave them that.

12 Q They bought the Herald and you gave them a
13 section of the Times?

14 A Right.

15 Q Now, did Mr. La Bianca appear to be in good
16 spirits?

17 A Yes, he was. He was a little bit tired from
18 the trip. Both of them.

19 Q You have no way of fixing the exact time except
20 the fact that it was slow and it was sometime after 1:00
21 o'clock?

22 A Well, I would say it was probably closer to
23 2:00, if that will help any.

24 Q And when they pulled away, did they go in the
25 direction of their home?

26 A I am almost sure that they headed north there,

1 but I couldn't say for sure. But I am almost sure they
2 did.

3 MR. STOVITZ: You may inquire, Counsel.

4 THE COURT: Cross-examination, Mr. Fitzgerald?

5 MR. FITZGERALD: No questions.

6 MR. SHINN: No questions, your Honor.

7 MR. KANAREK: No questions.

8 MR. HUGHES: No questions.

9 THE COURT: You may step down.

10 MR. STOVITZ: May the witness be excused, your
11 Honor?

12 THE COURT: Yes, you are excused.

13 (Another witness enters the courtroom.)

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

15 Would you please repeat after me.

16 I do solemnly swear --

17 THE WITNESS: I do solemnly swear --

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

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

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

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

22 THE CLERK: -- before this Court --

23 THE WITNESS: -- before this Court --

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

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

26 THE CLERK: -- the whole truth --

1 THE WITNESS: -- the whole truth --

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

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

4 THE CLERK: -- so help me God.

5 THE WITNESS: -- so help me God.

6 THE CLERK: Would you be seated, please.

7 Would you please state and spell your name.

8 THE WITNESS: William Rodriguez; R-o-d-r-i-g-u-e-z.

9
10 WILLIAM RODRIGUEZ,

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

13
14 DIRECT EXAMINATION

15 BY MR. SOVITZ:

16 Q Mr. Rodriguez, what is your business or
17 occupation, sir?

18 A I am a police officer for the City of
19 Los Angeles, presently assigned to the Hollywood Division
20 Patrol.

21 Q And directing your attention to August, 1969,
22 were you a Los Angeles Police officer at that time?

23 A Yes, sir.

24 Q As of August, 1969, how long had you been on
25 the force?

26 A Approximately 14 months.

3-1

1 Q Directing your attention to August the 10th,
2 1969, the late evening or the evening hours of that date,
3 that would be Sunday night, did you have occasion to go to
4 3301 Waverly in the City of Los Angeles?

5 A Yes.

6 Q What, if anything, caused you to go to that
7 location?

8 A I received a radio call.

9 Q You were then in a police vehicle of some sort?

10 A Yes, sir, I was working a black and white
11 vehicle on patrol.

12 Q Were you alone or with someone at that time?

13 A My partner was with me.

14 Q Do you recall who your partner was at that
15 time?

16 A Officer Toney.

17 Q His last name is Toney?

18 A Yes, sir.

19 Q Spell it.

20 A T-o-n-e-y.

21 Q Do you recall what time it was you got to the
22 location of 3301 Waverly?

23 A Approximately 10:35 in the evening.

24 Q And when you arrived there did you see any
25 people outside?

26 A Yes, sir.

3-2

1 Q Without telling us what was said did you then
2 approach the house itself?

3 A Yes, sir.

4 Q Would you kindly step to the diagram, Officer,
5 Exhibit 201.

6 (Witness approaches diagram.)

7 Just holding the bottom of the diagram so we
8 can see Waverly Drive at the bottom, is the driveway a
9 long driveway as depicted on this diagram, 201?

10 A Yes, sir.

11 Q And without going into the dimensions of the
12 house, the location of the furniture, does this appear to
13 be a diagram of the exterior of that house?

14 A Yes, sir.

15 Q All right, now, as you first approached the
16 house, sir, where did you go?

17 A I went to the front door.

18 Q That door that is labeled -- well, it just
19 said "Steps up," here, is that the front door?

20 A Yes, sir.

21 Q And where did your partner go?

22 A My partner, Officer Toney, went around the
23 back?

24 Q You did not see him after he went around the
25 back?

26 A No, sir.

3-3

1 Q Did you maintain oral communication with him?

2 A I attempted to.

3 Q When you got to the front door what did you
4 notice?

5 A When I got to the front door I observed the
6 front door was closed.

7 Q What happened next?

8 A I tried the doorknob and the door opened. It
9 was unlocked.

10 Q And did you examine the door to see if there
11 was any damage to that door?

12 A Yes, sir.

13 Q What if anything did you notice?

14 A There did not appear to be any damage to the
15 door.

16 Q All right, then, did you enter into the front
17 foyer portion of the house?

18 A Yes, sir, I pushed the door open and it
19 opened. I walked into the living room.

20 Q Did you turn on any lights?

21 A No, sir.

22 Q Were there any lights on?

23 A Yes, sir.

24 Q Where were the lights?

25 A I don't recall exactly where the lights were
26 but there was I believe -- I believe lamps were on.

1 Q And after you entered what did you do next?

2 A I entered the living room and I took a few
3 steps in and I observed a body lying on the side of the
4 sofa.

5 Q All right, now, we have on this diagram,
6 Exhibit 201, two rectangles labeled "Sofa."

7 A Yes, sir.

8 Q With a black dot in the middle, labeled
9 "Spot."

10 Is this the way the sofa appeared when you first
11 entered that living room?

12 A No, sir.

13 Q Do you recall the way it did appear?

14 A Yes, sir.

15 Q Which way did it appear?

16 A Well, the sofa on the left here was up and
17 down, it wasn't --

18 Q It was not horizontal as it is now?

19 A No, sir.

20 Q One sofa, I take it, it was a sectional?

21 A Yes, sir.

22 Q One sofa was going in an east-west direction
23 and one sofa was going in a north-south direction?

24 A Yes, sir.

25 MR. STOVITZ: With the Court's permission, I would
26 like to --

1 THE COURT: Let's let the officer draw it.

2 BY MR. STOVITZ:

3 Q Trying to use the same scale as on this
4 diagram Exhibit 201, change the furniture.

5 Now, may the record indicate there is a dark
6 blue rectangle drawn, and I will write the word "Sofa"
7 in large letters to indicate that is where the officer
8 drew the sofa.

9 You may resume the stand, sir.

10 (Witness resumes stand.)
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3a Fls.

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1 Q I would like to show you Exhibit 91 for
2 identification, first paying attention to the sofas, is
3 that the position the sofas were in when you first
4 entered?

5 A Yes, sir.

6 Q Now appearing in front of the sofa appears to
7 be some type of human in what looks like blue pajamas.

8 Did you notice that individual in that exact
9 position when you first entered?

10 A Yes, sir.

11 Q The object about his face, did you notice what
12 object that is?

13 A Yes, sir, a pillow.

14 Q And would this be a pillow that would be used
15 in a bedroom or a pillow that would be used on a couch or
16 sofa?

17 A It appears to be a pillow that would be used on a
18 couch or a sofa.

19 Q Was that pillow in that position when you first
20 entered?

21 A Yes, sir.

22 Q All right. Now what else did you notice when
23 you first entered the living room?

24 A Well, I entered the living room and I observed
25 there were, I believe, two dogs running around the living
26 room.

I observed a body laying on the side of the

12
1 couch.

2 I observed the body to have numerous
3 lacerations cut into the stomach and chest portion and
4 observed stab wounds in the body.

5 Q That photograph that you hold there, Exhibit 91, is
6 that an accurate portrayal of the scene as you first saw
7 it when you first came upon the scene?

8 A Yes, sir.

9 MR. KANAREK: Your Honor, before that is answered,
10 I gather we have our continuing objection as to materiality
11 and relevancy.

12 THE COURT: Very well.

13 MR. KANAREK: Thank you.

14 Q BY MR. STOVITZ: Did you make any determination
15 as to whether or not the individual depicted in that
16 photograph, Exhibit 91, was alive or dead at that time?

17 A No, sir.

18 Q What did you do next then, when you saw the
19 individual as depicted in that photograph?

20 A I walked back out the front door and ran down
21 to the radio car and requested an ambulance, a supervisor,
22 and another unit to back us up.

23 Q Had you ever investigated any homicides before
24 that?

25 A No, sir.

26 Q Had you ever attended or been present at a

sa3

1 homicide scene before that during your police work?

2 A Yes, sir.

3 Q You knew enough not to touch anything?

4 A Yes, sir.

5 Q How long did you wait before any back-up unit
6 came along?

7 A Approximately five minutes.

8 Q And during that five minutes do you know where
9 your partner was at that time?

10 A He was in the back, outside of the house by the
11 garage.

12 Q And where did you remain during that five
13 minutes?

14 A In front of the front door.

15 Q Did you go back into the living room again?

16 A Only after the ambulance arrived.

17 Q Do you recall now what arrived first, the
18 ambulance or the back-up truck?

19 A The ambulance.

20 Q And is this routine, to call an ambulance even
21 though you might figure the person is already deceased?

22 A Yes, sir.

23 Q And why did you do that?

24 A Well, I am not trained to determine whether or
25 not a person is deceased or not.

26 Q All right. Now, after the ambulance arrived you

1 stated a back-up unit came, is that correct?

2 A Yes, sir.

3 Q Do you recall who was in the back-up unit?

4 A Sergeant Cline.

5 Q That is spelled C-l-i-n-e?

6 A Yes, sir.

7 Q What happened next, sir?

8 A Well, after the ambulance arrived they
9 pronounced the body dead.

10 I received a slip from the ambulance crew and
11 they were about to leave when Sergeant Cline arrived.

12 Sergeant Cline went into the house with another
13 sergeant and he found another body.

14 Q You had not seen the other body, then, I take
15 it, at the time?

16 A No, sir.

17 Q All right, then, did you call the ambulance
18 crew back again?

19 A Yes, sir.

20 Q And did you then enter into the back bedroom?

21 A I did not, I stayed at the front door.

22 Q Did Sergeant Cline more or less take over then?

23 A Yes, sir.

24 Q Did you check any of the other doors of the
25 house to see if any other doors were open?

26 A Yes, sir.

1 Q What did you notice about that?

2 A I observed a door that was on the east side
3 of the house; it went into the dining room.

4 I observed the doors to be open.

5 Q When you say "open," did you notice whether or
6 not they were ajar or merely just closed and unlocked?

7 A The doors were open. They were ajar. They
8 were not closed or locked.

9 Q Showing you this large aerial photograph,
10 Exhibit 200, sir, do you recognize the scene depicted in
11 that photograph?

12 A Yes, sir.

13 Q All right, and could you show us with this
14 blue pen which door you stated was open on the side of
15 the house?

16 A You want me to mark on the photograph?

17 Q Yes, put a line to the door.

18 Now, extend that line somewhere over here and
19 put down "open door."

20 MR. STOVITZ: So that the record is clear, the
21 witness has marked on the exhibit, Exhibit 200, the words
22 "open door," with a blue line directed to a doorway with
23 an arrow at the end of the blue line.

24 Q Is that correct?

25 A Yes, sir.

26 Q Did you check a door that is just adjacent to

1 there that is marked S1 to determine if that door was also
2 open?

3 A That door was closed. I don't know if it was
4 locked or not, but it was closed shut.

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1 Q And did you check any of the windows to see
2 if there were any breaks or tears in any of the windows?

3 A No, sir.

4 Q How long did you remain at the premises there,
5 sir?

6 A Approximately two and a half hours.

7 Q Now, when you stated that you couldn't
8 determine whether any -- strike that.

9 Did you determine that there were no broken
10 windows, or didn't you look?

11 A I did not look.

12 Q Did your partner, Mr. Toney, remain on the
13 outside of the premises at all times, or did he enter as
14 well?

15 A He remained at the rear of the residence.

16 Q So, then, I take it, you were in the front
17 living room; is that correct?

18 A Yes, sir.

19 Q Did you ever enter into the kitchen?

20 A No, sir.

21 Q Did you go into the dining room?

22 A No, sir.

23 Q And you stated that you did not go into the
24 bedroom?

25 A No, sir.

26 Q Did you move anything or touch anything?

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A No, sir.

Q Did you observe anyone, aside from the ambulance attendant, move anything or touch anything?

A No, sir.

Q Did you notice what movement the ambulance attendant did?

A I believe the ambulance attendant touched the wrist of the body.

Q And that is all?

A Yes, sir.

Q Had Sergeant Galindo arrived at the premises by the time you were still there?

A Yes, sir.

Q Were you there when the men from the Coroner's Office arrived?

A No, sir.

Q Then, if they did arrive, they arrived after you left?

A Yes, sir.

Q Was anyone taking any pictures while you were there?

A Yes, sir.

Q Do you recall who that was?

A I don't recall who it was.

Q Did you later learn who Joseph Granado was?

A (Pause.)

4-3

1 Q Have you since met Joseph Granada?

2 A I have not met him.

3 Q The gentleman that was sitting outside there?

4 A Oh, yes.

5 Q Was he there at the time that you were still
6 there?

7 A I don't believe he was.

8 Q I show you Exhibit No. 92 for identification and
9 ask you to look at that, sir. It appears to be somewhat of
10 a closer view than Exhibit 91.

11 Did you get that close to the body of the
12 individual depicted in Exhibit 92 to notice what appears
13 to be protruding from the sofa to the facial area?

14 A No, sir.

15 I observed the pillow over the head, but I did
16 not observe --

17 Q You will have to keep your voice up.

18 A I observed the pillow covering the head, and
19 I did not observe the cord.

20 Q Going again to Exhibit 91. Do you see the cord
21 there leading to below the pillow?

22 A Yes, sir.

23 Q You did not see where that cord was leading to
24 then, or did not trace it; is that correct?

25 A Yes, sir.

26 Q And were the papers and the can of apple beer

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1 and the eyeglasses exactly as they appear on this picture,
2 Exhibit 91, when you saw the scene there?

3 A Yes, sir.

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1 MR. BUGLIOSI: May we have just a few moments, your
2 Honor?

3 THE COURT: Yes.

4 (Pause while Mr. Bugliosi and Mr. Stovitz
5 look through what appears to be a photograph album.)

6 (Mr. Stovitz shows a photograph to defense
7 counsel.)

8 MR. STOVITZ: Your Honor, I have a small black and
9 white photograph. It shows a doorway with some steps
10 leading to it.

11 May this photograph be marked as People's
12 Exhibit next in order?

13 THE CLERK: 209.

14 THE COURT: 209 for identification.

15 BY MR. STOVITZ:

16 Q I show you Exhibit 209, sir.

17 Do you recognize the scene depicted in that
18 photograph?

19 A Yes, sir.

20 This is the door that I marked on the aerial
21 photograph.

22 Q And is that the door that you found that was
23 open?

24 A Yes, sir.

25 Q Now, does this door also have a screen to it,
26 sir?

209 Id.

1 A Yes, sir.

2 Q Now, you are not just talking about that screen
3 door, that the screen door was opened; is that correct?

4 A No, sir. The door was open.

5 Q Is Exhibit 209 an accurate photograph of the
6 way the door was when you first arrived?

7 A Yes, sir.

8 MR. STOVITZ: You may inquire, Counsel.

9 MR. FITZGERALD: No questions.

10 MR. SHINN: No questions.

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

12 MR. HUGHES: No questions, Judge.

13 THE COURT: You may step down.

14 MR. STOVITZ: Would you ask Sergeant Cline to come in,
15 sir?

16 May this last witness be excused?

17 MR. FITZGERALD: He may be.

18 THE COURT: Yes. You are excused.

19 (Whereupon Sergeant Cline enters the court-
20 room.)

21 THE CLERK: Would you raise your right hand.

22 Would you please repeat after me.

23 I do solemnly swear --

24 THE WITNESS: I do solemnly swear --

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

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

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

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

3 THE CLERK: -- before this court --

4 THE WITNESS: -- before this court --

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

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

7 THE CLERK: -- the whole truth --

8 THE WITNESS: -- the whole truth --

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

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

11 THE CLERK: -- so help me God.

12 THE WITNESS: -- so help me God.

13 THE CLERK: Would you be seated, please.

14 Would you please state and spell your name.

15 THE WITNESS: Edward L. Cline; C-l-i-n-e.

16
17 EDWARD L. CLINE,

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

21
22 DIRECT EXAMINATION

23 BY MR. STOVITZ:

24 Q What is your business or occupation, sir?

25 A I am a police officer for the City of Los
26 Angeles attached to Hollywood Division.

1 Q How long have you been a police officer for
2 the City of Los Angeles, sir?

3 A 16 years.

4 Q 16 years?

5 A Yes.

6 Q And what is your rank, sir?

7 A Sergeant.

8 Q Directing your attention to August of 1969,
9 Sergeant, what was your rank at that time?

10 A Sergeant.

11 Q How long had you been a sergeant?

12 A Approximately three months.

13 Q Three months?

14 A Yes.

15 Q Had you ever worked homicide prior to August
16 of 1969?

17 A Yes, sir.

18 Q How long had you worked homicide and when was
19 it?

20 A Five and a half years. I believe it was from
21 '64 to '69.

22 Q '64 to '69?

23 A Yes.

4b fls.

B-1

1 Q And then you transferred over to Hollywood at
2 that time; is that correct, sir?

3 A Yes, sir.

4 Q Now, directing your attention to an address
5 known as 3301 Waverly in the City of Los Angeles, did you
6 have occasion to go to that location at any time on
7 August the 10th, 1969, Sergeant?

8 A Yes, sir, I did.

9 Q About what time did you arrive there?

10 A It was approximately 10:45 p.m.

11 Q 10:45 p.m.?

12 A Yes.

13 Q Did you come in a black-and-white car or a
14 plain marked car, or what?

15 A It was a black-and-white police car.

16 Q Were you in uniform at that time, sir?

17 A Yes, sir.

18 Q Were you alone or with someone?

19 A I was alone.

20 Q You were alone?

21 A Yes.

22 Q What did you do when you arrived at that
23 location?

24 A I contacted Officer Rodriguez, who was at the
25 front door of the residence at that location, and he
26 advised me of his findings.

1 I then entered the residence, and he pointed
2 out the body of a male person laying on the floor in the
3 living room.

4 Q I show you Exhibit 91, sir.

5 Is this the scene that you noticed at that
6 time?

7 A Yes, sir.

8 Q Now, after that, what did you do next?

9 A I began looking through the residence.
10 I first went to a front bedroom.

11 Q All right.

12 Can you see this diagram, Exhibit 201, from
13 where you are sitting, Sergeant?

14 A Yes, sir.

15 Q So that you don't have to get off the stand
16 there.

17 I have a bedroom marked "Main Bedroom" at what
18 would be the southwest corner of the house here.

19 Is that what you have indicated to be the front
20 bedroom?

21 A Yes, sir. That is correct.

22 Q All right.

23 What, if anything, did you notice in that
24 front bedroom?

25 A As I entered the doorway, I glanced to my
26 right and observed what appeared to be, at first glance,

1 a female body laying face down on the floor.

2 Q I show you Exhibit 93 for identification.

3 Is that a close view of that female body?

4 A Yes, sir, it is.

5 Q That is the exact position that you noticed
6 her with the clothing exactly like that when you first
7 came into that front bedroom?

8 A That is correct.

9 Q After seeing that, sir, what did you do next?

10 A I proceeded to hail the ambulance drivers back,
11 as they were exiting the premises at that time.

12 Q With the body of Mr. La Bianca, or without the
13 body of Mr. La Bianca?

14 A Without the body.

15 Q All right.

16 Then what happened?

17 A I advised them that there was a second victim
18 and that it would require an ambulance slip and a
19 determination from them as to death or being alive of the
20 particular person.

21 Q All right.

22 Then, did the ambulance drivers return?

23 A Yes, they did.

24 Q Did they go right up the driveway, or did they
25 park down below?

26 A They went up the driveway.

As a matter of fact, they hadn't moved their

vehicle yet. They were still walking to their vehicle.

Q Oh, I see. All right.

Then did you observe the ambulance attendant enter the front bedroom where this woman was lying?

A Yes, sir.

Q What did you observe them do to this woman, if anything?

A They tested the pulse, and I guess in the neck area. I wasn't watching what they were doing specifically.

Then they gave us the pink ambulance slip with their determination on it.

C-1

1 Q And then they left; is that right?

2 A Then they left, yes.

3 Q All right.

4 What did you do next, sir?

5 A I then proceeded to search the remainder of
6 the house, and finding nothing that would -- no suspect or
7 anything, or any findings -- I immediately then called for
8 an additional police unit to seal off the grounds of the
9 area awaiting the arrival of the detectives.

10 Q Did you make sure that the bodies of
11 Mr. and Mrs. La Blanca were not touched until the homicide
12 unit arrived?

13 A That is correct.

14 Q All right.

15 Now, in going through the house, did you notice
16 various unusual writings on the walls?

17 A Yes, sir, I did.

18 Q Can you tell us what those writings were and
19 what portions of the house they were located in?

20 A The first writing I observed was on the wall
21 opposite the front door in the living room, and that
22 stated, "Death to Pigs."

23 Q You had heard police officers from time to time,
24 back in August of 1969, referred to as pigs; is that
25 right?

26 A That is correct.

Q Did this have any type of an affront or personal message to you?

MR. KANAREK: Your Honor, that is immaterial.

THE COURT: Sustained.

MR. BUGLIOSI: May we have a few moments, your Honor?

MR. STOVITZ: I know it is here, your Honor, because we used it.

THE COURT: Very well.

(Pause while Mr. Stovitz and Mr. Bugliosi appear to search for something.)

MR. STOVITZ: Q I show you Exhibit No. 204. The writing on the wall, "Death to pigs." Is that the scene that you noticed when you first arrived?

A Yes, sir, it is.

Q Now, you notice a rectangle with a check mark on it in the front of the picture?

A Yes.

Q Was that a portrait of some type or a painting of some type?

A Yes. It was, if I recall correctly, a burlap type material with a painting on it.

Q Do you recall the approximate dimensions of that?

A It seems to me it was approximately 3 to 3-1/2 feet in length and about a foot, a foot and a half wide.

Q And did it appear to have a place where it

1 could be hung on a wall, or something of that nature?

2 A Yes.

3 Q And what was the hanging device that was used
4 there? In other words, was it a nail? Was it a string?

5 A I believe it was a string-type hanging device.
6 I can't recall exactly.
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1 Q All right, now, again referring to Exhibit
2 201, you stated as you came in the front door, these
3 words were written on which wall, the one to the north of
4 the living room here that I am pointing to?

5 A Yes, it would be the one to the north.

6 Q In this area that I am pointing to, is that
7 correct, or is it closer to the den area?

8 A It would have been closer to the entryway, to
9 the den, but almost midway between the den opening and
10 the opening to the hallway.

11 Q All right, now, here is a little word that is
12 abbreviated for closet, is that the approximate area?

13 A Approximately, yes.

14 MR. STOVITZ: I will just put the blue indentation
15 (Mr. Stovitz indicates with blue pen on the diagram).

16 BY MR. STOVITZ:

17 Q In that area, then, on Exhibit 201 where the
18 words were written, is that correct?

19 A That is the approximate area, yes.

20 Q I would like to show you Exhibit No. 205, and
21 ask you, did you notice that word written on the walls
22 in the home of the La Blancas?

23 A Yes, sir, I did.

24 Q And you noticed the doorway there in that
25 photograph?

26 A Yes, sir.

5-2

1 Q Where is that doorway leading to?

2 A That is the main front door, leading into the
3 living room.

4 Q That would be this door indicated at the
5 living room, is that right?

6 A Yes, sir.

7 MR. STOVITZ: May I, your Honor -- everyone knows
8 that the diagram shows this is the door, but may I write
9 "Front door" on Exhibit 201 to indicate that as the
10 front door?

11 THE COURT: Very well.

12 (Mr. Stovitz so writes on diagram.)

13 BY MR. STOVITZ:

14 Q And that would be where this light is on the
15 east side of the front door, or would it be on the west
16 side of the front door?

17 A It was on the east side near the top jamb,
18 which runs across the top of the door, or the header.
19 It was about that height.

20 Q Can you see this diagram, 201, is this the
21 area where my pointer is?

22 A Yes, sir.

23 MR. STOVITZ: All right, I will put an A on that
24 area to indicate where the word "Rise" was, the approxi-
25 mate area where the word "Rise", was.

26 Q I show you Exhibit 206, did you see that scene

1 depicted there at the residence of 3301 Waverly?

2 A Yes, sir.

3 Q And were the writings on the refrigerator
4 exactly as they appear now when you first arrived?

5 A Yes, sir.

6 Q Did you go near the writings and see whether
7 or not the substance that was written, that was used to
8 do the writing was wet or dry?

9 A I looked at it closely, if I recall it appeared
10 dry to me.

11 Q And this refrigerator depicted in Exhibit
12 206, that was in the kitchen, I take it, is that correct?

13 A Yes, sir.

14 Q Again going to diagram 201, showing you the
15 kitchen, we have the word "Refrigerator" abbreviated
16 there.

17 Is that the location of that refrigerator?

18 A Yes, sir.

19 Q Now, Officer Rodriguez, when he was on the
20 witness stand, moved a piece of furniture called the
21 sofa into the vertical position as it appears now and
22 as appears in that photograph Exhibit 91.

23 Is that the way it was when you first arrived?

24 A Yes, sir.

25 Q Did you preserve the scene, sir, until the
26 chemist arrived?

1 A We preserved the scene until our fingerprint
2 man and the photographic unit arrived, yes.

3 Q Were you present when photographs were taken?

4 A Yes, I was when some of them were taken.

5 Q And I take it these were not polaroids, so
6 you could not see which ones were taken?

7 A No, sir, they were not polaroid.

8 Q Were you present when a fingerprint man
9 arrived?

10 A Yes.

11 Q And did you see him go about dusting for
12 fingerprints?

13 A I don't believe I saw him dusting for prints
14 at the time.

15 I think, in fact, I know, I went outside and
16 maintained control of my uniformed personnel at that
17 time.

18 Q Do you recall what the condition of the
19 weather was at that time?

20 Was it misty; was it a clear night?

21 A It was a clear night, yes.

22 Q Do you recall whether the temperature was
23 warm or did you need a jacket, or what?

24 A It wasn't warm. It was on the cool side.

25 I didn't have a jacket, but it was cool.

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5a file.

5A-1

1 Q And the location of the lighting, the
2 artificial lighting there, shown in Exhibit 200, could you
3 tell us what is depicted here as far as artificial lighting
4 is concerned?

5 A The only lighting that I can recall is a
6 street light down on Waverly Drive which would be a
7 regular light standard, and I don't recall which area it
8 was in.

9 The grounds were not too well lit in the front
10 area.

11 Q And these houses, as depicted in this
12 photograph 200, they seemed to sit far back from the street,
13 so any porch lights would not have shown out to the street
14 area, is that correct?

15 A True, yes.

16 Q Do you know what the approximate height of this
17 wall is that is on the westerly side of the photograph,
18 Exhibit 200?

19 A I believe it is close to 12 feet.

20 Q Did you, sir, determine whether or not there
21 were any broken windows, broken screens, broken doors?

22 A Yes, sir, I did.

23 Q What did you determine in that respect?

24 A I found no windows or screens broken.

25 However, there was a louvered window in fact
26 removed and laying against the wall in the living room.

5a2

1 Q And what is the approximate dimension of the
2 actual louvered window?

3 A The pane itself -- it is not the entire window --
4 it's just one louver, that was about 4-1/2 to 5 inches wide
5 and about a foot and a half to two feet long.

6 Q You said that this louvered window was in
7 what room, sir?

8 A In the living room.

9 Q Going again to Exhibit 201, is it one of the
10 windows south of the sofa here, sir?

11 A Yes, it's in the corner against that hall.

12 Q Is this the corner you have indicated, sir?

13 A Yes, sir.

14 Q I will put LW for louvered window on Exhibit
15 201.

16 This louvered window, is that the area that you
17 noticed the pane to be missing?

18 A Yes, that's correct.

19 Q I take it is big enough for an arm to go
20 through, but not any type of person at all, is that right?

21 A True. There was a screen on the outside of
22 the louver.

23 Q Was the screen damaged in any way?

24 A No, sir.

25 Q Did you examine the side door --

26 Directing your attention to Exhibit 200, the

A43

1 one that the arrow is drawn to?

2 A Yes, sir, I did.

3 Q Did you notice any breaks or damage to the door
4 jamb, or anything of that nature?

5 A The best I can recall I found no damage to the
6 jamb or the mechanism itself.

7 Q Did you remove any items of evidence at all
8 from the premises?

9 A No, sir, I did not.

10 Q You are sure that nothing was touched until
11 the fingerprint men arrived and then you went outside, is
12 that correct?

13 A Yes, sir.

14 Q Do you recall when it was that Officer Galindo
15 arrived?

16 A I don't recall the exact time.

17 Q How long had you been there before he arrived?

18 A I would say a good hour, an hour and a half,
19 approximately.

20 Q It was close to midnight or possibly after
21 midnight when Sergeant Galindo arrived, is that right?

22 A Yes, I would say so.

23 Q Did the representative from the Coroner's
24 office arrive while you were still there?

25 A No, sir, he did not.

26 MR. STOVITZ: You may inquire, Counsel.

1 MR. FITZGERALD: No questions.

2 MR. SHINN: No questions, your Honor.

3 THE COURT: Mr. Kanarek.

4 MR. KANAREK: No questions, thank you, your Honor.

5 MR. HUGHES: No questions, your Honor.

6 THE COURT: You may step down, Sergeant.

7 MR. STOVITZ: With the Court's permission, we have
8 been going rather rapidly here, may we have our morning
9 recess now or do you want us to call our next witness?

10 He is available. Whatever is the Court's
11 pleasure.

12 THE COURT: Call your next witness. We will take
13 the recess at the usual time.

14 MR. STOVITZ: Is that a quarter to 11:00?

15 THE COURT: Yes.

16 THE CLERK: Would you raise your right hand, please.
17 Would you please repeat after me:

18 I do solemnly swear --

19 THE WITNESS: I do solemnly swear --

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

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

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

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

24 THE CLERK: -- before this Court --

25 THE WITNESS: -- before this Court --

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

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

2 THE CLERK: -- the whole truth --

3 THE WITNESS: -- the whole truth --

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

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

6 THE CLERK: -- so help me God.

7 THE WITNESS: -- so help me God.

8 THE CLERK: Would you be seated, please.

9 Would you please state and spell your name.

10 THE WITNESS: Danny Galindo, G-a-l-i-n-d-o.

11 THE CLERK: Spell your first name.

12 THE WITNESS: D-a-n-n-y.

13 THE CLERK: Thank you.

14
15 DANNY GALINDO,

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

18
19 DIRECT EXAMINATION

20 BY MR. STOVITZ:

21 Q Is it Sergeant, sir?

22 A Yes, sir.

23 Q And are you a Los Angeles Police officer?

24 A Yes, sir, I am.

25 Q How long have you been a Los Angeles Police
26 officer?

1 A 24 years and one month.

2 Q And how long have you been a sergeant?

3 A 10 or 11 years.

4 Q Directing your attention to August of 1969,
5 to what particular unit or division were you attached at
6 that time?

7 A Robbery-Homicide Division.

8 Q And how long had you been assigned to Homicide,
9 sir?

10 A About 20 years.

11 Q Did you have occasion to go to the La Bianca
12 home located at 3301 Waverly Drive in Los Angeles on
13 August 11, 1969?

14 A Yes, sir.

15 Q What time did you arrive there, sir?

16 A I arrived there at 0100 hours, 1:00 o'clock in
17 the morning.

5B

5b-1

1 Q Did you see Sergeant Cline there?

2 A Yes, sir, I did.

3 Q Without telling us what was said did you have
4 a discussion with him?

5 A Not very much, very short discussion.

6 Q Did you see Officer Rodriguez there?

7 A I don't remember.

8 Q What did you do when you first arrived at
9 the premises?

10 A I talked to various officers who were there at
11 the scene, including Captain Whittaker and Inspector
12 McCauley.

13 Q Did you then stay there until the fingerprint
14 man arrived?

15 A I was there for the following ten or twelve
16 hours.

17 Q The next day did you direct that certain
18 photographs be taken of the aerial view of the area?

19 A Yes, sir, I did.

20 Q I show you Exhibit 200, is this an accurate
21 representation of an aerial view of the house there at
22 3301 Waverly?

23 A Yes, sir, it is.

24 Q All right, now, with respect to this house to
25 the right, or to the east of the 3301 Waverly, did you
26 determine if there was anyone living at that location?

5b-2

1 MR. KANAREK: Object, your Honor, calling for a
2 conclusion, and hearsay on the part of this witness.

3 No foundation.

4 THE COURT: Overruled.

5 BY MR. STOVITZ:

6 Q Did you determine whether or not anyone was
7 living in the first house to the east of the 3301 Waverly
8 address?

9 A I did not, but a member of our department did.

10 Q You did not personally go to the house yourself?

11 A I did.

12 Q Did you yourself inspect the grounds, all
13 adjacent grounds to the address of 3301 Waverly?

14 A Yes, sir, I did.

15 Q When did you do that?

16 A That would have been August the 11th in the
17 neighborhood of 11:00 o'clock in the morning, and on until
18 about 1:00 or 2:00 o'clock in the afternoon.

19 Q In other words, after it became daylight, and
20 then around noon of that day, is that right?

21 A Oh, it was earlier than noon.

22 I would estimate between 9:00 and 10:00 o'clock
23 in the morning we started.

24 Q What were you looking for in particular?

25 A Weapons and any other evidence that might tie
26 into the investigation.

5b-3

1 Q Did you find any weapons, either knives, guns
2 or anything else?

3 A I did not.

4 Q To your knowledge did any other officers there
5 at the scene find any guns, knives, or any type of weapon?

6 A I ascertained that no weapons were found.

7 Q Now, then, did you search, looking for any
8 bloody clothes?

9 A Yes, sir, we did.

10 Q Did you find any bloody clothes?

11 A None in the outer perimeter area or within that
12 area other than within the building itself.

13 Q In other words, other than what the victims were
14 wearing, is that right?

15 A That's right.

16 Q Did you ascertain whether any of the other
17 officers found any bloody clothes in the area?

18 A Yes, sir, I did.

19 Q What did you find out in that respect?

20 A I found out that there were no bloody clothes
21 located.

22 Q At this address, 3301 Waverly, if you were to
23 go west on Waverly, what street would you go into if you
24 know?

25 A I don't remember.

26 Q If you went east on Waverly what street would

1 you go into?

2 A I did not drive that -- I did not go down the
3 street.

4 Q All right, this street depicted on this
5 photograph here, Exhibit 200, is there a cross street that
6 goes more or less into Waverly there?

7 A Yes, sir, it doesn't show there though.

8 Q All right, what is the name of that cross
9 street?

10 A I don't remember.

11 THE COURT: Mr. Stovitz, we will take the recess at
12 this time.

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

16 The court will recess for 15 minutes.
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1 THE COURT: All parties, counsel and jurors are
2 present.

3 You may continue, Mr. Bugliosi.

4 MR. STOVITZ: Q Sergeant, when you went into
5 the living room there at that location, did you notice the
6 scene depicted as it is here in Exhibit No. 91?

7 A Yes, I did.

8 Q Were you able to determine the dates on those
9 newspapers that are depicted on that coffee table?

10 A Yes, I did.

11 Q What date was it?

12 A August 10, 1970 -- '69.

13 Q August 10, 1969?

14 A Yes.

15 Q Now, did you ever remove the pillow? That is,
16 the pillow that appears on the facial area of the man in
17 Exhibit 91?

18 A No, but it was removed in my presence
19 momentarily.

20 Q And after it was removed, Sergeant, what did
21 you see, after the pillow was removed?

22 A I saw a blood-soaked pillow case covering the
23 face of the deceased, Leno La Bianca, and I saw an electric
24 cord that was attached to a rather massive lamp about, oh,
25 some four or five feet from the head of the body, and
26 the length of electric cord ran to the area of the deceased's

6-2

1 neck.

2 Q And the male plug was where in relation to the
3 deceased's neck?

4 A I couldn't see it. It was beneath the pillow
5 slip that was covering the face of the deceased.

6 Q I show you Exhibit 92 and ask you, did you see
7 this scene as it is depicted in Exhibit 92?

8 A Yes.

9 This photograph was taken at that time.

10 Q In other words, after the pillow was removed;
11 is that right?

12 A That is correct.

13 Q Did you determine that this white cloth was, in
14 fact, a pillow case?

15 A Yes, sir.

16 Q Was the head of the individual -- counsel, may
17 I refer to the individual as Leno La Bianca rather than
18 "the individual"?

19 MR. FITZGERALD: Certainly.

20 MR. STOVITZ: Any objection from the Court?

21 THE COURT: No.

22 MR. STOVITZ: Q Was the head of Leno La Bianca
23 inside the pillowcase, as an ordinary pillow would be inside
24 a pillow case?

25 A Yes, sir, generally.

26 I will change that to pretty much so, yes.

1 Q In other words, it wasn't just that the double
2 fold of the pillow case was around the head, but the actual
3 head was inside the sleeve of the pillowcase itself?

4 A To the best that I could determine then, yes.

5 Q Then the cord, was it knotted about the
6 pillow case, or was it just looped about the pillow case?

7 A I couldn't determine that at that time.
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1 Q All right.

2 Now, then, you stated that the cord then went
3 to a massive lamp.

4 A Yes.

5 Q I show you again Exhibit 91.

6 Do you notice the white cord going from the
7 facial area of Leno La Bianca?

8 A Yes.

9 Q Is this the lamp that you referred to?

10 A Yes, it is.

11 Q And was the lamp intact as it appears on the
12 table in Exhibit 91?

13 A Yes, it was.

14 Q Now, did you notice whether there was anything
15 underneath the pillow case at that time?

16 A I did not.

17 Q Now, with respect to the stomach area or the
18 abdomen as shown in Exhibit 91. There appears to be some
19 white object protruding.

20 Do you see that, sir?

21 A Yes, sir, I do.

22 Q Could you tell us what that white object, as
23 shown in Exhibit 91, was?

24 A It was a carving fork with a pearl white
25 handle with aquamarine markings on it.

26 The fork was inserted into the abdominal area

1 about two inches above the navel and just left of the
2 midline.

3 The tines were sunk into the flesh up to the
4 bifurcation of the two tines.

5 Q Did anyone remove that fork from the body of
6 Leno La Bianca in your presence, Sergeant?

7 A I removed it, sir.

8 Q I show you Exhibit 207.

9 Is this the fork that you removed from the
10 stomach of Leno La Bianca?

11 A Yes, sir, it is.

12 Q Did you turn this over to the Crime Lab for
13 analysis?

14 A Yes, sir.

15 Q Did you check the other utensils in the house
16 to determine whether or not there were any utensils matching
17 this pattern in the house of the La Biancas?

18 A Yes, sir, I did.

19 Q And what did you determine in that respect, sir?

20 A In the kitchen area, in a drawer near the
21 kitchen stove, I found two sets of utensils of this sort,
22 and I found either four or five other items that matched
23 this fork, including a spatula, a kind of slender spatula,
24 and I don't remember what the other items were, but the
25 design of the items appeared to be from the same set.

1 MR. STOVITZ: Your Honor, I have what appears to be
2 a serrated-edged paring or steak knife.

3 May this knife be marked as People's next for
4 identification?

5 THE COURT: 210 for identification.

6 MR. KANAREK: Your Honor, out of an abundance of
7 caution, the record does reveal we are objecting to all of
8 this testimony on the grounds of immateriality and irrele-
9 vancy, is that correct?

10 THE COURT: Very well.

11 MR. KANAREK: Thank you.

12 Q BY MR. STOVITZ: I show you Exhibit 210 for
13 identification and ask you if you have ever seen this
14 particular knife before today.

15 A I saw a knife similar to this -- it appears
16 to be the same one -- at the Coroner's Office on August
17 11, shortly after the noon hour.

18 Q And where was that one similar to Exhibit 210
19 when you first saw it?

20 A I think it was lying -- someone was holding it,
21 I believe it was Dr. Katsuyama.

22 I don't remember exactly who was holding it
23 but I think it was Dr. Katsuyama.

24 Q Directing your attention to Exhibit 210, did
25 you see knives similar to this knife at the home of
26 Mr. and Mrs. La Bianca?

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1 A Yes, sir, I did.

2 Q Approximately how many and where were they?

3 A In the same drawer in the kitchen beside the
4 kitchen stove where I observed the other set that I
5 described.

6 I believe there were also three or four --
7 there were either four or five other items, mostly knives.

8 And the handles appeared to be the same type.

9 Q And the length of the blade, were they the
10 same, serrated like that?

11 A I don't believe I saw any serrated-edged
12 knives.

13 There was a butcher knife and there was a
14 paring knife.

15 I don't remember. There were other knives.

16 Q So merely the handles are similar to this exhibit,
17 210, but not the blade or the serration, is that right?

18 A That's right, the wooden handle, with the brass
19 rivets on it.

20 Q Did you know whether or not those knives had
21 the Onider inscription on them, as this one does?

22 A I don't remember that.

23 Q I show you Exhibit 90 for identification and
24 ask you whether or not you recognize the scene
25 depicted in that photograph.

26 A I recognize the body and I relate that to the

1 incident where the Coroner turned the body over to observe
2 the leather thongs that were tying the hands.

3 Q And where was that that was done, that the body
4 was turned over?

5 A That was done exactly where he was lying.

6 Q In the living room?

7 A In the living room of the La Bianca residence.

8 Q Were you present when that photograph,
9 Exhibit 90, was taken?

10 A Yes, sir, I was. It was taken at my direction
11 -- no, not this photograph, I'm sorry.

12 Q That photograph was not taken at your
13 direction?

14 A No, it was not.

15 Q All right, was that scene depicted in that
16 photograph a fair and accurate scene as to how you saw
17 Mr. La Bianca's hands when the Coroner turned his body
18 over?

19 A Yes, sir.

20 Q Was this actually the Coroner or a Coroner's
21 aide?

22 A There was a Coroner's deputy, not one of the
23 medical examiners.

24 Q Do you happen to know who he is at this time?

25 A I don't remember his name.

26 Q Did you notice whether or not anyone cut the

1 leather laces or thongs, as you call them, that appear
2 about the hands of Mr. La Bianca in that scene?

3 MR. KANAREK: Your Honor, that is assuming facts not
4 in evidence, that there was any cutting.

5 THE COURT: Overruled.

6 Q BY MR. STOVITZ: Were you present when those
7 thongs were cut or removed?

8 A No, sir.

9 Q Do you know what happened to that particular
10 thong that is shown in that particular photograph,
11 Exhibit 90?

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

13 THE COURT: Overruled.

14 THE WITNESS: It is in police custody.

15 Q BY MR. STOVITZ: Did you take it into custody?

16 A No, sir.

17 Q Now, I show you various small photographs --

18 MR. STOVITZ: Your Honor, these primarily deal with
19 the living room.

20 THE COURT: Have these been marked?

21 MR. STOVITZ: No, they have not. I will ask they be
22 marked as we go along.

23 I have a photograph of the living room at 3301
24 Waverly showing a red sofa in the forefront of the photograph.
25 May that be marked People's Exhibit --

26 THE CLERK: 211.

MR. STOVITZ: 211.

THE COURT: It will be so marked.

Q BY MR. STOVITZ: I show you exhibit 211, sir, and ask you do you recognize the scene depicted in that photograph?

A Yes, sir, I do.

Q What is depicted in that photograph?

A It is a portion of the living room at the La Bianca residence, and it is taken from approximately the center of the living room showing the one couch that was in the room that runs generally north and south, and it shows the entryway into the living room.

Also some other chairs, and you can see a portion of the massive coffee table with the newspapers on top of it.

7a-1

1 Q So this scene shown in 211 does not show the
2 body of Leno La Bianca there?

3 A That's right.

4 Q Was this taken at the time however that the
5 body was still in place?

6 A I don't remember. It is my impression that it
7 was, yes.

8 Q All right, now, I show you again Exhibit No. 92,
9 I notice certain writings that appear on this photograph.

10 It appears to be a W and an A, and a symbol
11 that might be an R.

12 Was that written on the stomach of Mr. La
13 Bianca as it appears in this photograph, Exhibit 92, when
14 you first arrived?

15 A Yes, sir.

16 Q And the two elliptical shaped or eye shaped
17 objects that appear on either side of the A, is that where
18 the fork was protruding?

19 A Yes.

20 Q So then 92 was taken after the fork was
21 removed and Exhibit 91 was taken before the fork was
22 removed, is that right?

23 A That's right.

24 Q Now, were you ever present when the pillowcase
25 that is now shown around Mr. La Bianca's head was removed?

26 A No, sir, I was not.

7a-2

1 Q Were you ever present when the pillowcase was
2 raised so that you could actually see whether it was a man
3 or a woman underneath there?

4 A No, sir, I wasn't.

5 Q Were you present when the body was removed?

6 A Yes, sir.

7 Q And who was it that removed the body?

8 A Well, we assisted the Deputy Coroner in raising
9 and putting it onto the carriage that transported him.

10 However, I clipped the cord, the electrical
11 cord from the base of the lamp.

12 Q You clipped it then at the base of the lamp,
13 is that right?

14 A Nearly at the base of the lamp.

15 Q And then that cord went with the body, is that
16 correct?

17 A That's true.

18 Q Now, with respect to after the body of Mr. La
19 Bianca was removed, here, did you notice what if anything
20 was below his body?

21 A Yes, sir, there was a massive blood stain,
22 clotted blood, and there was some blood on it on the seat
23 of the couch at the west end of the couch.

24 Q And he was wearing pajamas as shown in this
25 photograph?

26 A Yes, sir, he was wearing lowers and uppers, and

7a-3

the uppers were partially unbuttoned.

Q Now, with respect to the photograph of Mrs. La Bianca.

MR. STOVITZ: Counsel, may I again refer to her as Mrs. Rosemary La Bianca instead of the female depicted in 93?

MR. FITZGERALD: So stipulated.

MR. STOVITZ: May it be stipulated that the male and female depicted in the photographs, 92 and 93 are Leno and Rosemary La Bianca?

MR. FITZGERALD: So stipulated.

MR. KANAREK: So stipulated.

MR. STOVITZ: Whenever we refer to a male or female depicted in 93 and 92, the male is Leno La Bianca and the female shown in 93 is Rosemary La Bianca.

So stipulated, Counsel?

MR. KANAREK: So stipulated.

MR. FITZGERALD: So stipulated.

BY MR. STOVITZ:

Q I show you Exhibit 93, sir, and ask you if you saw the body of Mrs. Rosemary La Bianca as it appears in that scene?

A Yes, sir, I did.

Q And is that photograph a fair and accurate representation as to how she appeared when you first entered the bedroom?

1 A Yes, sir.

2 Q Did you determine what type of garment if
3 any appears around her upper torso?

4 A Yes, sir.

5 Q What type of garment was it?

6 A Her upper torso?

7 Q Yes, the shoulders and head.

8 A Oh, she had on a -- I guess it's pronounced
9 a peignoir.

10 And she had on a bathrobe.

11 And there was another item of clothing there
12 beside her, a towel, salmon colored or pink, I don't
13 remember, that type of color.

14 Q All right now, with respect to the condition
15 of the writing on the stomach of Mr. La Bianca as shown
16 in Exhibit 91 and Exhibit 92, could you tell whether or
17 not that was written in with, say, some type of substance
18 or whether it was made by engraving?

19 A My impression was that it was made with a sharp
20 object. It raised the flesh into rather angry scars.

21 Q Did you notice whether or not these scars were
22 dry at that time?

23 A They were bloody dry, yes.

24 Q Did you notice whether or not there appeared
25 to be evidence of any struggle in the living room?

26 A No, my opinion was that there was no struggle.

B fls.

8-1

1 Q No coffee tables knocked down or chairs over-
2 turned or lights or lamps broken that you saw?

3 A Nothing like that.

4 Q What about in the bedroom? Did there appear to
5 be any evidence of any struggle?

6 A Not really.

7 The only thing that I noted was that the lamp
8 which would be at the left side of the bed was clean over
9 to the opposite side of the bed and it was knocked over
10 against the matching lamp. But there didn't appear to be
11 any struggle. There was no real destruction of any kind.

12 Q With respect to Mrs. La Bianca, were you present
13 when the garments were removed from the face and body and
14 head of her?

15 A Not the pillow case over the head, no.

16 Q She had a pillow case over her head, too?

17 A Yes, sir.

18 Q And in what manner was this pillow case over
19 Mrs. La Bianca's head?

20 A It was slipped over her head as though the head
21 would be a pillow, generally.

22 Q Was that also a white pillow case?

23 A Yes.

24 Q Was there any type of object on the outside of
25 that pillow case?

26 A I don't understand.

Q Were there any ties or ropes or cords or anything

like that?

A I don't think so, no.

Q What about the condition of Mrs. La Bianca's hands?

A She was tied with an electric cord that ran from her wrists back again to a massive table -- well, not a table lamp, but a bedside lamp, and it had been dragged a little bit and appeared to have been knocked against the matching lamp.

It appeared to me that she had crawled --

MR. KANAREK: Your Honor, I will object to that as a statement of a conclusion.

THE COURT: Which part?

MR. KANAREK: Where something appeared to him that somebody had crawled, or whatever he said.

THE COURT: Overruled.

MR. STOVITZ: Q Could you tell whether or not her hands were tied in front of her or the back of her, or was one hand tied to one object and one hand tied to another object?

A It appeared to me that -- oh, I remember that the cord ~~did~~ run to the neck area, and her hands were clear.

One of her hands -- she was resting on one of her hands, and the other one was clear.

The electric cord ran underneath her body

1 towards the neck area.

2 Q Did you look through any of the other
3 bedrooms to see if any drawers were pulled out or if there
4 was any ransacking through any of the bedrooms in the
5 house?

6 A Yes, sir.

7 After the bodies had been removed, I made a
8 rather minute search of the premises.

9 Q What did you find?

10 A I found no signs of ransacking. I found many
11 items of value.

12 Q Such as what, sir?

13 A Rings, several diamond rings, still on the
14 premises in some of the drawers, wrist watches, expensive
15 camera equipment, coins, a coin collection, a jar of coins,
16 many rifles and guns.

8A

8a-1

1 Q Were these in locked rooms or were they open
2 to the house if you walked through it?

3 ~~A We never had to unlock anything to have~~
4 access to these items.

5 MR. STOVITZ: Your Honor, I have a photograph of what
6 appears to be the legs and buttocks of Mrs. Rosemary
7 La Bianca, showing an overturned lamp in the background.

8 May this photograph be marked as People's 212?

212 Id.

9 THE COURT: It will be so marked.

10 BY MR. STOVITZ:

11 Q I show you Exhibit 212, sir, and ask you:
12 Do you recognize the scene depicted in that
13 photograph?

14 A Yes, sir, I do.

15 Q And is that a fair and accurate portrayal of
16 the scene as you first observed the body of Rosemary La
17 Bianca?

18 A Yes, sir.

19 Q All right.

20 Now, the cord, do you see that depicted in
21 this scene, on Exhibit 212?

22 A Yes, sir.

23 Q So that the cord can stand out, Sergeant,
24 a little bit more, would you take this blue pen and trace
25 the cord as you observed it?

26 (The witness marks.)

8a-2

1 THE COURT: Let me see that.

2 (The photograph was handed to the court by
3 the witness.)

4 MR. STOVITZ: Q Have you done that, sir?

5 A Yes.

6 MR. STOVITZ: I have another photograph of another
7 angle of the same view as Exhibit 212.

8 May that be marked as Exhibit 213 for identifi-
9 cation, your Honor?

10 THE COURT: It will be so marked.

11 MR. STOVITZ: Q I show you Exhibit 213 and ask
12 you if that is a fair and accurate portrayal of the scene
13 depicted in the front bedroom of 3301 Waverly when you
14 first entered?

15 A Yes, sir.

16 Q And can you again, taking this blue Crayon or
17 pen, put in the electrical cord that you observed at the
18 time that you entered the bedroom?

19 (The witness marks.)

20 BY MR. STOVITZ:

21 Q Have you done that now?

22 A Yes, sir.

23 Q All right.

24 You state it went to one of her hands; is
25 that correct?

26 A No. It went to the area of her neck, and it

213 Id.

8a-3

1 was taut.

2 Later I clipped the electrical cord wire.

3 Q With respect to the drawers, were they in
4 place or were they pulled out?

5 A All of the drawers were in place.

6 Q And with respect to the closets, did you
7 determine whether or not any clothing had been ruffled
8 around or manhandled in any fashion?

9 A It didn't appear to me, in my opinion, I don't
10 think any ransacking occurred.

11 MR. KANAREK: Well, your Honor, may that be stricken,
12 that opinion?

13 MR. BUGLIOSI: He was there, your Honor. He can
14 testify.

15 THE COURT: Overruled.

16 MR. STOVITZ: I will try to lay a foundation.

17 Q Were any clothes found on the floor of any
18 of these closets?

19 A There were some recently used clothing in
20 one closet in the front bedroom, but I think they were
21 items that had been worn very recently.

22 Q Did you notice whether or not there appeared
23 to be fur coats in the closet?

24 A I think I remember one fur coat but I am not
25 certain.

8bfls 25

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1A-1

1 Q Now, with respect to the doors and windows,
2 did you examine them carefully to determine if there were
3 any breaks in any doors or windows?

4 A Yes, sir.

5 Q What, if anything, did you find?

6 A I found that the front door appeared intact.
7 There was no breaking in.

8 I found that the rear door had no breaking-in
9 marks of any sort.

10 Q By the rear door, you mean the one that leads
11 to the kitchen area; is that right?

12 A The rear door of the house itself.

13 Q Well, there is a rear door that leads to the
14 den and a rear door that leads to the kitchen area; is
15 that correct?

16 A There is a side door that leads into the den.
17 The side door would be on the east side of the building.
18 It was ajar.

19 Q It was ajar?

20 A Yes.

21 Q Did you notice whether there was any damage
22 to the door jamb or to the lock area?

23 A I noticed there was no damage to it.

24 The rear door itself, however, I tested for
25 jimmy marks, and I jimmied the door, and it can easily be
26 jimmied open.

1 MR. KANAREK: Your Honor, I ask that that be
2 stricken.

3 THE COURT: Read the answer.

4 (The answer was read by the reporter.)

5 THE COURT: That portion of the answer beginning
6 with "I tested for jimmy marks" will be stricken and the
7 jury is admonished to disregard it.

8 MR. STOVITZ: Q You noticed no damage to the
9 door jamb of the rear door, is that right?

10 A To any portion of the doors.

11 Q Now, you used the term "jimmy." How is
12 jimmy spelled? Is it j-i-m-m-y?

13 A I believe so.

14 Q And the past tense is j-i-m-m-i-e-d?

15 A I hope so.

16 Q Jimmied?

17 A Yes.

18 Q Does that mean anything in police investigations?

19 A Yes.

20 MR. KANAREK: Your Honor, there is no foundation for
21 that question.

22 THE COURT: Overruled.

23 MR. STOVITZ: Q What does it mean? What is
24 the definition as you used it?

25 A I probably can describe it better than putting
26 it into words.

1 Q All right, if you can't put it into words.

2 A You take a celluloid or very thin object and
3 you run it between the leading edge of the door and the
4 door jamb where the latch is and slip it underneath the
5 latch and try to bring it back out again, and it will
6 jimmy the door open.

7 Q Can you jimmy the door open with any other
8 things beside cellophane or celluloid objects?

9 MR. KANAREK: Your Honor, I ask that all this be
10 stricken as just conjecture.

11 THE COURT: Overruled.

12 MR. STOVITZ: Q Can you jimmy the door of some
13 houses with other things other than a cellophane or
14 celluloid object?

15 A Sure. Any thin metal item or any stiff item
16 that can be slipped through the crack between the door,
17 the leading edge of the door, and the door jamb.

18 Q And opening a door that way would leave no
19 damage to the door or door jamb, is that right?

20 MR. KANAREK: Your Honor, I would ask that all this
21 be stricken on the ground that there is no foundation for it.
22 It is conjecture.

23 THE COURT: The objection to the last question will
24 be sustained.

25 MR. STOVITZ: Q Did you find a lady's purse?

26 MR. KANAREK: I am sorry, I didn't hear that.

MR. STOVITZ: Q

Did you find a lady's purse?

A Yes.

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8c-1

1 Q Where was the lady's purse?

2 A It was lying on top of a liquor cabinet,
3 oh, just beside the threshold into the kitchen, and
4 the cabinet itself is in the den. The cabinet itself
5 was about 32, 33 inches high.

6 Q Did you notice the condition of the purse,
7 whether it was open or closed?

8 A The purse was open.

9 Q Open?

10 A Yes.

11 Q Did you look inside of it to determine what
12 the contents were within the purse?

13 A Yes.

14 Q Did you find a lady's wallet within that
15 purse?

16 A No, sir.

17 Q Would you say that there was no lady's wallet
18 within that purse then?

19 A I would say there was no lady's wallet in
20 that purse.

21 Q All right.

22 Did you carefully preserve that purse for
23 fingerprints?

24 A Yes, sir.

25 Q Was that purse turned over to a fingerprint
26 man?

8c-2

1 A It was.

2 Q Did you check Mr. La Bianca's trousers to see
3 if there were any trousers such as a man would come home
4 and he would put them on either a chair or a hook without
5 hanging them up on a particular hanger?

6 Did you determine if he had a pair of trousers
7 that had been recently used?

8 A I did check for that.

9 I wasn't able to determine which pair of
10 trousers had been recently used.

11 Q Did you find a pair of trousers that had a
12 wallet in it?

13 A No.

14 Q Did you look for it?

15 A Yes.

16 Q Did you look for a jacket that possibly had
17 a wallet in it?

18 A Yes.

19 I looked through all the clothes in the closet.

20 Q And did you find any wallet?

21 A Eventually, yes.

22 Q Eventually? Where did you find it?

23 A In the La Bianca vehicle that was parked in
24 front of 3301 Waverly Drive, in the glove compartment.

25 Q The glove compartment?

26 A Yes.

8c-3

1 Q And whose wallet was that?

2 A Leno La Bianca's.

3 It had identification and credit cards, and
4 that sort of thing, with the name of Leno La Bianca.

5 Q All right.

6 Was there any money in the wallet that you know
7 of? And what was the approximate amount?

8 A I don't think so. Maybe a dollar or two.

9 Q Did you check to see if there were any keys
10 in that car?

11 A Yes.

12 Q What did you find?

13 A I found a batch of keys in the trunk of the
14 car along with a businessman's briefcase and a sack full
15 of coins.

16 Q Did you check to see if there were any keys
17 to the older Thunderbird automobile that was in the
18 driveway?

19 A Mrs. La Bianca's vehicle?

20 Q Yes.

21 A I didn't personally.

22 Q You didn't personally?

23 A No.

24 Q You stayed at the scene, then, until the bodies
25 were removed?

26 A Yes.

1 Q Then you went down to the Coroner's Office
2 and viewed the bodies at the Coroner's Office?

3 A No, I didn't view the bodies.

4 Q You did not?

5 A No.

3d fls.

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1 Q You were not present during the autopsy, is
2 that right?

3 A That is true.

4 Q Were you the officer assigned to the
5 investigation there at the scene?

6 A For the preliminary investigation, yes, sir.

7 Q And did you take charge of booking certain
8 physical property that you found at the scene?

9 A Yes.

10 Q Do you have an independent recollection of the
11 individual items, amounts, quantities of property that you
12 booked at the scene?

13 A No, sir.

14 Q Did you make a record of those on a property
15 booking slip?

16 A Subsequently, yes, sir.

17 Q Subsequently?

18 A Yes.

19 Q Did you make it at the time that the facts
20 were fresh in your mind?

21 A As best as I can remember, it was within the
22 next two or three days, as time allowed.

23 Q And have you seen that property slip since
24 that time?

25 A Yes, on occasions.

26 Q And does the property slip accurately represent

1 the property that you booked into evidence?

2 A Yes.

3 Q By referring to that property slip, would it
4 refresh your memory as to the property that you were in
5 charge of booking, Sergeant?

6 A Yes, I think so.

7 Q And do you have that slip with you? Do you
8 have the property slip with you?

9 A No, I don't have one.

10 Q Do you have the property report with you?

11 A No, I do not have one.

12 Q I show you a Xeroxed copy of a Los Angeles
13 Police Department Property Report, DR No. 69586381, and
14 ask you, is that your handwriting below on the first page?

15 A No, it isn't. That is my name.
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9-1

1 Q Somebody printed your name below it?

2 A Right, right.

3 Q Going to the 22 items of the property there,
4 did you dictate this property report?

5 A I think that a portion of it I did and a
6 portion of it Sergeant Sid Nuckles did.

7 Q By looking at this property report does it
8 refresh your memory as to the property that you actually
9 booked there at the scene of 3301 Waverly Drive?

10 MR. KANAREK: Your Honor, there is no foundation that
11 he has to refresh his recollection.

12 If he has a question he can ask him the question
13 directly.

14 THE COURT: He previously testified to the foundational
15 aspects.

16 MR. STOVITZ: Yes.

17 BY MR. STOVITZ:

18 Q I notice that this property report bears the
19 same DR number, although it consists of many many pages,
20 is that correct?

21 A That is true.

22 Q The first three pages end with item 22.

23 We then go to an individual property report
24 with your name, but no initials or writing below it, is
25 that right?

26 A That's right.

1 Q We then go to another page that has what
2 appears to be a signature above your name.

3 Is that your signature?

4 A No, it is not.

5 Q Then continuing on 34 -- it goes from item 28
6 to item 34?

7 A That's right.

8 Q We then have a property report that has the
9 name of Terry and Miller on it.

10 Did you see that?

11 A Yes.

12 Q Now, going back to the very beginning of the
13 property report that has your name on it, were some of
14 these items of property depicted on this first page
15 actually booked by you, sir?

16 A They were actually taken into custody by me,
17 and then they were all booked, actually booked into the
18 property section by Sergeant Nickols.

19 Q Do you have an independent recollection of
20 these items or must you refer to the first several sheets
21 of this property report in order to refresh your recollec-
22 tion of the exact amounts and the items of property?

23 MR. KANAREK: Your Honor, if he is going under the
24 doctrine of past recollection recorded he has to try to
25 refresh the man's recollection so he can testify independently.

26 THE COURT: Overruled.

1 MR. STOVITZ: We are trying to go to the foundation,
2 Counsel.

3 THE COURT: You may answer.

4 BY MR. STOVITZ:

5 Q Do you recall the question?

6 A No.

7 Q All right, I will ask it again:

8 Do you have an independent recollection of
9 each particular item of property and the amount of that
10 property without referring to this property report?

11 A No, I don't.

12 Q Do you need this property report to refresh
13 your memory?

14 MR. KANAREK: Your Honor, that is assuming that
15 this property report can be used under past recollection
16 recorded.

17 Because this man has very candidly stated
18 that he did not prepare this report, in fact someone else
19 even wrote his name on it.

20 THE COURT: Overruled.

21 BY MR. STOVITZ:

22 Q Do you now need this report to refresh your
23 memory?

24 A Yes, sir.

25 Q Have you refreshed your memory from this
26 report in the past?

1 A Yes, sir.

2 MR. KANAREK: That is immaterial, your Honor.

3 THE COURT: Overruled.

4 BY MR. STOVITZ:

5 Q By using this report, does it actually refresh
6 your memory as to the property that you took charge of at
7 the scene?

8 A Yes.

9 Q Would you then, looking at the first few pages
10 of this property report, tell us what property you took
11 charge of at the scene and booked in at the Police Depart-
12 ment?

13 MR. KANAREK: Your Honor, I object on the grounds it
14 is improper foundation and it is ambiguous because, as he
15 sits there, does his mind relate to him what actually
16 occurred, or is he reading hearsay?

17 Under the doctrine of past recollection
18 recorded --

19 THE COURT: I am familiar with that doctrine, Mr.
20 Kanarek.

21 The objection is overruled. You may answer
22 the question.

23 MR. STOVITZ: Counsel, you have a copy of that
24 property report, I take it, is that correct?

25 MR. KANAREK: Yes.

26 MR. STOVITZ: All right.

1 BY MR. STOVITZ:

2 Q After looking at this report, is your memory
3 refreshed as to some of the items that you booked?

4 A Yes, sir.

5 Q Now, you have already told us about the wallet
6 that you found in the glove compartment of Leno La Bianca's
7 car, did you book that wallet?

8 A I did not.

9 Q What was that?

10 A I did not personally, no.

11 Q Did you take charge of it?

12 A I took charge of it, yes.

9a fls.

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1 Q Did you book any types of ladies' or men's
2 rings?

3 A Yes, sir, some.

4 Q Do you remember how many and where you obtained
5 them from?

6 A Not specifically.

7 Q Was there more than one ring?

8 A Yes.

9 Q How many rings were there?

10 A Two or three.

11 Q Where did you obtain them from?

12 A I think one of them was from the lamp table.
13 I think all of them came from the southwest
14 bedroom.

15 Q All right, now, did you book any money?

16 A There were a couple of dollar bills, one or
17 two.

18 Q Do you remember where they were found?

19 A From the southwest living room, and then there
20 were, oh, 15 or 20 \$1 bills which were found in the study
21 room which would be the northwest corner of the premises.

22 They were located in the wardrobe closet.

23 Q Did you find a racing type stop watch?

24 A Yes, I remember seeing it.

25 Q Did it look like an expensive watch or one of
26 these Micky Mouse watches?

12

1 A Oh, no --

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

3 THE COURT: Sustained.

4 Q BY MR. STOVITZ: What type of watch was it,
5 sir?

6 A It was the type used by timers at race tracks,
7 or perhaps at track meets, that sort of thing.

8 It appeared very expensive.

9 Q And where did you find it, sir?

10 A I don't remember now. I don't remember where
11 I first saw it.

12 Q Did you find any bags containing nickels?

13 A I found a bag containing coins which I
14 subsequently learned were mint nickels.

15 Q By mint nickels what do you mean, sir?

16 A Uncirculated.

17 Q And approximately how many -- how much value
18 were those nickels?

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

20 THE COURT: Overruled.

21 MR. STOVITZ: I don't mean by way of coin collectors
22 value, I mean regular, street value.

23 THE WITNESS: Face value?

24 Q Yes.

25 A \$200.

26 Q Where were they found?

JA3

1 A In the trunk of the T-Bird, the Leno La Bianca
2 vehicle.

3 Q That is the one that was attached to the
4 trailer, is that right?

5 A Yes.

6 Q Now, with respect to these rings, if you were
7 to look at this report, would it tell you exactly the
8 number and the description of the rings?

9 A Yes.

10 Q Would it refresh your memory as to those items?

11 A Yes.

12 Q Showing you now Page 2 of this property
13 report, item No. 7, could you tell us specifically how
14 many rings, ladies' or men, and a description of those
15 rings?

16 MR. KANAREK: Your Honor, is this hearsay?
17 Is he reading this or is he testifying?

18 MR. STOVITZ: The record shows that he is reading
19 that, Counsel.

20 MR. KANAREK: Is he testifying because his memory is
21 refreshed or is he merely regurgitating something from a
22 piece of paper?

23 THE COURT: That question has not been asked.

24 Q BY MR. STOVITZ: Have you read that one
25 paragraph there?

26 A Yes, sir.

1 Q All right, now, can you remember without
2 looking at that piece of paper how many rings there were?

3 A No.

4 Q Must you look at that paper to tell how many
5 rings there were?

6 MR. KANAREK: That is assuming facts not in evidence,
7 Your Honor, and it is ambiguous.

8 THE COURT: Overruled.

9 Q BY MR. STOVITZ: Must you look at that piece of
10 paper to tell us how many rings there were?

11 A Yes, sir.

12 Q You mean to tell me that once you look at that
13 paper and put it down you cannot tell me now how many
14 rings there are?

15 THE COURT: Ask your next question, Mr. Stovitz.

16 Q BY MR. STOVITZ: Did you dictate that portion
17 of the property report, item No. 8?

18 A Item 7.

19 Q Item 7?

20 A You mean the items themselves as I took custody
21 of them?

22 Q Yes.

23 A Yes.

24 Q Did you dictate those items at the time when
25 the items were in front of you?

26 A No, these were taken in custody and kept in

1 custody.

2 Later this report was made. When this
3 report was made I was home asleep.

4 Q You say this report, when you dictated this
5 report, you were asleep?

6 A When these notes -- when this was made, I had
7 been home in bed. I hadn't been in bed for three days.

8 Q Did you dictate a property report?

9 A No, I did not.

10 Q You saw a property report later?

11 MR. KANAREK: Immaterial, your Honor.

12 THE COURT: Overruled.

13 Q BY MR. STOVITZ: You saw a property report after
14 it was completed as it appears now?

15 A Yes.

16 Q At the time that you first saw the property
17 report were the facts fresh in your mind?

18 MR. KANAREK: That is immaterial, in connection with
19 the doctrine of either past recollection recorded or past
20 recollection refreshed.

21 THE COURT: Overruled.
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9b-1

1 Q BY MR. STOVITZ: Were your facts fresh in
2 your mind at the time you first saw the property report?

3 A Yes.

4 Q And did the property report accurately depict
5 and accurately describe the property as you first saw it?

6 A Yes.

7 MR. KANAREK: Calling for a conclusion, your Honor,
8 and immaterial.

9 THE COURT: Overruled.

10 BY MR. STOVITZ:

11 Q And now, by looking at that report, does it
12 refresh your memory as to how many rings you did see?

13 A I haven't finished it. If I look at it I can
14 tell you how many there were.

15 Q All right, please look at it and tell us how
16 many rings.

17 MR. KANAREK: Your Honor, I have no objection as long
18 as we know whether his memory is refreshed or whether he is
19 merely reading hearsay from the piece of paper.

20 THE COURT: A proper foundation has been laid under
21 either theory, Mr. Kanarek.

22 The objection is overruled.

23 BY MR. STOVITZ:

24 Q How many rings were there, sir?

25 A Three.

26 Q Can you tell us whether they were all men or

9b-2

all women or some of each?

A There was a man's ring and I believe the other two were ladies' rings.

Q Describe the man's ring for us.

A It was yellow metal; it had one large stone and some smaller stones.

I don't remember the number of the stones.

Q Do you have any training in the field of gemology, the science of gems?

A No.

Q Could you tell whether those were diamonds or zircons?

A Oh, I could estimate that they were diamonds.

Q How could you do that, sir?

A Just from lay experience with diamonds I could probably maybe call a stone a diamond and someone would say it was a zircon, or turn out to be a zircon.

I have no experience with gemology, as you put it.

Q What about the lady's rings, can you tell us where you first observed those two rings, and give us a description of those two rings?

A The lady's -- one of the lady's rings that I can recall had many stones in it. I don't remember the size of them, but it appeared to be rather expensive.

It had several.

10 fls.

B-1

1 Q Where did you first see that particular ring,
2 Sargeant?

3 A My impression is that it was on the dresser in
4 the bedroom in the southwest side of the premises, and
5 the dresser itself would have been against the west wall.

6 Q All right.

7 Now, the other ladies' ring, where did you first
8 notice that?

9 A If memory serves me correctly, they were both
10 there.

11 You see, there were many other items that we
12 didn't take into custody but that the Coroner took into
13 custody.

14 Q I am talking about the three rings. You noticed
15 those three rings, right?

16 A Yes.

17 Q Now, you described one ladies' ring for us.
18 Can you describe the second ring?

19 A I don't think so.

20 Q Did it appear to be a wedding band, or did it
21 appear to be an engagement type of ring, or just a friend-
22 ship type ring?

23 A I don't remember.

24 Q By looking at the property report, does that
25 refresh your memory?

26 (Pause while the witness looks at the report.)

4-2

1 A No, it doesn't. It does nothing for me.

2 Q Now, with respect to the man's ring, where did
3 you first see the man's ring?

4 A My impression is that it came from the lamp
5 table to the left side of the bed.

6 Q The left side of the bed in the bedroom?

7 A In the front bedroom, yes.

8 Q Did you notice a wrist watch around Mr. Leno
9 La Bianca's wrist that is shown in one of these photographs?

10 A Yes, I noticed that.

11 Q Did you take that wrist watch into custody,
12 Sergeant?

13 A I didn't.

14 The body was removed in toto to the morgue.

15 Q And do you recall what kind of a wrist watch
16 that was, sir?

17 A It was a gold wrist watch. I didn't notice
18 what brand or what make it was.

19 Q Did you notice any inscription on the watch such
20 as "with love," or anything like that?

21 A No, I don't remember that.

22 Q All right.

23 Did you notice any inscription on the ring?

24 A I don't remember that either.

25 Q Did you notice -- did you look carefully with
26 any type of instrument to see if it was marked as to the

1 type of carats or anything like that?

2 A I didn't hear you. I am sorry.

3 Q As to the carats or any description of the
4 metal on the ring?

5 A One of the rings -- I think it was the man's
6 ring -- had the letters 14 carats.

7 Q 14 K or 14 carats?

8 A 14 K, yes.

9 Q All right.

10 Now, with respect to the woman's ring, the one
11 that you described with many rows of white stones. Do you
12 remember how many rows of white stones there were?

13 A I think there were three or four rows of them,
14 tiny, little stones.

15 MR. STOVITZ: You may inquire, Counsel.
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10A

10a-1

CROSS-EXAMINATION

BY MR. FITZGERALD:

Q In your investigation of the scene there at 3301 Waverly Drive, Sergeant, did you find any betting markers?

A I don't recall any, Counsel.

Q Did you find any scratch sheets.

A Yes.

Q More than one?

A Let's see. (Pause.)

Now, I am not certain on bookmaking paraphernalia, but I found a great amount of racing information. One scratch sheet, if it was a scratch sheet.

Q And was that bookmaking paraphernalia?

A Bookmaking? No, horse betting type of information sheets, and that sort of thing.

I am not familiar with bookmaking paraphernalia.

Q Material in connection with horses?

A Yes.

Q Did you conduct an investigation concerning the background of Leno La Bianca?

A No, I didn't.

I was no longer assigned to the case by that time.

Q Was the Sunday newspaper of August 10 open to the sports page on the coffee table in the living room

10a-2

1 portion of the location?

2 A It was partially scattered, but I can remember
3 seeing that the sports section and the want ad section were
4 removed from the bulk of the rest of the paper.

5 Q Did you see any National Daily Reporters there
6 at the scene?

7 A I don't remember one.

8 Q Do you know what a National Daily Reporter is,
9 Sergeant Galindo?

10 A I have heard of it. It is a betting sheet
11 of some kind.

12 Q Did you see any photographs of horses within
13 the location?

14 A Yes.

15 Q Were there more than one?

16 A Yes.

17 Q Several?

18 A Yes.

19 Q How many?

20 A I don't know.

21 Q Can you give us an estimate?

22 A A half a dozen. Maybe a dozen.

23 Q Did you book any of these photographs or any
24 of this racing, this betting information in your property
25 report?

26 A I didn't.

1 Q Was there some reason for that?

2 A As far as I am concerned?

3 Q Yes, as far as are concerned.

4 A By 3:00 o'clock that afternoon I was --

5 Q You were tired?

6 A No. I was preempted from the investigation.
7 I went home and went to bed.

8 MR. FITZGERALD: Thank you.

9 I have no further questions.

10 THE COURT: Mr. Shinn?

11 MR. SHINN: No questions.

12 THE COURT: Mr. Kanarek?

13 MR. KANAREK: No questions, thank you.

14 THE COURT: Mr. Hughes?

15 MR. HUGHES: No questions.

16 THE COURT: Any redirect?

17 MR. BUGLIOSI: No questions.

18 MR. STOVITZ: May this witness be excused, your Honor?

19 THE COURT: You are excused, sir.
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10b fls.

LOB-1

1 MR. SHINN: May we approach the bench before the
2 recess, your Honor?

3 THE COURT: Very well.

4 (Whereupon, all counsel approach the bench and
5 the following proceedings occur at the bench outside of the
6 hearing of the jury:)

7 THE COURT: Yes?

8 MR. SHINN: Your Honor, I have a matter in Long
9 Beach at 2:00 o'clock. A friend of mine's son got picked
10 up for selling Cocaine to a State narcotic officer. I
11 have to be at the arraignment at 2:00 o'clock in Long Beach.

12 THE COURT: No, you don't, sir. You have to be right
13 in this court at 2:00 o'clock.

14 MR. SHINN: Your Honor, I talked to Mr. Fitzgerald
15 and I have talked to Susan Atkins, and Mr. Fitzgerald has
16 agreed to represent Susan Atkins until I get back. I will
17 be about a half hour later.

18 THE COURT: I will not permit that. I am sorry.

19 MR. SHINN: Very well.

20 THE COURT: You will have to be here.

21 MR. SHINN: Your Honor, if I bring in an associate
22 counsel, I mean, if I bring him into court and associate him
23 in with me representing Susan Atkins, may I do that?

24 THE COURT: Why don't you send him to Long Beach?

25 MR. SHINN: I am talking about a different matter,
26 your Honor.

.032

1 If I bring in an associate counsel -- which I
2 am permitted to do -- then would both of us have to stay,
3 or could one stay and one leave, as long as there is one
4 that is representing Susan Atkins, just like the District
5 Attorneys, one stays and one leaves at times.

6 THE COURT: Do you want to substitute in an associate?

7 MR. SHINN: I want to associate counsel.

8 THE COURT: Before I will permit anybody to appear
9 for or represent any defendant he is going to have to be
10 substituted in this case as an attorney of record.

11 MR. BUGLIOSI: Your Honor, we are going to get into
12 the hair this afternoon, too, I hope, if the Court permits
13 us to do so, and that matter concerns Mr. Shinn's client.

14 MR. STOVITZ: There is also one problem. We have no
15 standing to object to whether or not he is associated or
16 substituted in, but the only thing I do want to make sure
17 is that the attorney would represent to the Court that he
18 has seen these jurors and that he does not know any of these
19 jurors at all in any way, shape or form.

20 As you will remember, we inquired of the jurors
21 whether they knew any of the attorneys, and they all said
22 no. You went through the whole list on that.

23 Now, if, for instance, the attorney that comes
24 in finds out that he is a friend of one of the jurors,
25 it would be quite embarrassing.

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10c-1

1 THE COURT: Before there is going to be any change
2 in attorneys, either adding or removing, we will have to
3 have a hearing on it to be sure that all of the facts are
4 known.

5 MR. SHINN: That I understand.

6 I believe, your Honor, under the Code, the
7 defendants may have two counsel.

8 THE COURT: I do want to see counsel before 2:00
9 o'clock on another matter. So, before we resume at 2:00,
10 will you, just for a moment, come into chambers? I want
11 to talk to you about another matter.

12 MR. STOVITZ: Shall we be here at five minutes to
13 2:00, your Honor?

14 THE COURT: That will be fine.

15 MR. BUGLIOSI: The People move to withdraw People's
16 208 for identification. It was marked as an exhibit.

17 MR. STOVITZ: It was marked as an exhibit, a bread
18 knife.

19 MR. BUGLIOSI: It was erroneously marked as an
20 exhibit.

21 THE COURT: Do you wish to withdraw that?

22 MR. STOVITZ: Yes.

23 MR. BUGLIOSI: Yes.

24 MR. STOVITZ: We thought that the woman would be able
25 to identify it, but she said that it was just similar.

26 THE COURT: Then there will be no Exhibit 208.

10c-2

1 MR. BUGLIOSI: Probably our next exhibit could go
2 back to that number.

3 THE COURT: And we still have a 199.

4 MR. STOVITZ: Yes, we still have a 199.

5 The only problem is that the record shows
6 that she was shown Exhibit 208, a bread knife, and she
7 couldn't identify it. Then later on the record will show
8 another 208. It might be confusing.

9 MR. BUGLIOSI: So, there won't be a 208. All right.

10 MR. STOVITZ: No, there won't be a 208.

208 with

11 THE COURT: All right. 208 is withdrawn.

12 MR. BUGLIOSI: Mr. Clerk, 208, the knife, is withdrawn
13 as an exhibit.

14 THE CLERK: Are you going to reuse that number?

15 MR. BUGLIOSI: No.

16 So, could you give it to us back?

17 (Whereupon all counsel return to their respec-
18 tive places at counsel table and the following proceedings
19 occur in open court within the presence and hearing of the
20 jury:)

21 THE COURT: Ladies and gentlemen, we will recess for
22 noon at this time.

23 Do not converse with anyone nor form or express
24 any opinion regarding the case until it is finally submitted
25 to you.

26 2:00 p.m. this afternoon,

(Whereupon at 12:02 p.m. the court was
in recess.)