

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

DEPARTMENT NO. 104

HON. CHARLES H. OLDER, JUDGE

COPY

THE PEOPLE OF THE STATE OF CALIFORNIA,

Plaintiff,

vs.

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

Defendants.

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No. A253156

REPORTERS' DAILY TRANSCRIPT

Monday, August 31, 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 77

JOSEPH B. HOLLOMBE, CSR.,
MURRAY MEHLMAN, CSR.,
Official Reporters

PAGES 9479 to 9496

LOS ANGELES, CALIFORNIA, MONDAY, AUGUST 31, 1970

9:45 o'clock a.m.

(The following proceedings were had in the chambers of the court out of the presence and hearing of the jury, all counsel and none of the defendants being present:)

THE COURT: The record will show all counsel are present.

Mr. Shinn, you requested that we have a conference in chambers.

MR. SHINN: Miss Atkins doesn't feel too good and doesn't look too good this morning, your Honor.

She was examined by a Dr. Ballard, Charles Ballard. I think he was a gynecologist at the County Hospital.

THE COURT: A Dr. Bolter examined her according to the note I received.

MR. SHINN: Two doctors examined her, there were two.

First the resident doctor; then a Dr. Ballard.

The sergeant called me back Friday night and told me that Charles Ballard -- maybe he got the name wrong, I don't know. He indicated he would send her back to Sybil Brand the weekend and have her stay at the infirmary over the weekend.

1 I called this morning and they said she was
2 not able to walk and that they may put her on a wheel chair
3 and bring her in a wheel chair.

4 I went upstairs this morning to talk to her.
5 She was barely walking with the help of two other girls,
6 and at the present time she doesn't look too good, your
7 Honor.

8 THE COURT: What does she say?

9 MR. SHINN: She says the pain is still there and
10 they would give her pain pills.

11 She wanted to talk to you again, but I told
12 her I would talk to you first.

13 I don't think they gave her a thorough examina-
14 tion.

15 According to the sergeant I talked to, he was
16 waiting outside in the doorway of the hospital. He said
17 the doctor was there about ten minutes. I don't think
18 X-rays were taken.

2 fls.

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1 THE COURT: I don't have a report yet but I have a
2 number here that was given to me. I think I will call it
3 now and have them read the report to me over the telephone.

4 Off the record a moment.

5 (Off the record, while the Court makes a phone
6 call.)

7 THE COURT: According to this woman in the infirmary
8 at Sybil Brand, she was examined by a doctor at the County
9 Hospital over the weekend and he prescribed a urinalysis
10 and a blood test, which have been given this morning.
11 He also prescribed some pain pills, which she has received.

12 He didn't seem to think, apparently, from
13 what this woman said, that she needed anything further than
14 that at this time.

15 MR. STOVITZ: Perhaps if counsel would just ask her
16 to cheer up. We have about five more days of testimony
17 before we have a five-day break, and in the five-day
18 break she could have all kinds of expensive tests per-
19 formed.

20 THE COURT: What is the situation at the moment,
21 Mr. Shinn?

22 MR. SHINN: Actually, your Honor, as the Court is
23 fully aware, pain is subjective, and the doctor may
24 examine a person and not see the pain.

25 She says the pain keeps occurring.

26 THE COURT: She has been given pain medication, as

1 I understand it.

2 MR. SHINN: Yes, at the hospital. Every time a pain
3 would appear, she would take the pain pills.

4 She does not have any pain pills with her now,
5 your Honor.

6 If she can only hang on for five more days,
7 she will have a five-day rest.

8 THE COURT: If she needs additional pain pills,
9 she can be taken back to Sybil Brand this noon. But if
10 she had pain this morning, I would think -- and if she
11 mentioned it to anybody -- she would have been given pain
12 pills.

3 fls.

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1 MR. SHINN: Well, I would suggest, your Honor, that
2 you talk to her personally, your Honor. I have no objec-
3 tions, and maybe even cheer her up a little bit.

4 Tell her there is a five-day vacation coming,
5 because I don't want her to put her head down in front of
6 the jury.

7 THE COURT: All right, let's bring Miss Atkins in.

8 The record will show all counsel are present
9 and Miss Susan Atkins is also present.

10 Miss Atkins, what is your condition this
11 morning?

12 DEFENDANT ATKINS: It is about five times worse
13 than it was Friday.

14 I spent all weekend in the infirmary and did
15 not get up. They have been giving me pain pills and they
16 don't do any good.

17 I know what my body needs to knock out pains.
18 The pains are like going through labor in childbirth.

19 THE COURT: Have you ever had this condition before?

20 DEFENDANT ATKINS: Yes.

21 THE COURT: What treatment was given for it then?

22 DEFENDANT ATKINS: I was rushed to the hospital.
23 I was fed intravenously -- this was in 1968 -- I went into
24 a state of delirium, into another dimension.

25 I was out of my head, crazy with pain. I
26 am doing everything I can to keep from going into that

1 state again.

2 It is taking all of my energy just to move.

3 THE COURT: What did the doctor do with you over
4 the weekend? Did he give you an examination?

5 DEFENDANT ATKINS: I was taken to LCMC when I left
6 here. They locked me in a room, gave me two what looked
7 like aspirins. I blacked out.

8 I was wokened about whatever time the doctor
9 got there. He examined me, looked up inside me, gave me
10 an examination, and I screamed and begged him not to
11 touch me.

12 I was given two more pain pills.

13 I was left alone and I was handcuffed and
14 walked back to the automobile and driven to SBI and put
15 in a little isolation ward in the infirmary.

16 I collapsed on the bed and I did not get up
17 except to go to the bathroom, which hurts.

18 I got back in bed. I was taken out of the
19 infirmary this morning in a wheel chair because I could
20 not walk hardly at all.

21 I decided I'm going to walk anyway and I
22 walked -- I had one hell of a ride over here, and I had to
23 walk down the stairs. I almost felt I was going to
24 faint and fall.

25 We walked in the courtroom. I cannot sit in
26 the courtroom and have this pain.

1 THE COURT: Did you receive any pain pills this
2 morning?

3 DEFENDANT ATKINS: I received what looked like two
4 aspirins and a little brown pill.

5 One nurse was nice enough to give me a Darvan
6 which took away, I would say, about one-third of the pain
7 last night so I could at least relax.

8 The nurses out there don't do a thing. They
9 walk in; they stick a thermometer in my mouth. I don't
10 have a fever.

11 They ask me how I'm doing and I ask them for
12 a pain pill.

13 They turn around, walk out and I don't see
14 them again until they come back to take my temperature.

15 I maybe get six aspirins a day.

16 THE COURT: Well, what is your condition right
17 at this particular moment.

18 DEFENDANT ATKINS: Right at this particular moment
19 I want to scream. I am doing everything I can not to.

20 THE COURT: Do you want to scream because of the
21 pain, is that what you mean?

22 DEFENDANT ATKINS: I would like to be doubled up in
23 a ball somewhere in a hole. I am not one to complain
24 about pain but I can hardly stand this.

25 THE COURT: How long has this been going continuously
26 now?

1 DEFENDANT ATKINS: Continuously since about
2 Wednesday of last week, and it progressively gets worse.

3 THE COURT: Have you had this condition before
4 where it has last several days?

5 DEFENDANT ATKINS: Yes.

6 THE COURT: What treatment did they give you, do
7 you know?

8 DEFENDANT ATKINS: They stuck me in the infirmary
9 and gave me pain pills.

10 The doctor I think is giving me antibiotics
11 to take down the infection.

12 THE COURT: When was this?

13 DEFENDANT ATKINS: That was when I first got to
14 Sybil Brand.

15 THE COURT: The same condition 11 months ago, is
16 that right?

17 DEFENDANT ATKINS: Yes. He told me he would not do
18 surgery until I was sentenced. That was their procedure.

19 THE COURT: Well, was this diagnosed by the doctor
20 over the weekend? Did he tell you what it probably was?

21 DEFENDANT ATKINS: He did not tell me anything. He
22 examined me and he left the room and he sent a piece of
23 paper with the doctor's writings on it to the officers.

24 I have not seen it.

25 THE COURT: He did not tell you what was wrong with
26 you?

DEFENDANT ATKINS: No.

THE COURT: Does anyone have any questions to ask?

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1 MR. SHINN: Your Honor, I think if we can put a
2 microphone upstairs and she can stay on a couch there and
3 listen to the proceedings, that might be a solution.

4 MR. STOVITZ: I don't think that that would satisfy
5 the cases in California of being present, your Honor, in
6 the courtroom. Especially today when we are going to put
7 on the testimony in regard to the hair. Of course, we
8 could put it on at another time.

9 THE COURT: I don't want to proceed that way, at
10 least at this time.

11 MR. STOVITZ: I would submit that if the defendant
12 is not malingering, that she should realize that she is
13 going to have a recess for approximately five days next
14 week, Saturday, Sunday, Monday, Tuesday and Wednesday;
15 that the doctors are doing the best they can.

16 It is something that medicine can cure or
17 temporarily relieve, that she should be given medicine.

18 Now, I have gone through a couple of days of
19 trial with a cold, and I have seen other counsel take pills,
20 vitamin pills, and what-have-you.

21 DEFENDANT ATKINS: Mr. Stovitz, they will not give me
22 medication while I am in court. They don't want me drugged
23 while I am here. That is the doctor's orders.

24 MR. BUGLIOSI: Could the Court order the doctor to
25 give her medication?

26 THE COURT: To drug the defendant?

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1 MR. STOVITZ: Darvon is a very mild drug, your Honor.

2 THE COURT: I don't think it is up to the Court to get
3 into the field of medical practice. I have to rely on the
4 doctors for that.

5 MR. BUGLIOSI: The doctor might be thinking, though,
6 that the reason why she can't have drugs in court is because
7 of the legal aspects.

8 THE COURT: I will try to get ahold of the doctor.

9 What was the name of the doctor, do you know?
10 Did you hear his name?

11 DEFENDANT ATKINS: No.

12 THE COURT: I have a name here of Dr. Bolter,
13 B-o-l-t-e-r, but I am not sure.

14 THE CLERK: That is the name that the bailiff gave me,
15 your Honor. I have no way of verifying it.

16 THE COURT: I will try to get ahold of Dr. Bolter.
17 He made a report and a copy is being sent here, but we don't
18 have it yet. So I will try to reach him on the telephone.

19 In the meantime, we will not commence the
20 proceedings until I find out from him what his opinion is
21 as to her condition and prognosis, and what treatment, if
22 any, is required, and so forth.

23 Hopefully, I will be able to find out within a
24 short time.

25 MR. SHINN: Your Honor, if this pain continues, will
26 the Court give me permission to bring in a private physician,

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1 a gynecologist?

2 I understand that the doctors that work for the
3 County Hospital are so busy that it is very hard for them to
4 give a thorough examination.

5 THE COURT: I will consider that.

6 MR. SHINN: Then we can get two doctors' opinions.

7 THE COURT: First I want to get one doctor's opinion.

8 MR. STOVITZ: Then will there be a 20-minute recess,
9 your Honor?

10 THE COURT: Well, we just won't commence until I
11 find out.

12 MR. STOVITZ: The jury is in the box. That is what I
13 was thinking about, your Honor.

14 THE COURT: Yes, I think they should be taken out of
15 the box.

16 MR. SHINN: In the meantime, could she lay down, your
17 Honor?

18 THE COURT: Isn't one of the jury rooms available
19 from one of the other courts?

20 THE BAILIFF: Perhaps in 105, which is a little
21 further walk for her, but there is a couch there.

22 THE COURT: Yes, she may lie down there.

23 (Recess.)
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(The following proceedings were had in the chambers of the court out of the presence and hearing of the jury, all counsel with the exception of Mr. Stovitz being present:)

THE COURT: The record will show all counsel are present except Mr. Stovitz.

I personally spoke with Dr. McCaron, I'm not sure of the spelling but I think it's capital M-c capital C-a-r-o-n, at the County Medical Hospital. She was the doctor in charge of the jail ward, I believe.

She is one of the two doctors that examined Susan over the weekend.

Dr. Ballard, an outside gynecologist, was the other doctor.

I told her what happened this morning and she said that they examined her over the weekend. She does have an ovarian cyst and she was complaining of some pain on Friday and was given some medication for that, and their examination did not indicate that she needed any further treatment at that time.

But when I told her about her complaints this morning she said that -- one other thing, they took some, I think, blood tests and urinalysis which they don't have the results from.

She said in view of her complaints this morning of severe pain she should be returned to the County General

1 Hospital where she will be given further examinations.

2 She said it is possible that the cyst has become twisted,
3 whatever that means, and in such a case it would account for
4 the severe pain and probably would necessitate surgery.

5 On the other hand, it may not be that. It may
6 be something else.

7 So they may want to give her further
8 examination and she seemed to think that she would know
9 sometime this afternoon precisely what has to be done, so
10 in any event we will have to adjourn until tomorrow morning.

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1 Hopefully, by then, we will either have the
2 problem solved or we will know what has to be done.

3 I also asked her if surgery became necessary,
4 how long would it be before she would be ready to resume
5 the trial, and she said probably two weeks.

6 So, there you have it, gentlemen.

7 MR. SHINN: I think tomorrow morning -- Paul, we have
8 that hearing, that motion tomorrow morning.

9 MR. FITZGERALD: At 9:00 o'clock.

10 MR. SHINN: That is kind of early. Should we put it
11 over?

12 THE COURT: You can continue that to any date you
13 like. I will leave it up to you.

14 MR. FITZGERALD: Sure. The only problem I have got
15 is the County Counsel and the Sheriff's Office.

16 MR. SHINN: Do we need her present? She can sign a
17 waiver.

18 THE CLERK: Your Honor, Dr. Ballard is on the phone.

19 THE COURT: Excuse me.

20 (Pause while the Court confers on the phone.)

21 THE COURT: That was Dr. Ballard on the phone. He
22 is the other doctor that examined her.

23 He said that the physical findings didn't
24 indicate that there was anything wrong, but that she should
25 go back for re-examination as long as she is complaining
26 of severe pain and they will re-examine her.

1 Apparently her blood count was normal over the
2 weekend, and they should know by sometime this afternoon
3 whether anything further in the way of medical treatment
4 is going to be required.

5 I asked him again if surgery is required how
6 long it will be before she could resume the trial, and
7 he said she would probably be in the hospital five to
8 seven days and should be able to resume within two weeks.

9 So, we will send her back immediately and
10 adjourn until tomorrow morning.

11 MR. FITZGERALD: I hesitate to continue this motion
12 for a variety of reasons.

13 The issue as to Susan Atkins is identical
14 to that of Leslie Van Houten and Patricia Krenwinkel.

15 Why don't you simply take the matter as to
16 Susan Atkins off calendar and we can litigate it as to
17 Patricia Krenwinkel and Leslie Van Houten.

18 THE COURT: As a matter of fact, if I make an order
19 of some kind affecting the procedure, it will redound
20 to her benefit.

21 MR. SHINN: I can submit it on their hearing.

22 MR. FITZGERALD: The declarations are precisely the
23 same.

24 THE COURT: They will be prepared to go ahead on
25 the motion at 9:00.

26 MR. SHINN: I don't have to be present tomorrow

1 morning?

2 THE COURT: Well, she may be back tomorrow and
3 ready to resume the trial.

4 MR. SHINN: Assuming that I call and find out that
5 she is sick.

6 THE COURT: It may be that we won't even know
7 tomorrow.

8 MR. BUGLIOSI: The County Counsel is handling this?

9 MR. FITZGERALD: Yes.

10 THE COURT: Again we may be back in trial tomorrow.
11 We are just talking about the motion.

7 fls.

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1 THE COURT: Is there any necessity for me to take the
2 bench? I don't think so. We haven't really opened today,
3 so there is nothing to be closed.

4 MR. FITZGERALD: I would simply like to walk over
5 and tell my client what's happening.

6 THE COURT: That's perfectly all right.

7 For the benefit of the press, though, I think
8 you can just simply state that Miss Atkins is still ill
9 and we will adjourn until tomorrow morning at 9:00 o'clock.

10 9:45 for the jury, but 9:00 o'clock on the
11 motion.

12 (Whereupon, an adjournment was had to reconvene
13 Tuesday, September 1, 1970 at 9:00 a.m.)
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