

I N D E X

COURT'S WITNESS: DIRECT CROSS REDIRECT RECROSS

MC CARRON, Margaret 9604 9612Sh
 9635 9628F
 9631St
 9632F
 9636F

PEOPLE'S WITNESS:

GRANADO, M. Joseph 9652 9661F
 9661Sh
 9675X

DEFENDANT SUSAN ATKINS'
WITNESS:

ATKINS, Susan 9639

E X H I B I T S

PEOPLE'S: FOR IDENTIFICATION IN EVIDENCE

243 - Pair of glasses 9659

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1 LOS ANGELES, CALIFORNIA, WEDNESDAY, SEPTEMBER 2, 1970

2 2:00 o'clock p.m.

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4 (The following proceedings occur in chambers.
5 Mr. Stovitz for the prosecution and all defense counsel
6 present, the defendants absent:)

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

9 I have asked Dr. McCarron to come into chambers
10 for a moment.

11 (Dr. McCarron enters the Court's chambers.)

12 THE COURT: Dr. McCarron, how are you? Nice to meet
13 you. Would you sit down, please.

14 As I mentioned to you on the telephone before
15 lunch, Doctor, Susan Atkins stood up in court about 20
16 minutes to 12:00 and said that she, in effect, couldn't
17 go on and was going to stand up and scream in pain if she
18 wasn't taken out of the courtroom, at which point we
19 recessed.

20 Now she is up in one of the jury rooms nearby,
21 and I would suggest, if it is agreeable with you, that you
22 go up and see her again now just to make sure that she
23 is not complaining of something that is new or different
24 than the matter that you have already talked to her about
25 or examined her with respect to.

26 Is that agreeable?

1 DR. MC CARRON: Yes.

2 THE COURT: Then I would like to have you come back
3 and be sworn and take the witness stand and testify as
4 to what examinations have been given to her and by whom --
5 I am talking now about within the last week or so -- and
6 what findings, if any, were made, what laboratory tests
7 and exams have been made, and what treatments have been
8 given to her, and what the findings are.

9 So I will ask the bailiff, then, to take you
10 now up there to see Miss Atkins. Then when you come
11 back, we will resume in court.

12 MR. STOVITZ: May we have a recess?

13 MR. HUGHES: Is it possible that we might look at
14 the chart while you are doing that, Doctor?

15 DR. MC CARRON: The chart is the hospital's record.
16 It has not been subpoenaed. They let me bring it.

17 THE COURT: If you are going to be testifying from
18 it, the attorney would have a right to look at it anyway.

19 It won't leave the possession or the custody
20 of the court.

21 DR. MC CARRON: I have to bring it back, too.

22 MR. HUGHES: Of course.

23 (Whereupon Dr. McCarron leaves the court's
24 chambers.)

25
26
13 fls.

1 (The following proceedings were had in the
2 chambers of the Court:)

3 THE COURT: All counsel are present and Dr. Margaret
4 McCarron is also present.

5 Did you have an opportunity to see Miss Atkins
6 again?

7 DR. McCARRON: Yes.

8 THE COURT: Do counsel have any questions they want
9 to ask the doctor before we go back into court?

10 (No response.)

11 Are we ready to proceed?

12 MR. BUGLIOSI: Is the doctor going to testify in
13 court, your Honor?

14 THE COURT: Yes.

15 MR. BUGLIOSI: Yes.

16 MR. FITZGERALD: We are ready.

17 THE COURT: Do you have any objection?

18 MR. FITZGERALD: I think maybe we can ask her this
19 question:

20 Has your opinion changed as a result of this
21 recent examination?

22 THE DOCTOR: No.

23 THE COURT: Very well, we will proceed.

24 (The following proceedings were had in open
25 court, all defendants and all counsel being present, the
26 jury being absent.)

1 THE COURT: All parties and counsel are present.
2 The jury is not present.

3 Dr. McCarron, would you come forward, please,
4 and be sworn.

5 THE CLERK: Would you raise your right hand, please.
6 Would you please repeat after me.

7 I do solemnly swear --

8 THE WITNESS: I do solemnly swear --

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

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

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

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

13 THE CLERK: -- before this Court --

14 THE WITNESS: -- before this Court --

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

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

17 THE CLERK: -- the whole truth --

18 THE WITNESS: -- the whole truth --

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

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

21 THE CLERK: -- so help me God.

22 THE WITNESS: -- so help me God.

23 THE CLERK: Would you be seated, please.

24 Would you please state your name.

25 THE WITNESS: Margaret Mary McCarron.
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MARGARET MARY McCARRON,
called as a witness by and on behalf of the Court, being
first duly sworn, was examined and testified as follows:

EXAMINATION

BY THE COURT:

Q What is your profession, Dr. McCarron?

A I am a doctor of medicine.

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Q What is your present position?

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A I am the assistant medical director at the

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Los Angeles County USC Medical Center and associate

4

professor of medicine at the University of Southern

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California Medical School.

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Q And what are your duties at the County Medical

7

Center?

8

A In addition to the administrative duties that

9

I have in medical administration at the Center, I am in

10

charge of the prison ward at the County Hospital.

11

Q Do you have any medical specialty?

12

A Yes, I do.

13

I am a Board certified internist and I am a

14

member, a Fellow, of the American College of Physicians.

15

Q Has Susan Atkins been under your care and

16

supervision during the past week or so?

17

A Yes.

18

Q Will you tell us when she first came under

19

your care?

20

A On Monday, three days ago.

21

Q That would be?

22

A The 31st of August.

23

Q And where did that take place?

24

A On the prison ward of the Los Angeles County

25

USC Medical Center.

26

Q When did she first arrive at the County

14-2

1 Medical Center from Sybil Brand? Do your records indicate
2 that?

3 A The first time that she came to the jail
4 ward?

5 Q Yes. In connection with the present complaints?

6 A It was last Friday.

7 Q And under whose supervision was she at that
8 time?

9 A At that time she was sent in for gynecological
10 examination, which was done by the consulting gynecologist.

11 Q And who was that?

12 A Dr. Ballard.

13 Q What complaints did Miss Atkins have in connec-
14 tion with her present condition?

15 A She complained of severe pain in her right side,
16 especially in the lower quadrant of the right side of her
17 abdomen, also going up into the upper portion of her right
18 side.

19 She said the pain was very severe.

14a fls.

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1 Q All right.

2 Can you tell us now what examinations were made of
3 her, either by you or by any of the other doctors?

4 A Yes.

5 Q Including any chemical or laboratory tests.

6 A Starting with Monday or starting with Friday?

7 Q No, starting with the day that she was admitted
8 at the County Medical Center.

9 A On Monday she was examined by the intern who was
10 on duty at that time and she was found to be complaining of
11 severe pain in her right side and the lower portion of her
12 abdomen.

13 I then examined the patient also, and we called
14 for a gynecological consultation.

15 Dr. Ballard had seen the patient on Friday.
16 So, I asked him to see her again.

17 On Friday, he thought that it was an enlargement
18 of her ovary and that she might have an ovarian cyst.
19 The patient had told us that she had had an ovarian cyst
20 in the past. So, we wanted him to check that.

21 We asked for another gynecologist to come and see
22 her, who is one of our chief staff gynecologists at the
23 hospital.

24 Q What is his name?

25 A Dr. Lester Hibbard.

26 She was examined by both physicians, and
Dr. Ballard, at that time, could not feel the mass that he

1 had interpreted as being her ovary on Friday, and he
2 thought that the pelvic examination was negative.

3 Dr. Hibbard then examined her and agreed with
4 Dr. Ballard and said that there was no evidence of any
5 pelvic pathology at all; specifically, no ovarian cyst.
6 Both ovaries and the uterus were normal, and that there
7 was no disease in the pelvis.

8 At the time that we had this examination, the
9 pain that she presented could have been due to a ruptured
10 ovarian cyst or a twisted one, and that is what we were
11 specifically looking for.

12 She did not have that.

13 We then went through a general internal medical
14 evaluation to see if we could find something else.

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1 She was complaining of pain in her side which
2 was aggravated by taking a deep breath, which is a symptom
3 that we sometimes find with pneumonia. So, we got a chest
4 X-ray and we listened to her chest, and she did not have
5 pneumonia.

6 She was tender on the right side and we could
7 feel some masses. She is thin and it is easy to feel.

8 We thought that we were dealing with fecal
9 material. We took an X-ray of her abdomen and found that
10 she was quite constipated, that the bowel was filled with
11 fecal material.

12 She had been having regular bowel movements
13 and the rectum itself was empty, but the material was
14 throughout the whole colon and apparently had been
15 difficult for her to pass.

16 We then got^a blood count and we repeated^a blood
17 count three times on her, and they are all normal.

18 There is a special test that we do called
19 the sedimentation rate, which is a non-specific test,
20 which is elevated whenever there is any disease process
21 going on in the body, and on two occasions that test was
22 normal.

23 We checked her blood chemistries, which were
24 normal, and her urinalysis, which was normal.

25 At this point, we thought that her trouble was
26 due to impaction of fecal material in her colon, but we

1 wanted to make sure that we were not missing an appendicitis
2 or regional enteritis, or some other significant surgical
3 lesion.

4 I then asked our professor of surgery to come
5 up and examine her and to go over the films and the labora-
6 tory findings with me, which he did, and he felt, as I
7 did, that she had a fecal impaction and that we should
8 treat her for this.

9 We gave her an enema on Monday night and she
10 returned quite a bit of hard rocky stool without much
11 relief of her pain.

12 We then gave her fecal softeners and other
13 medication for this problem.

14 We repeated her X-ray on Tuesday morning. Even
15 though we had returned quite a bit of stool from the enema,
16 we found that the X-ray examination on Tuesday of her
17 abdomen had not changed significantly from the day before,
18 and that she obviously needed more treatment.

15 fls.

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1 So we held her yesterday, and she had a series of
2 enemas and medication by mouth to empty the bowel.

3 A repeat X-ray was taken last night at about 7:00
4 p.m. which now showed that the fecal material had been
5 expelled.

6 This problem, we felt, was real and could have
7 contributed to some of her pain, and we felt this morning
8 that that had been taken care of.

9 She still continued to have the pain, and we
10 have no evidence for this pain being of an organic nature.

11 Q When did you last see Miss Atkins?

12 A Just a few minutes ago.

13 Q Is she presently undergoing any medical treatment?

14 A Before she came to court this morning I gave her
15 a tranquilizer.

16 Yesterday when she was having the pain we gave
17 her a tranquilizer which relieved the pain.

18 I saw her after the tranquilizer had been given
19 and her abdomen was soft, and the pain was gone and she was
20 relaxed.

21 THE COURT: From a medical standpoint, Doctor, is
22 there presently any objective evidence of any kind to indi-
23 cate that Miss Atkins is suffering from any physical
24 disability or illness?

25 A No.

26 Q In your opinion is Miss Atkins presently

1 suffering or experiencing any pain of any kind?

2 A I think she is experiencing some pain.

3 Q Would you describe the nature and the location
4 of that pain in your opinion.

5 A I think that she is having some pain from
6 anxiety, and that she is interpreting it as being in her
7 abdomen.

8 Q This would not be of a physical nature, is that
9 right?

10 A No.

11 Q It would not be?

12 A I do not think that it is of a physical nature.

13 Q In your opinion does she presently require any
14 medical treatment of any kind?

15 A I have advised stool softeners for her so that
16 she will not get impacted again, and I advised a mild
17 tranquilizer.

18 THE COURT: Any questions, Mr. Shinn?

19 MR. SHINN: Yes, your Honor.

20
21 CROSS-EXAMINATION

22 BY MR. SHINN:

23 Q Doctor, I believe you stated that you are in an
24 administrative capacity at the hospital, is that correct?

25 A Yes.

26 Q In other words, that is more in an office type

1 of a job?

2 A That part of it is, yes.

3 Q Then do you also go out and examine patients?

4 A Yes.

5 Q And how often do you do that?

6 A Every day.

7 Q And approximately how much time do you spend
8 examining patients every day, approximately?

9 A Approximately every day?

10 Q Yes.

11 A Out of an eight-hour day, four to six hours.

12 Q How many patients do you examine within that
13 four to six hours?

14 A Oh, maybe 12 to 15.

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1 Q 12 to 15 a day, Doctor? And is this confined to
2 a certain type of illness or is it just general?

3 A No, I am an internist. I examine patients on the
4 jail ward, and I also see patients in a consultation who are
5 ill on the medical wards of the hospital.

6 Q Then you are not certified as a gynecologist, is
7 that correct, Doctor?

8 A I am not a gynecologist. I am an internist.

9 Q I think you testified you examined Miss Atkins,
10 is that correct?

11 A Yes.

12 Q When was this first examination?

13 A On Monday, August 31st.

14 Q And did you, yourself, examine her or were other
15 doctors present when you examined her besides yourself?

16 A I have examined her several times since then,
17 sometimes by myself and sometimes with other doctors present.

18 Q I am speaking of the first time now, Doctor,
19 I believe that was on the 31st, you stated?

20 A Yes.

21 Q You examined her yourself with no other doctors
22 present?

23 A No.

24 Q And approximately how long was the examination,
25 Doctor?

26 A The examination, the first examination, there

1 were Dr. Ballard, Dr. Hippert, Dr. Lieberman, the intern
2 and I. It lasted about an hour and a half.

3 Q Now, you mentioned these other doctors.

4 What I want to know is how long you spent,
5 examining Miss Atkins yourself.

6 A On that particular occasion?

7 Q Yes.

8 A I think that is very difficult to answer.

9 Q Let me ask you this, Doctor.

10 A What do you mean by examination?

11 I took a history from her.

12 I examined her.

13 I did not do the pelvic. The gynecologist did
14 the pelvic. The intern took the blood pressure while I was
15 standing there.

16 I, myself, examined her abdomen.

17 I listened to her abdomen with a stethoscope.

18 I listened to her chest, if that is what you
19 mean.

20 Q That is what I mean, Doctor. How long did this
21 all take when you examined her yourself?

22 A I didn't do it all by myself. The entire
23 examination took about an hour and a half.

24 Q And you were present all during the
25 examination?

26 A I was present all the time, yes.

1 Q In what manner did you participate?

2 A I examined her abdomen; I consulted with the
3 other doctors that were there.

4 I checked the findings that the intern found on
5 the patient.

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15b-1

1 Q And how did you examine her, just with an
2 instrument?

3 A With a stethoscope in my hand, yes.

4 Q Did you touch the area where she stated there
5 was a pain?

6 A Yes.

7 Q Did you touch this area with your fingers?

8 A Yes.

9 Q When you did get to a certain area the pain was
10 more intense, is that correct?

11 A The pain was more intense on the right side,
12 that's correct.

13 Q And at that time did Miss Atkins tell you where
14 this pain was coming from?

15 A Yes.

16 Q And was this before you got the history, a
17 medical history, before examining her?

18 A The medical history is part of the examination.

19 Q In other words you had talked with Miss Atkins
20 before you examined her?

21 A Or while we were examining her. I don't
22 remember if it was before or after or during.

23 Q And did she tell you that she did have a
24 cyst about two or three years ago?

25 A Yes, she did.

26 Q On, I believe, the right side?

15b-2

1 A Right.

2 Q And did she tell you what happened the last

3 time she had a reaction on the cyst?

4 A Yes.

5 Q Did she tell you that she passed out?

6 A Yes.

7 Q And did she tell you that she went to a hospital?

8 A Yes.

9 Q And did you attempt to obtain the records from

10 the other hospital that you mentioned?

11 A No, I did not.

12 Q Is there a reason for that?

13 A Yes, because I was trying to evaluate her problem

14 at this time.

15 Q Wouldn't it have been better, Doctor, to get

16 those prior records and look at them and compare?

17 A No, I didn't see any reason for getting the

18 prior record.

19 That time happened right after she had delivered

20 a child. The situation was quite different.

21 If she had a cyst at that time and she did not

22 have one now, I didn't see any point in checking, getting

23 the records from the other hospital.

24 Q Well, isn't it customary, Doctor, to get prior

25 records of patients when new patients come to you, isn't

26 it customary?

15b-3

1 A It is customary if there was something positive
2 in the record that had a bearing on the case, yes.

3 Q I believe you stated she was also X-rayed?

4 A Yes.

5 Q What part of her body was X-rayed?

6 A She had one X-ray of her chest and three X-rays
7 of her abdomen.

8 Q Now, is it possible in X-raying a person to find
9 whether or not there is a cyst or a boil internally?

10 A We were not X-raying her to find out if there
11 was a cyst. You cannot see that on X-ray unless it is very
12 big.

15c fls.

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1 Q In other words, Doctor, are you saying that it
2 is not possible to X-ray a cyst?

3 A No, I'm not saying that.

4 I said that the purpose of the abdominal X-ray
5 was not to see a cyst. Most cysts of the ovary are quite
6 small and the consistency of the cyst is such that it does
7 not show on X-ray.

8 We were taking the X-ray to see if there was
9 anything else wrong with her.

10 Q But if there was a small cyst there, would the
11 X-ray show it?

12 A No.

13 Q Then, in other words, since you have not taken
14 an X-ray at this point, we don't know whether or not there
15 is a small cyst?

16 A No, that is not true.

17 We have had two gynecologists examine her, and
18 they have palpated perfectly normal ovaries.

19 That is the way we diagnose ovarian cysts.
20 We go in and feel the ovary and if the ovary is exactly the
21 right size and shape, there is no cyst.

22 Q That is not a conclusive test, is it?

23 A Yes, that is a conclusive test.

24 Q Now, do you know whether or not Miss Atkins
25 was given a thorough physical examination from head to toe?

26 A Yes, she was.

1 Q What type of examination was she given?

2 A A thorough physical examination.

3 Q Was she given an examination for the heart?

4 A Yes.

5 Q Lungs?

6 A Yes.

7 Q And how about -- was she --

8 A She was given a complete physical examination
9 starting with the general appearance, lips, skin, nose,
10 eyes, ears, oral cavity, neck, chest, heart, abdomen,
11 rectum examination, pelvic examination, extremities and
12 a neurological examination including all her pulses and
13 reflexes.

14 Q Was she given what they call an EEG?

15 A No, she was not.

16 Q Did a neurosurgeon examine her?

17 A No, there was no indication for a neurosurgeon
18 to examine her.

19 Q You stated that her pains were maybe psychoso-
20 matic.

21 A I stated that her pain that she came in with
22 on Monday I felt was due to a fecal impaction; that her
23 bowel was extended with very hard fecal material, and this
24 was giving her pain on her right side.

25 Q And now I believe you stated that you examined
26 her in court today, is that correct, Doctor?

1 A Yes.

2 Q How many minutes did that examination take?

3 A Just several minutes because she would not lie
4 down flat on her back but she had exactly the same findings
5 she had this morning when I examined her before she came to
6 court.

7 Q How did you examine her upstairs today?

8 A I felt her abdomen.

15d fls.

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1 Q You just felt the abdomen for about a second?

2 A For a couple of minutes.

3 Q For a couple of minutes, and you felt from that
4 examination, you felt she had no more pain now?

5 A Yes, I have been examining Miss Atkins on and
6 off for the past two days.

7 I have been seeing her at about two or three
8 hourly intervals.

9 Her entire physical examination has been
10 negative with the exception of her abdominal findings.

11 I have gone back and rechecked her abdominal
12 findings at 5:00 o'clock last night and at 7:30 this
13 morning, and all of her findings have been on that side.

14 I had examined her this afternoon when the Judge
15 asked me to see her, she has exactly the same kind of
16 complaint that she had this morning.

17 Q What was that complaint?

18 A She is tender on her side, and when you press
19 she complains of pain.

20 Q Did she complain of severe pain?

21 A Yes.

22 Q And you feel that from reading the medical
23 report and from you examining Miss Susan Atkins, do you
24 believe in your expert opinion that a pain exists?

25 A I think a pain did exist when she came in Monday.

26 Q I'm talking about the present time now.

3A2

1 Do you think that a pain still exists?

2 A This morning she was given a shot of normal
3 saline for this pain, and it relieved the pain.

4 She was given a shot of a tranquilizer yesterday
5 and it relieved the pain.

6 She has been given pain medicine which did not
7 relieve the pain.

8 This morning when I examined her she had been
9 eating her breakfast; she ate her breakfast completely, and
10 after breakfast complained of the pain again.

11 This pain is not consistent.

12 She sometimes sleeps, and claims that she has
13 not slept.

14 The nursing staff watched her yesterday, and
15 she will have an episode of severe pain, and the nurses will
16 say that she was not having pain, and she is sleeping,
17 and then when you ask Miss Atkins, she says she was in
18 misery all night, that she was tossing and turning with
19 pain.

20 She was complaining of pain this morning at
21 5:30, and one of the interns saw her.

22 She told me that she had complained bitterly of
23 pain since 3:00 o'clock. I checked that out with the
24 nursing staff and the doctor on call who was on the ward
25 working outside of her room until 4:30 this morning, and
26 there was no complaint of pain until 5:30.

1 At that time because he was not sure if it was
2 real pain or not, and we had been giving her pain medication
3 and also tranquilizers, he gave her an injection of normal
4 saline, and she went to sleep.

5 For that reason I think that the pain she is now
6 complaining of is not the same pain that she came in with
7 on Monday.

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1 Q But then, Doctor, would you agree that she does
2 have pain now?

3 A I think that she is saying that she has pain.
4 I find no organic basis for her pain.

5 Q Are you basing that on your short examination
6 upstairs?

7 A No. I am basing that on observing her over the
8 last two days.

9 Q Don't you feel, Doctor, that these pains may be
10 a psychosomatic type of pain?

11 A Yes.

12 Q In other words, a psychosomatic type of pain
13 is where, medically, there is no basis for the pain but the
14 patient feels that there is a pain and actually the patient
15 does suffer, does she not?

16 A Yes, I would agree to that.

17 I think that sometimes patients deliberately
18 put on and act like they have the pain, and other times they
19 have a type of anxiety reaction that is a psychosomatic
20 type of thing and they believe they are having some difficulty
21 but it is due to just anxiety, it is not due to a physical
22 illness.

23 And I would say that is what Miss Atkins has
24 now.

25 Q Doctor, won't you agree that these are not
26 intentional on the part of the patient?

1 A No, I would not agree completely that they are
2 not intentional.

3 I think that there is an element of anxiety
4 here, and I don't know how much is anxiety and how much is
5 intentional.

6 Q Then, would you classify this as a subjective
7 type of a pain?

8 A Yes.

9 Q Doctor, you stated that Miss Atkins had her
10 breakfast this morning; is that correct?

11 A Yes.

12 Q Were you there when she ate her breakfast?

13 A I was there when part of the breakfast was
14 eaten, and the nurse told me that she had eaten her break-
15 fast, and the nurse charted it on her chart. We go accord-
16 ing to what the nurse's statement is: "Ate all of breakfast,
17 cereal, eggs and coffee."

18 Q My question was, Doctor, that you did not see
19 her eat all of her breakfast, did you?

20 A I did not see her eat all of her breakfast.
21 I saw that her breakfast was by her bed, that half of it
22 was eaten when I was in there.

23 Q Were you present when she ate half her breakfast,
24 Doctor?

25 A No.

26 MR. SHINN: I have nothing further.

1 MR. FITZGERALD: I have some very brief questions.
2

3 CROSS-EXAMINATION

4 BY MR. FITZGERALD:

5 Q Doctor, I take it that the ostensible purpose
6 of prescribing tranquilizers is to make the patient
7 tranquil?

8 A Or relaxed.

9 Q Or relaxed?

10 A Yes.

16a flg. 10

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16A-1

1 Q And Miss Atkins was prescribed some tranquilizing
2 drugs?

3 A Yes.

4 Q Could you tell us what drugs she was prescribed?

5 A Yes. We gave her valium diazepam, which is a
6 tranquilizer relaxing drug. We gave her two injections of
7 that intramuscularly yesterday.

8 I recommended the same drug in smaller doses
9 orally on a continuing basis for her.

10 Q If a patient were prescribed tranquilizing
11 drugs, Doctor, wouldn't it be unusual or peculiar for that
12 same patient to cry?

13 A No.

14 Q It is not unusual for people to cry under the
15 influence of tranquilizers, Doctor?

16 A No.

17 Q It is, I take it, Doctor, your unqualified
18 medical opinion that there is no pathological origin for any
19 pain that Miss Atkins might be experiencing?

20 A We certainly cannot find any.

21 Q But there may be a pathological or organic
22 origin of the pain that you are unable to discover?

23 A It is impossible to say that you can be a 100
24 per cent sure of everything, but as sure as two internists
25 and two gynecologists and one surgeon can be, we think that
26 she has nothing that is either gynecologically, medically or

oA2

1 surgically wrong with her at this time.

2 Q And actually, Doctor, you adopted a diagnosis that
3 is outside of any of those fields, didn't you?

4 A No.

5 Q Well, if your diagnosis is that the origin of
6 the pain is an anxiety reaction, that is a psychological or
7 psychiatric diagnosis, is it not?

8 A Internists make that diagnosis all the time. They
9 probably make that diagnosis more commonly than psychiatrists.

10 Q In your role as an internist, Doctor, you are
11 frequently called upon to be a diagnostician, are you not?

12 A Yes.

16B

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16B-1

1 Q And you have frequently been unable to determine
2 the origin of a patient's pain, have you not, Doctor?

3 A Yes.

4 MR. FITZGERALD: Nothing further.

5 THE COURT: Any other questions?

6 MR. KANAREK: No questions.

7 MR. STOVITZ: Just one point.

8
9 CROSS-EXAMINATION

10 BY MR. STOVITZ:

11 Q Did Miss Atkins have any valium today?

12 A Yes, she did.

13 Q What time was it, Doctor?

14 A We gave her some just before she came to court.

15 Q 7:30 this morning?

16 A No, it was later than that. It was 9:10.

17 Q And the approximate dosage was what, Doctor?

18 A 7-1/2 milligrams intramuscularly.

19 Q And that is usually good for what, four hours?

20 A Four to six hours.

21 Q And she hasn't had any since?

22 A Not to my knowledge.

23 Q This type of tranquilizer in no way sedates the
24 patient, does it, Doctor?

25 A It is not a sedating drug.

26 Q And this type of tranquilizer is commonly called

1 what, Doctor, a mild tranquilizer? It is not like
2 thorazine, is it?

3 A No. It is a minor tranquilizer. It is more for
4 anxiety reactions.

5 Q And if a patient were to take, say, Doctor,
6 three doses of 7-1/2 milligrams a day, could she still be
7 alert and take part in normal activities such as typing and
8 performing her work, and things of that nature, Doctor?

9 A Yes, that is very possible.

10 I recommended 5 milligrams four times a day for
11 Miss Atkins.

12 Q And if a person were to go to work taking this
13 dosage, Doctor, they could perform their work such as
14 typing, bookkeeping, or anything of that nature; is that
15 correct?

16 A Well, you have to qualify that.

17 Sometimes after being on this for several weeks,
18 they get a little sedated. You have to watch the dosage.

19 MR. STOVITZ: Thank you.

20 MR. FITZGERALD: A few more questions.

21
22 CROSS-EXAMINATION

23 BY MR. FITZGERALD:

24 Q The tranquilizers are a drug that is indicated
25 for anxiety reactions; is that correct, Doctor?

26 A Well, there are several kinds of tranquilizing

1 agents. We have minor tranquilizers and major tranquilizers.

2 Major tranquilizers are the kinds like thorazine
3 which are used for psychotic illnesses; and minor ones are
4 used mainly for anxiety.

5 Q And you prescribed these tranquilizers, Doctor,
6 because you felt that the origin of Miss Atkins' pain was
7 anxiety; is that correct?

8 A I think the original origin of her pain was the
9 fecal impaction, and I think she is very tense and anxious,
10 and I felt that she needed tranquilizers, yes.

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16c-1

1 Q Doctor, you just said in response to a
2 question by Mr. Stovitz that a tranquilizer is indicated
3 in a situation where there is anxiety; is that correct?

4 A Right.

5 Q Well, in prescribing tranquilizers for Miss
6 Atkins, it didn't work, is that correct, Doctor?

7 A No, I didn't say that. I didn't say it
8 didn't work.

9 Q What is your opinion, Doctor, if she continues
10 to experience pain and to cry?

11 A Yesterday we gave her a tranquilizer. She
12 got it at -- well, I can't find it right now. But I
13 examined her at 5:00 o'clock and she had just had a shot
14 of Valium. I think it was 4:30. It was about that time,
15 anyway, or 4:00 o'clock.

16 I saw her between 45 minutes and an hour after
17 she had gotten the injection, and she was completely
18 relaxed.

19 When I examined her abdomen at that time, I
20 was able to press on it. She was not having pain.

21 She told me that for the first time she felt
22 well and she was not having the pain, and she was relaxed
23 and felt much better.

24 Q Was she relaxed when you examined her
25 approximately 45 minutes ago, Doctor?

26 A No, she was not.

16d fls. 23

16c-2

1 She was not this morning either.

2 MR. FITZGERALD: I have nothing further.

3 MR. STOVITZ: Nothing further, your Honor.

4 THE COURT: Anything further, gentlemen?

5
6 EXAMINATION

7 BY THE COURT:

8 Q Doctor, in your opinion, is any pain that Miss
9 Atkins may presently be suffering disabling to the extent
10 that she could not participate in this trial?

11 A In my opinion, no.

12 Q Or is it disabling to the extent that she could
13 not cooperate with her counsel in her defense?

14 A In my opinion, no.

15 Q Is there any medical treatment that she should
16 be undergoing from here on?

17 A I would recommend that she daily be given a
18 stool softener.

19 I think that sitting without any activity
20 increases constipation and could give her a recurrence of
21 the fecal impaction that she had, which we have now taken
22 care of, but to prevent the recurrence of that, I have
23 recommended a stool softener for her to take each night.

24 I also have recommended a mild pain relieving
25 drug which is a little stronger than aspirin called
26 acetominophen, and multiple vitamins, and one tablet of

16c-3

1 diazepam five milligrams four times a day.

2 Q Will this medication be given to her while she
3 is at Sybil Brand?

4 A Yes.

5 Q Do you advise any type of continuing physical
6 examination while she participates in this trial?

7 A No. Unless something else occurs.

8 I think that we have examined her adequately
9 to say that at this point there is no medical illness that
10 needs to be treated, and I don't see any point in keeping,
11 you know, repeating the examinations when they are all
12 negative.

13 THE COURT: Any further questions, gentlemen?

14 MR. FITZGERALD: Yes.

15
16 CROSS-EXAMINATION

17 BY MR. FITZGERALD:

18 Q What is the treatment for pain that is related
19 to anxiety reaction?

20 A A mild tranquilizer.

16e fls.

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16E-1

1 Q What if mild tranquilizers don't work, Doctor, as
2 they didn't in the case of Miss Atkins?

3 A They do work. Sometimes they work and sometimes
4 they don't.

5 I think that some of the times when they don't
6 work, I question whether she is having pain at that time.

7 MR. FITZGERALD: I have nothing further.

8 THE COURT: Anything further?

9 MR. SHINN: Nothing further.

10 THE COURT: Thank you, Dr. McCarron.

11 You may step down.

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

13 THE COURT: Yes.

14 MR. STOVITZ: Do counsel have any need for the medical
15 reports remaining, or may she take them with her?

16 May she take her medical reports with her?

17 THE COURT: Yes.

18 MR. STOVITZ: If necessary, a subpoena duces tecum
19 can obtain them.

20 THE COURT: They are available for any counsel that
21 needs them.

22 MR. FITZGERALD: She may wish to remain, your Honor.
23 Miss Atkins is going to testify.

24 We have no objection to her remaining, and maybe
25 she ought to in the event that Miss Atkins testifies.

26 MR. SHINN: It will be very short.

1 THE COURT: Do you intend to put her on?

2 MR. SHINN: Yes.

3 THE COURT: All right.

4 Would you wait, then, Doctor, just a few minutes?

5 DR. McCARRON: Yes, sir.

6 THE COURT: You may proceed, Mr. Shinn.

7 MR. SHINN: Thank you.

8 Call Miss Atkins.

9 THE CLERK: May the witness remain seated while she is
10 being sworn?

11 THE COURT: Yes.

12 THE CLERK: You may remain seated.

13 Would you raise your right hand.

14 Would you please repeat after me.

15 I do solemnly swear --

16 THE WITNESS: I do solemnly swear --

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

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

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

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

21 THE CLERK: -- before this Court --

22 THE WITNESS: -- before this Court --

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

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

25 THE CLERK: -- the whole truth --

26 THE WITNESS: -- the whole truth --

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

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

3 THE CLERK: -- so help me God.

4 THE WITNESS: -- so help me God.

5 THE CLERK: Would you please state your name.

6 THE WITNESS: Susan Atkins.

7 MR. SHINN: May I proceed, your Honor?

8 THE COURT: Is there any reason why Miss Atkins can't
9 get into the witness box?

10 MR. SHINN: I don't know, your Honor.

11 THE COURT: Then would you please step up into the
12 witness box, Miss Atkins?

13 (The witness leaves the wheel chair and sits in
14 the witness box.)

15 THE COURT: You may proceed, Mr. Shinn.

16 MR. SHINN: Thank you, your Honor.

17
18 SUSAN ATKINS,

19 a defendant herein, called as a witness by and on her own
20 behalf, being first duly sworn, was examined and testified
21 as follows:

22
23 DIRECT EXAMINATION

24 BY MR. SHINN:

25 Q Miss Atkins, do you hear me?

26 A Yes.

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Q Are you in pain now?

A Yes.

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1 Q Are you able to answer my questions?
2 A Yes.
3 Q And understand my questions that I ask you?
4 A Anything I don't understand, I will ask you to
5 repeat.
6 THE COURT: What was the answer?
7 (The answer was read by the reporter.)
8 BY MR. SHINN:
9 Q Now, when did these pains begin?
10 A Last Tuesday.
11 Q Last Tuesday?
12 A Yes.
13 Q And where are these pains located?
14 A In my right side, my right lower abdomen,
15 They go up underneath my rib cage. If I take a deep
16 breath, sometimes my heart will start fluttering.
17 And in my lower back. It goes up to my rib
18 cage in my back.
19 Q Have you finished?
20 A Yes.
21 Q How do these pains affect you physically?
22 A Physically, right now, I'd like to be a little
23 ball.
24 That is how it affects me. It hurts.
25 Q Are you able to walk because of these pains?
26 A If I could walk on foam rubber, I could walk

16f-2

1 fine.

2 Q How does it affect you mentally?

3 A Mentally?

4 Q Yes.

5 A I am doing everything I can to hold on to my
6 sanity.7 Q Are you able to listen and hear what the
8 proceedings are that are going on in court this morning?

9 A No. All I heard was a bunch of gobbledygook.

10 Q Did you have these pains before, say, years
11 ago?12 A After, shortly after I gave birth to my first
13 child, about a month later, I went into a state of delirium,
14 with pain. I went out of my head. I went into another
15 dimension.16 And I am doing everything I can to keep from
17 going to that place again because it is not very nice
18 there.19 Q And when was this, Miss Atkins? About two
20 years ago?

21 A '68.

22 Q Did someone tell you that you had a cyst or
23 something?24 A I didn't know I had anything with me until I
25 got to SBI, October 13th of last year.

26 Then, around November, I started complaining

16f-3

1 of pain to the doctor at Sybil Brand because I thought I
2 was pregnant.

3 He told me I wasn't pregnant.

4 He gave me a pelvic examination and he told me
5 that I had a cyst either in my tube or on my ovary.

6 He put me on medication, pain medication, and
7 he put me on, I think it was, some kind of antibiotic to
8 take down any infection, and I was put in the infirmary for
9 about four days.

10 Then I was released from the infirmary. Then I
11 was taken to lockup, special housing, protective custody,
12 for four months.

13 I got sick again, and I didn't eat anything for
14 ten days because I couldn't get off of the bed.

15 I was taken back up to the infirmary, and they
16 said it was an ulcer.

17 So, they put me on an ulcer diet.

18 I didn't have an ulcer, but I went ahead with
19 the ulcer diet, anything they said, because it doesn't matter
20 what I say is wrong with me, they are only going to believe
21 what they want to believe and only do what they want to do.

16g-fls.

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Q Miss Atkins, do these pains sometimes come and go?

2

A No. It is continuous.

3

Up until last night, and the night before that, I think Monday night, I was given something to go to sleep with, and it knocked me out, along with the Darvon, and two aspirins.

4

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About 4:00 o'clock in the morning on Monday I woke up. It didn't do me any good to yell or scream because there are other people in the ward and I didn't want to wake them up.

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So, I waited until the nurse came in to take my temperature and my blood pressure, and I asked her to please get me something for pain.

12

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14

I don't remember whether anything was brought in to me or not.

15

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17

All day yesterday I kept complaining of pain. I ate very little. What I didn't eat of all my meals, the girls around me took off of my tray and put it by their beds.

18

19

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Yesterday I was given -- Monday I was given an enema, and it didn't do very well.

21

22

23

Yesterday I was given another enema and some yellow gunk to drink to go along with it, and it took care of most everything.

24

25

26

Then the nurse came in with a syringe. And I had been watching and observing the other girls in the ward,

1 and their syringes usually have about a half inch to an
2 inch full of medication in it for pain.

3 Well, when the nurse came in to give me my shot,
4 which I felt was for pain, it was almost full.

5 She gave me a shot and the shot hurt, and I
6 guess about 10 or 15 minutes later I couldn't hardly stand
7 up.

8 She came in and she gave me another enema.
9 I barely remember having that.

10 Then the girls told me this morning that I was
11 taken out for X-rays and I was given another shot. I don't
12 ever remember having another shot. I don't remember having gone
13 to X-ray, and I don't remember ever having a third
14 enema like they say I did.

15 I woke up this morning about, I would say, any-
16 where between 3:00 and -- I will go along with the doctor --
17 5:00 o'clock in the morning, and I was hurting, and I was
18 hurting bad.

19 I went and I banged on the door. Nobody came.
20 So I went and crawled back in bed and I laid there.

21 One of the other girls in the ward got up and
22 she told me to go bang on the door again.

23 So I went and banged on the door again.

24 The nurse came in and she gave me what looked
25 like two white aspirins, and I curled up.

26 And it may appear to some people that I am

1 asleep. If I am curled up and I am not moving, I am not
2 moving because it hurts to move, and I am not asleep.

3 All during the two days that I was at Sybil
4 Brand, the nurse's report was that I slept fine and that I
5 ate fine. Well, I didn't sleep fine, I didn't move off the
6 bed, only to go to the bathroom, because to move was to
7 hurt.

8 If everybody wants to go ahead and think that my
9 pain is psychological, let them think my pain is
10 psychological. It is very physical to me.

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1 Q Do you know Dr. McCarron?

2 A Yes, I know her.

3 Q This doctor sitting here? (Indicating.)

4 A Yes.

5 Q Did she examine you?

6 A She came in with, I think, one doctor, and she
7 pushed my stomach, and I would take her hand and tell her not
8 to push because it hurt.

9 Then she would come in with another two or three
10 doctors, and they gave me pelvic examinations.

11 One doctor gave me a pelvic examination so bad
12 and so hard and so rough that he bruised me, and I have got
13 a bruise on my inside as well as the outside of my skin
14 tissue from where he was trying to feel if there was any-
15 thing on my cyst, on my ovary.

16 This doctor here, herself, told me yesterday
17 that there was a small growth on my ovary but it didn't
18 appear to be a cyst.

19 Q Now, these medications that the doctors give you,
20 do they relieve the pain?

21 A When they gave me what they call darvon, no,
22 it didn't relieve the pain.

23 They gave me a little cup of yellow stuff before
24 each enema, and that didn't relieve the pain.

25 The only time that I have been relieved of pain
26 was on Monday night when I got some liquid stuff that made

1 me go to sleep, along with two darvons.

2 I didn't sleep good. I woke up, and I would go
3 back to sleep, and I would wake up and I would go back to
4 sleep.

5 Every time somebody would walk into the room or
6 there was the slightest noise, I would wake up.

7 Then the pain started coming back early Monday
8 morning.

9 Last night, when they gave me those tranquilizers
10 and those two shots, I was out, I was out of it. I don't
11 remember doing anything.

12 I don't remember having a third enema. I don't
13 even remember the second shot after the first one.

14 Q Now, do these pains cause you to have headaches
15 or back aches or pain in your neck?

16 A Right now I have got an extreme back ache which
17 goes along with the pain on my right side.

18 Q Is this something that might give you headaches?

19 A I think I have had one bad headache.

20 Q And you feel, at the present time, that you are
21 in no condition to go ahead with the trial?

22 A If I could sit in this courtroom and not feel any
23 pain at all and be totally aware of what Mr. Bugliosi and
24 Mr. Stovitz and what the attorneys and the Judge and every-
25 body is doing in here, I would be glad to sit in here. But
26 right now, in the condition that I feel I am in, I cannot

1 sit in here.

2 Q Would you be more comfortable with a softer or
3 bigger chair or an inclining chair? Would that help?

4 A If you want to bring me in a hospital bed, yes,
5 I will stay in here.

6 MR. SHINN: I have nothing further, your Honor.

7 THE COURT: Any questions, Counsel?

8 MR. STOVITZ: No questions, your Honor.

9 MR. FITZGERALD: Nothing further.

10 THE COURT: You may step down, Miss Atkins.

11 Dr. McCarron, you are excused at this time.

12 If you will wait, Doctor, I will have Mr. Wilson
13 take you back to the hospital.

14 Anything further, gentlemen?

15 MR. STOVITZ: Nothing further, your Honor.

16 We do have some witnesses here and we would
17 like to know the pleasure of the Court.

18 We suggest that the evidence before the Court
19 shows that there is nothing organically wrong and that the
20 trial should proceed.

21 Perhaps with the new treatment and diagnosis
22 that will be followed at SBI, Miss Atkins will feel better
23 tomorrow, but she is physically able and mentally able to
24 be present during the rest of this trial for this afternoon.

25 MR. SHINN: Your Honor, in view of the evidence,
26 your Honor, I feel that even the doctor has stated that she

1 has pains. Maybe they are psychosomatic.

2 A person that has psychosomatic pains, your Honor,
3 although there is no medical basis for it, your Honor, the
4 doctor has testified that a person like this actually feels
5 the pain, and it may emotionally upset this person, your
6 Honor.

7 I believe, your Honor, that if there is no medi-
8 cal basis for her pains, it may well be that she has these
9 psychosomatic pains.

10 I think she should have a further examination by,
11 maybe, a psychiatrist, your Honor, because evidently --

12 THE COURT: If you wish to have such an examination
13 made, Mr. Shinn, you are free to do so, as I indicated to
14 you this morning in chambers.

15 As of this point, however, I find no evidence
16 whatever that Miss Atkins is physically incapacitated in any
17 way, nor is she suffering from anything that would keep her
18 from participating in the trial or from cooperating with
19 her counsel in her defense.

20 MR. SHINN: Your Honor, may the record indicate that
21 she was brought into court in a wheel chair, your Honor.

22 MR. STOVITZ: The record doesn't indicate anything.

23 When she first took the oath to testify as a
24 witness, she testified in a whisper, and by the time she was
25 through testifying, she was talking in an audible tone.

26 She understood, it appeared, every question you

1 asked her and she answered them in an intelligent manner.

2 MR. SHINN: The fact that she had the microphone
3 closer to her mouth toward the end of her testimony, your
4 Honor, is immaterial.

5 THE COURT: I have heard enough.

6 She is articulate, she is lucid, and she is
7 apparently perfectly healthy.

8 Let's call in the jury.

9 MR. SHINN: Very well, your Honor.

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1 (The following proceedings were had in open
2 court in the presence and hearing of the jury.

3 MR. STOVITZ: Your Honor, I checked with all counsel.
4 It is agreeable that Steven Wise remain in the courtroom
5 while Mr. Granado is testifying. They will testify to two
6 unrelated subjects.

7 THE COURT: Very well. The record will show all
8 parties and counsel are present; the jurors are in the jury
9 box.

10 You may continue, Mr. Bugliosi.

11 M. JOSEPH GRANADO,
12 having been previously duly sworn, resumed the stand and
13 testified further as follows:
14

15 FURTHER DIRECT EXAMINATION

16 BY MR. BUGLIOSI:

17 Q Officer, I believe we were on G14 when we left
18 off. What was G14?

19 A G14 was a blue men's pajamas tops.

20 Q Where did you find those?

21 A They were handed to me by the Coroner.

22 Q Did you examine them?

23 A Yes.

24 Q You found what?

25 A Human blood, type B.
26

17-2

1 Q Were these allegedly belonging to Leno La
2 Bianca?

3 A Yes.

4 Q Go on down the line, G15 through 24.

5 A G15 were leather shoe laces, appeared to be
6 boot type, approximately 42 inches long and they have
7 human blood, Type B also.

8 Q Where did you get these shoelaces?

9 A From the Coroner's representative.

10 Q You are not referring to leather thongs now?

11 MR. KANAREK: Just a minute, your Honor, may I have
12 that question read back, your Honor?

13 THE COURT: Read the question.

14 (Whereupon the reporter reads the question
15 as follows:

16 "Q You are not referring to leather thongs
17 now?")

18 MR. KANAREK: Your Honor, that is leading and sugges-
19 tive.

20 MR. BUGLIOSI: I don't know, I'm just asking.

21 BY MR. BUGLIOSI:

22 Q Are you referring to leather thongs when you
23 say shoelaces?

24 MR. KANAREK: Mr. Bugliosi is now testifying.

25 THE WITNESS: I don't know the difference.

26 THE COURT: Your objection is overruled. Let's

17-3

1 proceed.

2 THE WITNESS: To me they look like shoelaces. They
3 may be called thongs, I don't know.

4 BY MR. BUGLIOSI:

5 Q You are talking about G15 now?

6 A G15, yes.

7 Q I show you People's 241 for identification,
8 is that what you are referring to when you say G15, shoe-
9 laces?

10 A Yes.

11 Q Do these look like shoelaces to you?

12 MR. KANAREK: Just a minute, that is argumentative,
13 your Honor.

14 Mr. Bugliosi will have plenty of time, hopefully,
15 to argue to the jury.

16 What he is now doing is he is asking an argu-
17 mentative question.

18 THE COURT: The witness's function is not here to
19 describe the objects.

20 The objection is sustained.

21 BY MR. BUGLIOSI:

22 Q People's 241 for identification, these are the
23 laces or whatever you want to call them that you referred
24 to as shoelaces, is that correct?

A That is correct.

17a fls.

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1 MR. KANAREK: I object, your Honor. I object to the
2 paraphrasing or the use of whatever you want to call them,
3 it's argumentative.

4 THE COURT: Overruled.

5 Q BY MR. BUGLIOSI: And People's 241 appears as
6 G-15 in your record, is that correct?

7 A That is correct.

8 Q You found what type of blood on your G-15,
9 Exhibit 241?

10 A Human blood, type B.

11 Q What about G-16?

12 A G-16, blue pajama bottoms.

13 Q Were these from Mr. La Bianca, supposedly?

14 A Yes.

15 Q What type of blood?

16 A I don't have any blood or cuts indicated on this.

17 Q Go on down the line.

18 A G-17 were salmon-colored short nightgown,
19 approximately 6 1/2 to 3/4 of an inch holes in the back
20 and four 1/2 inch to 3/4 inch holes in the front.

21 I found human blood, type A.

22 Q Was this article allegedly from Rosemary
23 La Bianca?

24 A Yes.

25 Q Okay, you may continue.

26 A G-18 appears to me to be a housecoat, blue in

.7A2

1 color with white stripes.

2 Q From Rosemary?

3 A Yes, I also found it to be human blood, type A,
4 with numerous holes, eight in the front -- eight in the
5 back and four in the front.

6 G-19 was a white pillowcase with blood, human
7 blood, type A.

8 Q Was this the pillowcase that supposedly was
9 around Rosemary La Bianca 's head?

10 A That's correct.

11 Q And it had A type blood on it?

12 A Yes.

13 Q What about G-20?

14 A G-20 was electrical type wire used around the
15 pillowcase and neck area.

16 Q I show you People 's 239 for identification, is
17 this the electrical cord that you are referring to now in
18 your testimony?

19 A That appears to be it, yes.

20 Q Did you find any blood on this electrical cord?

21 A I don 't have anything indicated.

22 Q Okay.

23 A G-21 were possible blood stains on the door of
24 an apartment over the garage in the rear of the residence
25 which I found to be negative for Benzidine, no reaction.

26 G-22 were hairs taken from Rosemary 's hands by

17a3

?

1 Investigator Gallindo.

2 The right hand, right foot, again right hand,
3 chest for further analysis, and I performed this analysis at
4 a later date.

5 I found the hairs to be animal hairs.

6 G-23 was a cutter, a razor blade type cutter with
7 the name "Hill Brothers Coffee" on it, and that was given to
8 me to check for blood.

9 I found no blood present.

10 Then again, G-24, I have laces again, and they
11 were submitted to me for comparison, size and type.

12 THE COURT: Was the word "laces"?

13 THE WITNESS: Yes, shoe laces that were submitted to
14 me to compare with the ones that I had obtained from Leno
15 La Bianca.

16 Q BY MR. BUGLIOSI: When did you get those shoe
17 laces that you are referring to now?

18 A I have the date of 11-24-69, approximately
19 9:30 a.m.

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17b-1

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Q From whom did you receive those laces?

A Sergeant Patchett.

Q And you compared those laces with what?

A With the Leno La Bianca laces.

Q What conclusion did you reach?

A They appeared to be of similar size and shape and color.

Q Officer, did you find any blood on the premises of the La Bianca residence anywhere, with the blood type different from the blood types of Leno and Rosemary La Bianca?

A No.

Q So all the samples of blood you took when you examined the samples back at your office, they were either A or B or not blood at all?

A That's right.

Q The hairs that I showed you this morning, People's 192-A and B, and People's 199-A and B, did you cut those hairs at all?

A Yes.

Q So when you first received them they were not in the form that they presently are in, is that correct?

A That's correct.

Q You cut them and placed them in the slides in which they presently are, is that correct?

A That's correct.

17b-2

1 MR. BUGLIOSI: Your Honor, I have here a pair of
2 glasses that appear to have prescription lenses, may they
3 be marked People's next in order?

243 Id.

4 THE COURT: 243 for identification.

5 BY MR. BUGLIOSI:

6 Q I show you People's 243 for identification.
7 Have you ever seen those glasses before, Officer?

8 A Yes, I did.

9 Q Where did you see those glasses for the first
10 time?

11 A This was at the Tate residence on August 9th,
12 1969, and the pair of glasses were next to the trunks,
13 two trunks that were in the living room area of the
14 residence.

15 Q I show you People's 108 for identification, a
16 photograph.

17 Do you see those glasses in that photograph?

18 A Yes, that is the location they were at the
19 time I saw them.

20 Q You do see the glasses?

21 A Yes.

22 Q And they are next to the two blue trunks, is
23 that correct?

24 A That's correct.

25 Q Is this photograph a fair and accurate
26 representation of the way the glasses looked at the time

17b-3

1 you saw them?

2 A Yes.

3 Q In relation to the two trunks?

4 A That's correct.

5 Q Did you ever examine these glasses to determine
6 whether there was any blood on them?

7 A Yes, I did.

8 Q And what was the result of your examination?

9 A I did not detect any blood present.

17c fls.

10 MR. BUGLIOSI: No further questions, your Honor.
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CROSS-EXAMINATION

BY MR. FITZGERALD:

Q Is there anything peculiar or unusual about the glasses that have been marked for identification People's 243?

A Not to me.

MR. FITZGERALD: I have nothing further.

THE COURT: Mr. Shinn, do you have any questions?

MR. SHINN: Yes, your Honor.

CROSS - EXAMINATION

BY MR. SHINN:

Q Officer, you testified, I believe, Exhibit 199-A and 199-B and 192-A and B were similar, is that correct?

MR. STOVITZ: No, no, Counsel, you are talking about the hair slide, 192-A and 192-B; 199-A and 199-B.

MR. SHINN: I said that.

BY MR. SHINN:

Q I think you testified you had past experience regarding hair, Officer.

A Regarding to this hair or any hair?

Q To any hair.

A To hair, yes. I studied them.

Q I believe you testified you made comparison, what, 50 times?

A Yes, over 50 times on various types of crime

17c-2

1 scenes.

2 Q I believe you also testified that you did
3 testify in court regarding hair samples, is that correct?

4 A That's correct.

5 Q When was the last time you testified in court
6 regarding hair samples and hair comparison?

7 A I cannot recall, probably several months ago
8 on a hit and run.

9 Q Several months ago?

10 A Yes.

11 Q Between that time and this present time you
12 did not testify in court regarding samples of hair?

13 A Not testify, no.

14 Q You don't have any special education or
15 special training pertaining to hair, do you, Officer?

16 A None other than that of my own study in the
17 lab, and study in criminalistics.

18 Q Would it be fair to say that it is a do it
19 yourself type of training that you have?

20 A No.

21 AN ATTORNEY: A what?

22 MR. SHINN: A do it yourself type of training.

23 THE WITNESS: No, I don't think so, because the
24 graduate courses in advanced criminalistics was not
25 do it yourself.

26 Unknowns were given to you, and you do the

17c-3

1 best you can to get your information.

2 BY MR. SHINN:

3 Q In other words, it was a hit and miss type of
4 training that you had?

5 A Not a hit and miss, you have to get so many
6 right to pass the course.

7 Q And there is no scientific basis for your
8 conclusion when it comes to comparing hair, is there?

9 A It depends on what you mean by scientific
10 basis.

11 Q All you do is compare one hair and the other
12 hair and look and see if it is the same color and all
13 that?

14 A That's correct.

15 Q No scientific basis for your conclusion, is
16 that correct?

17 A I don't know. You will have to define
18 scientific basis to me.

19 Q Well, do you analyze the hair chemically?

20 A Not in this case, no.

21 Q Oh, you did not?

22 There are various types of tests you can give
23 hair, is that correct?

24 A That's correct.

25 Q I mean, to determine whether or not this
26 is the same type of a hair, correct, Officer?

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A Yes, that is correct.

Q What are those types of tests that you can give?

I'm asking you what types of tests do you know of?

A In this case I even ran a blood test. I found out what type of blood the individual that had this hair had, and that is a chemical test.

Q By the hair itself you can tell what type of blood the person had?

A That's correct, inside the medulla there is entrapped cellular material, and you can actually get the blood type from the hair of the individual.

Q What is the basis of your statement?

A Published literature.

Q Do you recall what published literature it was, the name, the person that wrote it?

A Not at this time, but I can get it for you and also there was work that I have done myself.

Q Now, what other type of test is there available that you know of?

A Microscopic.

There are tensile strength tests that we use to run the strength of the hair and compare it against other hair.

And this is a double test, it gives you the

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stretch and also how much weight is required to break it.
There is a test in microscopy/^{as}to the content
of the hair.

17d fls.4

17D-1

1 Q Now, when you say microscopically to the content
2 of the hair, what do you mean by that?

3 A Your medullary characteristics.

4 Your medulla, the shape of the medulla, the
5 internal consistency of the medulla, whether it is smooth or
6 whether it is grainy.

7 You have your color of the granules in the cortex
8 or the body of the hair shaft, and then you have tests in
9 the cuticle or the scale pattern of the hair.

10 Q These tests which you just mentioned, they are
11 not conclusive, are they, officer? There is a lot of room
12 for error?

13 A No, error is not conclusive at all.

14 Q In other words, all you can testify is this
15 hair may look like this hair, isn't that all, officer?

16 A That's correct, except for the blood typing
17 which if you have two hairs and you blood type them, then
18 you can differentiate sometimes if they are different blood
19 types, but then again you could have two people with the same
20 blood type.

21 Q You did not run a scale test in this case.

22 Do you know what a scale count is?

23 A I know what a scale count is.

24 Q You did not run a scale count?

25 A No, I did not.

26 Q What other type of test did you run to determine

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1 whether or not the hair was similar?

2 A What was that again?

3 Q What other type of test did you use to compare
4 two hairs to see if they are similar?

5 A I think I related them already as far as I can
6 recall.

7 Q Did you ever hear of the density test?

8 A Yes, that is used for hair, but not so commonly
9 as it is for paint and pieces of glass seen in traffic
10 accidents.

11 Q But they do use the density test, do they not,
12 officer, in determining hair?

13 A I don't know.

14 Q You don't know!

15 A It can be used, but I don't think it would be
16 very reliable because of the density of hair.

17 Q How about the refraction type of a test?

18 A Refractive index? That, again, is used for
19 glass and paint.

20 Q And also used to compare hair, too, isn't that
21 right, officer?

22 A It could if you read the literature by, I believe,
23 Paul Kirk.

24 Q Isn't it also true, Officer, that on a person's
25 head of hair that there are different types of hair even on
26 one's own scalp, isn't that right, officer?

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A That's correct.

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Q Different sizes, different colors, different lengths?

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A That's correct.

5

Q Some people would have gray hair, half gray, black hair, and even one or two red hairs, once in a while?

6

7

A That's correct, whether it belonged to them or some other individual transferred down.

8

9

Q Now, did you examine these hairs in Exhibit 192-A and 192-B, and 199-A and 199-B, to determine whether or not the hairs were torn, or they fell out loosely?

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11

12

Did you give that kind of examination?

13

Did you make that kind of a test?

14

A The one in the clothing appeared to have fallen out. There was no bulb present.

15

16

The one submitted to me for the exemplar did have the root bulb, and it was shriveled, and appeared to me to have fallen out naturally and not pulled.

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Q Did you examine all of these exhibits I just mentioned, both ends of the hair?

20

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A Yes.

22

Q Do you have the results of those examinations in your notes, Officer?

23

24

A I have the results of the examinations to what I thought it appeared to me and I submitted a report.

25

26

Q Couldn't you by looking at your notes now determine

1 whether or not you examined thoroughly Exhibit 199-A and
2 B?

3 A I studied both, 199-A and B.

4 Q In other words --

5 A It is the same hair.

6 Q Oh, it is the same hair?

7 A It is the same hair, cut up.

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1 Q Did you examine both ends?

2 A Yes.

3 Q Before you cut it off?

4 A That's correct.

5 Q What did you find on both ends?

6 A That is the one submitted to me from Sadie
7 Glutz, and that one had no bulb.

8 I felt it had broken off, and the end to this
9 hair looked like it was split.

10 Q When you say looked like it was split, what do
11 you mean?

12 A Splintered, not cut.

13 Q Did it look like a new hair or an old hair --
14 did the end taper off?

15 A I don't know if it was new hair or old hair.
16 It was not too new because does not spontane-
17 ously grow approximately eight inches.

18 Q Well, did the end appear to you to be cut,
19 I mean the other end now, not where the root was?

20 A It appeared to me it was frayed.

21 I could not tell if it was cut or not. It was
22 frayed. This happens when you comb it.

23 Q Did it taper off to a fine edge or did it just--

24 A The hair tapered from the bottom part of the
25 hair, there was a tapering from one end to the very other
26 end.

bulb?

1 Q And how long was this hair when you first
2 received it?

3 A The hair of Sadie Glutz?

4 Q I believe that is 199-A and -B.

5 A The hair that I mounted was approximately
6 nine inches long before I cut it off.

7 Q Could you tell by just looking at the length
8 of the hair whether or not it was a male or female hair?

9 A Not these present days.

10 Q You mean men keep their hair looking just
11 like a woman, is that what you're saying?

12 A Yes.

13 Q So when you got this hair you did not know if
14 it was a male or female hair?

15 A That's correct, I assumed it was a female
16 because of the name, Sadie Glutz.

17 Q Without looking at the name, just by looking
18 at the hair itself.

19 A Looking at the head?

20 Q Looking at the hair itself you cannot tell
21 whether it is male or female.

22 A Not by itself, no.

23 Q What other characteristics did you find out
24 about the hair, 199-A and -B, before you cut it up?

25 A Before I cut it up?

26 Q Yes.

1 A The size, I measured it.

2 Q And did you examine the end very closely?

3 A For what?

4 Q For anything you found.

5 When you get a piece of hair what do you look
6 for, Officer?

7 A When I get a piece of hair I usually look
8 for similarities or dissimilarities, either they look
9 alike or they don't look alike.

10 Q In other words, you don't look for bleaches,
11 for dirt, for grease?

12 A I wash the hair to remove the grease, using
13 ethanol and ether combination, 50-50.

14 Q And you don't know whether or not this hair
15 was dyed, you did not give it a test?

16 A It was not dyed because I looked throughout
17 the length of the hair.

18 There was no differences of color.

19 When you have a bleaching you have a two-tone
20 type of hair.

21 If you have a blond bleach you have a blond
22 hair at one end and the person's normal color at the other.

23 This was all one color.

24 Q Isn't it a fact, Officer, that horse's hair,
25 cat hair, dog hair look similar to human hair?

26 A That is not a fact.

1 Q That is not a fact?

2 A That is not a fact.

3 Q There is no similarities at all?

4 A No similarity at all.

5 The size of the medulla is different in
6 animals.

7 Q Can you determine age by looking at a hair?
8 Can you determine a person's age?

9 A No, you would have to know the rate at which
10 that particular person's hair grows, then you can interpolate
11 how old the hair would be then.

12 Q How about by examining the hair and giving it
13 various types of tests, you can determine the person's
14 age, can you not, Officer?

15 A I don't think so, I don't think hair is like
16 a tree. You can look at the rings.

17 Q Now, I believe you testified about these two
18 hairs that you compared, 199-A and -B, against 192-A and
19 -B.

20 You came to your conclusion that it looked
21 similar because, No. 1, the color, is that correct?

22 A That's correct.

23 Q And, No. 2, the length?

24 A The approximate length is the same, yes.

25 Q And, No. 3, the diameter?

26 A That's correct, and also the medulla.

1 Q And you stated that you did not give it a
2 scale count, what they call a scale count?

3 A I know what a scale count is. There are various
4 ways to do it.

5 But I did not perform a scale count on these
6 hairs.

7 Q And you did not perform a density test?

8 A No density test.

9 Q And you did not perform a refraction test?

10 17f fl. A No refractive index, no.

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1 Q And it is very difficult, is it not,
2 Officer, to say that two pieces of hair came from the same
3 person. It is very, very difficult.

4 A That's correct.

5 Q In other words, you are just guessing that
6 it may be similar, is that correct?

7 A That is correct.

8 MR. SHINN: I have nothing further.

9 THE COURT: Mr. Kanarek, do you have any questions?

10 MR. KANAREK: Yes, your Honor.

11
12 CROSS-EXAMINATION

13 BY MR. KANAREK:

14 Q Officer, these glasses, is it your information
15 that these came from the Tate house?

16 A I saw them there.

17 Q Well, in other words, Mr. Bugliosi in his
18 examination of you, you are supposed to be testifying about
19 the La Blancas this afternoon, right?

20 A I don't know, I testified to both cases.

21 Q These glasses, in fact, were found at the Tate
22 residence as far as your information is concerned, right?

23 A That is where I saw them.

24 Q They are supposed to belong to a man with a head
25 about the size of a basketball, isn't that your information?

26 MR. BUGLIOSI: Assumes a fact not in evidence, your

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Honor.

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2 MR. KANAREK: This man is an expert. He testified to
lots of hearsay --

3
4 MR. BUGLIOSI: He doesn't testify as an expert on
glasses, Mr. Kanarek.

5
6 THE COURT: Sustained.

7
8 Q BY MR. KANAREK: Did you find these glasses at
the Tate residence, Officer?

9
10 A I cannot say I was the only one. I saw them
there. The first time I saw those glasses they were at the
Tate residence in the living room next to the trunks.

11
12 MR. KANAREK: Somehow the prosecution has not seen fit
to mark these, your Honor.

13
14 MR. FITZGERALD: Yes, they are, 243 for identification.

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16 THE COURT: 243, Mr. Kanarek.

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18 MR. KANAREK: I'm sorry. May I approach the witness,
your Honor?

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20 THE COURT: You may.

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22 Q BY MR. KANAREK: Officer, is it a fact, Officer,
that there has been an extended effort made to find out the
person to whom those glasses were prescribed?

23
24 A Is that whether I have done it?

25
26 Q No, to your knowledge.

A I don't know.

Q Mr. Bugliosi has asked you about a lot of things
here -- is it to your knowledge, Officer, that there has been

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1 an attempt made, an extended attempt made to find out the
2 person for whom those glasses have been prescribed?

3 MR. STOVITZ: You are not talking about personal
4 knowledge of his own?

5 MR. KANAREK: Well, your Honor, he has been fed all
6 kinds of hearsay.

7 THE COURT: State the objection, Mr. Stovitz, and you
8 will avoid this difficulty.

9 MR. STOVITZ: I object to the question as being
10 ambiguous, whether he is talking about personal knowledge.

11 THE COURT: Do you understand the question?

12 MR. BUGLIOSI: To save time the People would stipulate.

13 MR. KANAREK: Your Honor, counsel knows it is improper
14 to offer any stipulation.

15 THE COURT: Do you understand the question,
16 Mr. Granado?

17 THE WITNESS: Yes.

18 THE COURT: The objection is overruled. You may
19 answer the question.

20 THE WITNESS: As far as I know I gave the glasses to
21 one of my colleagues, Dwayne Wolfer, and he was to find the
22 formula of the glasses.

23 Now, that is the extent of what I know about
24 these glasses.

25 From there I don't know who took them until I
26 came to this courtroom I did not know where these glasses

17F4

1 were.

2 Q BY MR. KANAREK: Now, Officer, would you tell us
3 where in the Tate residence you first saw these glasses?

4 A In the Tate living room near the entry.

5 MR. KANAREK: May he step to the board, your Honor, and
6 mark the place that he found them?

7 THE COURT: Is the diagram on the board?

8 MR. STOVITZ: Yes, it is, it is still here, your
9 Honor.

10 THE COURT: Very well.

11 THE WITNESS: I found the glasses in front of a pair
12 of trunks in this area here.

13 MR. KANAREK: Your Honor, may the officer put a circle
14 there and draw a line to the free area and then put a GG,
15 one G for glasses and the other G for Granada?

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1 MR. STOVITZ: Counsel, I believe that has been done
2 on People 's Exhibit 8 for identification.

3 THE COURT: Instead of writing "G," why don't you just
4 write glasses?

5 MR. KANAREK: May he then draw a line to the free area
6 and draw a G for Granada?

7 THE WITNESS: I put the G next to the glasses.

8 MR. KANAREK: Thank you.

9 (Witness resumes witness stand.)

10 MR. KANAREK: May I approach the witness, your Honor?

11 THE COURT: You may.

12 Q BY MR. KANAREK: Now, Officer, directing your
13 attention to these glasses, then, and your notes from which
14 you testified -- is there any mention in your notes con-
15 cerning these glasses?

16 A No.

17 Q You made no mention --

18 A No, I turned the glasses over to Dwayne Wolfer
19 who has more experience in this field of correction of
20 glasses, and various formulas.

21 Q Would you tell us when it was that you turned
22 these glasses over to Mr. Wolfer?

23 A Yes, immediately after I received the property
24 from Central Property, and that would be approximately the
25 same time I received the radio.

26 That would be, I believe, around the 11th or the

1 12th of August when I first saw them in Property.

2 Q And is it a fair statement, Officer, that these
3 glasses are prescription glasses?

4 A They appear to be.

5 Q They appear to be glasses as far as both lenses
6 are concerned which were prescribed by an optometrist or an
7 ophthalmologist --

8 MR. STOVITZ: That calls for a conclusion, whether
9 they were prescribed by an ophthalmologist, an optometrist,
10 or whether they were bought at Woolworth's.

11 He cannot testify to that.

12 MR. KANAREK: He testified as to his qualifications.
13 He testified as to hair.

14 MR. STOVITZ: I also submit it is a conclusion,
15 whether it was prescribed by an ophthalmologist or
16 optometrist or bought at Woolworth's.

17 THE COURT: Sustained.

18 Q BY MR. KANAREK: Officer, what is your title
19 in your work?

20 A Criminalist would be my assignment, or forensic
21 chemist.

22 Q But you are a criminalist, isn't that right?

23 A That's right, not a criminal, a criminalist.

24 Q I did not say criminal, I said criminalist.

25 I'm sorry if you misunderstood me.

26 I think the record will reveal I did say
criminalist.

1 And you have testified here concerning hair,
2 concerning shoe laces, concerning blood.

3 Now, in your work as a criminalist, have you on
4 occasion studied glasses?

5 A I have studied glasses but not glasses --

6 Q In your work as a criminalist you never have
7 attempted to use that to examine frames or the lenses in
8 glasses for any purpose in connection with your work?

9 A Yes, I can run the frames for the molecular
10 structure or the chemical plastic that is present, I can
11 run the glass for a comparison analysis, emission spectro-
12 graph, density, radiant, reflective index.

13 But I don't make an analysis of corrections or
14 formula for various glasses.

15 Q In other words, are you telling us that you
16 don't pretend to prescribe glasses, is that what you are
17 saying?

18 A That is out of my field.

19 Q But you do, and you have in your work/ⁱⁿcases
20 other than this case, you have analyzed the frames and
21 lenses of glasses?

22 A Broken pieces on hit-and-run, for instance.

23 You find some pieces of glass and you try to
24 compare them back to the victim or the frames or chips off
25 of the frame of a glass, and then you chemically try to
26 identify it and see if it is the same type of material as

1 that of the victims.

2 Q And you have done that in connection with your
3 work as a criminalist for the Los Angeles Police Department?

4 A That's correct.

5 Q And you testified in court concerning these
6 matters, is that correct?

7 A I don't know if I testified in court for that,
8 some of these get stipulated out of court.

9 Q In any event it is part of your work?

10 A That is correct.

11 Q Now, did you run a refractive index as far as
12 these glasses are concerned?

13 A No.

14 Q And did you do any work in connection with the
15 frames as far as this case is concerned?

16 A No.

17 Q You say you turned all of that over to Mr. ---

18 A --- Dwayne Wolfer.

19 Q What is Mr. Wolfer's title?

20 A He is a criminalist with, I guess, some 20
21 years on the Police Department.

22 He is a professor in criminalistics at Long Beach
23 State College.

24 He is about to retire in January.

25

26

17h-1

1 Q Would you say you and he were on the same
2 level rank-wise in the Los Angeles Police Department?

3 A Except for seniority I would say so.

4 Q In other words, he is a criminalist and you
5 are a criminalist?

6 A Yes.

7 Q And how long to your knowledge did Mr. Wolfer
8 have these glasses in his possession?

9 A I don't know.

10 Q Well, after you gave them?

11 A That is the last I have seen of them.

12 Q And do you remember when that was?

13 A It was about, I would say, I would have to
14 check the property card for an accurate date.

15 I would say it was August 12, or 13, 1969,
16 when I picked up all of the evidence from the scene that
17 the detectives have booked to property.

18 I brought it to the lab -- I brought up each
19 item to see what I can get out of it as evidence. I took
20 up these glasses and I knew that Wolfer had done this type
21 of work in other cases, try to run down the manufacturer
22 and who had prescribed this formula.

23 Q Have you finished?

24 A Yes.

25 Q When you first found these glasses at the
26 Tate residence did you cause the latent people to dust them

17h-2

1 for prints?

2 A Yes.

3 Q Who were the people that you caused to dust
4 these glasses for prints?

5 A The people from our latent prints section from
6 the investigative division.

7 Q Can you tell us the names of the people that
8 you asked to dust these for prints?

9 A I cannot recall the name -- probably if I
10 heard it I could recall it.

11 But I cannot think of it offhand. I know
12 somebody did dust them after they had finished, I checked
13 them for blood.

14 Q Checking all of the written material that you
15 brought to court today -- I will withdraw it and ask you:

16 Do you know, were any reports made by the Los
17 Angeles Police Department concerning the results of testing
18 these glasses for fingerprints?

19 A I don't know.

20 You will have to refer it to the latent people,
21 the fingerprint people, that is out of my bag.

22 Q Well, now, the instruction or the request that
23 you made, was that done in writing?

24 A The request I made?

25 Q Yes.

26 A No, I placed them on the trunks, I said

17h-3

1 "Would you reduce these for me?"

2 It was done.

3 Q You say you placed them on the trunks?

4 A On the pair of trunks.

5 I picked them up with some tongs so I would
6 not get my fingerprints on them and placed them on the
7 trunks for the fingerprint man to check them.

8 Q You are referring to the trunks mentioned in
9 People's 8?

10 A That is in the diagram, yes.

11 Q And the prints -- I will withdraw that and ask
12 you:

13 Were any fingerprints checks made by the Los
14 Angeles Police Department personnel right there at the
15 scene within your view or vision?

16 A I saw them dusting them, but what the results
17 were I don't know.

18 Q I see, and you have never inquired, is that
19 correct, from that date to this day?

20 A That is correct.

21 Q And after you gave these glasses to these
22 people to be dusted, was it one or was it more than one
23 person or one person that dusted these glasses?

24 A There was more than one person at the scene
25 dusting fingerprints.

fls.

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18-1

1 Q But with respect to these glasses, Officer, was
2 there more than one person working on these glasses?

3 A No. There was one person.

4 Q You kept no log of this, did you?

5 A This is out of my field.

6 Q I see.

7 Then after you gave these glasses to the person
8 or persons to analyze these glasses for fingerprints,
9 Officer, did you leave the immediate area of the person,
10 the trunks and the glasses, and go about doing something
11 else in connection with the investigation?

12 A Yes.

13 Q Yes?

14 A Yes.

15 Q That is, you didn't stay there and watch
16 whatever was done, if anything, in connection with these
17 glasses?

18 A No.

19 Q Is that correct?

20 A Yes. I went along and conducted the rest of
21 my examination for evidence, and when he had finished,
22 I came back and checked the glasses to see if there was
23 any reaction to benzidine.

24 That was it. That was the last I saw of
25 the glasses until I picked them up at Central Property.

26 Then I handed them to Wolfer, and then did

1 not see those glasses until in court here.

2 Q All right.

3 Now, you checked these glasses for benzidine?
4 That is, you gave them the benzidine test that you have told
5 us about in this courtroom; is that correct?

6 A That is correct?

7 Q Right?

8 A Yes.

9 Q Do your notes indicate when you ran this benzi-
10 dine test?

11 A I ran this test on the day I was there.

12 Q The day you were there?

13 A That was 8/9/69.

14 Q That is, you ran the benzidine test right at --

15 A That is the only day I was there.

16 Q Pardon?

17 A That was the only day I was there, so it was
18 that day.

19 Q I sec.

20 Did you put in writing the results of that
21 benzidine test?

22 A No.

23 Q Anywhere?

24 A No.

25 Q The results of that benzidine test is in your
26 memory only; is that correct?

1 A I didn't handle the glasses from there on so
2 I was not concerned with it.

3 Q I am not criticizing you, Officer. I am merely
4 trying to elicit information.

5 Is it a fact that you examined these glasses,
6 ran a benzidine test, and then did not reduce to writing
7 whatever the results may have been of that test?

8 A That is correct.

9 Q And so you are now testifying completely from
10 your memory as to the benzidine test on these glasses?

11 A That is correct.

12 Q Is that correct?

13 A Yes.

14 Q Now, directing your attention to these glasses,
15 Officer, would you tell us, how did you run this benzidine
16 test? Did you immerse all of the glasses in --

17 A No.

18 Q What did you do in connection with that test?

19 A I checked the frame and outer area of the frame
20 with a wet swab. Then I subjected the swab to the benzidine
21 reagent, two steps, using the benzidine chemical base, and
22 also the H₂O₂, which is hydrogen peroxide, and there was no
23 reaction.

24 So, in my opinion, there was a negative
25 reaction. Therefore, no blood present.

26 Q All right.

1 Now, did you do this before or after you asked
2 the people there to analyze these glasses for fingerprints?

3 A After.

4 Q You did this after?

5 A After it was checked for prints.

6 Q I see.

7 Now, you had a conversation with someone con-
8 cerning running prints on the glasses; is that correct?
9 And then you came back at a later time and analyzed the
10 benzidine?

11 A Yes.

12 Q How did that work?

13 A Well, it wasn't a later time. The time span
14 was not that great.

15 The glasses, I placed them on the trunks.
16 Then I went looking around.

17 At that time, then, I found the knife and had
18 the knife photographed.

19 The knife I placed on the counter or wet bar,
20 and I had them checked, the knife also, checked for prints.

21 Then I came back to the glasses when he had
22 finished with them, and at that time I checked the glasses
23 for blood.

24 Then I went over to the knife.

25 He had finished taking the dusting of the knife
26 then, and then I checked the knife for blood.

dA-1

1 Q So that how soon, officer, after you cast your
2 eyes upon these glasses did you call the fingerprint
3 people to analyze these or to scrutinize these glasses for
4 fingerprints?

5 A Well, first I had them photographed in the same
6 area and in the same position that I saw them.

7 After I had them photographed, I placed them on
8 the trunks.

9 Then I called for one of the print men to come
10 over and dust them for me.

11 Whatever that took, I don't know, 10, 15 minutes,
12 whatever.

13 Q Have you finished your answer, Officer?

14 A Yes.

15 Q All right.

16 Now, directing your attention to the time after
17 you spotted these glasses and directing your attention to
18 your state of mind when you were thinking about getting
19 them photographed.

20 Did you have to go to a telephone or --

21 A No.

22 Q How did you get the people who did the photo-
23 graphing of these glasses?

24 A They were there. I just asked the guy to come
25 over and photograph them.

26 Q In other words, were they on the premises?

A That is correct.

18a2

1 Q How far did you have to go from the place where
2 the glasses were to get them?

3 MR. STOVITZ: That is immaterial, your Honor. I
4 object to the question.

5 THE COURT: Overruled.

6 You may answer.

7 THE WITNESS: I don't know if they were in the same
8 room or in an adjacent room at the time.

9 MR. KANAREK: Q In other words, you may
10 have had to leave the room after you saw these glasses in
11 order to get the photograph people to come to the glasses
12 and take a picture; is that right?

13 A I can't recall.

14 Q That is possible, though?

15 A That is possible.

16 Q Now, what time of the day or night did you get
17 to the Tate residence?

18 MR. STOVITZ: That has already been asked and answered,
19 your Honor. I object to the question as immaterial.

20 THE COURT: Overruled.

21 MR. KANAREK: I don't believe I have asked that,
22 your Honor.

23 THE COURT: Overruled.

24 THE WITNESS: Approximately 10:00 o'clock. 10:00 a.m.

25 MR. KANAREK: Q And when you got to the Tate
26 residence, Officer, is it a fair statement that there were

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1 other police officers there?

2 A Yes.

3 Q How many other police officers were already at
4 the scene when you got to the Tate residence?

5 A I don't know. I never made a count of the
6 actual manpower there.

7 Q Could you give us an estimate of the number of
8 people that were at the Tate residence when you got there?

9 MR. BUGLIOSI: That is beyond the scope of direct,
10 your Honor.

11 THE COURT: I think we are getting beyond the scope,
12 Mr. Kanarek.

13 MR. KANAREK: Well, your Honor, I believe that it is
14 within the ambit of the direct, because we have a right to
15 inquire to see if police personnel -- it is a reasonable
16 inference that if these glasses were there when this offi-
17 cer got there, they were there prior to the time that he
18 came there, and I think it is most interesting to inquire
19 how many people may have come in contact with these glasses
20 and what they did with them, and I think it is permissible,
21 it is one way to find that out.

22 THE COURT: It is beyond the scope of the direct.

23 The objection is sustained.

LBB

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1 MR. KANAREK: Q Well, directing your
2 attention, Officer, to your notes.

3 Do your notes indicate to you, Officer, at what
4 time the first Los Angeles police officer came to the
5 scene?

6 A No.

7 Q No?

8 A No.

9 Q Do you know of your own knowledge?

10 A No, I don't.

11 Q You show that -- you say that these glasses were
12 sitting on the trunks, the trunks that you have indicated;
13 is that correct?

14 A Sitting on the trunk when?

15 Q When you first saw them, you saw them immediately
16 adjacent to or on the trunks?

17 A I think I testified to adjacent to them, on the
18 floor.

19 Q Adjacent to them?

20 A Yes.

21 Q Would you show us, when you first saw these
22 glasses, would you open and shut them to the position that
23 they were in when you first saw them?

24 A I believe it is in the photograph.

25 Q Well, will you show us?

26 A I think they were open and they were lying

8B2

1 something like this, and the trunks were this way.

2 Q So, the glasses were face down; is that
3 correct?

4 A Yes.

5 Q And the stems --

6 A These were up.

7 Q The stems were up?

8 A Whether they were this way, or facing inward,
9 I can't recall, but I know these things were up.

10 Q The stems?

11 A Yes.

12 MR. STOVITZ: By "these things," Counsel, would you
13 call those the stems or the arms?

14 MR. KANAREK: Pardon me?

15 MR. STOVITZ: Are they called the stems or the arms?

16 MR. KANAREK: What are they called, Officer?

17 THE WITNESS: I don't know.

18 MR. KANAREK: All right.

19 MR. STOVITZ: Very well.

20 MR. KANAREK: Q Now, Officer, directing your
21 attention -- may I ask you this, Officer: Is it a fair
22 statement that hair can be examined and compared using
23 computer techniques?

24 Are you aware of this, Sergeant?

25 A This is possible.

26 Q And is it a fair statement that you have not

1 used the computer techniques that are available in
2 connection with the hair analysis you have discussed with
3 us this afternoon?

4 A I don't have them available.

5 Q Well, what I am saying is, Officer: You don't
6 carry a computer in your vast pocket, do you?

7 A I don't even have access to a computer.

8 Q You mean, the City Council, the Los Angeles
9 City Council, would refuse you the right, the power, to
10 use any computer techniques?

11 MR. BUGLIOSI: That is irrelevant. It calls for a
12 conclusion and is argumentative, your Honor.

13 THE COURT: Sustained.

14 MR. KANAREK: Q Well, in any event, to your
15 knowledge, as a criminalist, you are aware that there are
16 these computer techniques which are used to compare hair,
17 to determine --

18 A The recent literature cites some, various ways
19 you can input material or data into a computer and then try
20 to compare the data or output of the computer.

18c-1

1 Q Right.

2 And whatever those techniques are, Officer, you
3 certainly haven't used them; right?

4 A No, I did not use them.

5 Q Now, you testified, Officer, that on 11/24/69
6 you received what you call laces; right?

7 If my notes are correct, I think that is what
8 you testified.

9 A 11/24 I received some laces to compare, yes.

10 Q Now, you have told us, Officer, that they are
11 similar.

12 I think in an answer to a question by Mr.
13 Bugliosi, you said something about they were similar.

14 A Here are the laces. They appear to be similar
15 to those that you are holding there.

16 Q All right.

17 Now, my question is: As to the laces, did you
18 run any chemical test?

19 A No.

20 Q You ran no tests to determine the hide, the
21 properties of the material, as to this comparison?

22 A No.

23 Q And so, when you say they are similar, you are
24 merely saying that they are laces; right?

25 A No, I am not saying that.

26 I am saying that the outward physical

1 characteristics appear to be similar, the same color, the
2 same --

3 Q You mean they are all brown?

4 Is that about it, Officer?

5 A They are brown and yellow.

6 Q They are brown and yellow?

7 A Yes.

8 Q All right.

9 Have you done any research in connection with
10 laces to determine whether there is, in the business
11 community, extensive use of laces that are brown and yellow?

12 A I think that was done by someone else. I
13 didn't do it.

14 Q I see. So, then, are you telling us that part
15 of what you are telling us is really based upon some
16 informal discussion you have had with somebody else?

17 A No.

18 The detectives took a part of the shoelaces,
19 and they were to bring me shoelaces that look similar,
20 and I got this set that looked similar.

21 MR. KANAREK: I see.

22 Now, may I approach the witness, your Honor?

23 THE COURT: Yes, you may.

24 MR. KANAREK: Thank you.

25 BY MR. KANAREK:

26 Q Now, directing your attention to these laces

1 that you speak of here, Officer, these laces were given to
2 you on November the 24th, 1969; is that correct?

3 A That is what my notes reflect, 11/24/69.

4 18d fls.

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1 Q And you don't have any knowledge of the history
2 of these laces, do you?

3 A No.

4 Q No?

5 A No.

6 Q You have no knowledge -- as a matter of fact,
7 you just pulled them out of your pocket; is that correct?

8 A Yes.

9 MR. STOVITZ: May we, with the Court's permission,
10 Your Honor, mark those laces so that the record is clear,
11 as Exhibit 244 for identification, just so we are not
12 talking about some other laces?

13 MR. KANAREK: That is agreeable, your Honor.

14 MR. STOVITZ: We will call it "the laces pulled out
15 of Mr. Granado's pocket."

16 MR. KANAREK: That is agreeable, your Honor.

17 MR. BUGLIOSI: I don't want to mark them as laces,
18 your Honor. There is no evidence that they are laces.

19 The evidence so far is that these are leather
20 thongs.

21 MR. KANAREK: Your Honor, may that statement -- may
22 the jury be admonished to disregard Mr. Bugliosi's gratuitous
23 statement?

24 This man, under oath, called it laces.

25 THE COURT: Let's not make a mountain out of a mole
26 hill. We are just talking about a description for

18D2

1 identification purposes.

2 MR. KANAREK: Well, that was Mr. Bugliosi's statement.

3 THE COURT: The jury is admonished to disregard the
4 statements of both counsel.

5 We will adjourn at this time, ladies and gentle-
6 men.

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

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

12 (Whereupon, at 4:16 p.m. the court was in
13 recess.)

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