

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.

75

No. A253156

REPORTERS' DAILY TRANSCRIPT

Friday, August 28, 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.

VOLUME 75

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Official Reporters

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1 LOS ANGELES, CALIFORNIA, FRIDAY, AUGUST 28, 1970

2 9:49 o'clock a.m.

3 - - - -

4 MR. SHINN: May I address the Court, your Honor?

5 THE COURT: Just a moment.

6 All parties, counsel and jurors are present.

7 Yes, Mr. Shinn?

8 MR. SHINN: May we approach the bench, your Honor?

9 THE COURT: Very well.

10 MR. SHINN: Thank you.

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

13 MR. SHINN: Your Honor, my client Miss Atkins has  
14 informed me this morning that she is very sick and I  
15 believe she didn't look too good, your Honor.

16 THE COURT: What?

17 MR. SHINN: She doesn't look too good and she tells  
18 me she cannot stand to sit in court all day today, she  
19 is very sick.

20 She went to the infirmary yesterday and this  
21 morning. She wants to go back. She is very sick.

22 THE COURT: What is wrong with her?

23 MR. SHINN: She has a backache; she has cramps,  
24 headache. She has come down with some kind of a flu, I  
25 think, I don't know.

26 THE COURT: Is there a medical examiner in the

1 building?

2 MR. STOVITZ: There is a doctor in the men's jail,  
3 your Honor. May we suggest this, that if she is in some  
4 kind of crucial pain that we will recess, but if she is  
5 not actually, we can get her an aspirin.

6 MR. SHINN: She's already had an aspirin.

7 MR. STOVITZ: She had an aspirin?

8 MR. SHINN: Yes.

9 MR. BUGLIOSI: My experience has been, your Honor,  
10 you call the doctor back here in jail and he's down in  
11 five minutes.

12 In my case he took a witness in chambers and  
13 maybe we can do that now, call a doctor down, it would  
14 take 15 minutes.

15 MR. STOVITZ: Could she last until the recess?

16 MR. SHINN: No, I don't think so.

17 THE COURT: We will take a brief recess at this  
18 time. Can you communicate with the doctor?

19 MR. BUGLIOSI: I will handle it. I will have the  
20 doctor brought here.

21 THE COURT: Maybe they can take her to one of these  
22 other courtrooms, the jury room upstairs and examine her.

23 MR. BUGLIOSI: Yes, your Honor.

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

26 THE COURT: All right, ladies and gentlemen, we are



1 going to take a brief recess. I will ask the bailiffs to  
2 take the jury back up to the jury room.

3 (Recess.)  
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1 (The following proceedings were had in  
2 chambers, all counsel but Mr. Stovitz present, the defen-  
3 dants not present:)

4 THE COURT: You are Dr. Toomajian?

5 DR. TOOMAJIAN: Yes, sir.

6 THE COURT: The record will show that all counsel are  
7 present except Mr. Stovitz, and that Dr. Armand Toomajian  
8 is present.

9 Have you examined Miss Atkins, Doctor?

10 DR. TOOMAJIAN: Yes.

11 THE COURT: Could you find anything the matter with  
12 her?

13 DR. TOOMAJIAN: I didn't find anything significant.

14 She feels that she might be coming down with the  
15 flu. She is complaining of some pain in her abdomen, her  
16 lower abdomen.

17 She states that she has a probable ovarian cyst.  
18 She doesn't have any evidence of fever or flu-like illness  
19 at this time.

20 She does complain of a little tenderness here  
21 in the abdomen, but I think she is well enough to continue  
22 at the present time.

23 If she complains about the pain again, then I  
24 think maybe the matter will have to be re-evaluated over  
25 at Sybil Brand; but at the present time, I think she is  
26 well enough to continue.

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Are you in private practice, Doctor?

DR. TOOMAJIAN: I am with the Sheriff's Department at the Central Jail, the Men's Central Jail.

THE COURT: Any questions?

Mr. Shinn?

MR. SHINN: Yes, your Honor.

Doctor, how long did you examine her?  
How many minutes?

DR. TOOMAJIAN: Five or ten minutes.

MR. SHINN: Five or ten minutes?

DR. TOOMAJIAN: Yes.

MR. SHINN: Did you give her various types of tests?

DR. TOOMAJIAN: What tests? I examined her ears, nose, throat, neck, chest and abdomen.

Obviously I couldn't do any lab tests.

MR. SHINN: Did you take her temperature, Doctor?

DR. TOOMAJIAN: Yes. Her temperature was normal, 98.6.

MR. SHINN: Nothing further.

THE COURT: All right.

Well, then, why don't we proceed, gentlemen?

I take it that there is no special kind of medication she should take?

DR. TOOMAJIAN: No, not at the present time.

As I said, if the abdominal pain should become worse, then I think it will have to be discontinued; but

1 right now I don't think it is that much of a problem.

2 THE COURT: All right.

3 DR. TOOMAJIAN: It is something that she has had for  
4 three years already, as far as the cyst goes.

5 THE COURT: Thank you very much, Doctor.

6 DR. TOOMAJIAN: Okay.

7 MR. BUGLIOSI: Your Honor, there is another brief  
8 point.

9 THE COURT: This doesn't involve the doctor, does it?

10 MR. BUGLIOSI: No, it doesn't involve the doctor,  
11 Your Honor.

12 THE COURT: Okay.

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1 MR. BUGLIOSI: I have some documents here from the  
2 Sheriff's Office showing the period of incarceration for  
3 Sandra Pugh, Mary Brunner and Robert Beausoleil.

4 All attorneys except Mr. Kanarek are willing to  
5 stipulate to the period of incarceration.

6 Mr. Kanarek did not want to do that. I just  
7 had a conversation with him, and now he indicates that  
8 he doesn't feel that this information is material.

9 So, I would ask the Court to rule on its  
10 materiality, and then if it is material, I believe Mr.  
11 Kanarek would stipulate.

12 MR. KANAREK: Well, I will consider it further.

13 You don't have to do it right this instant,  
14 do you?

15 MR. BUGLIOSI: I brought it up about two weeks ago  
16 and you put it off then. Now I have brought it up again.  
17 We have to take care of it sometime.

18 MR. KANAREK: There are some critical aspects to that  
19 that I am sure are obvious to you, and that is why you  
20 want to get it into evidence, because you have a certain  
21 viewpoint.

22 MR. BUGLIOSI: I agree, it is pro-prosecution  
23 evidence because it corroborates Linda Kasabian's  
24 story about coming down here to visit them.

25 MR. KANAREK: But there are also some adjuncts to  
26 it that are prejudicial that far outweighs the probative

1 value.

2 MR. BUGLIOSI: Coming in in this way, it is much  
3 safer for the defense.

4 MR. KANAREK: Let me worry about that.

5 You can call people to the stand and tell  
6 them not to mention certain aspects.

7 If you inject error into the case, that is  
8 your responsibility.

9 MR. BUGLIOSI: If we call someone and the person  
10 blurts out that he got the death penalty on this date and  
11 so forth --

12 MR. KANAREK: I am sure you can inform your witness.

13 MR. BUGLIOSI: Why create problems.

14 THE COURT: I don't see why the County should pay  
15 for all this on the record.

16 Why don't you discuss these problems among  
17 yourselves.

18 MR. KANAREK: I don't either.

19 MR. BUGLIOSI: Would the Court indicate that this is  
20 material.

21 Linda Kasabian testified, I think, that two  
22 days after the second night she went to Sybil Brand looking  
23 for Mary Brunner and Sandra Pugh because Charles Manson  
24 told her to go there to visit these people; and also  
25 Robert Beausoleil.. She said she went there and she  
26 couldn't see them.

1 THE COURT: This was on what occasion?

2 MR. BUGLIOSI: This was, I think, two days after the  
3 second night, which would be the 12th, I believe:

4 Now, these records do indicate that, in fact,  
5 Sandra Good or Sandra Pugh, and Mary Brunner and Robert  
6 Beausoleil were, in fact, incarcerated down here at that  
7 period of time.

8 THE COURT: Those are business records, official  
9 records?

10 MR. BUGLIOSI: A certification of the records, yes,  
11 your Honor.

12 Now, Mr. Kanarek is going to argue -- and I  
13 don't blame him for arguing this -- that Linda told some  
14 representative of the County Welfare Department, or  
15 wherever she went to get her baby back, that she left  
16 Los Angeles on August 6th or 7th or 8th. In other words,  
17 before the murders.

18 This is just a speck of evidence to indicate  
19 that she did, in fact, leave after the murders.

20 Now, Mr. Kanarek's point is that this doesn't  
21 prove that Linda visited these people. I grant the Court  
22 that, but that does not go to the admissibility, it goes  
23 towards the weight.

24 I would like to get into evidence that these  
25 people were, in fact, incarcerated at the period of time  
26 that Manson told Linda to go down and visit them.

3 fls.



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1 And I'm trying to save time, instead of calling  
2 these people over here I would like to enter into a  
3 stipulation.

4 Likewise, with the ownership of the car found  
5 on the premises at the Tate residence --

6 MR. KANAREK: No problem there.

7 MR. BUGLIOSI: You will stipulate to that?

8 MR. KANAREK: Yes.

9 MR. BUGLIOSI: Your first statement was you would not.

10 MR. KANAREK: No, because I thought you were including  
11 the car of Mr. Swartz in that.

12 MR. BUGLIOSI: No, no.

13 MR. KANAREK: As to the automobiles on the Tate  
14 premises, no problem.

15 MR. BUGLIOSI: I don't have to bring anyone down from  
16 Sacramento.

17 MR. KANAREK: No, that is not necessary as to the  
18 automobiles on the Tate premises.

19 As to the other aspects, may I make an argument  
20 to the Court.

21 THE COURT: As to the --

22 MR. KANAREK: -- materiality.

23 THE COURT: -- of the people being in jail on a  
24 particular date?

25 MR. KANAREK: Yes, your Honor.

26 Your Honor, it is my position this is a



1 synthetic bootstrapping, it is an illegal bootstrapping.

2 In other words, Linda Kasabian comes to court  
3 and says she went to jail on certain days, or that she  
4 could not see the witnesses on certain days -- pardon me,  
5 these particular people.

6 And counsel is going to try to substantiate that  
7 she went there by proving that these people were in jail,  
8 and my position is that this -- first of all, it is not  
9 material and it is not relevant.

10 Furthermore, the prejudicial value far outweighs  
11 any probative value, the fact that these people were some-  
12 where at some particular place doesn't mean that she went  
13 over there.

14 You cannot make any inference that she went over  
15 there just because she at this time perhaps knows that at  
16 some time they were in jail.

17 But your Honor, there is another, a better  
18 reason, and that is the best evidence rule.

19 The best evidence rule, there is improper  
20 foundation for the use of this.

21 The best evidence is, and the Court can take  
22 judicial notice of it, and it is true that when people go  
23 to visit at a jail, they make requests to visit people,  
24 and there are documents.

25 The best evidence rule to show that Linda  
26 Kasabian ever did what she said she did is to have some kind

1 of slip of paper where Linda Kasabian, as your Honor well  
2 knows, -- even attorneys have to fill out requests, and  
3 certain documents, which I know the jail keeps.

4 MR. BUGLIOSI: They told me they don't have it. You  
5 can bring that out in your defense, Mr. Kanarek.

6 MR. KANAREK: No, sir, this is not the best evidence.  
7 The best evidence is --

8 THE COURT: The best evidence of what?

9 MR. KANAREK: Of her attempting to see them, would  
10 be the slip.

11 THE COURT: The best evidence rule has nothing to do  
12 with that.

13 MR. KANAREK: Yes, it does, your Honor.

14 The best evidence rule requires that they use --

15 THE COURT: The best evidence rule refers to the  
16 contents of a writing.

17 MR. KANAREK: Your Honor, that is the narrow version.

18 But in the present Evidence Code I submit that  
19 the best evidence rule encompasses --

20 For instance, you cannot introduce secondary  
21 evidence unless you can show that the primary evidence is  
22 not around.

23 THE COURT: That has nothing to do with secondary  
24 evidence.

25 I agree that there is a question of whether or  
26 not it is relevant.

MR. BUGLIOSI: Your Honor, the relevancy is they are

1 going to claim that she was not even in town.

2 Now, she testified that Manson told her --

3 THE COURT: That Linda was not in town?

4 MR. BUGLIOSI: They are going to claim that Linda was  
5 not in town at the time of these murders.

6 Now Linda has already testified, it is part  
7 of the record, that Manson told her, it is part of the  
8 record, and we are going to use it in argument, that  
9 Manson told her to go down and visit these people who were  
10 in jail.

11 Now, all we are doing is putting on documentary  
12 evidence that they were back in jail.

13 THE COURT: Of course, there is no logical link  
14 between the two.

15 He may have told her to go down and visit  
16 Mayor Yorty, and evidence that Mayor Yorty was in town  
17 would not prove anything, but that Mayor Yorty was in town.

18 MR. BUGLIOSI: This is circumstantial evidence that  
19 she made the trip.

20 THE COURT: No, it is not. You can put on evidence  
21 I was in town, too, it would not prove she visited me.

22 MR. BUGLIOSI: That is preposterous.

23 Sandra Pugh, Mary Brunner and Robert Beausoleil  
24 were part of the Family at the Spahn Ranch. There would be  
25 a reason for Manson to tell her to go visit these people.  
26 There would be no reason for him to tell her to go visit

1 You.

2 THE COURT: Who knows?

3 MR. BUGLIOSI: I mean, your Honor, this is up to the  
4 jury to decide.

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1 THE COURT: Mr. Bugliosi, the point I am trying to  
2 get over to you is that there is no logical link between  
3 the presence of these people in town on a particular day  
4 and her having visited them.

5 MR. BUGLIOSI: The link is that it is --

6 THE COURT: There were a lot of people in town on  
7 that day. She is no more likely to have visited them than  
8 anyone else, because of the fact that they were there.

9 MR. BUGLIOSI: These were people living at Spahn  
10 Ranch with her, people that Manson told her to visit.

11 THE COURT: That may be true, but it doesn't --

12 MR. BUGLIOSI: These are people in the group.

13 THE COURT: The opposite might be true.

14 In other words, if the defense could prove  
15 these people were not in town on that day, then they  
16 could -- they would have an argument to show that she  
17 could not have visited them.

18 But the converse is not true; because they  
19 were here does not mean that she visited them.

20 MR. BUGLIOSI: It doesn't prove it, your Honor. But  
21 circumstantial evidence is evidence that tends to prove  
22 the point at issue.

23 We are not saying it proves it.

24 THE COURT: I don't believe it is circumstantial  
25 evidence. I just don't see it. It isn't.

26 MR. BUGLIOSI: Manson tells her to go visit some

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1 people in jail. Now we are putting on evidence that  
2 these people were in fact in jail.

3 THE COURT: But there were 10,000 other people in  
4 jail in the County on that day also.

5 MR. BUGLIOSI: But they were not people, No. 1, who  
6 were part of the family who lived at the Spahn Ranch.  
7 And, No. 2, they were not people who Manson told Linda  
8 to visit.

9 It's already in the record. Linda said  
10 "Manson told me to go visit Sandra Fugh, Robert Mesusoleil  
11 and Mary Brunner."

12 What difference does it make if the 10,000  
13 other people were in jail?

14 THE COURT: It doesn't prove a visit.

15 MR. BUGLIOSI: It doesn't tend to prove a visit?

16 THE COURT: No, it is not circumstantial evidence  
17 of a visit.

18 MR. BUGLIOSI: It is not circumstantial evidence  
19 that Manson told her these things? Can't we draw an  
20 inference, if she said "Manson told me to visit these  
21 people," can't we draw an inference that he would not have  
22 told her to do so if these people were not in fact in  
23 jail.

24 He would not send her on a wild goose chase  
25 and say "Go visit Sandra Fugh in the County Jail," when  
26 as a matter of fact she was at the Waterfall.

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1 In Manson's mind these people were in jail,  
2 and that is why he sent Linda down to visit them, unless  
3 you want to draw the inference that he was sending Linda  
4 on wild goose chases.

5 If it weren't in the record already, your Honor,  
6 but it is already in the record, "Manson told me to go down-  
7 town two days after the second night, go downtown and visit  
8 Sandra Pugh, Bobby Beausoleil and Mary Brunner."

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9 The defense is going to argue that Linda was  
10 not even around in that period of time, was not even around.  
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1 THE COURT: If you were going to put on evidence  
2 from one of these persons that Linda Kasabian in fact  
3 visited them, then of course you would have a link.

4 MR. BUGLIOSI: She was told, Linda was told when  
5 she went down there to the jail that these people were at  
6 the jail, but they were not available to her; they were  
7 in court.

8 Now, how would Linda have known this is these  
9 people were not in fact in jail.

10 All I am trying to do is corroborate her  
11 testimony. How would she have known unless you want to  
12 draw the inference, the defense wanted to draw the  
13 inference that I got together with Linda and I said "Linda,  
14 these people were in jail and here are the documents."

15 That is the only inference you can draw.

16 She went to jail, and these people were there;  
17 they were residing there but they were temporarily gone.

18 Where would she have gotten this information,  
19 if it weren't a fact, if she hadn't actually been down  
20 there?

21 I grant the Court, I am the first one to grant  
22 the Court that it is a speck of circumstantial evidence.

23 It is a speck, but the fact that it is a  
24 speck does not go toward the issue of admissibility, it  
25 goes toward the weight.

26 The defense can argue that this does not prove



1 she visited these people, that is the defense argument,  
2 it has nothing to do with the admissibility, as far as I  
3 can see, it only goes towards the weight.

4 I put on cases where there hardly was a speck  
5 of circumstantial evidence, much less direct evidence,  
6 and you just build a case on a speck here and a speck  
7 there and a drop here, and before you know it you've got  
8 the total picture.

9 And this is what I am trying to do here,  
10 put on the total picture.

11 THE COURT: Yes, you see, but this does not lead  
12 anywhere, Mr. Bugliosi. You are not trying to show that  
13 in fact the visit was accomplished.

14 MR. BUGLIOSI: I am trying to show that Manson did  
15 have a conversation with Linda.

16 THE COURT: You cannot prove it by this witness. She  
17 already testified she had a conversation. You have that  
18 evidence of the conversation.

19 MR. BUGLIOSI: But the defense is going to argue  
20 that she could not have had this conversation with Manson  
21 because she was not even in town.

22 THE COURT: That's right, you can argue that.

23 MR. BUGLIOSI: This is circumstantial evidence that  
24 she did have this conversation with Manson subsequent to  
25 the two nights because Manson would not have told her to  
26 go visit the jail if these persons were not in fact in

1 jail.

2 THE COURT: I don't think that is true. I don't  
3 think that is true.

4 MR. BUGLIOSI: The Court feels then that there has  
5 already been an MO established in this case that Charles  
6 Manson has a habit from which he never varies to send  
7 people on goose chases.

8 I mean, this is apparently what the Court is  
9 saying, that the fact he sent her --

10 THE COURT: Now, come on, Mr. Bugliosi, I am not  
11 saying that at all.

12 I am saying this is not circumstantial evidence  
13 of anything, that is what I am saying.

14 MR. BUGLIOSI: We admitted the circumstantial evidence  
15 that he had a conversation with her and the conversation  
16 had to have taken place after these murders.

17 THE COURT: I have already indicated I don't think  
18 what you are trying to show is circumstantial evidence  
19 of anything, otherwise I would permit it.

20 She just testified to her conversation with  
21 Manson; she testified to her trip to jail.

22 You are not trying to show by this that she in  
23 fact visited anyone, nor do you have any evidence,  
24 apparently, that she did in fact visit anyone.

25 What you are trying to show is that because  
26 someone was present in a place, that she must have done

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1 something else, which there is no logical link between  
2 them.

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1 MR. BUGLIOSI: I am trying to prove Linda was in town  
2 on these two hot summer nights between August 9th and 10th,  
3 when these several people were murdered.

4 I am trying to prove Linda was within the  
5 Los Angeles County geographical boundaries.

6 This is a speck to prove it. Unless we infer  
7 that Charles Manson sent Linda on a goose chase, "I know  
8 they are not there, Linda, but go down there anyway."

9 Unless the Judge wants to draw that inference,  
10 this is evidence she was in town. It is not conclusive or  
11 direct evidence but it is evidence from which we can draw an  
12 inference because Manson would not have told her these  
13 things.

14 The most reasonable inference is that Manson  
15 would not have told her these things unless in fact they  
16 were in jail.

17 If he knew they were not in jail he never  
18 would have sent her down there.

19 It is a speck of evidence that Linda did have a  
20 conversation with Manson, and she was in Los Angeles at the  
21 time of these murders.

22 I wouldn't even go into this if the defense were  
23 not going to argue that Linda was not in town.

24 Mr. Kanarek -- I am not criticizing him for it,  
25 he is doing the proper thing -- he is putting on evidence  
26 now that Linda told these people out at Sylmar, wherever it



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1 was, she left town August the 6th or 7th.

2 So it is extremely crucial to the People to  
3 show she was in town.

4 Well, I would ask the Court in any event, I  
5 am sorry we are taking up all this time, I would ask the  
6 Court to just think about this a little bit more. I really  
7 think that that does have relevancy towards the fact that  
8 she did have this conversation with Manson after the murders.

9 I would ask the Court to reserve a ruling on it.  
10 I do see a lot of relevance and I would not see that  
11 relevance if the defense were not claiming that she was not  
12 in town.

13 And then it would not have any relevance.  
14 When they are trying to say she was not around on these  
15 two nights, those documents have a lot of relevance.

16 THE COURT: The way the evidence stands now they could  
17 not argue she was not in town because these people were in  
18 jail.

19 MR. BUGLIOSI: No.

20 THE COURT: I have no evidence in the record on that.

21 MR. BUGLIOSI: Right, right, but we are putting on  
22 this evidence to corroborate her story that she was in town.

23 Unless the defense will stipulate.

24 Will you stipulate she was in town on these two  
25 nights? I am not saying she was at the residence; that she  
26 was in town.

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1 Will you stipulate to that, and we will forget  
2 about these records?

3 MR. FITZGERALD: Well, when you characterize the  
4 defense argument, I don't think you are necessarily  
5 correct.

6 MR. BUGLIOSI: I am sure you will argue more than I  
7 have indicated.

8 MR. FITZGERALD: Linda Kasabian made a statement to  
9 Armand Kroeger, the social worker, you referred to,  
10 she made a number of statements that were inconsistent with  
11 her testimony, and I think it is fair to say that the  
12 defense will argue that her inconsistent statements are  
13 impeachment.

14 Whether we will argue the inconsistent  
15 statements are substantive evidence, as you are suggesting,  
16 is another proposition.

17 There also may be some problems under the  
18 recent cases as to whether or not you can argue that her  
19 statement to the social worker that she left the State on  
20 the 6th or 7th can be received as substantive evidence.

21 If that is the case, that those cannot be  
22 received as substantive evidence, then the whole thrust  
23 of your position is incorrect.

24 MR. BUGLIOSI: Number one, you know as well as I do,  
25 as a very experienced and capable trial lawyer, that jurors  
26 consider impeachment testimony substantively; there is no

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1 question about it, this is a stipulated fact among trial  
2 lawyers, that even though they are instructed, they will  
3 think about it in the jury room. It does not go up to the  
4 point of zero and forget about it.

5 Number two, even though it is limited to  
6 impeachment, we are talking about her credibility. This  
7 goes towards her credibility, the issue of her credibility.

8 Apart from the affirmative substantive issue,  
9 it goes to the credibility issue.

10 MR. FITZGERALD: All it demonstrates is that these  
11 people were in the jail. It does not demonstrate her  
12 credibility in the sense that these documents indicate she  
13 went to the jail.

14 MR. BUGLIOSI: It tends to confirm a conversation  
15 she had with Manson after the murders.

16 We are going to -- we are alleging, of course,  
17 that Manson certainly was in Los Angeles; that he was not  
18 pulling the buttons from London.

19 We are taking a lot of time, your Honor. I  
20 would ask the Court to reserve a ruling on this.

21 THE COURT: When did you propose to put this in?

22 MR. BUGLIOSI: I proposed to put this in when she was  
23 testifying.

24 Then I asked for a stipulation and all three  
25 defense counsel agreed to stipulate that these three  
26 people were in custody on those dates.

And then Mr. Kanarek --

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1 MR. KANAREK: I didn't agree to stipulate.

2 MR. BUGLIOSI: I am saying that the other three  
3 defense attorneys agree to stipulate to these facts,  
4 Mr. Kanarek.

5 MR. SHINN: I stipulated to the facts if the Judge  
6 would allow that in.

7 MR. BUGLIOSI: Actually, you never said that.

8 MR. SHINN: Well, I meant that.

9 MR. BUGLIOSI: All right.

10 THE COURT: I will consider it further.

11 As I say, I don't think it is circumstantial  
12 evidence that any visit was made.

13 MR. BUGLIOSI: I agree with the Court. Well, no.

14 THE COURT: I suppose, really, the only relevancy,  
15 if any, that it has is to show that it was possible.

16 MR. BUGLIOSI: As I say, it is a speck of evidence.  
17 It is possible. It is just a speck of evidence. It is  
18 not much.

19 My MO is to put on specks, as Paul knows. He  
20 does the same thing. I put on specks of evidence and  
21 leave it up to the jury to decide how robust or how  
22 anemic that speck happens to be. It is up to them.

23 I know if I were on a jury -- I say this in  
24 all candor -- that document or those stipulations would  
25 have some relevancy to me.

26 I say that in complete candor, your Honor.



1 MR. FITZGERALD: There is another aspect of the  
2 problem that hasn't been mentioned, and that is the  
3 possible prejudicial aspect of the testimony that may  
4 inure to the defendants.

5 If, in fact, the prosecution is able to estab-  
6 lish that the people named in this document, Robert Beauso-  
7 leil, Mary Brunner and Sandra Good, are so-called Family  
8 members, he is then introducing evidence that some Family  
9 members were in jail on unrelated offenses, which may  
10 rub off on these defendants who are also members of the  
11 Family.

12 Now, I would agree that that might be a some-  
13 what tenuous proposition were it not for the conspiracy  
14 count that is charged in Count VIII of the indictment.

15 What the prosecution wants to show is a close  
16 interrelationship between all the people who lived at the  
17 Spahn Ranch during the months of June, July and August,  
18 1969.

19 If he introduces evidence that some members  
20 of that so-called Family were in jail on unrelated offenses,  
21 it might be prejudicial. The jury may speculate that, well,  
22 the people at the Ranch had a criminal disposition because  
23 they were in jail on other offenses; therefore, there is  
24 some tendency to believe that they were implicated in the  
25 offenses charged before the court.

26 MR. BUGLIOSI: Well, I see your point, but the

1 problem is, Paul, she has already testified that they  
2 were in jail.

3 This only goes towards the issue not to show  
4 that these other people at Spahn Ranch were criminals but  
5 it goes towards the issue of her credibility that she was  
6 in town.

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1 THE COURT: Well, gentlemen, let's get back to the  
2 trial.

3 I will give it further consideration.

4 MR. BUGLIOSI: Thank you very much.

5 MR. KANAREK: Very well, your Honor.

6 There are some other aspects why it shouldn't  
7 be admissible, because of some detail.

8 THE COURT: You can offer that, then, Mr. Kanarek,  
9 at the time that Mr. Bugliosi attempts to have it received.

10 MR. KANAREK: Very well.

11 Thank you, your Honor.

12 THE COURT: All right.

13 (Whereupon, the following proceedings were had  
14 in open court, all defendants, counsel and jurors present:)

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

17 You may proceed, Mr. Bugliosi.

18 DAVID M. KATSUYAMA,  
19 the witness on the stand at the time of the adjournment,  
20 resumed the stand and testified further as follows:

21  
22 DIRECT EXAMINATION (RESUMED)

23 BY MR. BUGLIOSI:

24 Q Doctor, on the date of August 11, 1969, did you  
25 also perform an autopsy on the body of Rosemary La Bianca?  
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A Yes, I did.

Q And where did you perform the autopsy?

A At the office of the Medical Examiner, the  
Coroner's Office, in the Hall of Justice.

Q At what time of day?

A Approximately 11:30 a.m.

Q I take it that you reduced your autopsy findings  
to a written autopsy report, Doctor?

A Yes, I did.

Q And do you have that report with you in court  
today, Doctor?

A Yes.

MR. BUGLIOSI: Is there any objection to the doctor  
referring to the report during his testimony?

MR. KANAREK: No objection, your Honor.

MR. SHINN: No objection.

MR. FITZGERALD: No objection.

MR. BUGLIOSI: Q As a result of the autopsy,  
Doctor, did you form any opinion of the cause of death of  
Rosemary La Bianca?

A Yes, I did.

Q And what is that opinion, Doctor?

A The cause of death was ascribed to multiple  
stab wounds to the neck and trunk causing massive hemorrhage.

MR. BUGLIOSI: Your Honor, I have here a photograph  
of a female Caucasian.



1 May it be marked as People's next in order?

2 THE COURT: 231 for identification.

3 MR. BUGLIOSI: I have another photograph of the  
4 female.

5 May it be marked as People's 232 for  
6 identification?

7 THE COURT: It will be so marked.

8 MR. BUGLIOSI: I have here another photograph of the  
9 female.

10 May it be marked as People's 233 for  
11 identification?

12 THE COURT: It will be so marked.

13 MR. BUGLIOSI: I have here another photograph of the  
14 female.

15 May it be marked People's 234 for identification?

16 THE COURT: It will be so marked.

17 MR. BUGLIOSI: I have here another photograph of  
18 the female.

19 May it be marked People's 235 for  
20 identification?

21 THE COURT: It will be so marked.

22 MR. BUGLIOSI: I have here another photograph of the  
23 female.

24 May it be marked as People's 236 for identifi-  
25 cation?

26 THE COURT: It will be so marked.

1 MR. BUGLIOSI: I have here another photograph of the  
2 female.

3 May it be marked as People's 237 for  
4 identification?

5 THE COURT: It will be so marked.

6 MR. BUGLIOSI: I have here another photograph of the  
7 female.

8 May it be marked as People's 238 for  
9 identification?

10 THE COURT: It will be so marked.

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1 BY MR. BUGLIOSI:

2 Q I show you People's 231 for identification,  
3 Doctor.

4 Is that a photograph of Rosemary La Bianca  
5 taken under your direction at the Coroner's Office?

6 A Yes, sir.

7 Q On August the 11th?

8 A Yes, sir, it is.

9 Q What is shown in that photograph, Doctor?

10 A It is a photograph of her head and neck and  
11 the upper portion of her trunk.

12 Q I show you People's 232 for identification.  
13 Is that also a photograph of Rosemary La  
14 Bianca?

15 A Yes, sir.

16 Q Taken under your direction at the Coroner's  
17 Office on August 11th?

18 A Yes, sir, it is.

19 It is a photograph of Rosemary La Bianca's  
20 right side of the face and neck and the upper portion  
21 of her body.

22 I show you People's 233 for identification.

23 Is that also a photograph of Rosemary La Bianca?

24 A Yes.

25 This is a photograph of Rosemary La Bianca  
26 showing her back, mostly on her left side.

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1 Q Taken on August the 11th at the Coroner's  
2 Office under your direction, Doctor?

3 A Yes, it was.

4 Q I show you People's 234 for identification.  
5 Is that also a photograph of Rosemary La  
6 Bianca?

7 A Yes, sir.

8 Q Taken under your direction on August 11th at  
9 the Coroner's Office?

10 A Yes.

11 It is a photograph of Rosemary La Bianca  
12 showing the front part of her body from the left side.

13 Q I show you People's 235 for identification.  
14 Is that also a photograph of Rosemary La  
15 Bianca taken at the Coroner's Office under your direction  
16 on August the 11th?

17 A This photograph depicts --

18 Q Your answer is yes, Doctor?

19 A Yes, it is.

20 Q What is depicted in that photograph, Doctor?

21 A It shows actually the appearance of her body  
22 prior to the removal of the pillowcase that was over her  
23 head, prior to the removal of the electrical cord that was  
24 loosely around her neck, and also shows portions of  
25 the clothing that she had on.

26 That actually is a photograph of the upper



1 portion of the body and the head.

2 Q I show you People's 236 for identification.

3 Is that also a photograph of Rosemary La  
4 Bianca, Doctor?

5 A Yes, it is.

6 Q Taken on August 11th at the Coroner's Office  
7 under your direction?

8 A Yes, it is.

9 Q And what is shown in that photograph?

10 A It shows the front part of her chest and the  
11 upper portion of her abdomen.

12 Q I show you People's 237 for identification.

13 Is that also a photograph of Rosemary La  
14 Bianca taken on August the 11th, 1969, at the Coroner's  
15 Office under your direction?

16 A Yes, it is.

17 Q What is depicted in that photograph, Doctor?

18 A This shows a complete view of her back,  
19 both right and left sides.

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1 Q I show you People's 238 for identification,  
2 Doctor.

3 Is that also a photograph of Rosemary La Bianca  
4 taken under your direction at the Coroner's Office on  
5 August 11th?

6 A Yes.

7 It is a photograph of the remains of Rosemary  
8 La Bianca as I first saw her with the pillow case over  
9 her head, the electrical cord around her neck, a nightgown  
10 and what appears to be a light housecoat, and the way it  
11 appeared prior to the removal of all the articles of  
12 clothing.

13 Q Are these photographs, People's 231 through  
14 238 for identification, fair and accurate representations  
15 of the respective portions of Mrs. Rosemary La Bianca's  
16 body depicted therein?

17 A Yes, they are.

18 Q At the time that you observed her body prior to  
19 the autopsy; is that correct?

20 A Yes, it is.

21 Q Now, showing you again People's 235 for  
22 identification.

23 Does this appear to be an electrical cord  
24 that was around Rosemary La Bianca's head?

25 A Yes.

26 There is an electrical cord with a knot near the

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1 plug portion of it that is around the neck over the pillow  
2 case.

3 Q First, there is a pillow case over her head;  
4 is that correct?

5 A Yes.

6 Q Then there is an electrical cord on top of the  
7 pillow case?

8 A Yes.

9 MR. BUGLIOSI: Your Honor, I have here what appears to  
10 be an electrical cord.

11 May it be marked as People's next in order?

12 THE COURT: 239.

13 MR. BUGLIOSI: Q I show you People's 239 for  
14 identification.

15 Have you ever seen that electrical cord before,  
16 Doctor?

17 A I believe so. I believe this is the electrical  
18 cord that was wrapped around the head over the pillow case.

19 Q This is the electrical cord, People's 239,  
20 that is depicted in People's 235 for identification?

21 A I believe so, yes.

22 Q Did you remove this electrical cord from  
23 around Mrs. La Bianca's neck?

24 A Yes, I did.

25 Q Did you then turn it in to a representative of  
26 the Los Angeles Police Department?

1           A     Yes.

2           Q     Showing you People's 221 for identification,  
3     the electrical cord which was tied around Leno La Bianca's  
4     head.

5                     Do you recall if that electrical cord was tied  
6     similarly or differently from the electrical cord which was  
7     tied around Rosemary La Bianca's head in People's 235?

8           A     They were both around the neck. However, I can't  
9     definitely say it was the same type of knot.

10          Q     You don't recall it?

11          A     No.

12          Q     How many stab wounds, Doctor, did Mrs.  
13     La Bianca have?

14          A     Mrs. La Bianca had a total of 41 stab wounds  
15     on both the front and the back side of her body, of which  
16     eight were considered severe or fatal.

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1 Q So eight of the 41 stab wounds, in your opinion,  
2 Doctor, were fatal in and of themselves; is that correct?

3 A Yes.

4 Q Would you briefly break down the location of  
5 these 41 stab wounds on Mrs. La Bianca's body before you  
6 step to the diagram, Doctor?

7 A Yes.

8 Seven of the fatal wounds were in the upper  
9 back of her body. The eighth was on the left chest.

10 In addition, there were 14 on the lower back.

11 In addition to the seven noted -- including  
12 the seven that I first noted on the upper portion of the  
13 back, there were 22 total in the upper portion of the back.

14 The front portion of her body also had three  
15 stab wounds, and on the right lower jaw was an area of  
16 abrasion and laceration and stabbing which was about two  
17 inches in greatest diameter.

18 Q Were all 41 of these wounds penetration wounds?

19 A Yes. They broke the skin and penetrated  
20 beyond the skin level.

21 Q Now, you prepared some diagrams of the body of  
22 Rosemary La Bianca, did you not?

23 A Yes, they were prepared.

24 Q Two of them?

25 A Two of them, showing both the front and the  
26 back, yes.

1 Q And that is to your left rear right now,  
2 Doctor?

3 A Yes, they are.

4 MR. BUGLIOSI: May this diagram be marked as People's  
5 next in order, your Honor, People's 240?

6 THE COURT: 240.

7 (Mr. Bugliosi so marks the diagrams.)

8 BY MR. BUGLIOSI:

9 Q Doctor, would you step down from the witness  
10 stand and approach the diagram.

11 Would you mark on the diagram the location of  
12 the 41 wounds.

13 When you come to a fatal wound, indicate it  
14 as fatal by inserting an F or writing out the word "fatal".

15 Also tell the Judge and the jury the organ or  
16 the part of the body that the wound penetrated, and the  
17 direction of thrust of all wounds.

18 A I will go through the seven first.

19 THE COURT: Will you hand the witness the hand  
20 microphone, please?

21 MR. BUGLIOSI: Yes, sir.

22 THE WITNESS: Stab wound No. 1 was on the upper left  
23 side of the back of her neck.

24 It was going in a downward direction from left  
25 to right, penetrating deeply, and it actually had gone  
26 in between the bodies of the backbone in that area,

240 Id.

1 partly cutting through the spinal cord.

2 Q Was that a fatal wound, Doctor?

3 A That was a fatal wound.

4 Q All right.

5 Just mark "F" there next to it, if you will.

6 A No. 2 was also in the back, the upper back,  
7 almost on the neck.

8 It was going in a downward direction, and  
9 it penetrated the left lung.

10 I consider this a fatal wound also.

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1                   Stab wound No. 3 was a little lower on the back,  
2 also going downward, slightly from left to right, penetrating  
3 deeply. It involved cutting into the left lung and was  
4 also fatal.

5                   Stab wound No. 4. Also going in the same  
6 general direction, downward, slightly from left to right,  
7 going forward, penetrating the left lung also. Also  
8 considered fatal.

9                   Stab wound No. 5. At about this location.  
10 Perhaps a little higher. Going downward from left to right  
11 in a forward direction, penetrating a small portion of the  
12 lung, the left lung, going through the diaphragm, and then  
13 the muscle that separates the chest space where the lungs  
14 are located and the abdominal space where the other viscera  
15 is located.

16                   It also penetrated the stomach and also  
17 penetrated the spleen.

18                   This is also a fatal wound.

19                   Stab wound No. 6 is on the right side of the  
20 back. Also going from left to right, downward and forward.

21                   This one penetrated the right lung, and is also  
22 considered fatal.

23                   Stab wound No. 7. At about that location. Also  
24 on the right side of the back. Going, again, downward from  
25 left to right, slightly forward. Also penetrating the  
26 right lung and also considered fatal.



1 In addition, there are many other smaller stab  
2 wounds, some of them quite deep, penetrating for varying  
3 distances up to 5-1/2 inches. Some of them very deep.  
4 However, none of these penetrating any vital structures.

5 On the lower portion of her back, over her  
6 buttock, were numerous stab wounds also. A total of 14.  
7 14 in number. At about those locations. (Indicating.)

8 These cut through the skin and into the fat..  
9 However, evidence of bleeding in some of these was not  
10 present.

11 There were also abrasions or rub marks at  
12 certain locations on the body.

13 Q These three abrasions that you have just drawn  
14 in, those are not included within the 41 stab wounds, are  
15 they, Doctor?

16 A No, sir. These abrasions are not included in  
17 the stab wounds.

18 On the front of her body, there was a stab  
19 wound, laceration and abrasion on the lower margin of her  
20 jaw at about that particular location.

21 The major stab wound on the front of her body  
22 was, oh, just outside the nipple of the left breast. It  
23 penetrated deeply, going from left to right, and penetrated  
24 the right lung, and is considered fatal.

25 Another stab wound beneath that, toward the  
26 center of the body, but not penetrating any vital structures,

1 was just below and to the right of the right breast.

2 An abrasion was present at that particular  
3 point (indicating).

4 Another stab wound here, and also a point  
5 there where we took the liver temperature.

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1 MR. BUGLIOSI: You may resume the witness stand,  
2 Doctor.

3 Q You have already inserted or indicated the  
4 41 wounds now; is that right?

5 A Yes, I have.

6 Q I take it that you personally examined all 41  
7 of the wounds; is that correct?

8 A Yes, I did.

9 Q Based on your examination of the wounds,  
10 Doctor, did you form any opinion as to the dimensions of  
11 the knife blade that caused the wounds?

12 A Yes, I have.

13 Q What about the length of the blade?

14 A It would have had to have been five and a half  
15 inches at least.

16 Q Why do you say that, Doctor?

17 A Several of the wounds were at least five and  
18 one-half inches in depth, from the deepest point to the  
19 skin surface.

20 Q So, the length of the blade had to be at  
21 least five and a half inches?

22 A Yes.

23 Q What about the width?

24 A The width? Several of these wounds were  
25 one inch in width.

26 Q That is the maximum width you found on any of

4f-2

1 the wounds?

2 A That was the maximum width on all the wounds.

3 Q What about the thickness of the blade, Doctor?

4 A The thickness, I believe, would be up to  
5 five-sixteenths of an inch.

6 Q From what measurement to five-sixteenths?

7 A There is one that was approximately one-  
8 sixteenth of an inch in width -- in thickness.

9 Q So, from one-sixteenth to five-sixteenths of  
10 an inch?

11 A Yes, that is correct.

12 Predominantly, they were one-eighth to five-  
13 sixteenths of an inch.

14 Q Did all the wounds appear to be caused by the  
15 same type of knife?

16 A Yes, they appeared to be caused by the same  
17 type of knife.

18 Q And what type of knife is that?

19 A A sharp pointed knife.

20 Q Strong or weak?

21 A Quite strong.

22 Q You, of course, do not know the number of  
23 knives used to stab Rosemary La Bianca, do you?

24 A No, I don't.

25 Q Did this sharp, strong, pointed knife appear  
26 to be single or double-edged?



1           A       From the appearance of the wounds, it appeared  
2 to be double-edged.

3           Q       I have shown you People's 210 for identifica-  
4 tion, the knife that you removed from Leno La Bianca's  
5 throat, Doctor. Do you recall that?

6           A       Yes, I do.

7           Q       Based on the dimensions of the wounds to  
8 Rosemary La Bianca, do you have any opinion as to whether  
9 or not this knife could have caused those wounds?

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1 Q Why is that?

2 A The length of the blade is much shorter than  
3 the depth of some of these wounds, and the margins do not  
4 indicate any injury caused by the handle.

5 Q What about the width? You indicated that many  
6 of the wounds to Rosemary La Bianca had a width of one  
7 inch; is that correct, Doctor?

8 A Yes.

9 Q And you notice that this knife does not have a  
10 width of one inch?

11 A I believe that this knife's width is much less  
12 than one inch.

13 Q And you indicated that there were wounds on  
14 Rosemary La Bianca, in your opinion, caused by a blade with  
15 a thickness of 5/16 of an inch; is that correct?

16 A Approximately.

17 Q You will notice that this knife, then, does not  
18 have a thickness of 5/16 of an inch.

19 A It is a very narrow blade.

20 Q About 1/16?

21 A Approximately.

22 Q With respect to those three abrasions on  
23 Rosemary La Bianca's back, Doctor, did they appear to be  
24 recent in origin?

25 A Yes, they appeared to be recent, quite fresh.

26 Q Have you formed any opinion as to the type of

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1 instrument that could have caused those three linear  
2 abrasions, Doctor?

3 A Something with a relatively straight edge, not  
4 a real sharp cutting edge like a knife.

5 Q Can you give us an example?

6 A Like, say, a screwdriver, or possibly one of the  
7 plugs on the electrical cord.

8 Q All right.

9 Showing you People's 239 for identification,  
10 and specifically directing your attention to the two metal  
11 prongs on this electrical cord.

12 Could those prongs have caused the three linear  
13 abrasions on Rosemary La Bianca's back, Doctor?

14 A It could, or something very similar to it.

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1 Q But they did not appear to have been caused by  
2 a knife-like instrument?

3 A No, they did not.

4 Q Did you observe any defense wounds to Rosemary  
5 La Bianca's body?

6 A The only one that I could even consider as a  
7 possible defense wound would be the rather irregular  
8 cut and tearing wound that was on her right jaw.

9 Q Was it on the jaw or slightly below the jaw?

10 A Actually it was where the skin covers over  
11 the jawbone.

12 Q That is the right jawbone?

13 A The right jawbone.

14 Q Did any of Mrs. La Bianca's wounds appear to  
15 have been inflicted after death?

16 A Yes.

17 Q Which wounds are those?

18 A The smaller wounds on the lower part of her  
19 back, on her hips.

20 Q Showing you People's 237 for identification,  
21 you see those wounds on that photograph?

22 A Yes, I do, a number of them.

23 May I mark them?

24 MR. BUGLIOSI: Yes.

25 Your Honor, could he encircle the wounds which  
26 in his opinion were post-mortem?



1 THE COURT: Yes, you may.

2 THE WITNESS: Thank you.

3 MR. BUGLIOSI: Would you mark those wounds "Post-  
4 mortem"?

5 (Witness complies.)

6 BY MR. BUGLIOSI:

7 Q Doctor, why do you form the opinion that these  
8 particular wounds which you have designated on People's  
9 237 for identification -- incidentally, these are to the  
10 right and left buttocks, is that correct?

11 A Yes.

12 Q Why do you form the opinion that these were  
13 inflicted after Rosemary had already died?

14 A I believe these were inflicted shortly after  
15 she died or while she was dying, because there is no  
16 amount of discoloration, of bleeding into the tissues  
17 surrounding, like there are in many of the other wounds.

18 Q You are referring to the fact that these  
19 wounds, in the vicinity of these wounds, they are compara-  
20 tively light colored?

21 A Yes, they are. They are much lighter in color.

22 Q As opposed to the other wounds which appear  
23 to be dark around the wound?

24 A Yes.

25 Q The darkness being caused by the blood, right?

26 A Yes.

1 Q And the lightness being caused by the absence  
2 of the blood?

3 A By the absence of the blood.

4 Q Did you observe any sexual molestations of  
5 the bodies of either Leno or Rosemary La Bianca?

6 A No, I did not.

7 Q Any mutilation of any member or organ of either  
8 Leno or Rosemary La Bianca?

9 A If you do not call the small stab wounds on  
10 her buttocks mutilation, no mutilation.

11 Q Incidentally, from a medical standpoint what  
12 do you mean by mutilation?

13 A By mutilation I mean cutting off structures,  
14 to disfigure or removal in this particular case, it would  
15 have been after death.

16 Q Were blood samples taken of Leno and Rosemary  
17 La Bianca and turned over to a representative of the Los  
18 Angeles Police Department?

19 A Yes, they were.

20 MR. BUGLIOSI: Your Honor, I have here what appears  
21 to be some leather thongs, may they be marked People's next  
22 in order?

23 THE COURT: 241.

24 BY MR. BUGLIOSI:

25 Q Doctor, we are going to go back to Leno  
26 La Bianca for a moment, directing your attention to

241 Id.

1 People's 220 for identification, and 223 for identification,  
2 do you notice some leather thongs around Leno's wrist?

3 A Yes, the leather thongs were pre-knotted  
4 around his wrists.

5 Q Did you remove the leather thongs from Leno's  
6 wrists at the Coroner's Office?

7 A Yes, I did.

8 Q You turned them over to a representative of  
9 the Los Angeles Police Department?

10 A Yes, sir, I did.

11 Q I show you Exhibit 241 for identification.  
12 Have you ever seen these leather thongs before?

13 A Yes, I believe these are the ones that were  
14 around Leno's wrists.

15 Q Leno's wrists, is that correct?

16 A Yes.

17 Q There appears to be a knot on these leather  
18 thongs. Is that your knot or is that the knot that was  
19 on the leather thongs at the time you saw them around  
20 Leno's wrists?

21 A The knot was preserved intact.

22 The tags were placed there so that the thong  
23 itself could be cut apart with disturbing the knot.

24 MR. BUELIOSI: No further questions.  
25  
26

5a fls.

5A-1

1 THE COURT: Cross-examination?

2 MR. FITZGERALD: No questions.

3 THE COURT: Mr. Shinn?

4 MR. SHINN: No questions, your Honor.

5 THE COURT: Mr. Kanarek?

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

7 MR. HUGHES: No questions, thank you, your Honor.

8 THE COURT: You may step down, Doctor.

9 THE WITNESS: Thank you.

10 MR. BUGLIOSI: Thank you, Doctor.

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

12 MR. FITZGERALD: No objection.

13 THE COURT: You are excused.

14 MR. BUGLIOSI: People call officer Granado, Joe  
15 Granado.

16  
17 M. JOSEPH GRANADO,  
18 called as a witness by and on behalf of the People, having  
19 been previously duly sworn, was examined and testified  
20 further as follows:

21  
22 FURTHER DIRECT EXAMINATION

23 BY MR. BUGLIOSI:

24 Q officer, do you recall where we left off last  
25 time? You were going to go back to your office and indicate  
26 on the articles of clothing, I believe they are People's 50



Ja2

1 through 56, if I am not incorrect, you were going to show  
2 on those articles of clothing the areas where you got  
3 positive benzidine reactions, is that correct?

4 A Yes, on those articles that I did have a posi-  
5 tive reaction.

6 Q Do you have those with you?

7 A No, I don't, I turned them over to the clerk.

8 MR. BUGLIOSI: Oh, all right.

9 (Whereupon, the clerk hands the exhibits to  
10 Mr. Bugliosi.)

11 Q BY MR. BUGLIOSI: Most of this clothing, in  
12 fact all of it except the white, the shirt is dark, is that  
13 correct?

14 A I would say yes, dark.

15 Q Well, blue or black.

16 Did you indicate on the black clothing in  
17 white, the area of the positive benzidine?

18 A Yes.

19 Q And on the white T-shirt in black, is that  
20 correct?

21 A Yes.

22 Q You will have to talk up a little more loudly,  
23 officer.

24 A Yes, that is correct.

25 Q We are not going to take these by number. To  
26 save time we will just take them one by one.

Ja3

1 Do you know what item that one is, the black  
2 T-shirt?

3 A Yes, this is -- this has my number of G-52.

4 MR. BUGLIOSI: It would be People's 52 for  
5 identification.

6 Q Point out to the jury the areas where you had  
7 a positive benzidine reaction.

8 A I checked the T-shirt, the area I got a strong  
9 benzidine reaction would be around this area where I  
10 originally cut off material for analysis.

11 Q Any other area on that black T-shirt?

12 A No, because I previously checked the T-shirt  
13 throughout, and I found no other area.

14 Q This area here then is the extent of the  
15 positive benzidine?

16 A As far as I could locate by random spotting.

17 Q The random spotting was conducted when?  
18 Was it conducted a couple of nights ago?

19 A Yes, yes, previously also a couple of nights  
20 ago.

21 Q This is People's 51 for identification, some  
22 blue denims. You have indicated you got a positive on  
23 those.

24 A Yes, the areas I have encircled in black, here,  
25 and there was another area near the bottom of the pants  
26 I believe.

5a4

1 Yes, in this area here, which you can also see  
2 the stains on the back side of the pants.

3 Q What about here in front?

4 A Yes.

5 Q These two areas right there, right?

6 A That's correct.

7 Q What about on the left leg, officer?

8 A Yes, sir, also in that area.

9 Q You have to point these things out for the  
10 jury. I might miss them and you are the one who made the  
11 markings.

12 A Yes, all the areas I have encircled in black.

13 Q You point them out.

14 A On the top left portion of the trousers, the  
15 rear thigh portion of the trousers, and then we have an  
16 area of the right leg portion, both outside and inside,  
17 of the pants.

18 Q Okay, here is People's 56 for identification,  
19 Officer.

20 THE COURT: What was the number of that last exhibit?

21 THE WITNESS: 51.

22 MR. BUGLIOSI: 51, your Honor.

23 Q BY MR. BUGLIOSI: You are now looking at  
24 People's 56, black denims, is that correct?

25 A Yes -- no areas were found on these that I  
26 could detect.

5

1 Q What is this circle here, does that have any  
2 significance?

3 A Yes, those are areas which I thought had given  
4 me a reaction, but I checked them over and I did not get  
5 a reaction.

6 Q Incidentally, before you go any further, you  
7 indicated that the human components of blood break down  
8 when they are exposed to the elements, is that correct?

9 A Yes, you have the reaction of the ultraviolet  
10 radiation from the sun.

11 You also have the dilution by rain or other  
12 water of the constituents, which would also give you a  
13 lessening of the reaction.

5B

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5B-1

1 Q So that when you run your Ouchterlony or however  
2 you pronounce that word, you get a negative for human blood,  
3 is that correct?

4 A Yes, you get no reaction, and you would call it  
5 negative.

6 Q What about benzidine, when blood is exposed to  
7 the elements for a long period of time, does that prevent  
8 the benzidine reaction?

9 A It could. But it seems that benzidine lasts  
10 a lot longer.

11 It reacts to one drop of blood in about 260,000  
12 drops of water, you can still get a reaction with benzidine.

13 Q People's 50 for identification, the velour --  
14 whatever it is -- turtle-neck sweater or shirt, can you  
15 point out the marks or places where you got a positive  
16 benzidine on that?

17 A Yes, I have mine marked G-50. I presume this is  
18 People's 50 also?

19 Q Yes, People's 50.

20 A I found an area in the right sleeve which I  
21 have encircled.

22 Q In white?

23 A Or attempted to encircle in white, as best I  
24 could.

25 And also an area towards the upper portion of  
26 the left sleeve also encircled in white.

32

1 Q You have pointed off all the areas now?

2 A Yes, I believe I did.

3 Q Directing your attention to one of these circles,  
4 here, there are about three holes, do you know how those  
5 holes were caused?

6 A Yes, I cut those areas out on my analysis of this  
7 garment.

8 Q These holes were caused by you, then?

9 A Yes.

10 THE COURT: Mr. Bugliosi, it is 12:00 o'clock.

11 MR. FITZGERALD: Could counsel approach the bench  
12 before the Court leaves?

13 THE COURT: Very well.

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

17 The jury is excused until 2:00 p.m.

18 Counsel may approach the bench.

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

21 MR. FITZGERALD: Susan Atkins is again complaining of  
22 pain in her head. I wanted to let the Court know at this  
23 time so maybe she could be examined or something over the  
24 noon hour so there won't be a chance that we would lose time  
25 this afternoon.

26 MR. SHINN: Your Honor, why don't we have her

1 transported back to Sybil Brand and have the doctors there  
2 examine her.

3 THE COURT: You mean this afternoon?

4 MR. SHINN: Yes, sir. I think this doctor that  
5 examined her had not examined too many female inmates.

6 MR. FITZGERALD: I don't know what to do about it.  
7 I just wanted to tell you before the break, that's all.

8 THE COURT: All right.

9 Well, I will have to get whatever deputy  
10 sheriff is in charge.

11 MR. SHINN: We have two hours, we have time.

12 THE COURT: All right.

13 MR. SHINN: Thank you.

14 THE COURT: The Court will recess until 2:00 o'clock.

15 (Whereupon, a recess was taken to reconvene at  
16 2:00 p.m., same day.)  
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