

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

DEPARTMENT NO. 104

HON. CHARLES H. OLDER, JUDGE

THE PEOPLE OF THE STATE OF CALIFORNIA,

Plaintiff,

vs.

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

Defendants.

83

No. A253156

REPORTERS' DAILY TRANSCRIPT
Friday, September 4, 1970
A. M. SESSION

APPEARANCES:

For the People:

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

For Deft. Manson:

I. A. KANAREK, Esq.

For Deft. Atkins:

DAYE SHINN, Esq.

For Deft. Van Houten:

RONALD HUGHES, Esq.

For Deft. Krenwinkel:

PAUL FITZGERALD, Esq.

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

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I N D E X

PEOPLE'S WITNESSES: DIRECT CROSS REDIRECT RECROSS

DOLAN, Harold J.		9902H 9906F	9908	9901K 9912H
BOEN, Jerome A.	9913	9915K		
WEISS, Steven	9918	9923F 9928Sh	9933	
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CALKINS, Robert L.	9946	9953F 9959Sh 9965K	9968	9970K
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PEOPLE'S: FOR IDENTIFICATION IN EVIDENCE

248-A through 248-F - Six photographs on exhibit board	9920
249 - Two live rounds and seven shell casings in an envelope	9940
250 - Small portion of slug or bullet	9972

DEFENDANTS':

F - Van Houten fingerprint exemplar	9902
Q - Photocopy of pistol	9955

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LOS ANGELES, CALIFORNIA, FRIDAY, SEPTEMBER 4, 1970

9:55 A.M.

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

In the witness present, Mr. Bugliosi?

MR. BUGLIOSI: Yes, your Honor. Sergeant Dolan.

HAROLD J. DOLAN,

the witness on the stand at the time of the adjournment, resumed the stand and testified further as follows:

THE CLERK: Would you state your name, sir.

THE WITNESS: Harold J. Dolan.

THE CLERK: You are still under oath, sir.

MR. KANAREK: Yes, your Honor, in view of the fact that the Los Angeles Police Department did not even choose to compare Linda Kasabian's fingerprints --

MR. BUGLIOSI: How do you know that, Mr. Kanarek?

MR. KANAREK: -- I have no further questions of this witness.

This witness is in charge of latent prints.

THE COURT: Your comment is out of order.

Do you have any further examination?

MR. KANAREK: I have no questions at this time, your Honor -- no further questions, thank you.

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

1 MR. BUGLIOSI: Would your Honor admonish the jury to
2 disregard that gratuitous remark of Mr. Kanarek's?

3 THE COURT: Yes. The jury is admonished to dis-
4 regard Mr. Kanarek's comment.

5
6 CROSS-EXAMINATION

7 BY MR. HUGHES:

8 Q officer, did you bring to court with you today
9 a fingerprint exemplar from Leslie Van Houten?

10 A Yes, sir, I did.

11 MR. HUGHES: May I approach the witness, your Honor?

12 THE COURT: You may.

13 MR. HUGHES: May this be marked Defendants' next in
14 order for identification, Defendants' —

15 THE COURT: Exhibit P for identification.

16 MR. FITZGERALD: Excuse me, your Honor, I did not
17 hear the number of the exhibit.

18 THE COURT: P.

19 Q BY MR. HUGHES: Referring to Defendants' P
20 for identification, the fingerprint exemplar of Leslie
21 Van Houten, do you have that there now?

22 A Yes, sir.
23
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1 Q You compared many prints which you took or
2 which were taken at the La Bianca house with that
3 fingerprint exemplar; is that correct?

4 A Yes, sir.

5 Q And there were many prints at the La Bianca
6 house; is that correct?

7 A Yes, sir.

8 Q And none of those prints matched the prints
9 of Leslie Van Houten; is that correct?

10 A Yes, sir.

11 MR. HUGHES: No further questions.

12 THE COURT: Any redirect, Mr. Bugliosi?

13 MR. FITZGERALD: Before the prosecution begins
14 redirect, I wonder if I might reopen cross-examination
15 to clear up a problem in connection with an exhibit.

16 THE COURT: Yes, you may.

17 MR. FITZGERALD: Counsel, directing your attention
18 to page 9878 of the transcript.

19 Could we approach the bench, your Honor?

20 THE COURT: Yes.

21 (Whereupon counsel approach the bench and the
22 following proceedings occur at the bench outside of the
23 hearing of the jury:)

24 MR. FITZGERALD: The problem is this, your Honor --

25 THE COURT: Let's wait a while until all counsel
26 get here.

1 Mr. Hughes, do you care to join us?

2 MR. HUGHES: Yes, sir.

3 I was conferring with my defendant.

4 MR. FITZGERALD: Yesterday, your Honor -- I marked
5 off some sections of the transcript -- yesterday I
6 inadvertently marked two exhibits L-4.

7 The Clerk pointed it out to me last night.

8 THE COURT: The photographs?

9 MR. FITZGERALD: The two photographs.

10 They should be different. The two photographs
11 shouldn't be L-4.

12 I wonder if I might remark the second one
13 L-4-A so we will have the first one L-4 and the second
14 one L-4-A?

15 THE COURT: How many were there altogether?

16 MR. FITZGERALD: We went to L-22.

17 THE COURT: And there were actually 23?

18 MR. FITZGERALD: There were actually 23; right.

19 THE COURT: I noticed that at the time but I thought
20 that you just miscounted the 23.

21 MR. FITZGERALD: Right, I didn't recognize it
22 until Mr. Darrow called it to my attention.

23 What is convenient for the Court.

24 THE COURT: 24-A, unless you want to mark it 23.

25 MR. FITZGERALD: I think that is better, because
26 it is right in continuity.

1 THE COURT: Either way.

2 MR. FITZGERALD: Very well.

3 (Whereupon all counsel return to their places
4 at counsel table and the following proceedings occur in
5 open court within the presence and hearing of the jury:)

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al 1 MR. FITZGERALD: May I approach the witness, your
2 Honor?

3 THE COURT: Yes, you may.

4 CROSS-EXAMINATION

5 BY MR. FITZGERALD:

6 Q Yesterday, officer, I inadvertently marked
7 two separate and distinct photograph exhibits. I marked
8 them both L-4 for identification.
9

10 Now, one L-4 you testified came from the bottom
11 portion of a white telephone in the master bedroom.

12 Will you take that one?

13 Now, there is another exhibit that has been
14 marked L-4. What is that?

15 A The lift that came from the inside door jamb,
16 the French door on the back of the master bedroom to the
17 outside pool area.

18 MR. FITZGERALD: May this photograph, this exhibit
19 that has heretofore been marked L-4, which depicts a
20 latent print from the inside frame of the French door from
21 the master bedroom to the outside pool area, be marked
22 L-4-A, your Honor?

23 THE COURT: It will be so marked.

24 MR. FITZGERALD: Q officer, on your direct
25 examination you testified that at the Tate house you
26 discovered 25 uneliminated latent fingerprints; is that

-2

1 correct?

2 A That's right, sir.

3 Q Yet, on cross-examination, you appeared to
4 testify from only 23 exhibits.

5 Is there some reason for that?

6 A Yes, sir.

7 Q Would you explain?

8 A One of the reasons would be that on one of the
9 prints that was eliminated there was an additional lift
10 that wasn't identified, and that would bring the total up
11 to 24.

12 On the lift that was obtained from outside the
13 door jamb, the front door frame, on which the fingerprint
14 that was testified yesterday as belonging to Mr. Watson,
15 there is an unidentified print. That brings it to a total
16 of 25.

3

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1 Q So in fact there has not been any change in your
2 testimony from direct to cross-examination?

3 A No, sir.

4 Q Now, did you have occasion to compare the
5 latent fingerprints obtained at the Tate residence and the
6 latent fingerprints obtained at the La Bianca residence
7 against an exemplar of one Linda Kasabian?

8 A Yes, sir, I did.

9 Q What was the result of that comparison?

10 A Linda Kasabian's prints were not found at either
11 scene.

12 MR. FITZGERALD: Thank you.

13 THE COURT: So the record will be clear, Mr.
14 Fitzgerald, then, Exhibit L runs 1 through 22, plus 4-A,
15 is that right?

16 MR. FITZGERALD: That is correct.

17 THE COURT: Any redirect examination?

18 MR. BUGLIOSI: Just a few questions, your Honor.

19
20 REDIRECT EXAMINATION

21 BY MR. BUGLIOSI:

22 Q Is there any entry in your notes that no traces
23 or smudges were found on the glasses?

24 A No, sir.

25 Q In other words, there is no entry at all with
26 respect to the glasses?

1 A That is correct, sir.

2 Q When you were at the La Bianca residence did you
3 enter the kitchen of the residence?

4 A I did, sir.

5 Q Did you look into the sink?

6 A Yes, sir.

7 Q Did you find any food in the sink?

8 A There appeared to be some rinds of what looked
9 like a watermelon in the sink and a few dishes.

10 Q Watermelon rinds?

11 A Watermelon rinds.

12 Q In the sink of the La Bianca kitchen?

13 A That's right, sir.

14 Q Did you ever secure a fingerprint exemplar from
15 one Ruth Sivic?

16 A Yes, I did, sir.

17 Q Did you compare this exemplar with any of the
18 latent fingerprints found at the La Bianca residence?

19 A I did.

20 Q Were you able to match up Ruth Sivic's exemplar
21 with any of those latent fingerprints?

22 A No, sir, I was not.

23 Q So you never found Ruth Sivic's prints in the
24 La Bianca residence, is that correct?

25 A Yes, that's right, sir.

26 MR. BUGLIOSI: No further questions.

1 THE COURT: Anything further, gentlemen?

2 MR. KANAREK: Yes, your Honor, I would just like to
3 have a couple of questions, if I may.

4
5 RECROSS-EXAMINATION

6 BY MR. KANAREK:

7 Q Officer, you are now telling us that you compared
8 Linda Kasabian's fingerprints with the fingerprints that --
9 what you call the uneliminated prints.

10 A Yes, Mr. Kanarek, I never told you I didn't.

11 Q Officer, I say this is what you are telling us.

12 A That's right, sir.

13 Q Now, in connection with these examinations, have
14 you made any notations as to Linda Kasabian?

15 A Just the mental notation that she was not
16 identified.

17 Q In other words, here you have a person who is
18 charged with -- let me ask you this:

19 At the time you --

20 When was it that you made, allegedly, these
21 comparisons that you made mental notes about, officer?

22 A I made it on the 3rd of December, 1969.

23 I have also made it many times since.

24 Linda Kasabian's prints have been checked and
25 rechecked not only by myself, but by four other
26 identification officers in the Los Angeles Police

1 Department.

2 Q Mental notes have been made?

3 A Well, the date of the exemplar, the exemplar is
4 dated and that is the particular date on which they were
5 checked, as soon as we got them we checked them.

6 MR. BUGLIOSI: Officer, are you holding up an
7 exemplar now?

8 THE WITNESS: The exemplar of Linda Kasabian, dated
9 12-3-69.

10 Q BY MR. KANAREK: Which you now have brought to
11 court, is that right?

12 A Yes, sir.

13 Q Officer, directing your attention to the times
14 that you compared Linda Kasabian's handwriting at --
15 pardon me -- fingerprints -- at some of these times was
16 your state of mind such that you recognize that she was a
17 witness for the prosecution?

18 A No, not on December 3, 1969, I did not know.

19 Q I said at some of these times when you made
20 these comparisons you were aware she was a witness for the
21 prosecution?

22 A Yes, sir.

23 Q And you were aware of her importance as far as
24 the prosecution's viewpoint of this case is concerned, right?

25 A Yes, sir.

26 MR. KANAREK: Thank you.

Thank you, your Honor.

3a-1

MR. HUGHES: If I might, one other question.

THE COURT: Yes.

RE CROSS-EXAMINATION

BY MR. HUGHES:

Q Officer, did you have occasion to take fingerprints from some dogfood dishes at the La Bianca house?

A They were dishes, sir, yes, and they were in the sink, but no prints were obtained from them.

MR. HUGHES: No further questions.

THE COURT: Anything further, Mr. Bugliosi?

MR. BUGLIOSI: No, your Honor.

THE COURT: You may step down, sir.

THE WITNESS: Thank you.

MR. BUGLIOSI: People recall Officer Boen.

JERROME A. BOEN,

recalled as a witness by and on behalf of the People,
having been previously duly sworn, resumed the stand and
testified further as follows:

THE REPORTER: State your name for the record.

THE WITNESS: Jerrome A. Boen.

MR. BUGLIOSI: May we have just a moment, your Honor.
Mr. Darrow is getting the exhibit.

3a-2

REDIRECT EXAMINATION

1
2 BY MR. BUGLIOSI:

3 Q Officer, directing your attention to 245-A and,
4 specifically, the latent fingerprint found above the door-
5 knob on the outside of the front door of the Tate residence,
6 what was the position of that fingerprint?

7 I am not talking about location now. I am
8 talking about the position or the direction of that finger-
9 print.

10 A As I recall, approximately where I am pointing
11 to in the photograph, but the finger would be pointing
12 slightly downward at a downward angle in this manner
13 (indicating).

14 Q This is the edge of the door right here of
15 course, right?

16 A Yes, sir.

17 Q With the tip of the finger pointing away from
18 the edge of the door or toward the edge of the door?

19 A It was away from the edge of the door, slightly
20 downward.

21 Q As if someone then were on the inside --

22 MR. KANAREK: Object, your Honor, if I may, to this
23 question.

24 MR. BUGLIOSI: This is not a conclusion, your Honor,
25 this is to clarify what the witness is saying, your Honor.

26 THE COURT: The question has not yet been asked,

3a-3

1 Mr. Kanarek. Let's hear the question first.

2 BY MR. BUGLIOSI:

3 Q If someone were inside the Tate residence and
4 the door were open and they were walking out, and they put
5 their finger on the outside of the front door, would it
6 leave a print with the position and direction of the print
7 that you found?

8 MR. KANAREK: Object, your Honor. Counsel is now
9 making argument.

10 MR. BUGLIOSI: I am not making argument, your Honor.

11 MR. KANAREK: He is assuming facts not in evidence.

12 Your Honor, it is an improper hypothetical
13 question -- no foundation for it; it is immaterial and
14 irrelevant.

15 MR. BUGLIOSI: Your Honor, this officer found the
16 print, and for clarification, for clarity for the jury,
17 I would like to have him give an example or illustrate
18 how the print was located on this door.

19 He is not testifying to a conclusion now.

20 THE COURT: But that is not your question, Mr. Bugliosi.
21 He certainly may answer that but that is not what you asked
22 him.

23 I will sustain the objection.

24 MR. BUGLIOSI: That is about the only way I know how
25 to ask that question, your Honor.
26

3a-4

1 BY MR. BUGLIOSI:

2 Q Well, for clarity we will go over it again,
3 Officer.

4 MR. KANAREK: I think it is perfectly, it is
5 completely clear -- maybe not to Mr. Bugliosi, your Honor.
6 I think this officer's testimony to date has been clear.

7 BY MR. BUGLIOSI:

8 Q So the fingerprint was in a downward direction,
9 is that correct?

10 A Yes, slightly downward.

11 Q And the tip of the finger was away from the
12 edge of the door, pointing in that direction?

13 A Yes, sir.

14 Q And what finger was that?

15 A This was the right ring finger.

16 MR. BUGLIOSI: No further questions.

17 THE COURT: Any cross-examination.

18 MR. FITZGERALD: No questions, your Honor.

19 THE COURT: Mr. Kanarek?

20
21 CROSS-EXAMINATION

22 BY MR. KANAREK:

23 Q Officer, directing your attention to this last
24 bit of testimony that Mr. Bugliosi saw fit to bring you to
25 court today for, at the time you took this, lifted this
26 print, and did what you did, you did not make any written

1 notes, did you, about the directions and everything you
2 have told us about today?

3 A I made notes on the back of the lift that I
4 lifted.

5 I did not make notes on the direction of the
6 lift, no, sir.

7 Q And, as a matter of fact, you have made no
8 written notations about what you just testified to, right?

9 A About the --

10 Q About the direction.

11 A About the direction? No, sir. I made no
12 written notes of that.

13 Q Right, and before you took the witness stand
14 today you had some conversation with Mr. Bugliosi?

15 A Yes, sir.

16 Q Concerning what you just talked about?

17 A Yes, sir.

18 MR. KANAREK: Thank you.

19 THE COURT: Mr. Hughes?

20 MR. HUGHES: I believe this would apply to the Tate
21 residence so I won't ask any questions.

22 THE COURT: Anything further, Mr. Bugliosi?

23 MR. BUGLIOSI: No, your Honor.

24 THE COURT: You may step down, sir.
25
26

4 flm.

MR. BUGLIOSI: The People call Steven Weiss.

(The witness enters the courtroom.)

THE CLERK: Would you please raise your right hand.

Would you repeat after me.

I do solemnly swear --

THE WITNESS: I do solemnly swear --

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

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

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

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

THE CLERK: -- before this Court --

THE WITNESS: -- before this Court --

THE CLERK: -- shall be the truth --

THE WITNESS: -- shall be the truth --

THE CLERK: -- the whole truth --

THE WITNESS: -- the whole truth --

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

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

THE CLERK: -- so help me God.

THE WITNESS: -- so help me God.

THE CLERK: Would you be seated, please.

Would you tell us your name and spell it, please?

THE WITNESS: Steven Weiss, S-t-e-v-e-n, W-e-i-s-s.

1A2

STEVEN WEISS,

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

DIRECT EXAMINATION

BY MR. BUGLIOSI:

Q Steven, how old are you?

A 11.

Q What grade are you in in school?

A Going into the 6th.

Q Has school started yet this year for you?

A No.

Q Where do you live, Steven?

A In Sherman Oaks.

Q And what is your address there?

A 3627 Longview Valley Road.

Q Do you live there with your father and mother?

A Yes.

Q Do you have any brothers or sisters?

A Yes.

Q I show you People's 40 for identification,

Steven.

Have you ever seen this revolver before?

A Yes.

Q Where did you see it for the first time?

A On September 1st of 1969.

1 Q Where did you see that revolver at that time?

2 A On my hill.

3 Q Is this the hill behind your home?

4 A Yes.

5 Q And what were you doing on the hill behind your
6 home at that particular time?

7 A Fixing the sprinkler up on the hill.

8 Q And about what time of day was it?

9 A About after noon. About noon.

10 Q And you came upon this revolver here?

11 A Yes.

12 Q Where was this revolver on the hill?

13 A Right next to the sprinkler in front of a bush.

14 Q There is a hill behind your home; is that correct?

15 A Yes.

16 Q At the top of the hill is there a street or a
17 highway?

18 A Yes, there is.

19 Q What is the name of that street or highway?

20 A Beverly Glen.

21 MR. BUGLIOSI: Your Honor, I have here six photo-
22 graphs on an exhibit board.

23 May they be collectively marked People's next
24 in order?

25 THE CLERK: 248, your Honor.

26 THE COURT: Just one moment.

1 Do you want those marked collectively?

2 MR. BUGLIOSI: I believe so, your Honor.

3 THE COURT: 248, A through F.

4 (Mr. Bugliosi marks.)

5 MR. BUGLIOSI: Q Staven, I show you People's
6 248 for identification, six photographs.

7 Directing your attention to the photograph in the
8 upper left-hand corner, 248-A.

9 It appears to be a photograph of the front
10 portion of a home; is that correct?

11 A Yes.

12 Q On the curbing in front of the home it says
13 3623.

14 Is that your home?

15 A No.

16 Q That is not your home?

17 A That is my home. That is not my address.

18 Q That is your home depicted in 248 but your
19 address is 3627 Longview Valley Road; is that correct?

20 A Yes.

4A

4a-1

1 Q Do you know whose address this is, 36237 Is
2 that the people next door?

3 A Yes.

4 Q Looking at these other photographs, Steven,
5 248-B, -C, -D, -E and -F. Do you know what they show?

6 A Yes.

7 Q What do they show?

8 A Me pointing where the gun was found.

9 Q You are pointing out on these five photographs
10 where you found this revolver, People's 40 for identifica-
11 tion; is that correct?

12 A Yes.

13 Q You will notice, Steven, looking at this
14 revolver, People's 40 for identification, the right-hand
15 grip appears to be off; is that correct?

16 A Yes.

17 Q Was it off when you found the revolver?

18 A Yes.

19 Q Have you ever seen the right-hand grip of this
20 revolver?

21 A Yes.

22 Q When did you see it?

23 A Oh, I didn't see the grip itself. I just
24 saw the gun, how it is, without the grip.

25 Q You have seen this revolver, of course, when
26 you found it?

4a-2

1 A Yes.

2 Q And it never had the right-hand grip; is that

3 correct?

4 A Yes.

5 Q It was missing like it is right now?

6 A Yes.

7 Q Looking at this revolver right now, Steven,

8 does it appear to be in the same condition as it was

9 in when you found it?

10 A No.

11 I think there was some dirt on the gun.

12 Q Okay.

13 Apart from the dirt on the gun -- where was the

14 dirt on the gun, Steven?

15 A Just scattered all over it.

16 Q Apart from the dirt on the gun, do you see any

17 difference between the way the gun is now and the way it

18 was when you found it?

19 A No difference except for the dirt.

20 Q What did you do with this revolver after you

21 found it, Steven?

22 A I brought it down to my dad.

23 Q What is your father's name?

24 A Bernard Weiss.

25 Q He is in court with you today?

26 A Yes.

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Q Did you give the revolver to him?

A No.

Q What did you do? You showed it to him?

A I showed it to him, and then I put it straight down on a table.

Q Inside your house?

A No.

Q Where was the table?

A In the back yard.

Q Did you eventually turn that revolver over to anyone?

A Yes.

Q Who?

A The Van Nuys Police Department.

Q Did your father call them?

A Yes, sir.

Q That same day that you found the revolver?

A Yes.

Q And did some officer come out to your house?

A Yes.

Q To pick up the revolver?

A Yes.

Q Do you know what his name is?

A No.

Q But he came out the same day that you found the revolver?

1 A Yes.

2 Q You say that was September the 1st, 1969?

3 A Yes.

4 Q Is that correct?

5 A Yes.

6 Q At the time that you found the revolver, Steven,
7 did you notice whether there were any bullets or cartridges
8 inside the chamber of the revolver?

9 A Yes.

10 Q Were there?

11 A Yes.

12 I don't know if they were bullets or shells.

13 Q You found something, or you saw something inside
14 the chamber; is that right?

15 A Yes.

16 Q But you don't know what they are?

17 A No.

18 Q Or what they were?

19 A No.

20 MR. BUGLIOSI: No further questions.

21 THE COURT: Cross-examination?
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4b fls.

CROSS-EXAMINATION

BY MR. FITZGERALD:

Q What date was it that you found this gun?

A 9-1-69.

Q When you picked it up, Steven, did you pick it up with your hands?

A Yes, my right hand.

Q Did you pick up a particular portion of it, Mr. Weiss?

A Yes. The tip of the barrel.

Q Was there some reason why you picked it up by the tip of the barrel?

A For the use of the fingerprints.

Q And were you careful not to touch the rest of the weapon?

A Yes.

Q You took it in the house?

A No.

Q What table are you referring to? Where is that located?

A The one in the back yard.

Q Did you call your father to the table?

A Yes.

Q And you put it down on the table easily or in some way?

A I just put it down on the table.

4B2

1 Q Did your father call the police in your
2 presence?

3 A Yes.

4 Q Did the police come?

5 A Yes.

6 Q More than one police officer?

7 A No.

8 Q Just one?

9 A Yes.

10 Q Did you show him the gun?

11 A Yes.

12 Q Did he touch the gun?

13 A Yes.

14 Q How did he touch it?

15 A With both hands, all over the gun.

16 Q Did he open the gun up?

17 A No.

18 Q Did somebody open the gun up in your presence?

19 A Yes.

20 Q Was that your father?

21 A Yes.

22 Q Did the police officer ask your father to open
23 the gun up?

24 A Yes.

25 Q Did your father open the gun up?

26 A Yes.

Q What did the police officer do then, if anything?

1 A He grabbed the bullets and he took the bullets
2 with him with the gun to the police station.

3 Q Was that the last you ever heard or saw anything
4 about that gun until you came to court today?

5 A No.

6 Q Were you contacted in regard to this gun?

7 A No.

8 Q Did you contact somebody else?

9 A Yes.

10 Q When was that?

11 A In mid-December.

12 Q How did you contact anybody, if you did?

13 MR. KANAREK: Your Honor, I object on the grounds of
14 hearsay.

15 THE COURT: Overruled.

16 MR. FITZGERALD: Q Did you call the Police
17 Department?

18 A No. My father did.

19 Q Did you talk to somebody at the Police
20 Department?

21 A Yes.

22 Q Do you remember who you talked to?

23 A No.

24 Q What did you say in connection with this gun?

25 MR. KANAREK: Your Honor, may I have a continuing
26 objection on the grounds of hearsay?

1 THE COURT: Yes, you may have a continuing objection.

2 MR. KANAREK: A continuing objection on the grounds of
3 hearsay. Very well, your Honor.

4 THE COURT: You may answer.

5 THE WITNESS: Someone answered and we found out that
6 they were looking for this type of gun. That is when we
7 called.

8 MR. FITZGERALD: Q What did you say?

9 A We told them that they had this gun and that we
10 think it might be connected with the trial, with the
11 murders.

12 Q And that was in December of 1969?

13 A Yes.

14 MR. FITZGERALD: I have nothing further.

15 THE COURT: Any questions, Mr. Shinn?

16 MR. SHINN: Yes, your Honor.

17 MR. KANAREK: Your Honor, may I have a continuing
18 objection on materiality and relevancy also as to this
19 witness?

20 THE COURT: Very well.

21 MR. KANAREK: Thank you.

22
23 CROSS-EXAMINATION

24 BY MR. SHINN:

25 Q Mr. Weiss, how far is this hill -- is there a
26 road behind your house?

1 A Above my hill, yes.

2 Q Is there a road up there?

3 A Yes,

4 Q Is that Beverly Glen?

5 A Yes.

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1 Q And approximately how far is it from your
2 back yard to the road up in back of the hill?

3 A Approximately 125 to 150 feet.

4 Q And is there a road up there? Did you ever go
5 up and see the road?

6 A Yes.

7 Q There is a road up there?

8 A Yes, uh-huh.

9 Q When is the last time you went up there to
10 look?

11 A Well, I have been up there since I found the
12 gun.

13 Q You mean you walked up there?

14 A Yes.

15 Q And is it pretty steep?

16 A Fairly.

17 Q Do you know what angle it is; maybe a 45 degree,
18 a 30 degree angle, from the road down to your house?

19 A No. I don't have any idea.

20 Q But you are able to walk up and walk down?

21 A Yes.

22 Q It is not very steep then, is it?

23 A Well, it is pretty steep. Steep enough that
24 you would fall down coming down.

25 Q Are there a lot of bushes around there?

26 A Yes.

4c-2

1 Q And how far was this from the road that you
2 found this gun?

3 A I'd say about halfway up. About maybe 50 feet,
4 75 feet.

5 Q Yards or feet?

6 A Feet.

7 Q When you found this gun, were you just hiking
8 up the hill, or what?

9 A No.

10 I was told to fix the sprinkler.

11 Q And was this gun exposed where you could see it,
12 or was it inside some bushes?

13 A Yes, I could see part of it. Then when I picked
14 it up, I could see the whole thing.

15 Q And did you go up to this hill very often?

16 A Yes.

17 Q Around the same spot?

18 A Well, all over the hill.

19 Q Now, after you found this gun, you brought it
20 back down to the house; correct?

21 A Correct.

22 Q Did you go back up the hill later to look for
23 anything else?

24 A No.

25 Q You didn't go back to this spot again after you
26 found the gun?

4c-3

1 A Well, the next day, but not that same day.
2 Q The next day you went up looking for something
3 else?
4 A Yes.
5 Q What were you looking for?
6 A Just anything. Like a knife or a gun.
7 Q And you didn't find anything up there?
8 A No.
9 Q Did you see a picture of this gun before?
10 A Yes.
11 Q You knew what kind of a gun it was?
12 A Yes.
13 Q What kind of a gun was it?
14 A A .22 caliber revolver.
15 Q Did someone tell you it was a .22 caliber
16 revolver?
17 A Yes.
18 Q Who told you this?
19 A My father and the policeman.
20 Q Oh, this was after you found it?
21 A Yes.
22 MR. SHINN: I have nothing further, your Honor.
23 THE COURT: Mr. Kanarek, any questions?
24 MR. KANAREK: I have no questions of this witness.
25 THE COURT: Mr. Hughes?
26 MR. HUGHES: I believe this would relate to the events

1 of the first night. Therefore, I would not ask any
2 questions, per the stipulation.

3 THE COURT: Very well.

4 MR. BUGLIOSI: Just one or two more questions.

5
6 REDIRECT EXAMINATION

7 BY MR. BUGLIOSI:

8 Q This street here that is shown on 248-A. That
9 is Longview Road?

10 A Longview Valley Road.

11 Q Longview Valley Road?

12 A Yes.

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1 MR. BUGLIOSI: May I mark that "Longview Valley
2 Road," your Honor?

3 THE COURT: Yes.

4 (Mr. Bugliosi so marks.)

5 MR. BUGLIOSI: Q Is this your home right here?

6 A No.

7 Q Is that your home right there?

8 A Yes.

9 MR. BUGLIOSI: May I mark that "Weiss home," your
10 Honor?

11 THE COURT: Yes, you may.

12 (Mr. Bugliosi marks.)

13 MR. BUGLIOSI: Q Beverly Glen is up here; is
14 that right?

15 A Yes.

16 Q At the top of this hill?

17 A Yes, uh-huh.

18 MR. BUGLIOSI: May I mark that "Beverly Glen," your
19 Honor, above the top of the hill?

20 THE COURT: The road does not actually show, does it,
21 Steve?

22 THE WITNESS: No, it doesn't.

23 MR. BUGLIOSI: It is right at the top of the hill
24 here, though; is that right?

25 THE WITNESS: Yes.

26 THE COURT: All right. You may mark it.

(Mr. Bugliosi marks the photograph.)

MR. BUGLIOSI: Thank you. No further questions.

THE COURT: Anything further, gentlemen?

MR. SHINN: Nothing further.

MR. FITZGERALD: No.

THE COURT: You may step down, Steven.

MR. BUGLIOSI: Officer Watson.

MR. HUGHES: I believe all counsel are willing to stipulate that the young gentleman who just testified may stay in the courtroom.

(Officer Watson enters the courtroom.)

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

Would you please repeat after me.

I do solemnly swear --

THE WITNESS: I do solemnly swear --

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

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

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

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

THE CLERK: -- before this Court --

THE WITNESS: -- before this Court --

THE CLERK: -- shall be the truth --

THE WITNESS: -- shall be the truth --

THE CLERK: -- the whole truth --

THE WITNESS: -- the whole truth --

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

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

1 THE CLERK: -- so help me God.

2 THE WITNESS: -- so help me God.

3 THE CLERK: Would you be seated, please.

4 Would you please state and spell your name.

5 THE WITNESS: Michael F. Watson; W-a-t-s-o-n.

6 THE CLERK: How do you spell your first name, sir?

7 THE WITNESS: M-i-c-h-a-e-l.

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BY MR. HUGLIOSI:

Q What is your occupation and assignment, sir?

A Police Officer for the City of Los Angeles assigned to Van Nuys Patrol.

Q Speak a little more loudly.

A Police Officer, City of Los Angeles, assigned to the Van Nuys Patrol.

Q Showing you Exhibit 40 for identification, have you ever seen that revolver?

A Yes, sir.

Q When did you see it for the first time?

A September 1st, 1969.

Q Where did you see it at that time?

A At a residence, 3627 Longview Valley Road.

I received it from a young boy named Steven Weiss.

Q Did you see Steven Weiss walk out of the court here today?

A Yes, sir.

Q That is the boy from whom you got this revolver?

A Yes, sir.

Q I take it you got a telephone call from Steven's father?

A I received a radio call.

Q A radio call, and you went to the Weiss residence and picked up this revolver here, is that correct?

1 A Yes, sir.

2 THE COURT: Pull the microphone a little lower.

3 MR. KANAREK: Your Honor, I gather we have the
4 continuing objection on the grounds of irrelevancy and
5 immateriality.

6 THE COURT: Yes.

7 BY MR. BUGLIOSI:

8 Q Looking at the condition of this revolver,
9 Officer, does it appear to be in the same condition as it
10 was then when you received the revolver from Mr. Weiss and
11 his son?

12 MR. KANAREK: That is assuming a fact not in evidence,
13 that it is the same revolver.

14 He is assuming that it is, your Honor.

15 THE COURT: He is assuming what?

16 MR. KANAREK: Well, he -- by this question, there is
17 the subtle implication that this is the same gun that he
18 received, and this is not --

19 This is certainly not in this record.

20 THE COURT: The objection is sustained.

21 MR. BUGLIOSI: Objection sustained, your Honor?

22 THE COURT: Yes.

23 Lay the foundation.

24 MR. BUGLIOSI: Steven Weiss identified this
25 revolver; he just identified it as the one he got from
26 Steven Weiss.

I can go over it again and develop it.

THE COURT: All right.

BY MR. BUGLIOSI:

Q Is this the revolver you got from Mr. Weiss and his son Steven at the Weiss residence?

A Yes, sir.

Q On September 1st, 1969?

A Yes, sir.

Q And that residence is at 3267 Longview Valley Road?

A I believe it is 3627.

Q I'm sorry, at 3627 Longview Valley Road, in Sherman Oaks?

A Yes, sir.

Q At the time you received this revolver from Mr. Weiss and his son, was it in the same condition as you find it to be in right now?

A No, sir, the revolver had cartridges in it.

Q All right, apart from the cartridges was the revolver in the same condition as you find it in now?

A Yes, sir.

Q It never had a right-hand grip on it?

A No, sir.

MR. BUGLIOSI: Your Honor, I have here two complete cartridges and seven shell casings. May they collectively be marked People's next in order?

49 Id.

THE COURT: 249.

BY MR. BUGLIOSI:

Q I show you 249 for identification, Officer,
two complete cartridges and seven shell casings.

Did you ever see these nine items before?

A Yes, sir.

Q When and where did you see them for the first
time?

A I removed them from this revolver.

Q They were inside this revolver, People's 40
for identification?

A Yes, sir.

Q So you found two live rounds in this revolver
and seven shell casings, is that correct?

A Yes, sir.

Q Now, what did you do with this revolver,
People's 40, and these two live rounds and seven shell
casings?

A I booked it at Valley Services Division as
"Found evidence."

Q On the same date you received it, September 1st,
1969?

A Yes, sir.

Q Have you ever seen this envelope here before?

A Yes, sir.

Q Did you place these two live rounds and seven

1 shell casings inside this envelope here?

2 A Yes, sir.

3 MR. BUGLIOSI: Your Honor, may the shell casings
4 and the two live rounds be collectively marked with this
5 envelope here?

6 THE COURT: Yes, they may, 249.

7 BY MR. BUGLIOSI:

8 Q Eventually did you turn this revolver and
9 two live rounds and seven shell casings over to anyone?

10 A Valley Services Division, Property Section.

11 Q After you did that did you ever turn them over
12 to anyone?

13 A No, sir.

14 Q Did you ever see Sergeant Calkins there?

15 A Yes, sir.

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1 Q Did you ever turn these items over to him?

2 A No, sir.

3 MR. BUGLIOSI: Thank you, no further questions.

4 THE COURT: Cross-examination.

5
6 CROSS-EXAMINATION

7 BY MR. FITZGERALD:

8 Q When you arrived at the Longview -- what was
9 the address?

10 A 3627 Longview Valley Road.

11 Q When you arrived there did you have a conversation
12 with somebody?

13 A Yes, sir.

14 Q Who was that?

15 A Steven Weiss and his father, Mr. Weiss.

16 Q What did they tell you, if anything?

17 MR. KANAREK: Object on the grounds of hearsay, your
18 Honor.

19 THE COURT: Overruled.

20 THE WITNESS: Would you repeat the question, please.

21 Q BY MR. FITZGERALD: What did they tell you?

22 A He told me, Steven told me he was playing down
23 the side of a hill and found the gun by a sprinkler.

24 Q Did he show you the gun?

25 A Yes, sir.

26 Q Where was the gun when he first showed it to

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your?

A On the coffee table of his living room.

Q Inside the house?

A Yes, sir.

Q Are you sure of that?

A As far as I can remember.

Q Did you do anything with the gun?

A I unloaded the gun.

Q You picked it up?

A Yes, sir.

Q Unloaded it?

A Yes, sir.

Q Did you touch the shells within the chambers?

A Yes, sir.

Q And you testified on direct examination that eventually you turned it in to the Valley Services Division of the Los Angeles Police Department.

When did you turn it in, do you recall?

A Approximately a half hour after I received it.

Q What date was that again?

A September 1st, 1969.

MR. FITZGERALD: I have nothing further.

THE COURT: Mr. Shinn?

CROSS-EXAMINATION

BY MR. SHINN:

Q Officer, when you received this gun did you examine it very closely?

A Yes, sir.

Q What part of the gun did you examine?

A The full gun.

Q I beg your pardon?

A The gun as it is presented now.

Q Did you notice anything unusual on any part of the gun?

A Yes, sir.

Q What part of the gun?

A Well, there was a grip missing, the right grip of the gun was missing; the trigger guard was busted.

Q Outside of that did you find anything unusual?

A The gun was loaded and rusted.

Q Was there a lot of dirt on it, on the gun?

A I cannot recall.

Q Did you make any notes regarding this gun?

A Yes, sir.

Q And outside of dirt you did not find anything else unusual, is that correct?

A Not that I can recall.

MR. SHINN: I have nothing further, sir.

THE COURT: You may step down, Officer.

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1 MR. KANAREK: Your Honor did not inquire, but I
2 don't have any questions, thank you.

3 THE COURT: I did not mean to overlook you,
4 Mr. Kanarek.

5 MR. HUGHES: Is it stipulated that this witness'
6 testimony will not apply to Leslie Van Houten?

7 MR. BUGLIOSI: So stipulated.

8 MR. KANAREK: And, of course, we do have the
9 continuing objection as to immateriality and irrelevance.

10 THE COURT: Call your next witness.

11 MR. BUGLIOSI: Call Sergeant Calkins.

12 THE CLERK: Would you please repeat after me.

13 I do solemnly swear --

14 THE WITNESS: I do solemnly swear --

15 THE CLERK: -- that the evidence I may give --

16 THE WITNESS: -- that the evidence I may give --

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

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

19 THE CLERK: -- before this Court --

20 THE WITNESS: -- before this Court --

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

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

23 THE CLERK: -- the whole truth --

24 THE WITNESS: -- the whole truth --

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

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

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1 THE CLERK: -- so help me God.

2 THE WITNESS: -- so help me God.

3 THE CLERK: Would you be seated, please.

4 Would you please state and spell your name.

5 THE WITNESS: Robert L. Calkins, R-o-b-e-r-t,
6 middle initial L, C-a-l-k-i-n-s.

7
8 ROBERT L. CALKINS,

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

11
12 DIRECT EXAMINATION

13 BY MR. BUGLIOSI:

14 Q Sergeant, you are one of the two investigating
15 officers on the Tate case?

16 A That is correct, sir.

17 Q With Sergeant McGann?

18 A Yes, sir.

19 Q I show you People's 40 for identification,
20 Sergeant, have you ever seen that revolver before?

21 MR. KANAREK: Your Honor, may we approach the bench
22 briefly?

23 THE COURT: In connection with this matter?

24 MR. KANAREK: Yes, Your Honor.

25 THE COURT: Do you feel it is necessary,
26 Mr. Kanarek? Are you sure this is necessary?

MR. KANAREK: Yes, your Honor.

THE COURT: Very well.

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

MR. KANAREK: Your Honor, I believe I have an obligation to make the record here, even though I would assume that your Honor would -- I am hoping your Honor would not rule against me, that I would object to this witness testifying on the grounds that the prosecution well knew that he would be testifying and he has been in the courtroom during the testimony of Mr. Weiss and of the police officer, Mr. Watson, notwithstanding the fact that witnesses have been excluded.

And I ask for and I do move to suppress all of this witness's evidence, testimony, not only based on the Court's order but based on the fundamental denial of due process.

A historical way to keep witnesses honest is to keep them out of the courtroom when other people are testifying so that they are not cued in as to what has happened previously.

I do make the motion.

I feel it an obligation to make this motion, and I do make a motion that your Honor suppress all of this witness's testimony.

THE COURT: Do you wish to be heard, Mr. Bugliosi?

MR. BUGLIOSI: Under the Penal Code, investigating officers are permitted to remain in the courtroom, and his

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1 testimony will be completely negligible, just be covering
2 the gun and that is about it, and marking where that
3 address is on this diagram.

4 THE COURT: The motion is denied. Let's proceed.

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

7 BY MR. BUGLIOSI:

8 Q Sergeant, when did you see this revolver for
9 the first time, People's 40 for identification?

10 A On December 16th, 1969.

11 Q Where did you see it at that time?

12 A In the property section of Valley Services
13 Division.

14 Q You received a telephone call to go out there?

15 A Yes, sir.

16 Q And were you accompanied by anyone when you
17 went out there?

18 A Yes, sir, my partner Sergeant Michael McGann.

19 Q Looking at the revolver at this time, does it
20 look to be in the same condition as it was in when you saw
21 the revolver for the first time?

22 A Yes, sir.

23 Q I show you People's -- I believe it is 249
24 for identification, two live rounds and -- two complete
25 cartridges and seven shell casings.

26 Have you ever seen those before?

1 A Yes, sir.

2 Q When did you see them for the first time?

3 A At the time I first observed the revolver.
4 They were in the same envelope, the same large envelope.

5 Q What about this envelope I just took them out
6 of before, did you ever see that envelope before?

7 A Yes, sir, this envelope was in a larger
8 envelope with the revolver, at the time I and my partner
9 picked up the revolver and transferred it to Central
10 Property.

11 I wrote the departmental number of the Tate
12 case on it.

13 Q Is that 690595937

14 A Yes, sir.

15 Q What did you do with this revolver, the two
16 cartridges and seven shell casings?

17 A I picked them up from Valley Services, brought
18 them to Parker Center and caused them to be booked in the
19 Central Property Section at Parker Center.

20 Q Have you gone out to 3627 Longview Valley Road,
21 Sherman Oaks?

22 A Yes, sir.

23 Q That is the Weiss residence, is that correct?

24 A Yes, sir.

25 Q Step down off the witness stand, Sergeant.

26 THE COURT: Mr. Bugliosi, I think we will take the

1 recess at this time before you start this phase of the
2 examination.

3 Ladies and gentlemen, do not converse with
4 anyone or form or express any opinion regarding the case
5 until it is finally submitted to you.

6 The court will recess for 15 minutes.

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

3 You may continue, Mr. Bugliosi.

4 MR. BUGLIOSI: Q Officer, directing your
5 attention to People's 98 for identification.

6 You say you went out to the Weiss residence;
7 is that correct?

8 A Yes.

9 Q And you ordered those photographs that are --

10 A My partner and I supervised the taking of those
11 photographs.

12 Q All right.

13 Looking at this diagram, People's 98, do you see
14 where the Weiss residence is on this diagram?

15 A Yes, sir.

16 Q Could you place an X where the Weiss residence
17 is located on this diagram?

18 A Yes.

19 (The witness marks.)

20 MR. BUGLIOSI: Your Honor, may the witness mark
21 "Weiss residence" there?

22 THE COURT: Yes, he may.

23 (The witness marks.)

24 MR. BUGLIOSI: Thank you.

25 Q Just one more second, Officer.

26 This street here is Beverly Glen? Right here?

1 A Yes, sir.

2 MR. BUGLIOSI: Could you mark that "Beverly Glen"?
3 (The witness marks.)

4 MR. BUGLIOSI: Thank you.

5 You may resume the witness stand.

6 MR. KANAREK: Your Honor, before he resumes the
7 witness stand, may I retrieve that exhibit that is on the
8 easel? May I?

9 THE COURT: Yes.

10 (Whereupon, the witness resumes the witness
11 stand.)

12 MR. BUGLIOSI: No further questions.

13 THE COURT: Mr. Fitzgerald, cross-examination?

14 MR. FITZGERALD: Thank you.

15
16 CROSS-EXAMINATION

17 BY MR. FITZGERALD:

18 Q You are one of the two, or were one of the two,
19 investigating officers assigned to the investigation of the
20 Tate homicides; is that correct, Sergeant Calkins?

21 A Yes, sir.

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1 Q And you had a partner, right, Sergeant McGann?

2 A I have a partner.

3 Q He is currently your partner?

4 A Yes, sir.

5 Q And you two were in charge of this investiga-
6 tion, is that correct?

7 A We were the two investigating officers.

8 I think the appropriate statement would be that
9 Lieutenant Robert Helder, our boss, was actually in charge
10 of the investigation.

11 Q But you did all the work?

12 A That is not true, sir.

13 Q Now, during the month of September, 1969, your-
14 self and Sergeant McGann and the other investigators in
15 connection with these Tate homicides were attempting to
16 locate the weapon allegedly used, the firearm allegedly
17 used to kill Mr. Parent, Mr. Frykowski and Mr. Sebring,
18 is that correct?

19 A Yes, sir, that is correct.

20 Q And in your attempt to locate this alleged
21 murder weapon, what did you do?

22 A You mean the method we used to attempt to
23 locate it?

24 Q Yes.

25 A We determined, through the Scientific Investiga-
26 tion Laboratories, what type of weapon it was and then we

1 sent out approximately 300 photographs of the type of the
2 weapon, with a confidential letter attached to it.

3 Q Could I interrupt you at this point.

4 I have a photocopy of what appears to be a
5 pistol, may this be marked Defendants' next in order, Q?

Q, id.

6 THE COURT: It will be so marked.

7 BY MR. FITZGERALD:

8 Q Sergeant Calkins, take a look at Defendants'
9 Exhibit Q for identification which appears to be a
10 photocopy of the pistol. Do you recognize that?

11 A Yes, sir.

12 Q What is that document?

13 A This is a reproduction of one of the photographs
14 that we sent out to different law enforcement agencies.

15 We sent actual photographs, not reproductions
16 such as you have here.

17 Q And approximately how many of these did you
18 sent out, do you recall?

19 A Approximately 300. I don't know the exact
20 number.

21 Q And did you sent them to various police
22 agencies throughout the State of California?

23 A Yes, sir.

24 Q Did you sent them to police or law enforcement
25 agencies outside the State of California as well?

26 A Yes, sir.

1 Q And during what period of time did you send
2 these out, if you recall?

3 A I think the first bunch went out right around
4 the first of September, around the 3rd or 4th or 5th, and
5 as we received information back in the course of the
6 investigation, we continued to send out more as we
7 received inquiries.

8 Q Were you sending out additional materials in
9 connection with the search for that weapon during the
10 month of October and November and December of 1969?

11 A Yes.

12 Q Did you also, during the month of October,
13 October 22nd, to be exact, cause to be sent out to 12
14 different gun shops throughout the United States a letter
15 requesting information concerning custom walnut grips for
16 a Longhorn .22 pistol?

17 A Would you repeat that? I'm sorry, there was a
18 portion of the first part of the question I am not sure
19 about.

20 Q Did you send out materials to gun shops as
21 well as law enforcement agencies at this time in connection
22 with walnut grips that may be used on Longhorn .22 caliber
23 pistols?

24 A Do you mean grip manufacturers?

25 Q Yes.

26 A Yes, sir, we did.

1 Q Did you also contact firearm manufacturers?

2 A Yes, sir.

3 Q What else did you do in order to attempt to
4 locate the alleged murder weapon, the firearm?

5 I think you were telling me and then I
6 interrupted you to mark an exhibit.

7 A Well, as we sent these letters out we had
8 different law enforcement agencies checking every Longhorn
9 revolver similar to the murder weapon throughout the State
10 of California, and every individual that had purchased
11 one was contacted by a law enforcement agency, and the
12 law enforcement officer that made the personal contact
13 asked to see the gun without telling the people that we
14 were interested in the content or the grips, whether the
15 grips were on the gun or not.

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1 Q And in that manner, were you able to clear
2 a certain amount of weapons?

3 A Yes, sir.

4 Q A certain number of weapons?

5 A Yes, sir.

6 Q What else were you able to do, if anything?

7 A Well, that is substantially what we did.

8 We followed up a great deal of leads, phone
9 calls and letters, indicating who might possess a gun of
10 this type.

11 This was all confidential within law enforce-
12 ment agencies throughout the state and neighboring states
13 and Canada.

14 Q You actually contacted some law enforcement
15 agencies in Canada in an attempt to locate the murder
16 weapon?

17 A We received a list of all the Longhorn revolvers
18 that had been sold within the United States, and in
19 addition to that list, some of these weapons had been sold
20 in Canada. So, we felt we had to go into Canada and
21 request assistance from the Royal Canadian Mounted Police.

22 Q And this investigation in connection with
23 attempting to locate the alleged murder firearm was conducted
24 during the month of October and November as well as
25 December?

26 A The investigation continued until we found the

1 murder weapon.

2 MR. KANAREK: I will ask that that statement "murder
3 weapon" be stricken.

4 THE COURT: That portion of the answer is stricken
5 and the jury is admonished to disregard it.

6 BY MR. FITZGERALD:

7 Q I take it that it is your opinion that
8 People's 40 is the murder weapon; is that right?

9 MR. KANAREK: Your Honor, I must respectfully object
10 to my esteemed colleague's question. I must object to it.
11 He is asking for his opinion.

12 MR. FITZGERALD: I will withdraw the question.

13 I have nothing further.

14 THE COURT: Mr. Shinn?

15 MR. SHINN: Yes, sir.

16
17 CROSS-EXAMINATION

18 BY MR. SHINN:

19 Q Officer, you went up to this residence, the
20 Weiss residence, on what date?

21 A I don't have the dates. I was up there three
22 or four times, sir.

23 Q Okay.

24 Now, when you went up there the first time,
25 Officer, did you look at the location where the gun was
26 found?

1 I believe I did. I believe I talked to
2 Steven the first time I was up there.

3 Q Then you did go up the hill to the approximate
4 spot where the man was found; is that correct?

5
6 Q Did you have any weapons or officers
7 with you?

8 A My partner, Sergeant McGann, was with me.

9 Q Prior to going to this residence, you had an
10 idea, or you had some kind of a description of the weapons
11 that you were looking for; is that right? Other weapons
12 I am talking about, Officer.

13 A Prior to going up there the first time we had
14 somewhat of a description.

15 Q Regarding the other weapons? I am sorry.

16 Q The other weapons besides the .22 pistol.

17 A Yes. That is correct.

18 Q And I take it you made a search around the
19 area for these other weapons?

20 A Yes, sir.

21 Q And that was the first time?

22 A No, sir.

23 Q Did you go to the back yard of the residence the first time?

24 A I don't understand your question.

25 Q Well, did you go to this residence prior to
26

1 the first time that you went there when someone called you?

2 THE COURT: Do you understand the question?

3 THE WITNESS: No, sir, I don't.

4 THE COURT: I don't either.

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1 MR. SHINN: I am sorry, your Honor. I don't
2 understand it myself.

3 Q The first time you went to the residence is
4 because someone called you or someone told you that the
5 gun was found at that residence; is that right?

6 A I received information that that is where the gun
7 had been found, yes, sir.

8 Q And that was the first time that you went to the
9 residence; is that correct?

10 A That was the first time that I had ever gone
11 to that residence.

12 Q I asked you whether or not you made a search
13 around the area for other weapons.

14 A Prior to the time that we went to the Weiss
15 residence, we made several extensive searches in the area
16 of the Hollywood Hills, but not in this particular area.

17 Q Okay.

18 Now, since you had knowledge that the gun was
19 found in that area, you did make a search around that area,
20 did you not, officer?

21 A We made a great many more additional searches,
22 yes.

23 Q Around that particular area?

24 A Yes, sir.

25 Q And at the time you went there, you knew approxi-
26 mately what other weapons you were looking for; is that

a2

1 correct, officer?

2 MR. KANAREK: Your Honor, I must object to that as
3 calling for a conclusion.

4 Also, I gather I have a continuing objection on
5 immateriality and irrelevancy; is that right?

6 THE COURT: If you ask for it.

7 MR. KANAREK: Yes, your Honor.

8 THE COURT: Very well.

9 MR. KANAREK: Thank you.

10 But I do specifically object to this question
11 on the grounds that it is calling for a conclusion of this
12 witness.

13 THE COURT: I understand it to be asking for an
14 opinion of the officer as to what he is looking for.

15 MR. SHINN: In the interests of time, I will withdraw
16 the last question.

17 THE COURT: You withdraw it?

18 MR. SHINN: Yes. In the interests of time, your
19 Honor.

20 Q You went up there what? Two or three other
21 times, officer?

22 A Where, sir?

23 Q The same area.

24 A To the area?

25 Q Yes. The Weiss residence; behind the Weiss
26 residence.

8a3

1 A Behind the Weiss residence, I was probably up
2 there ten times total.

3 Q Ten times?

4 A Yes.

5 Q And you didn't find any other weapons, correct?

6 A That is correct, sir.

7 Q Now, when you took this gun, Officer, you took
8 this gun from some other officer, did you not?

9 A No, sir.

10 Q Who handed you this gun?

11 A The Property officer at the Valley Services
12 Division.

13 Q When you took this gun, Officer, did you give it
14 a close examination?

15 A Not a close examination, no, sir.

16 I only looked at it to determine that it was
17 unloaded, and it was.

8b

3B- 1

1 Q And then you did look around in the barrel and
2 the handle of the revolver?

3 A No.

4 Q You didn't look at it closely at all, Officer?

5 A No.

6 Q Did you give it to someone else to look at
7 closely?

8 A I caused it to be examined closely.
9 I only took it and recocked it into Central
10 Property.

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

12 THE COURT: Mr. Kanarek, any questions?

13 MR. KANAREK: Yes.

14
15 CROSS-EXAMINATION

16 BY MR. KANAREK:

17 Q Officer, while you were testifying, during a
18 portion of your examination you had a paper in front of you,
19 did you not?

20 Is that a paper that you still have in your
21 pocket?

22 A Yes, sir.

23 Q May I look at it for a moment?

24 A Yes.

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

8B2

1 THE COURT: You may.

2 (Mr. Kanarek approaches the witness and the
3 witnesses produces a document.)

4 MR. KANAREK: May I have a moment, your Honor, to
5 look at this?

6 THE COURT: Yes.

7 (Pause while Mr. Kanarek examines the document,
8 then shows it to Mr. Bugliosi and Mr. Fitzgerald.)

9 MR. KANAREK: Q Officer, would you have any
10 objection if this were marked for identification, this
11 particular piece of paper?

12 A I have no objection, no, sir.

13 MR. KANAREK: Your Honor, I wonder if this might be
14 marked for identification at this time, this document?

15 THE COURT: It will be marked R for identification.

16 What is the description of it?

17 MR. FITZGERALD: Property Report.

18 MR. KANAREK: It is a Property Report, your Honor,
19 of the Los Angeles Police Department. Document No. DR
20 69-603270.

21 THE COURT: Very well.

22 MR. KANAREK: Thank you.

23 Q Now, Officer, you are familiar with the
24 procedures of the Los Angeles Police Department, are you
25 not, sir?

26 A Not all of the procedures, no, sir.

9

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1 Q Well, is it a fair statement, Officer, that
2 when a gun is received that there is some distribution of
3 this DR -- of the property report, there is some internal
4 distribution in the Los Angeles Police Department?

5 A That is correct.

6 Q Is it a fair statement that in September of 1969
7 the matters which had occurred at the Tate residence,
8 involving the people that passed away there, that that was
9 a very top priority item in the Los Angeles Police
10 Department?

11 MR. BUGLIOSI: Irrelevant, your Honor.

12 THE COURT: Overruled.

13 THE WITNESS: Would you repeat the question,
14 please.

15 MR. KANAREK: May that be read, your Honor?

16 THE COURT: Read the question.

17 (Whereupon, the reporter reads the pending
18 question as follows:

19 "Q Is it a fair statement that in
20 September of 1969 the matters which had
21 occurred at the Tate residence, involving
22 the people that passed away there, that that
23 was a very top priority item in the
24 Los Angeles Police Department?"

25 THE WITNESS: I would say that was a correct
26 statement, sir.

9-2

1 BY MR. KANAREK: And, in fact, then, is it a
2 fair statement, Officer, that DR 59502270, this property
3 report, is on the official form that is used by the
4 Los Angeles Police Department?

5 A Yes, sir.

6 Q For this type of matter?

7 A Yes, sir.

8 MR. KANAREK: Thank you. May I put an R on the back
9 your Honor, Defendants' R?

10 THE COURT: Yes.

11 Any further questions, Mr. Kanarek?

12 MR. KANAREK: No, your Honor, thank you, no further
13 questions.

14 MR. HUGHES: I believe there is a stipulation then
15 that this witness' testimony will not refer at all to
16 Leslie Van Houten.

17 MR. BUGLIOSI: I have a few more questions.

18 THE COURT: All right.

19
20 REDIRECT EXAMINATION

21 BY MR. BUGLIOSI:

22 Q You say you sent out a letter and a drawing of
23 the gun to various people?

24 A No, sir, it was a photograph, an actual photo-
25 graph of a gun similar to what we believed to be the murder
26 weapon.

9-3

1 MR. KANAREK: Your Honor, I would object to this
2 last answer.

3 THE COURT: Overruled.

4 MR. KANAREK: What they believed to be the murder
5 weapon.

6 Q BY MR. BUGLIOSI: And also an accompanying letter?

7 A Yes, sir.

8 Q The Special Services Division of the Los Angeles
9 Police Department, is that in Van Nuys?

10 A That's right, sir.

11 Q Sometimes called the Van Nuys Division of the
12 Los Angeles Police Department?

13 A That is a geographical division. Valley
14 Services Division is a service unit to all of the geographical
15 divisions within the San Fernando Valley.

16 Q Did you ever send a photograph of a .22 caliber
17 longhorn revolver in an accompanying letter to the Valley
18 Services Division?

19 A Not to my knowledge, no, sir.

20 MR. BUGLIOSI: No further questions.

21 THE COURT: Anything further?

22 MR. KANAREK: Yes, just a couple of questions on
23 recross-examination.

RE-CROSS-EXAMINATION

BY MR. KAMARSKY:

Q Officer, if you are going to send letters to Peru and Argentina and New York, wouldn't the most logical place to send letters or communications be right within our own boundaries here in the city of Los Angeles?

MR. BUGLIOSI: I object, your Honor, argumentative.

THE COURT: Sustained.

MR. KAMARSKY: Thank you.

MR. FITZGERALD: No questions.

THE COURT: You may step down, sir.

MR. BUGLIOSI: Call Sergeant Varsay.

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

Would you please repeat after me.

I do solemnly swear --

THE WITNESS: I do solemnly swear --

THE CLERK: -- that the evidence I may give --

THE WITNESS: -- that the evidence I may give --

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

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

THE CLERK: -- before this court --

THE WITNESS: -- before this court --

THE CLERK: -- shall be the truth --

THE WITNESS: -- shall be the truth --

THE CLERK: -- the whole truth --

THE WITNESS: -- the whole truth --

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

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

THE CLERK: -- so help me God.

THE WITNESS: -- so help me God.

THE CLERK: Would you please state and spell your name.

THE WITNESS: Dudley D. Varney, V-a-r-n-e-y.

DUDLEY D. VARNEY,

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

DIRECT EXAMINATION

BY MR. BUGLIOSI:

Q What is your occupation and assignment?

A I am a police officer, Sergeant of Police, for the Los Angeles Police Department, assigned to Robbery, Homicide Division.

Q On the date of August 9, 1969, did you proceed to the address, 10050 Cielo Drive, City of Los Angeles?

A Yes.

Q About what time did you arrive there?

A In the early afternoon, sir, approximately 1300.

Q What was the purpose of your going there at that time?

A To assist in an investigation.

1 MR. BUGLIOSI: Your Honor, I have here what
2 appears to be a small portion of a slug or a bullet.

3 May it be marked People's next in order?
4 Is that 251?

5 THE COURT: 250.

6 MR. BUGLIOSI: 250. May the envelope and the slug
7 be collectively marked 250, your Honor?

8 THE COURT: They will be so marked.

9 MR. BUGLIOSI: I have here, your Honor, another
10 envelope which contains therein a cellophane container,
11 and within the cellophane container there appears to be
12 four fragments of a bullet.

13 May these all collectively be marked People's
14 251 for identification?

15 THE COURT: They will be so marked.

16 Q BY MR. BUGLIOSI: I show you 250 for identi-
17 fication, Sergeant. It appears to be a portion of a slug,
18 of a bullet. Have you seen that before?

19 A Yes, sir, I have.

9A-1

1 Q Where did you see it for the first time?

2 A The first time I saw this it was laying on the
3 cushion of the rear seat of a white vehicle, license
4 number MPK 308, which was parked in the driveway at the
5 Cielo Drive address.

6 Q A '65 Rambler?

7 A Yes, sir, I believe it was.

8 Q I show you People's 16 for identification. Is
9 that the photograph of the '65 Rambler?

10 A Yes, sir, it is.

11 Q Did you see the license plate number here,
12 MPK 308?

13 A Yes, sir, that is the same vehicle.

14 Q What did you do with this portion of a slug
15 after you found it?

16 A I picked it up and placed it in a small manila
17 envelope and put my initials, DDV, on the envelope and
18 booked it at Property Division as evidence.

19 Q Do you see your initials on this envelope now?

20 A Yes, sir, that is my initials.

21 Q Above and to the right of the number 7 on the
22 envelope?

23 A Yes, sir.

24 Q I show you People's 251 for identification,
25 specifically I will draw your attention to a cellophane
26 container inside the envelope, and to four segments of a

1 bullet slug inside.

2 Have you ever seen those fragments before?

3 A Yes, sir, I have.

4 Q When did you see them for the first time?

5 A The first time I saw them they were laying in
6 the bottom of the door inside the door of the same
7 vehicle parked in the driveway at the Cielo address.

8 Q A 1965 Rambler?

9 A Yes, sir, the same one I described previously.

10 Q Have you seen the cellophane container before?

11 A Yes, sir, I have.

12 Q There seems to be some marking on it. Did you
13 mark it?

14 A No, sir, I did not.

15 Q Do you know who did?

16 A Yes, sir, that marking was done in my presence
17 by Sergeant Lee of the Scientific Investigation Division.

18 He gave me the envelope after he made the
19 marking on it, and placed the bullet in it, and I booked
20 it in the Property Division as evidence.

21 Q You booked these four bullet fragments into the
22 Property Division of the Los Angeles Police Department, is
23 that correct?

24 A Yes, sir, I did.

25 MR. BUGLIOSI: Thank you, no further questions.

26 MR. FITZGERALD: No questions of this officer,
thank you.

1 MR. SHINN: No questions.

2 THE COURT: Mr. Kanarek?

3 MR. KANAREK: Thank you.

4 MR. HUGHES: By stipulation this officer's testimony
5 would not apply to Miss Van Houten.

6 THE COURT: Very well.

7 MR. KANAREK: And also my continuing objection on the
8 grounds of immateriality and irrelevancy.

9 THE COURT: Yes, Mr. Kanarek.

10 MR. KANAREK: Thank you.

11 THE COURT: You may step down, Sergeant.

12 MR. BUGLIOSI: Call Sergeant Lee.

13 THE CLERK: Raise your right hand, please. Please
14 repeat after me.

15 I do solemnly swear --

16 THE WITNESS: I do solemnly swear --

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

18 THE WITNESS: -- that the evidence 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 be seated, please.

6 Would you please state and spell your name.

7 THE WITNESS: William J. Lee, L-e-e.

8
9 WILLIAM J. LEE,

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

13
14 DIRECT EXAMINATION

15 BY MR. BUGLIOSI:

16 Q What is your occupation and assignment, sir?

17 A I am a police officer for the City of
18 Los Angeles, assigned to the Scientific Investigation
19 Division, Firearms and Explosives Unit.
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9b-1

1 Q You have had quite a bit of training in the
2 field of firearm identification?

3 A Yes, sir.

4 Q Please relate to the Court and jury your
5 training and experience in the field of firearms identifi-
6 cation?

7 A Yes, I first started my training with hand
8 and shoulder weapons in the United States Infantry, 1943,
9 during World War II.

10 I again received further information on
11 handguns and shoulder weapons in the Los Angeles Police
12 Training Academy in 1950.

13 I was assigned to the Firearms Unit of the
14 Scientific Investigation Division in 1957, and at this
15 time I began my training under such experts in the field
16 as Irwin Uhde, Raymond Finker, and my partner, DeWayne
17 Wolfer.

18 I studied manufacturing processes of both
19 firearms and ammunition at Remington Arms, Winchester,
20 High Standard, Colt, Smith & Wesson and other gun
21 factories in the East, and West Coast companies.

22 I am an instructor of police science at
23 El Camino College where I have been since 1958.

24 Part of my curriculum is the identification
25 of firearms and ammunition, through them.

26 I have read books on the subject of firearms

9b-2

1 identification. I have made comparisons of bullets fired
2 from known firearms and shell casings through known and
3 unknown firearms.

4 I have conducted these tests myself, and made
5 the comparisons, many thousands of tests.

6 I have testified in Municipal and Superior
7 Courts in the County of Los Angeles approximately 400
8 times, and I have testified in courts other than in Los
9 Angeles County.

10 Q Have you qualified as an expert in firearms
11 identification in those aforementioned courts?

12 A I have.

13 Q Do you have anything else to tell us, Sergeant,
14 about your background and history in the field of firearms
15 identification?

16 A (No response.)

17 Q Have you indicated how long you have been in
18 this particular unit of the Los Angeles Police Department?

19 A I was assigned there originally in that
20 particular unit in 1957.

21 However, I did leave for a period of time to
22 become an investigating sergeant in the field.

23 I returned to the laboratory as officer in
24 charge about three and a half years ago.

25 I have a total of approximately eight years
26 constant assignment in firearms identification.

9b-3

1 Q I show you People's 40 For identification,
2 have you ever seen that revolver before?

3 A Yes, sir, I have.

4 Q When did you see that revolver for the first
5 time?

6 A On December 16th, 1969.

7 Q Where was it at that time?

8 A In the Central Property Division of the Los
9 Angeles Police Department.

10 Q Did you examine the revolver at that time?

11 A Yes, I did.

12 Q What type of a revolver is it?

13 A This is a High Standard double nine, double-
14 action revolver, .22 caliber.

15 Q You say double-action, what do you mean by
16 that?

17 A Well, this weapon may be fired either single
18 or double-action.

19 Now, the term single-action refers to the
20 fact that you must cock the hammer in order to rotate
21 the cylinder which contains the cartridges, ready for
22 firing.

23 By pulling back on the hammer, the cylinder
24 normally rotates, and the hammer is cocked to the rear,
25 and in order to fire this weapon you then pull the
26 trigger.

9b-4

That is the single-action feature.

It is like many guns that are on the market today, normal police guns may be fired either single-action by pulling the hammer back and cocking it; then it must have the trigger pulled to fire it.

That is the single-action feature.

Now, the double-action feature simply means that you may accomplish the same action of rotating the cylinder and cocking the hammer simply by pulling the trigger, and not being required to handle the hammer at all.

Q Is this revolver of such a nature -- does it have such characteristics that a person could fire it four consecutive times in close sequence?

A Yes.

Q Rather rapidly, in other words?

A Yes.

Q That would be firing it in double-action fashion?

A That is correct.

Q On August 10th, 1969, Sergeant, did you go to the Coroner's Office of the Los Angeles County Police Department?

A At the County Coroner's I did, not at the Police Department, but in this building in the basement.

Q At the Coroner's Office, is that right?

A Yes, sir, I did.

X 9c fls.

9c-1

1 Q Did you receive some bullets at that time?

2 A Yes.

3 Q From whom did you receive the bullets?

4 A I received the bullets from Dr. Herrera on
5 that date.

6 Q About what time of the day?

7 A One bullet I received in the morning, I believe
8 it was approximately 10:00 a.m., and then I received some
9 additional bullets from him, two other bullets later in
10 the same evening approximately 6:00 p.m.

11 Q I show you an envelope, Sergeant, it is marked
12 People's 177 for identification.

13 I direct your attention to the front portion
14 of it, of the envelope.

15 It says "Voltyck Frykowski, date 8/10/69, time
16 12:45 a.m." Below it it says Gaston Herrera, M.D.

17 Have you seen that envelope before?

18 A Yes, sir, I have.

19 Q I am now removing from that envelope what
20 appears to be a bullet slug, have you ever seen that
21 bullet slug before?

22 A Yes, sir, I have.

23 Q Is this one of the bullets that you received
24 from Dr. Herrera on August 10th, 1969?

25 A Yes, sir, it is.

26 Q Did you write anything at all in your own

9c-2

1 handwriting on this envelope People's 177 for identifica-
2 tion?

3 A I did.

4 Q What did you write?

5 A I wrote my handwriting "Received from Dr.
6 Herrera, 9/10/69, 12:45 p.m."

7 Then my last name, Lee.

8 Q L-e-e?

9 A As a signature.

10 Q This is in your own handwriting?

11 A It is.

12 Q On the reverse side of the envelope?

13 A Yes.

14 Q I show you People's 185 for identification.

15 The front portion of the envelope says:

16 "Steven Earl Parent, bullet caliber .22.

17 "8/10/69.

18 "2:00 p.m."

19 And it is signed Gaston Herrera.

20 Have you ever seen this envelope before?

21 A Yes, I have.

22 Q Do you show your handwriting on the reverse
23 side, "Received from Dr. Herrera, 8/10/69, 6:15 p.m.,
24 Lee."

25 Is that your handwriting?

26 A It is.

1 Q I just removed a slug from that envelope,
2 Sergeant, have you ever seen that slug before?

3 A Yes, I have.

4 Q Is this one of the bullets that you received
5 from Dr. Herrera?

6 A Yes, it is.

7 Q On 8/10/69 at 6:15 p.m.?

8 A Yes, sir.

9 Q It is inside this envelope right here?

10 A Yes.

11 Q The envelope that contains this slug and the
12 slug are together marked 185 for identification, is that
13 correct?

14 A Yes, sir.

15 Q I show you People's 186 for identification,
16 another envelope.

17 On the front it says "Steven E. Parent,
18 bullet caliber .22.

19 "date 8/10/69.

20 "Time 2:00 p.m.

21 "Signed C. Herrera."

22 Have you ever seen that envelope before?

23 A Yes, I have.

24 Q On the reverse side:

25 "Received from Dr. Herrera, 8/10/69, 6:15 p.m.,"
26 signed "Lee."

1 Is that your handwriting?

2 A It is.

3 Q Removing from that envelope another slug,
4 have you ever seen that slug before?

5 A Yes, I have.

6 Q Is this one of the bullets you received from
7 Dr. Herrera on August 10, 1969?

8 A Yes, it is.

9 Q At 6:15 p.m.?

10 A Yes, sir.

11 Q On August 11, 1969, did you go to the Coroner's
12 Office?

13 A I did.

14 Q Did you receive any bullet or bullets at that
15 time?

16 A I did.

17 Q From whom did you receive the bullet or
18 bullets?

19 A I received one bullet from Dr. Thomas Noguchi.

20 Q I show you People's Exhibit 166 for identifica-
21 tion, the front portion:

22 "Jay Sebring.

23 "This bullet is recovered between his
24 shirt and back found loosely during fluoroscopic
25 examination at 10:15 a.m. on August 10, 1969.

26 "Thomas Noguchi," in the bottom right-hand

corner it looks like.

You have seen this envelope before?

A I have.

Q On the reverse side it says:

"Received from Dr. Noguchi, 8/11/1969,

9:45 a.m."

A Yes, sir.

Q "Lee"?

A Yes, sir.

Q That is in your handwriting?

A It is.

Q I just removed a slug from that envelope, have you ever seen that slug before?

A Yes, sir, I have.

Q Is this the slug or bullet that you got from Dr. Noguchi on August 11th?

A Yes, sir, it is.

10 Els.

0-1

1 Q Could all four of these -- would you rather have
2 we refer to them as bullets or slugs, Sergeant?

3 A Either term.

4 Q Bullet is agreeable?

5 A Yes.

6 Q All right.

7 Could all four of these bullets have been fired
8 from this type of revolver, People's 40 for identification?

9 A Yes, they could have.

10 MR. KANAREK: Your Honor, may I have that read back?

11 THE COURT: Yes. Read the question.

12 (The question was read by the reporter.)

13 MR. KANAREK: I object on the grounds of improper
14 foundation, your Honor. Calling for conjecture, conclusion.

15 There is no foundation for that question at this
16 point.

17 THE COURT: Overruled.

18 You may answer.

19 THE WITNESS: The answer was yes, they could have
20 been fired from this type of revolver.

21 MR. BUGLIOSI: Q What caliber bullets are
22 these?

23 A Those are .22 caliber long rifle bullets.

24 Q All four of them?

25 A Yes, sir.

26 Q Besides the caliber of a bullet, Sergeant, are

10-2

1 all bullets the same, or are some bullets made out of a
2 different material and have different coating, et cetera?

3 A Yes, bullets may be made of different
4 materials and coatings.

5 Q So bullets differ, then?

6 A They can, yes.

7 Q In addition to the difference in their caliber?

8 A Yes, sir.

9 Q Could you describe each of those four bullets in
10 detail, the four bullets that I showed you?

11 MR. KANAREK: That is ambiguous, Your Honor. The
12 bullets are the best evidence.

13 We are not here for a lecture on firearms.

14 THE COURT: Overruled.

15 You may answer.

16 A The bullets appear to me to be .22 long rifle
17 bullets.

18 MR. BUGLIOSI: Q What do you mean by long
19 rifle?

20 A The .22 caliber rim fire cartridge, as the
21 type which is normally used with this type of weapon, comes
22 in three general sizes: the .22 short, the .22 long, and
23 the .22 long rifle.

24 These cartridges are of the same diameter but
25 their length varies.

26 For instance, the bullet used in the .22 short

.0-3

1 and the .22 long cartridge are the same length, each
2 weighing approximately 29 grains. They are both the same
3 bullet but they are used in conjunction with different
4 size shell casings.

5 A short shell casing plus the short bullet
6 would equal the .22 short cartridge. That could be used
7 in this type of weapon. Also what could be used in this
8 type of weapon is the same small bullet in conjunction with
9 a longer shell casing, and these together would be the .22
10 long.

11 There is the same type of shell casing, the same
12 length as the long now, used with the .22 long rifle, but
13 in conjunction with this long shell casing we have a
14 longer bullet which weighs approximately 40 grains.
15 So, together, the longer bullet and the longer shell casing
16 make up the .22 long rifle cartridge.

17 The term "long rifle," does not necessarily
18 require that it be fired in a rifle. The cylinder of that
19 weapon is long enough to accept that cartridge.
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QA-1

1 MR. KANAREK: Your Honor, I would ask that all of
2 that be stricken as not responsive to the question.

3 THE COURT: The motion is denied.

4 MR. BUGLIOSI: Q So, all four bullets I showed
5 you, the three that you received from Dr. Herrera and the
6 one that you received from Dr. Noguchi, all four of them
7 are .22 caliber long-rifle bullets?

8 A Yes.

9 Q Can you give us any further description of the
10 bullets, Sergeant?

11 A They appear to be lead which has a lubaloy type
12 of coating or a brass or copper wash which is formed to
13 the outside of the exterior of the lead.

14 Q Can you give us any further description?

15 A I do not recall any further description other
16 than they appear to have been fired, and they do have
17 land and groove imprints upon them.

18 Q Apart from their present damaged condition,
19 then, are you saying that originally all four of the
20 bullets which I showed you appeared to be the same kind?

21 MR. KANAREK: Object, your Honor. Assuming facts not
22 in evidence.

23 There is no foundation for it. Also, the word
24 "damaged" by counsel is assuming facts not in evidence.

25 Over and apart from the fact that there is
26 nothing in the record to substantiate this question.

1 It is an improper hypothetical question, your Honor.

2 THE COURT: Overruled.

3 You may answer.

4 THE WITNESS: The answer would be yes.

5 THE COURT: Let's go back and read the question and
6 answer.

7 (The record was read by the reporter.)

8 MR. BUGLIOSI: Did you use the word "originally"
9 in there?

10 (The record was again read by the reporter.)

11 MR. BUGLIOSI: Q What are lands and grooves
12 in a firearm?

13 These are terms that are used in firearm
14 identification; is that correct?

15 A Yes, sir.

16 Q What are lands and grooves?

17 A The lands and grooves within a gun barrel are
18 formed to provide what is known as gyrostatic stability
19 to the bullet, which is an oblong projectile normally and
20 requires a twist to send it through the air in a constant
21 motion so that you could actually aim at a target and
22 expect to hit it.

23 If we did not have this twist or rotation on the
24 bullet, it would tumble and yaw and pitch through the air,
25 not having a definite objective.

26 The lands and grooves are formed in a twist

1 by taking a gun barrel which has been drilled, a piece of
2 solid bar stock, the bar stock is then drilled on its
3 longitudinal axis. After it is drilled, it is reamed.
4 After the barrel is reamed, a broach or cutter is pushed through
5 the gun barrel, cutting out pieces of metal or cutting
6 out grooves.

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10b-1

1 Now, the grooves are where the metal has been
2 cut away.

3 The area within this gun barrel now which has
4 not been cut away, which remains after the broaching,
5 is called the land.

6 So, in a gun barrel we have a land and a
7 groove, or many different lands and grooves within a gun
8 barrel, depending on the type it is, and these are cut
9 on a helical axis.

10 Q Would you say then that grooves are the
11 indentations made in the barrel when the barrel is rifled?

12 A Yes, that would be correct.

13 Q And would you say the lands, then, are the
14 ridges; in other words, the area between the grooves?

15 A Yes, sir.

16 Q I take it this firearm here has lands and
17 grooves; is that correct?

18 A It is.

19 Q Have you ever examined this revolver to
20 determine the number of lands and grooves?

21 A I did.

22 Q When did you make that examination?

23 A On December the 17th, 1969.

24 Q How many lands and grooves did you determine
25 to be inside this barrel?

26 A Six lands and six grooves.

10b-2

1 Q Do all revolvers, all firearms, have six lands
2 and six grooves?
3 A No, they do not, no.
4 Q Do some have five?
5 A Yes.
6 Q Do some have four?
7 A Yes.
8 Q Do some have three?
9 A I don't recall at this time, but it is possible.
10 Q What about two?
11 A Yes.
12 Q What about one?
13 A I don't know about one.
14 Q How about seven?
15 A Yes.
16 Q Eight?
17 A Yes.
18 Q Nine?
19 A I have never seen a nine.
20 Q What about ten?
21 A Yes.
22 Q Anything in excess of ten?
23 A Yes.
24 Q All the way up to what, Sergeant?
25 A I believe they may have as high as 20.
26 Q This particular revolver, People's 40 for

10b-3

1 identification, has six lands and six grooves; is that
2 correct?

3 A Yes, sir.

4 Q Do the barrels of firearms have imperfections?

5 A Yes.

6 Q Always?

7 A Yes.

8 Q Have you ever seen a barrel of a firearm that
9 did not have imperfections?

10 A No.

11 Q And what are these imperfections, Sergeant?

12 A Imperfections may be of many forms.

13 Normally, they are protrusions or indentations
14 which are microscopic in the gun barrel.

15 Q Would you say they are rough spots on the land
16 and groove surfaces?

17 A Yes, that could be, yes.

10c fls.

10b-4

1 Q What causes these rough spots or imperfections,
2 Sergeant?

3 A Several things may cause them.

4 Normally, these may occur during the manufacture
5 of the firearm, during the broaching process.

6 After the manufacture of the firearm, the
7 storage conditions of the gun. The fact that dirt may
8 be in the barrel at the time of the weapon being fired.
9 The type of ammunition fired through the gun.

10 Many of these things will cause slight imper-
11 fections to be transmitted to the gun bore or barrel.

12 Q You are using the term bore and barrel synono-
13 mously; is that right?

14 A Yes.

15 Q Now, Sergeant, when a bullet passes through
16 the barrel of a gun, do the lands and grooves and the
17 imperfections cut into the side of the bullet as it passes
18 through?

19 A Yes.

20 Q Do the lands and grooves and the imperfections
21 thereby leave an identifying imprint on the bullet?

22 A Generally, yes.

23 Q And what are the imprints called?

24 A Stria.

25 Q S-t-r-i-a?

26 A Yes.

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Q Stria?

A Yes.

Q Does the imprint or stria form a pattern on the bullet the same as that of the lands and grooves and imperfections in the barrel?

A Yes, except in reverse.

Q In reverse?

A Yes.

Q Could you explain what you mean by the pattern being in reverse.

A Well, where a protrusion might be present in a gun barrel, this would cause a gouge or small scratch in the side of the bullet, as an indentation.

Q And vice versa, then?

A Yes.

Q So, a protrusion inside the barrel might cause an indentation on the bullet, and vice versa?

A Yes.

Q I take it, then, by examining the bullet which has been fired from the gun, Sergeant, you can determine the number of lands and grooves inside the barrel of the firearm from which the bullet was fired?

A Generally, yes.

Q And you say that the barrel of this firearm has six lands and grooves; is that right?

A Yes, sir.

1 Q When a bullet leaves the muzzle of a firearm
2 and proceeds towards its ultimate destination, I take it
3 that it spins in a certain direction?

4 A Yes.

5 Q Do they call this "twist"?

6 A Yes.

7 Q In the terminology of firearms?

8 A Yes.

9 Q Did you determine what type of a twist People's
10 40, the revolver, has?

11 A I did.

12 Q What type of twist?

13 A It has a right-hand twist.

10d Fls. 13

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1 Q In other words, all bullets fired from that
2 firearm would proceed or go into a spin in a clockwise
3 fashion as if it proceeded towards its target, is that
4 correct?

5 A Yes, sir.

6 Q Do all firearms have a right-hand twist?

7 A No.

8 Q Do some have a left twist?

9 A They do.

10 Q Directing your attention, Sergeant, to this
11 revolver, and also to these four bullets here which you
12 received from the Coroner's office.

13 Did you ever conduct an examination to
14 determine whether or not these four bullets were fired
15 from this revolver?

16 A Yes, sir, I did.

17 Q When did you conduct that examination?

18 A The first time was approximately December the
19 22nd, 1969.

20 Q Will you please relate in detail the type of
21 examination you conducted with respect to those four bullets
22 and that revolver.

23 A Yes.

24 I first obtained cartridges of the same type
25 that the bullets represent.

26 I fired my cartridges which I obtained from the

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Police Department stock. I fired test shots through this particular firearm into a water recovery tank.

The water recovery tank is a long tank about 9-1/2 feet deep which is filled with water. I fire the bullets into the water, they settle to the bottom, and I raise a basket from the tank and then I recover the test bullets.

The test bullets are then placed in the comparison microscope, which is an instrument in my office.

The comparison microscope is, in essence, two microscopes, like you might see in a doctor's office, sitting side-by-side. These are connected with a common prism bridge so that by viewing through the ocular eye pieces, I may view both of the microscope stages at the same time through the objective lenses on each.

One test bullet was mounted on one stage, and one of the bullets that I obtained from the Coroner's office was mounted on the other stage, so that I could see both bullets at the same time.

By rotating the stages that the bullets are mounted upon, the bullets may be turned and moved so that they are aligned, so that I can align the land and groove marks, which are the gross large marks on the bullets.

Then an examination is made within these land and groove marks for stria which would be left on the

1 bullets from the firearm, and generally in the same
2 pattern.

3 So, by aligning the stria, which would be very
4 similar to aligning my fingers, although not at a constant
5 width from each other -- we might have narrow ones, three,
6 two or three narrow ones, then a large space, and another
7 one down here -- they are not constant lines, but they are
8 at random -- so that by rotating the bullets we attempt
9 to align the stria and make a determination whether these
10 bullets were fired from the same weapon.

11 I conducted this test on all four bullets I
12 received from the Coroner's Office.

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Q In other words, you test fired that revolver?

A Yes, I did.

Q And you used new cartridges; is that correct?

A Yes, sir.

Q And you say you fired into a water recovery tank?

A I did.

Q What is the purpose of firing into a water recovery tank?

A Well, to obtain the bullets without damage to the outer surface of them.

Firing through cotton in a small caliber has a tendency to wipe the side of the bullet and remove stria.

Q The purpose of your test firing this revolver, then, was to compare the test fire bullets with the four bullets and determine whether the test fire bullet and the four bullets were fired from the same revolver; is that correct?

A That is correct.

Q And did you --

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

MR. BUGLIOSI: Yes, sir.

THE COURT: Ladies and gentlemen, do not converse with anyone or form or express any opinion regarding the case until it is finally submitted to you.

The court will recess until 2:00 p.m.
(Whereupon at 12:01 o'clock p.m. the court was in recess.)