

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.

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No. A253156

REPORTERS' DAILY TRANSCRIPT
Friday, August 28, 1970

P. M. SESSION

APPEARANCES:

For the People:

AARON H. STOVITZ and
VINCENT T. BUGLIOSI,
DEPUTY DISTRICT ATTORNEYS

For Deft. Manson:

I. A. KANAREK, Esq.

For Deft. Atkins:

DAYE SHINN, Esq.

For Deft. Van Houten:

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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LOS ANGELES, CALIFORNIA, FRIDAY, AUGUST 28, 1970

2:05 P.M.

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(The following proceedings occur in chambers.

All counsel present, the defendants absent:)

MR. SHINN: Your Honor, Miss Atkins just talked to me. She does not feel well. She wants to talk to you personally.

THE COURT: You mean with everyone else here?

MR. SHINN: Yes, sure.

THE COURT: That is the only way I would talk to her. I am certainly not going to talk to her alone.

MR. SHINN: Instead of speaking out in court, I would rather have her talk to you here.

THE CLERK: With respect to that, Judge, I got a call from the County Jail and there was no doctor available over there at the time she got there.

All she got was medication. I don't know what else they could do for her. There was no doctor.

THE COURT: Don't they have a doctor full time?

THE CLERK: Apparently they did not. All they had was a nurse.

THE COURT: What does she want to tell me, Mr. Shinn, that she doesn't feel good? You can tell me that.

MR. STOVITZ: I think if your Honor listens to her, she will be able to express it in her own little feminine

1 way.

2 THE COURT: I assume we don't have to bring all
3 the defendants in here.

4 MR. SHINN: I don't care.

5 MR. FITZGERALD: That isn't necessary.

6 THE COURT: Is that agreeable, Mr. Kanarek?

7 MR. KANAREK: Yes.

8 MR. STOVITZ: May I be excused? We are going rather
9 rapidly with our witnesses and I have something that I
10 have to do over the weekend, and I could start now.

11 THE COURT: We are going rapidly? That is the best
12 news I've heard so far.

13 MR. STOVITZ: We anticipated a more lengthy cross-
14 examination.

15 Mr. Kanarek told me that he doesn't anticipate
16 a lengthy cross-examination on Mr. Lee, the ballistics
17 man.

18 THE COURT: How do we stand on your original estimate
19 of 60 trial days?

20 MR. BUGLIOSI: I think the way we are going we could
21 finish the People's case in a week and a half.

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1 THE COURT: That would be two months and one week.
2 We started on July 24 to take evidence.

3 MR. STOVITZ: Mr. Bugliosi will carry on.

4 (Mr. Stovitz leaves the chambers of the Court.)

5 THE COURT: The record will show all counsel are
6 present except Mr. Stovitz. Miss Susan Atkins is present.

7 The attorney said you wanted to speak to me.

8 DEFENDANT ATKINS: This morning I asked my attorney
9 to inform you I am sick. I have been sick all week long.

10 I have gone to the nurses in Sybil Brand to
11 ask for help. I have a female disorder; I have a cyst
12 either in my fallopian tube or my right ovary. It causes
13 me extreme pain.

14 You sent me out to Sybil Brand to be examined
15 by a doctor. There is no doctor out there.

16 I was called a liar when I got out there.
17 I was bawled out by the nurse Gomez, and told I had no
18 right to inform the Judge that I was sick; that I could
19 not sit in the courtroom.

20 She told me that I told you. I told her I
21 did not tell you.

22 I told my attorney.

23 I told her I did not ask to be brought out to
24 Sybil Brand; that you, through your order sent me.

25 Your Honor, I am so sick I cannot sit in
26 that courtroom. And on top of being sick with physical

1 pain, this is hurting not only my abdomen but hurting my
2 heart, I can barely breathe.

3 I am taken out and treated like a dog. I
4 cannot handle it. I have begged for nerve medication out
5 there. They will not give me nerve medication because the
6 doctor out there says he does not want me sedated when I
7 am in here.

8 I don't know what it is that causes me so much
9 pain; it has been a two-year thing.

10 I did not know I had it until I finally got
11 examined by the doctor out at Sybil Brand. He told me
12 I had a cyst.

13 I was put in the infirmary for approximately
14 a week. I don't like to go up to that infirmary because
15 every time I do I am shoved aside as if I am nothing.

16 I have seen women at Sybil Brand die because
17 they do not get the proper medical attention that is
18 required.

19 I cannot sit in the courtroom any longer today.
20 I asked them to please allow me to go back to Sybil Brand.

21 THE COURT: Of course I called the doctor in to
22 examine you this morning, and you were sent back to Sybil
23 Brand at noon because your attorney told me you were still
24 feeling bad.

25 The reason I sent you back was to have you
26 re-examined.

1 Now, you say you have been suffering from
2 this for a week.

3 DEFENDANT ATKINS: All week long.

4 THE COURT: Have you reported it to anybody?

5 DEFENDANT ATKINS: Yes, I reported it to the nurses.
6 I told them approximately the week of the 8th, the Labor
7 Day weekend that I would not be in court for three days,
8 and they said maybe if the doctor found time he would
9 examine me.

10 I cannot go through this pain for another week.
11 It comes and it goes. It is something that I have no
12 control over. They cannot do anything about it they say.

13 They will not do surgery on it because I am
14 not sentenced. I have not been convicted.

15 THE COURT: Who told you that?

16 DEFENDANT ATKINS: By the law.

17 THE COURT: Did somebody tell you that?

18 DEFENDANT ATKINS: The orders at the infirmary are
19 that no inmate on the maximum side who has not been tried,
20 sentenced and convicted, goes into surgery unless it is
21 an emergency like a heart attack or an appendicitis.

22 They won't do surgery on me because I am in
23 trial.

24 I cannot see the doctor all week because I
25 am here all day during the week. He is not there on the
26 weekend.

1 There is no way I can see that man. When I
2 do see him, he hurt me so bad I wanted to hit him.

3 I wanted to do that to a nurse today. She told
4 me I'm a liar, Nurse Johansen told me "What are you doing
5 here?"

6 I told her I did not ask to be brought here,
7 the Judge ordered this; I had nothing to do with this; all
8 I did was tell my lawyer I was sick and requested not to
9 be in court today.

10 It causes pressure on every organ in my abdomen
11 and in my back.

12 THE COURT: Who is the doctor out in Sybil Brand?

13 THE BAILIFF: I don't know offhand.

14 DEFENDANT ATKINS: He is a short little man who
15 looks at you for five minutes, writes something down and
16 walks away.

17 THE COURT: Now, are you able to go on this after-
18 noon?

19 DEFENDANT ATKINS: No, I am not able to go on this
20 afternoon. I have tried. I can hardly sit here and talk
21 to you. It hurts.

22 THE COURT: Now, the doctor this morning said he was
23 unable to find anything.

24 DEFENDANT ATKINS: I don't have a fever; my pulse
25 is probably normal. It isn't anything that causes me
26 to have a fever.

1 It is a cyst. It is on my ovary, in my female
2 organs. You are men; you don't know anything about what
3 goes on inside a female.

4 I can hardly breathe.

5 MR. SHINN: Your Honor, in view of the fact of what
6 she said, your Honor, I would request a short continuance,
7 your Honor. It would be a defendant's continuance.

8 THE COURT: You mean a recess, is that what you mean?

9 MR. SHINN: Yes, your Honor, for this afternoon.

10 DEFENDANT ATKINS: When I get out there I will get
11 bawled out for coming into chambers, but I can't help it.

12 THE COURT: All right, I heard you.

13 All right, well, you can go back out again,
14 Miss Atkins.

15 (Defendant Atkins leaves the chambers of the
16 court after which there was an off the record discussion.)
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(An off-the-record discussion was had.)

THE COURT: Do you have any other evidentiary problems you want to talk about?

MR. BUGLIOSI: Yes. What about the hair? Have you ruled on that?

THE COURT: I have read the authorities and I don't see any problem on that.

MR. BUGLIOSI: Then I can put that on this afternoon?

THE COURT: Yes. I think that is perfectly admissible, notwithstanding both of the objections made.

What was the first objection?

MR. FITZGERALD: The source of the hair on the comb.

THE COURT: Yes. One was the actual obtaining of the hair itself.

MR. BUGLIOSI: And the second one -- the hair exemplar was one problem -- and the other one was whether the clothing was obtained as fruit of the poisoned tree.

THE COURT: Yes.

It would not be barred from being obtained by a private person under the circumstances of this case.

MR. FITZGERALD: So the record is clear, Mr. Shinn, on behalf of Susan Atkins, is objecting on both grounds; I am objecting on both grounds on behalf of Patricia Krenwinkel; and Mr. Kanarek is objecting on both grounds on behalf of Mr. Manson.

Is that correct?

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1 MR. KANAREK: That is correct.

2 (An off-the-record discussion was had.)

3 THE COURT: That was Inspector Welch. He says he
4 will make arrangements with the medical director at the
5 Los Angeles County Hospital to have her taken over there
6 instead of taken back to Sybil Brand, and he will have her
7 examined by a gynecologist and give her whatever treatment
8 is necessary.

9 So, we will recess at this time until Monday,
10 and the Inspector will call me over the weekend and let me
11 know what he finds out.

12 Is there any objection to my informing the jury
13 that she is ill?

14 MR. FITZGERALD: No. I think they ought to hear that.
15 They see her walk into the chambers here, and it would
16 probably be a good idea to advise them.

17 THE COURT: I will just say that she is ill and
18 unable to continue until Monday.

19 Then we will go back into court, gentlemen, and
20 recess until Monday.

21 (Whereupon, the following proceedings occur in
22 open court, the defendants, counsel and jurors all present:)

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

25 Ladies and gentlemen, it will be necessary for
26 us to adjourn at this time. Miss Atkins is ill and

1 arrangements have been made for a medical examination this
2 afternoon.

3 So, we will adjourn until Monday at 9:45 in the
4 morning.

5 Please remember, do not converse with anybody
6 or form or express any opinion regarding the case until it
7 is finally submitted to you.

8 The Court will adjourn until 9:45 on Monday.

9 (Whereupon, at 2:30 p.m. the court was in recess.)
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