

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.

86

No. A253156

REPORTERS' DAILY TRANSCRIPT
Thursday, September 10, 1970
P. M. SESSION

APPEARANCES:

For the People:

DONALD A. MUSICH,
STEPHEN RUSSELL KAY,
~~ARON N. SHIMMEL~~ 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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Official Reporters

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DEFENDANTS': FOR IDENTIFICATION IN EVIDENCE

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LOS ANGELES, CALIFORNIA, THURSDAY, SEPTEMBER 10, 1970

2:05 P.M.

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(The following proceedings were had in open court, all defendants and counsel present, the jury absent:)

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

MR. KANAREK: Your Honor, may I address the Court?

THE COURT: Yes.

MR. KANAREK: Your Honor, I have served upon Officer Calkins a subpoena duces tecum for the tape in question, that is, the alleged tape recording of Mr. George Spahn, and I have here the case of Brady vs. Maryland, your Honor, which I think is exactly in point, and I ask your Honor to consider the law in that respect.

The fact that the People have suppressed evidence, assuming arguendo it is done innocently, the case stands for the proposition that that suppression constitutes a denial of due process.

And as far as what we are going into here is concerned, all of this evidence must be suppressed because they have seen fit to destroy or to see that it is effectively destroyed, or whatever their conduct was.

THE COURT: What was their conduct, Mr. Kanarek?

MR. KANAREK: Assuming it is innocent, the case says whether it is innocent or not, if there is, in fact,

1 objectively imposed a suppression so that the material is not
2 here, notwithstanding the subpoena, and I have served it
3 upon Officer Calkins, although the record is replete with
4 the fact that he doesn't have it, the case stands for the
5 proposition that --

6 THE COURT: That wasn't his testimony. His testimony
7 was that he had it and he couldn't find it.

8 MR. KANAREK: Then, your Honor, I make my motion in
9 the alternative: either that the testimony concerning the
10 alleged consent be suppressed, or that we have a continuance
11 and allow -- I am more than glad to accommodate counsel and
12 the Los Angeles Police Department; I want to be a gentleman
13 about it -- and I would ask for a continuance and allow him
14 to search for it.

15 Because I think the case is clear, your Honor,
16 that if they do not come up with it, your Honor has no
17 alternative, under Brady vs. Maryland, which is 83 Supreme
18 Court 1194 -- I have the case here -- and People vs. Kilhoa,
19 it is clear that if they don't come up with this evidence,
20 it is a suppression of evidence by law enforcement and the
21 prosecution.

22 I have here the process. I have served it upon
23 Officer Calkins and I ask him to respond to the process.

24 What more can we do, your Honor?

25 THE COURT: How do you distinguish this situation
26 from any other situation where a person is unable to find

1 something he believes he has?

2 MR. KANAREK: That is why I would ask your Honor to
3 read the case.

4 THE COURT: Why don't you just tell me, Mr. Kanarek?
5 How do you distinguish it?

6 MR. KANAREK: I am not attempting to distinguish it,
7 your Honor.

8 The case makes it very clear that if evidence
9 which is material to the defendant is not available because
10 law enforcement has suppressed it, whether it be innocent
11 or deliberate, that constitutes a denial of due process.

12 Now, I would invite your Honor to read the case
13 if your Honor disputes this proposition.

J-1

1 THE COURT: You are talking about Brady vs. Maryland.
2 I have read it.

3 MR. KANAREK: And People vs. Kiihoa.

4 I offer your Honor also Mr. Witkin. He also has
5 a section on suppression of evidence.

6 The point is that they took a tape recording,
7 they saw fit to take a tape recording.

8 Now, we as citizens, as taxpayers, have a right
9 that when law enforcement does something, that they save
10 it.

11 If they want to go ahead with this prosecution
12 it is incumbent upon them to keep these items of evidence.

13 No one destroyed them as far as the defense is
14 concerned, and you have to let the chips drop where they may.

15 THE COURT: I have your point in mind, Mr. Kanarek.

16 MR. KANAREK: Pardon?

17 THE COURT: I have your point in mind.

18 MR. KANAREK: I would offer these to the Court and I
19 would ask your Honor to either suppress this alleged
20 testimony concerning consent, that is, not allow any
21 further evidence or allow anything to go forward in
22 connection with consent or give them an opportunity to come
23 up with it, and we can certainly pass on to other things
24 in connection with this trial.

25 I don't think it is an unreasonable request, your
26 Honor.

THE COURT: Do you wish to argue further,

1 Mr. Fitzgerald?

2 MR. FITZGERALD: No, your Honor.

3 THE COURT: Mr. Shinn, any argument?

4 MR. SHINN: Yes, your Honor.

5 As I stated in my former argument, your Honor,
6 even assuming that the police here had reasonable probable
7 cause to enter the premises, I think the cases hold that --

8 THE COURT: Probable cause, you say?

9 MR. SHINN: Yes, they were looking for contraband.

10 THE COURT: Are you talking about consent?

11 MR. SHINN: Yes, your Honor, consent, a violation of
12 the Fourth Amendment, I believe it is.

13 I think these cases hold that furthermore if a
14 search violates the rights of the occupants, the evidence
15 may not be used even against these defendants, your
16 Honor, and I believe Jones vs. United States, 362 U.S. 257,
17 and People vs. Martin, 45 Cal. 2d 755, emphasized that point,
18 your Honor.

19 And I believe that the evidence would be, maybe,
20 the fruits of the poisonous tree.

21 Wong Sun vs. United States brings out that point,
22 your Honor.

23 I feel under these facts the motion should be
24 granted, your Honor.

25 THE COURT: What do you contend poisoned the tree,
26 Mr. Shinn?

1 MR. SHINN: If we assume there was an illegal
2 entry in the beginning.

3 Now, the officer testified they did not have
4 consent to enter the premises, your Honor. Once they
5 entered they should have said to Mr. Spahn, "We have come
6 on your property; would you give us permission to stay on
7 your property?"

8 This was not even done, your Honor.

9 I say the initial entry was illegal, and any
10 subsequent acts by any officers would be illegal acts and
11 therefore the poisonous tree doctrine would apply, your
12 Honor.

13 THE COURT: Do the People wish to be heard?

14 MR. BUGLIOSI: Submit the matter.

15 MR. KANAREK: I have Officer Calkins under subpoena,
16 I would ask he be sworn.

17 THE COURT: You rested, Mr. Kanarek.

18 MR. KANAREK: Then, your Honor, may I reopen for this
19 one item, to make the record?

20 THE COURT: How long ago did you serve him?

21 MR. KANAREK: I just served him momentarily because
22 Mr. Bugliosi won't stipulate to the obvious.

23 MR. FITZGERALD: We can stipulate his testimony may be
24 deemed a return on the subpoena duces tecum.

25 THE COURT: I have no objection if you wish to call
26 him to ascertain that fact.

1 MR. KANAREK: I do call Officer Calkins.

2 MR. CLERK: Would you state your name, please.

3 THE WITNESS: Robert L. Calkins.

4
5 ROBERT L. CALKINS,
6 called as a witness by and on behalf of the Defendant
7 Manson, having been previously duly sworn, was examined
8 and testified as follows:

9
10 DIRECT EXAMINATION

11 BY MR. KANAREK:

12 Q Officer, do you have the subpoena I just served
13 upon you?

14 A Yes, sir.

15 Q Do you have it upon your person?

16 A Yes, sir.

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

18 THE COURT: You may.

19 Q BY MR. KANAREK: May I see it, Officer?

20 officer, have you read over this subpoena duces
21 tecum, that is, the application and the subpoena?

22 A No, sir, I have not had the opportunity.

23 Q Would you take a moment and read it over.

24 (Witness complies.)

25 THE COURT: If you have a copy of the subpoena I
26 might look at it, Mr. Kanarek.

1 MR. KANAREK: Certainly, certainly. I will show your
2 Honor the original which I request be filed, your Honor.

3 I have not had the time to execute the service
4 of that subpoena.

5 Q BY MR. KANAREK: You have had a chance to read
6 this over, officer?

7 A Yes, sir.

8 Q And would you tell me, Officer, if you can
9 respond to the subpoena and present us with the tape that
10 you have had in your possession, the tape which reflects
11 language, words uttered by Mr. George Spahn on or about
12 November 19, 1969.

13 A I cannot give you an answer yes or no, sir.

14 I am continuing to search for the tape. I
15 searched through the noon hour and I have a great many tapes
16 to listen to and play through, and in marking these tapes
17 it will take me --

18 If I am out of here this afternoon I will go
19 back and listen until I can tell you yes or no.

20 I cannot say we don't have it. I am convinced we
21 do have it but I cannot locate it.

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1 MR. KANAREK: Out of courtesy to the officer and
2 the prosecution I would have no objection to continuing
3 this matter, allowing the officer to try to locate the
4 tape and just go on to other things, and have this
5 postponed and allow him to make a good faith -- what he
6 is alleging to be a good faith effort to find it.

7 But even if he makes a good faith effort I
8 think the law is clear if the law enforcement loses it,
9 even though it is innocent --

10 THE COURT: You made that argument, Mr. Kanarek.

11 Sergeant, how long would it take you to,
12 assuming you were unable to find it, how long would it
13 take you to search to reach the point where you can say
14 you did not have it?

15 THE WITNESS: Sometime tomorrow, sir.

16 We have about 100 different tapes there we
17 have to go through.

18 THE COURT: I think the matter should be adjourned
19 until such time the officer is able to say either that he
20 has it or he does not have it.

21 MR. KANAREK: Thank you, your Honor.

22 May this be marked, your Honor, as an exhibit
23 on behalf of the defendant, this subpoena duces tecum
24 given to the officer?

25 THE COURT: Yes, it may be marked.

26 MR. KANAREK: Thank you, your Honor.

9a-2

Ds' T Id.

1 THE COURT: It will be marked Defendants' Exhibit T.

2 MR. HUGHES: May I inquire of the witness if all
3 these 100 different tapes are of this case?

4 THE WITNESS: We have close to 200 involving just
5 this case.

6 THE COURT: The subpoena and declaration in support
7 of it will be marked Defendants' T.

8 MR. KANAREK: Thank you, your Honor.

9 THE COURT: Anything further with respect to this
10 witness?

11 MR. KANAREK: No, your Honor, not at this time.

12 THE COURT: You may step down, sir.

13 THE WITNESS: Thank you, your Honor.

14 MR. BUGLIOSI: We would like to call Sergeant Lee to
15 the stand, your Honor, to testify to the consent.

16 THE COURT: Do you want to set aside a definite
17 date and time for Sergeant Calkins' return or do you want
18 to leave it indefinite?

19 MR. BUGLIOSI: Are we off Monday, Tuesday and
20 Wednesday, your Honor?

21 THE COURT: Yes.

22 MR. BUGLIOSI: Thursday then at 9:45.

23 THE COURT: Very well. That would be Thursday the
24 17th.

25 MR. BUGLIOSI: Yes, your Honor.

26 THE COURT: At 9:45.

9a-3

1 You are ordered to return at that time,
2 Sergeant.

3 THE WITNESS: Yes, your Honor.

4 MR. BUGLIOSI: Your Honor, we would like to call
5 Sergeant Lee to the stand and have him testify to the
6 consent on April 15th, 1970.

7 Sergeant Lee.

8 SERGEANT LEE: Yes.

9 THE CLERK: Be seated, please.

10 Would you draw the microphone back there?

11 SERGEANT LEE: Yes, I will.

12 THE CLERK: Would you state your name.

13 THE WITNESS: William J. Lee.

14 THE CLERK: You are still under oath.

15 THE WITNESS: Yes, sir.

16
17 WILLIAM J. LEE,
18 a witness called by and on behalf of the People, having been
19 previously duly sworn, resumed the stand and testified
20 further as follows:

21
22 DIRECT EXAMINATION

23 BY MR. BUGLIOSI:

24 Q Sergeant, you testified earlier that on
25 November 19th, 1969, you proceeded to Spahn Ranch for the
26 purpose of finding shell casings, is that correct?

9a-4

1 A That's correct.

2 Q On the date April 15th, 1970, did you also
3 proceed to Spahn Ranch for the same purpose, with the same
4 purpose in mind, to wit, to find shell casings?

5 A Yes, sir.

6 Q Whom did you go out there with that day?

7 A On April 15th I proceeded to that location with
8 a police photographer, Bernard --

9 I don't recall his last name at this time.
10 He is a police photographer.

11 Q Just you and he?

12 A To the best of my recollection, yes.

13 Q About what time did you arrive?

14 A In the morning hours, I don't recall.

15 Q Did you attempt to secure anyone's permission
16 to search the premises?

17 A I did.

18 Q Who was that?

19 A Mr. George Spahn.

20 Q Would you please relate to the Judge what took
21 place between you and Mr. Spahn?

22 A Yes.

23 Yes, I went to his residence and knocked on
24 the door and a voice said "Come in."

25 I went in; I observed Mr. Spahn seated in a
26 chair in the living room of this location.

9a-5

1 I introduced myself to him and I told him that
2 I had been there on a previous occasion, and I told him
3 that I would like to look around the grounds of the Spahn
4 Ranch for the purpose of possibly picking up things which
5 may be of an evidentiary nature.

6 Q Did he say anything in response to your state-
7 ment?

8 A Yes, sir, he did.

9 MR. KANAREK: Your Honor, I would ask, your Honor,
10 the word "residence," that the officer enunciated, I ask
11 that be stricken as a conclusion on the part of the
12 witness, that was in the previous answer.

13 THE COURT: I think in the context in which it was
14 used it is not a conclusion.

15 Overruled.

16 THE WITNESS: Mr. Spahn told me that I could go ahead
17 and do anything I wanted on the premises there in that
18 regard.

19 I don't recall his exact words, but on the
20 previous occasion he said any time I felt like it.

21 At this time I asked him again for additional
22 permission to go down in the gully, in that area, and look.

23 He said "Go ahead."

10 fls.

10-1

1 Q Was it your belief that he had the authority
2 to give you consent to make the search?

3 A It was.

4 MR. KANAREK: Objection, your Honor. Calling for
5 a conclusion.

6 THE COURT: Overruled.

7 BY MR. BUGLIOSI:

8 Q Was the photographer with you at that time?

9 A I believe the photographer was outside in
10 the police vehicle, but he may have come in with me, I
11 don't recall.

12 Q And after speaking with Mr. Spahn, you commenced
13 search for the shell casings; is that right?

14 A Yes, it is.

15 MR. BUGLIOSI: No further questions at this time,
16 your Honor, with respect to the consent issue.

17
18 CROSS-EXAMINATION

19 BY MR. FITZGERALD:

20 Q Were you aware, Sergeant Lee, that persons
21 other than Mr. Spahn resided at that location?

22 A Yes.

23 Q How many other people, if you know?

24 A I don't recall.

25 Q Can you tell us what information you had in
26 that regard?

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1 On my previous visit to the location, I observed
2 a number of younger people on the premises who appeared to
3 be going in and out of trailers parked on the premises,
4 and I don't know of anyone else residing in the house at that
5 time.

6 On a previous occasion, I was present when Mr.
7 Spahn was asked if he lived in there, in the large residence;
8 but the trailers on the property appeared ^{to} be transient
9 residence for the younger people on the property in my
10 opinion.

11 That is all.

12 Q What was your understanding as to the size of
13 the ranch and the size of the property that Mr. Spahn was
14 the possessor or owner of?

15 A I have no actual knowledge other than it was
16 stated it was up beyond the top of the hill, beyond the
17 gully, in that direction. I don't know beyond that.

18 Q Did you ask permission of Mr. Spahn to search
19 a particular portion of the ranch area?

20 A I believe at that time I told him that I was
21 going down in the gully. But he said: Anywhere I want.

22 Q Did it appear to you that Mr. Spahn was blind?

23 A It did, yes.

24 Q Did he hold out to you that he was blind?

25 A Well, it was my opinion that he was, Mr.
26 Fitzgerald.

1 Q Did he appear to be an elderly man?

2 A Yes, he did.

3 MR. FITZGERALD: I have nothing further.

4 THE COURT: Any question, Mr. Shinn?

5 MR. FITZGERALD: We would offer to stipulate that
6 there was no search warrant or a warrant of arrest in
7 effect at this time.

8 MR. BUGLIOSI: So stipulated.

9 MR. KANAREK: So stipulated, your Honor.

10 MR. SHINN: So stipulated, your Honor.

11
12 CROSS-EXAMINATION

13 BY MR. SHINN:

14 Q Officer, when you had a conversation with Mr.
15 Spahn, did you explain to him about his constitutional
16 rights?

17 A I did not, Mr. Shinn, no.

18 Q Did you ever hear any other fellow officers
19 that were with you explaining his right to him?

20 A I don't recall whether that occurred on the
21 previous visit or not, but I did not have any of that
22 information on my lone visit to Mr. Spahn.

23 I don't recall about the November 19th visit.

24 Q Did you, at any time on this date, tell Mr.
25 Spahn that he had a right to refuse to let you search the
26 premises?

Did you tell him that?

A No, I don't recall stating that to Mr. Spahn,
no.

Q Did you tell Mr. Spahn: In the event that I
find some contraband, it may be used against you?

A No, I did not.

10a fls.

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1 Q And was any of this consent in writing?

2 A No, sir, not to my knowledge.

3 Q Do you know whether or not it was taped?

4 A My own visit?

5 Q No, it was not.

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

7 THE COURT: Mr. Kanarek?

8 MR. KANAREK: Yes, your Honor. Thank you.

9
10 CROSS-EXAMINATION

11 BY MR. KANAREK:

12 Q Officer Lee, would you describe the person that
13 you have called George Spahn?

14 A Mr. Spahn appeared to be a male Caucasian
15 approximately 70 years of age.

16 He was seated most of the time. In fact, I don't
17 recall ever seeing him other than seated in the one chair on
18 both occasions.

19 I would say he was approximately 70 years of age,
20 wearing dark glasses, a large Western type hat and Eastern
21 style dress. To the best of my recollection, it would be a
22 suit, and a shirt.

23 Q Directing your attention to your frame of mind.

24 Did you get the impression that he was blind?

25 A Yes, sir, I did.

26 Q And in that connection, was there any conversation

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1 with him concerning this infirmity?

2 A Not on my second visit, and I don't recall about
3 the first one, Mr. Kanarek.

4 Q Well, now, the first one -- when you speak of the
5 first one, you are speaking of November 19th?

6 A Yes, sir, that is correct.

7 Q We are now limiting this examination --

8 A Thank you.

9 Q -- I am speaking now of the visit that you
10 have spoken of in April of 1970.

11 A April the 15th, yes, sir.

12 Q All right.

13 Now, you don't recall discussing with him his
14 blindness or his inability to see, do you?

15 A No, I don't believe the subject was brought up.

16 Q Then how did you identify yourself as a law
17 enforcement officer?

18 A I simply stated to Mr. Spahn that I was Sergeant
19 William Lee from the Los Angeles Police Department Crime
20 Laboratory and that I had been there on a previous occasion
21 and had met him earlier, and that I had returned for that
22 particular thing.

23 I did it all verbally, Mr. Kanarek.

24 Q I see.

25 In other words, he touched nothing on your
26 person?

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A We shook hands.

Q You shook hands?

A Yes, sir.

Q You didn't put a badge --

He didn't touch a badge or anything like that?

A No, he did not.

Q How long did this conversation last?

A I was in the room approximately five minutes, I believe.

Q And was your state of mind such that you intended to search the entire area of this ranch when you came there? Was that your state of mind?

A No, sir, it was not.

Q Was it your state of mind that you intended to search a particular area?

A Yes, sir, that is correct.

Q And how long had you formed the intent? How long before you came there did you form the intent to go there and do this searching?

A I believe probably a couple of days. Approximately two days at this time, to the best of my recollection.

Q Did you discuss this with Mr. Bugliosi or Mr. Stovitz before you went there?

A I believe I may have discussed it with Mr. Bugliosi.

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1 Q And did you attempt to approach any magistrate
2 or any judicial officer to get a search warrant?

3 A No, sir, I did not.
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1 Q And is there some reason why you did not attempt
2 to get a search warrant?

3 A The reason, in my mind, my frame of mind was that
4 Mr. Spahn was the proprietor of the property and that he had
5 previously given me permission, and I saw no reason why he
6 wouldn't again give me permission to obtain any property I
7 might want to look for there.

8 Q So, your state of mind was such that you didn't
9 need permission at that time because you had had permission
10 before?

11 A No. Otherwise I wouldn't have been asking for it
12 again. I didn't know.

13 Q Well, did you check with Mr. Bugliosi?

14 A No. I don't recall.

15 Q Did you and Mr. Bugliosi have a conversation
16 concerning the need for a search warrant?

17 A No, I don't recall that.

18 Q You mean you may have discussed getting a search
19 warrant?

20 A I don't think so. I don't recall that arising
21 at all.

22 Q Is this, then, the second time in your life that
23 you ever saw Mr. Spahn?

24 A That is correct, yes.

25 Q And is it a fair statement that, at that time,
26 that is, from the end of the summer of 1969 and all through

1 the end of 1969 up to April, up to the time when you went in
2 April of 1970 to the Spahn Ranch, is it a fair statement
3 that your state of mind was such that you recognized that
4 other people lived in this area, this ranch area?

5 A I had gained that impression in November of
6 1969 and I didn't change after I arrived there in April.

7 Q And your impression was that people other than
8 this man you have spoken of, who you have called George
9 Spahn, lived in the ranch; is that right?

10 A Yes.

11 Q Now, did you seek out the permission of any
12 other person other than Mr. Spahn in order to go to the
13 ranch?

14 A No, sir, I did not.

15 Q And directing your attention to these other
16 people, what was your state of mind as to how many other
17 people, that is, people other than Mr. Spahn, lived in this
18 ranch area in April of 1970?

19 A I would estimate, in April of 1970, I got the
20 opinion probably half a dozen.

21 Q Other people that lived there?

22 A Four, five, six. Something like that.

23 Q And as far as your state of mind was concerned,
24 they were in possession of that property; is that correct?

25 A No, sir, that is not correct.

26 Q Well, did you do any searching of the title of

1 that area?

2 A No, sir, I did not.

3 Q And did you know the relationship, the landlord-
4 tenant relationship of any of the people on that property?

5 A No, sir, I did not.

6 Q You did not know the relationship of these six
7 people among themselves or their relationship to Mr. Spahn
8 when you went there in April of 1970; right?

9 A That is correct.

10 Q What was your state of mind as to their
11 relationship? That is, the relationship of Mr. Spahn and
12 these other six people that you have spoken of?

13 A Well, I would like to correct myself on one
14 point, Mr. Kanarek, and that was that I did have a
15 conversation with one individual who told me he was the
16 ranch foreman at this time and had lived in North Hollywood,
17 and he just came up to work on the ranch.

18 Now, Mr. Kanarek, would you repeat your question?

19 Q This ranch foreman did not live on the ranch?
20 He did not tell you that he lived on the ranch, did he?

21 A No, he did not, that I recall.

22 Q In fact, he told you he did not live on the
23 ranch; is that correct?

24 A I don't recall that statement.

25 Q But your state of mind was such that you
26 thought he did not live on the ranch?

1 A I didn't make up my mind one way or another to
2 that question.
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1 Q Then, directing your attention to these six
2 people and Mr. Spahn. Would you tell us what your state
3 of mind was as to their relationship to that property and
4 Mr. Spahn's relationship to the property?

5 A Yes, sir.

6 It was my opinion that Mr. Spahn was the
7 titleholder to the property, there being a sign above the
8 entrance saying "Spahn Ranch," and that the six, approxi-
9 mately six, individuals there on the property were residing
10 there in return for part-time employment on the ranch,
11 and that they were transient but living in trailers on the
12 property itself.

13 Q Now, when you say "transient," Officer, what
14 do you mean by transient?

15 A Well, I didn't feel that they were necessarily
16 registered voters and giving that as their home location.

17 I felt that they would be able to just leave
18 any time of their own free will without having any regard
19 for any further business at the location.

20 Q And your state of mind was such that you felt
21 that they were paying for occupancy by means of doing
22 work on the ranch?

23 A That is my opinion, yes, sir.

24 Q This was their method of paying rent; right?

25 A I would say that is a true statement.

26 Q And they were occupying and living on those

10c-2

1 premises that you call the Ranch; right?

2 A I would presume this to be correct.

3 Q And directing your attention to your state
4 of mind -- well, I will ask you: Did you attempt to get
5 any permission, consent, from any of these other people,
6 these six people, that you have spoken of?

7 A No, I don't recall trying to get consent from
8 anyone else.

9 Q And was your state of mind such that you did
10 not attempt to obtain consent from them because your state
11 of mind was such that you felt you would not be able to obtain
12 permission from one or more of these six people that you
13 have spoken of?

14 A Yes, sir, that is correct.

15 Q You thought they would tell you no, you can't
16 search?

17 A No. I didn't believe that they had the
18 authority to give me permission.

19 Q Well, my question is: Did you think -- did you
20 think -- that these people would give you permission if
21 you asked them? What was your state of mind in that
22 regard?

23 A I could only answer it the way I did previously.
24 I didn't believe that they had the authority to give me
25 permission or not.

26 I just never seeked them out for that purpose.

10c-3

1 Q You are a Los Angeles police officer; right?

2 A Yes.

3 Q How long have you been a Los Angeles police
4 officer?

5 A Over 20 years.

6 Q Now, is your state of mind such that you recog-
7 nize that when someone is a tenant and occupies real
8 property that the tenant who is doing the occupying must
9 give permission for a search?

10 MR. BUGLIOSI: That is a misstatement, your Honor.

11 THE COURT: Sustained. It is irrelevant.

12 BY MR. KANAREK:

13 Q Well, was your state of mind such that you
14 recognized that the person who occupies and possesses the
15 property is the person who is the person authorized to give
16 consent?

17 MR. BUGLIOSI: That is a misstatement, your Honor,
18 compound, assumes facts not in evidence.

19 THE COURT: Sustained.

20 BY MR. KANAREK:

21 Q Well, Officer, is your state of mind such that
22 you believed that the owner, the title owner, the person
23 who is recorded here in the Hall of Records as the owner
24 is the one that you must get permission from in order to
25 search real property?

26 MR. BUGLIOSI: Ambiguous and compound, your Honor.

10c-4

1 THE COURT: Read the question.

2 (The question was read by the reporter.)

3 THE COURT: I don't see the relevancy of the question,
4 Mr. Kanarek.

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5 The objection will be sustained.
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1 MR. KANAREK: Q Well, Officer, did you make
2 any search to determine if George Spahn lived anywhere else?

3 A No.

4 Q Was your state of mind such that it occurred to
5 you that someone might own real property and not be the
6 occupier of that property?

7 A I knew this is possibly the case. Not in this
8 one.

9 Q Pardon?

10 A I didn't believe that to be the case in this
11 instance.

12 Q Well, you saw other people that were, in fact,
13 occupying and living, they were conducting their daily
14 lives on this property?

15 A Yes. But they were living in individual trailers.
16 If I wanted to search an individual trailer, I
17 would have asked them at this time.

18 Q I see.

19 You would have asked them to search the individual
20 trailers?

21 A Yes, sir, that is correct.

22 Q Well, then, directing your attention to these
23 other people, these six or some other people, did you
24 notice living quarters other than in the trailers?

25 A Yes.

26 Q And there were people -- there was bedding

1 and other items of personal possession that people keep in
2 living quarters at places other than in trailers; right?

3 A Yes, sir.

4 Q And these six people were inhabiting these areas
5 other than in the trailers?

6 A I don't know that to be a fact.

7 Q Pardon?

8 A I don't know that to be a fact.

9 Q But you saw these other living quarters, didn't
10 you?

11 A I just saw what appeared to be living quarters,
12 yes, sir.

13 Q And these living quarters were at a place
14 different than the place that you spoke to George Spahn, the
15 person that you call George Spahn?

16 A Yes, sir.

17 MR. KANAREK: Thank you.

18 Thank you, your Honor.

19 THE COURT: Any other questions?

20 MR. BUGLIOSI: One or two more, your Honor.

21 MR. HUGHES: I believe, your Honor, Mr. Bugliosi and
22 I have a stipulation, the same as the other stipulation as
23 to this officer's testimony.

24 MR. BUGLIOSI: So stipulated.

25 THE COURT: Very well.
26

REDIRECT EXAMINATION

1 BY MR. BUGLIOSI:

2 Q On the date of April 15th, 1970, did you, in
3 fact, find shell casings at Spahn Ranch?
4

5 A I did.

6 MR. KANAREK: I object on the grounds of improper
7 foundation and Fourth Amendment, illegal search.

8 There is no showing of any proper basis for the
9 police officer to conduct a search.

10 THE COURT: That is the purpose of this proceeding,
11 Mr. Kanarek.

12 MR. KANAREK: He is now going into the substance,
13 your Honor, as to whether he found them.

14 THE COURT: He is going into the facts as to what
15 occurred on that occasion.

16 The objection is overruled.

17 THE WITNESS: Yes, sir, I did locate shell casings on
18 the 15th day of April, 1970.

19 MR. BUGLIOSI: Q Where on the premises?

20 A An area approximately 200 feet south or west of
21 what I would term Mr. Spahn's residence, and this would be
22 across a gully, in a gully area, as I say, approximately
23 what I believe to be 200 feet south or west of Mr. Spahn's
24 residence.

25 MR. BUGLIOSI: Q Did you find the shell casings
26 on April 15th in essentially the same location as you found

1 them on November 19th, 1969?

2 A Yes, sir.

3 MR. KANAREK: Calling for a conclusion, your Honor.

4 THE COURT: Overruled.

5 THE WITNESS: Yes, sir, I did.

6 MR. BUGLIOSI: No further questions.

7 THE COURT: Any further questions?

8 MR. KANAREK: Yes.

9
10 RECROSS-EXAMINATION

11 BY MR. KANAREK:

12 Q Did you find the same shell casings in April
13 that you found in November?

14 A Not to my knowledge.

15 Q Pardon?

16 A No, sir.

17 THE COURT: I don't understand that question,
18 Mr. Kanarek.

19 MR. KANAREK: Well, he testified --

20 THE COURT: Are you talking about the identical shell
21 casings?

22 MR. KANAREK: Yes. That is the question, your Honor.

23 THE COURT: All right.

24 Do you understand the question, sir?

25 THE WITNESS: Yes.

26 I don't believe that I observed the same

individual shell casings on April that I observed in
November of 1969.

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1 BY MR. KANAREK:

2 Q And officer, between the time -- between
3 November and April -- November of '69 and April of 1970,
4 did police officers come to that area and shoot any guns
5 off?

6 A Not to my knowledge, Mr. Kanarek.

7 Q You don't know that police -- that police
8 officers did not come to that area, do you?

9 A That is correct, I do not.

10 Q And directing your attention to this period of
11 time, is it a fair statement that police officers from
12 time to time went upon those premises without getting
13 permission?

14 A I have no knowledge of this, Mr. Kanarek, I
15 don't know.

16 Q Officer, did you while on the Spahn Ranch
17 shoot any gun?

18 A No, sir, I did not.

19 Q In your presence did any other police officer
20 shoot any gun?

21 A No, sir, they did not.

22 Q And in the interim period, say from November,
23 1969, to and including the month of April, 1970, in that
24 period of time did any Los Angeles Police Officers or
25 any law enforcement people tell you that they had been to
26 the Spahn Ranch area?

11-2

1 MR. BUGLIOSI: Irrelevant, calls for hearsay.

2 THE COURT: Sustained.

3 BY MR. KANAREK:

4 Q Directing your attention to the first time
5 that you were there, Officer, what time of the day or night
6 was it?

7 THE COURT: It is getting beyond the scope of
8 redirect examination.

9 MR. KANAREK: Well, very well, your Honor, the
10 officer is testifying that on two occasions they searched
11 and found shell casings.

12 I would like to get some evidence, your Honor,
13 from which we could make argument as to whether or not they
14 in fact found any shell casings the second time.

15 THE COURT: You objected to that question just a
16 few minutes ago.

17 MR. KANAREK: Your Honor overruled the objection.

18 THE COURT: That's right. It was answered.

19 MR. KANAREK: I would like to have -- I would like
20 an answer as to which time he was there.

21 THE COURT: On which occasion?

22 MR. KANAREK: The first occasion.

23 THE COURT: All right.

24 THE WITNESS: As I recall I arrived at the Spahn
25 Ranch November 19th approximately 10:00 or 11:00 in the
26 morning.

11-3

1 BY MR. KANAREK:

2 Q And you conducted this search almost immedi-
3 ately after coming there, right?

4 A No, sir.

5 Q How much time after coming there?

6 A I would say within an hour.

7 Q All right, and then in April you went there
8 again.

9 At what time of the day or night was it?

10 A I believe this was in the morning, again
11 9:30 or 10:00 o'clock, something of that nature, maybe a
12 little later.

13 Q And you again searched the same area and found
14 shell casings?

15 A No, not precisely.

16 My search the second time was nearer to an
17 isolated area opposed to general looking the first time.

18 Q But the first time you were there you went
19 where you wished, right?

20 A Yes.

21 MR. KANAREK: Thank you, Officer.

22 THE COURT: Do you have any more questions, Mr.
23 Bugliosi?

24 MR. BUGLIOSI: No, your Honor.

25 THE COURT: I want to ask a few questions.
26

EXAMINATION

1 BY THE COURT:

2 Q Officer, was the area that you found the shell
3 casings in April 9, an open area? It was not in any
4 building?

5 A That's correct, your Honor.

6 Q On April 15th did you enter any building or
7 trailer other than the building in which Mr. Spahn was
8 seated?

9 A I did not.

10 Q What about November 19th, did you enter any
11 building other than the building in which Mr. Spahn was
12 seated?

13 A Yes, sir, I did.

14 Q Where did you go?

15 A It was a long bungalow type of thing housing
16 -- it was purported to be a jail, a tourist type jail,
17 and this was for the purpose of seating myself out of the
18 sun, strictly.

19 I don't recall making a search or anything of
20 that type.

21 Q On November 19th where were the shell casings
22 found?

23 A In the open area of the gully, your Honor,
24 which is approximately 200 feet south or west of the
25 residence, again.
26

1 Q Did you enter any trailer or vehicle or other
2 building other than what you have already described on
3 November 19th?

4 A That is the time I was talking about.

5 On April I went into no other building or
6 structure or trailer other than Mr. Spahn's.

7 In November I went into this jail arrangement,
8 this other building just actually walking around.

9 Q Other than that did you go into any vehicle
10 or trailer or other vehicle?

11 A No, I did walk in the barn.

12 Q Did you make any search in the barn or did you
13 uncover anything in the barn?

14 A No, sir, I did not.

15 THE COURT: Any further questions?

16 MR. KANAREK: No further questions.

17 MR. HUGHES: No questions.

18 MR. SHINN: No questions.

19 MR. BUGLIOSI: No questions.

20 THE COURT: You may step down.

21 THE WITNESS: Thank you, your Honor.

22 THE COURT: Anything further, Mr. Bugliosi?

23 MR. BUGLIOSI: No, your Honor.

24 THE COURT: Do the People rest on the motion?

25 MR. BUGLIOSI: Yes, your Honor.
26

1a fls.

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1 THE COURT: This is, of course, subject to whatever
2 Sergeant Calkins may turn up.

3 I believe he returns next Thursday.

4 MR. FITZGERALD: I have no further evidence at this
5 time on behalf of Patricia Krenwinkel.

6 THE COURT: Anything further, Mr. Kanarek?

7 MR. KANAREK: No, your Honor, if we may hold it in
8 abeyance.

9 THE COURT: Then I make no finding at this time on the
10 matter of the defendants' motion to suppress the matters
11 found on the Spahn Ranch.

12 It will be deferred until September 17th.

13 MR. KANAREK: Your Honor, I wonder if we might
14 approach the bench very briefly.

15 THE COURT: We don't have a jury, Mr. Kanarek.

16 MR. KANAREK: Very well, your Honor, I was going to
17 ask the indulgence of the Court in connection with September
18 17th.

19 In the Federal Court -- actually I have a
20 matter that I have been concerned with since 1965 which is
21 coming up for final adjudication the morning of the 17th.

22 I was going to ask the Court to allow me to go
23 there because it is a matter, as I say, of some five years
24 duration. It is not something very recent.

25 The Court has set a hearing for that date.

26 THE COURT: What kind of a case?

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1 MR. KANAREK: It is a bankruptcy matter, your Honor,
2 but it is a matter that has been set for -- as I say, it
3 is the final adjudication time.

4 I mean, it is a final sort of a hearing.

5 THE COURT: I suggest you have someone appear for
6 you, Mr. Kanarek.

7 This case has top priority as far as I am
8 concerned.

9 MR. KANAREK: I understand that.

10 I was wondering if your Honor would accommodate
11 me in connection with the one matter.

12 THE COURT: No, sir, I am not going to defer this
13 trial any further. We have had enough delays.

14 This is a very low priority matter. Get some-
15 body to appear for you.

16 We will have to continue with the trial.

17 You may call your next witness, Mr. Bugliosi.

18 MR. FITZGERALD: We have a problem, your Honor, we
19 mentioned to your Honor in chambers this morning we issued
20 a subpoena duces tecum to a representative of the
21 California Youth Authority.

22 That person is here and he informally refuses
23 to surrender the file to the clerk of the court.

24 Both Mr. Kanarek and myself are reluctant to
25 let this witness go, and at some time today, the need not
26 being now, but at some time today we would like a few

.1a3

1 minutes of the Court's time in order that the Court might
2 direct him to disgorge his file to the clerk pursuant to the
3 subpoena.

4 This was the file we talked about in
5 connection with the witness Michael Hendrix. He informally
6 states, your Honor, --

7 THE COURT: Do you plan to interrogate this person?

8 MR. FITZGERALD: No.

9 THE COURT: As part of your examination?

10 MR. FITZGERALD: No, we just want him to turn it over
11 to the clerk, but he refuses to do so.

12 THE COURT: Well, in what connection do you intend to
13 use the file?

14 MR. FITZGERALD: Well, we need to use the file because
15 of the psychiatric records in the file.

16 THE COURT: Well, I understand that. But I mean do
17 you require it now as part of your preparation of cross-
18 examination of the People's witness?

19 MR. FITZGERALD: Yes.

20 MR. KANAREK: Yes, I have the subpoena duces tecum.
21 I wonder, may we call the witness out of order -- if it is
22 out of order -- to the witness stand now to get this
23 matter cleared up, your Honor? He is in the hallway. He
24 has been waiting since this morning.

25 THE COURT: Have him come in.

26 MR. FITZGERALD: The witness and representative from

1 the Youth Authority is Merrill Thompson, your Honor. He
2 is present.

3 THE COURT: All right, Mr. Thompson, were you served
4 with a subpoena?

5 MR. THOMPSON: Yes, I was.

6 THE COURT: By counsel in this case?

7 MR. THOMPSON: Yes, your Honor.

8 THE COURT: Do you have the items called for by the
9 subpoena?

10 MR. THOMPSON: Yes, I do.

11 THE COURT: All right, do you have any instructions
12 from your superiors with regard to the file?

13 MR. THOMPSON: Yes, I would like to speak to you about
14 this, your Honor.

15 THE COURT: You can speak to me.

16 MR. THOMPSON: I have been instructed that this is the
17 only working file we have, and in the interests of the Youth
18 Authority we prefer that you duplicate certain items from
19 this record.

20 THE COURT: Well, that may become necessary, but at
21 the moment counsel for the defendants want to examine the
22 file to determine whether there is anything in there that
23 is of interest to them.

24 MR. THOMPSON: That is permissible.

25 THE COURT: Then if it becomes necessary to offer
26 in evidence any of the documents or portions of that file,
copies can be made.

1 So will you at this time turn the file over
2 to the clerk for examination by counsel?

3 MR. KANAREK: Your Honor, there is a slight technical
4 error or difference in that Mr. Thompson is not the one
5 I subpoenaed.

6 I subpoenaed one Gene Plimpton.

7 But this is the file. I take it it is more
8 convenient for him to bring it over.

9 THE COURT: If you have any problem, Mr. Kanarek,
10 you can always have Mr. Thompson take the stand and testify
11 under oath where he obtained the file and who he is.

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1 MR. KANAREK: No, I'm willing to -- I don't know
2 if Mr. Bugliosi is of such a frame of mind -- he seems a
3 little out of sorts today.

4 I am willing to stipulate that Mr. Thompson's
5 name be deemed here, instead of Gene Plimpton.

6 THE COURT: Are you satisfied that this is the file
7 you subpoenaed?

8 MR. KANAREK: Yes, I am so satisfied.

9 THE COURT: Will you examine the file this afternoon
10 so Mr. Thompson will know whether he is free to go back
11 or what is going to happen to the file?

12 MR. KANAREK: Well, he has already very courteously
13 allowed us to look at it.

14 There are certain parts of it which could be
15 duplicated. As a matter of fact, in the file itself there
16 are already copies for their own purposes where they made
17 copies of items themselves.

18 In other words, there is duplication in the
19 file itself.

20 THE COURT: You look in the file, Mr. Kanarek, and
21 decide how you want to proceed so we can go on with
22 something else.

23 You can do that during the recess.

24 MR. FITZGERALD: Right, we will look at the file
25 and if we can work out arrangements for duplication, fine,
26 we certainly will. We don't have any interest in the

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1 originals.

2 MR. KANAREK: I gather that there is a stipulation
3 that the name Merrill Thompson be deemed substituted for
4 Gene Plimpton in these subpoenas.

5 MR. BUGLIOSI: So stipulated.

6 THE COURT: If you like, you can cross it out and
7 by interlineation write his name in.

8 MR. KANAREK: Very well, your Honor.

9 THE COURT: All right, Mr. Thompson, we will take
10 this matter up a little later then.

11 MR. THOMPSON: At this time are you ordering that the
12 file be left here, your Honor?

13 THE COURT: Yes.

14 MR. THOMPSON: Shall I wait for it?

15 THE COURT: Yes, you may wait.

16 THE CLERK: Mr. Thompson, see me before you leave,
17 please.

18 THE COURT: Call your next witness, Mr. Bugliosi.

19 MR. FITZGERALD: We have no objection to him remaining
20 in the courtroom.

21 THE COURT: Very well, you may remain in the court-
22 room, Mr. Thompson.

23 MR. BUGLIOSI: Does the Court wish to take its
24 recess at this time?

25 THE COURT: All right, we will recess for 15 minutes.

26 (Recess.)

12 fls.

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1 (The following proceedings were had in open
2 court, all defendants and counsel present, the jury absent:)

3 THE COURT: All parties and counsel are present, the
4 jury is not present.

5 You may proceed, Mr. Bugliosi.

6 MR. BUGLIOSI: The next witness, your Honor, is
7 Edward Lomax. I believe his testimony will come out
8 before the jury. It will be jury testimony.

9 I have no further testimony with respect to the
10 consent issue.

11 MR. KANAREK: Your Honor, I do have one request.

12 Mr. Thompson, Merrill Thompson, the gentleman
13 from the California Youth Authority, says he has checked
14 with Sacramento, and if your Honor will order that the file
15 remain here, it is agreeable that it remain.

16 It is so voluminous, your Honor, that to dupli-
17 cate everything would be wasteful.

18 THE COURT: Very well. That will be the order. The
19 file is to remain.

20 MR. KANAREK: Thank you.

21 THE COURT: Under the custody of the clerk, until
22 such time as counsel has completed their examination and
23 use of it. Then it will be returned by the clerk to the
24 Youth Authority.

25 MR. KANAREK: I gather, if it is agreeable, if the
26 Court orders copies, that it is agreeable with you?

1 MR. THOMPSON: Yes. I have no objection.

2 MR. KANAREK: Thank you.

3 THE COURT: Do I understand you correctly,
4 Mr. Bugliosi, that the next testimony should be before the
5 jury?

6 MR. BUGLIOSI: Yes, your Honor.

7 THE COURT: All right. Let's call in the jury.

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1 (The following proceedings were had in open
2 court, in the presence and hearing of the jury, all
3 defendants and all counsel being present:)

4 THE COURT: All of the jurors are now present. You
5 may continue, Mr. Bugliosi.

6 MR. BUGLIOSI: People call Edward Lomax to the
7 stand, please.

8 THE CLERK: Would you raise your right hand, sir.
9 Would you please repeat after me.

10 I do solemnly swear --

11 THE WITNESS: I do solemnly swear --

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

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

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

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

16 THE CLERK: -- before this court --

17 THE WITNESS: -- before this court --

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

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

20 THE CLERK: -- the whole truth --

21 THE WITNESS: -- the whole truth --

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

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

24 THE CLERK: -- so help me God.

25 THE WITNESS: -- so help me God.

26 THE CLERK: Would you be seated, please. Would

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1 you draw the microphone back, sir, would you please state
2 and spell your name.

3 THE WITNESS: My name is Edward C. Lomax, L-o-m-a-x.

4
5 EDWARD C. LOMAX,
6 a witness called by and on behalf of the People was
7 examined and testified as follows:

8
9 DIRECT EXAMINATION

10 BY MR. BUGLIOSI:

11 Q What is your occupation, sir?

12 A I am a salesman representing several manu-
13 facturers in the sporting goods and camping fields,

14 Q Did you ever work for High Standard Firearm?

15 A Yes, I did.

16 Q During what period of time?

17 A From 1963 to 1968.

18 Q In what capacity did you work for High
19 Standard?

20 A Director of marketing.

21 Q Did High Standard ever merge with any other
22 company?

23 A Yes, they did. They were purchased by a
24 corporation in California called The Leisure Group.

25 Q Did you continue working for the Leisure Group
26 after the merger?

1 A Yes, I did, up until March 15th of 1970.
2 Q In what capacity did you work for The Leisure
3 Group?
4 A Product manager.
5 Q In what division?
6 A In the firearms division.
7 Q The High Standard Division?
8 A Right.
9 Q So you worked for High Standard for several
10 years?
11 A Yes.
12 Q Up until what exact date again?
13 A Until March 15th, 1970.
14 Q What is your training and experience, sir, in
15 the field of firearms?
16 A All phases of marketing with High Standard.
17 That is my experience.
18 Q Any other experience other than marketing?
19 A No, that is all.
20 Q I show you People's Exhibit 120 for identifica-
21 tion, also 121 --
22 MR. BUGLIOSI: May I have just a moment, your Honor?
23 THE COURT: Yes.
24
25
26

14 fls.

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1 Q Showing you People's 120, People's 121, People's
2 197 for identification, have you ever seen these three
3 pieces of grip before?

4 A Yes, I have.

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

7 A About a week after the crime at the Police
8 Academy.

9 Q You say a week after the crime. You are
10 talking about the Tate murders?

11 A Yes.

12 Q Who showed you these pieces of grip?

13 A Sergeant Bill Lee of the Firearms Identification
14 Division of the Los Angeles Police Department.

15 Q Did you examine these three pieces of grip at
16 the Academy?

17 A Yes.

18 Q Do you have any opinion as to the make of fire-
19 arm which these came from?

20 A Yes.

21 Q What is that?

22 A A High Standard longhorn, commonly known as a
23 Buntline Special.

24 Q Is that a revolver?

25 A Yes. It is a 9-shot revolver, yes.

26 Q What caliber?

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1 A .22.

2 Q I show you People's 40 for identification.

3 Have you ever seen this revolver before?

4 A This is the first time I have seen this
5 particular revolver.

6 Q Have you ever seen this type of revolver before?

7 A Yes. Many, many times.

8 Q Is this the revolver that you just referred to
9 in your testimony?

10 A Yes, it is.

11 Q And it is a revolver manufactured by High
12 Standard; is that correct?

13 A Yes.

14 Q Are these three pieces of grip, People's 120,
15 121 and 197 for identification, the type of grip that
16 belonged to People's 40 for identification?

17 A Yes. To the same type of gun.

18 It can only be that gun because we only use that
19 particular grip on this particular gun.

20 Q These three pieces of grip could not belong to
21 any other firearm manufactured by High Standard; is that
22 correct?

23 A No.

24 Q Why do you say that?

25 A I say that because of the identification on the
26 grip, / and the fact that they are walnut. We only use a walnut

1 grip with this particular escutcheon or identification
2 on this particular model.

3 Q What identification?

4 A I am talking about this escutcheon here, which
5 the is/High Standard trademark, which was changed and, to my
6 knowledge, was first used in April of 1967 on this
7 particular model gun.

8 Q You are talking about this insignia here
9 (indicating)?

10 A Yes. Commonly known as an escutcheon.

11 Q On People's 120 for identification?

12 A Yes.

13 Q So these three pieces of grip could only belong
14 to this type of firearm here, People's 40 for identifi-
15 cation; is that correct?

16 A That's right.

14A

14a-1

1 Q Do you know when High Standard started manu-
2 facturing that particular rifle, People's 40 for identifi-
3 cation?

4 A I am not sure about when we first started
5 making the revolver. It could be as much as ten or
6 twelve years ago.

7 Q Do you know when High Standard started manu-
8 facturing People's 40 with this particular grip right
9 here?

10 A Yes. In April of 1967.

11 Q Did you ever try to mate these three pieces
12 of grip together?

13 A I did not, no.

14 Q Would you try to do so now?

15 A I'd be happy to.

16 Q To see if they are mated together, or if they
17 can be mated together.

18 (Pause while the witness examines.)

19 THE WITNESS: Very definitely.

20 BY MR. BUGLIOSI:

21 Q They do appear to be capable of mating
22 together; is that correct?

23 A Yes, sir.

24 Q What do they form when they are mated together?

25 A They form the right grip for a Longhorn
26 revolver.

14a-2

1 Q These three pieces of grip, when mated together,
2 form the right-hand grip of this type of revolver here,
3 People's 40 for identification?

4 A That is right.

5 Q You notice that the right-hand grip on this
6 revolver is missing; is that correct?

7 A Yes, sir.

8 Q Looking at the left-hand grip, do you notice
9 any difference between the left-hand grip on People's 40
10 and these three pieces of grip here when mated together?

11 A No, not particularly.

12 Usually the two grips are made from a solid
13 block of walnut and their graining would be quite similar,
14 and this does look to be quite similar.

15 Q You, of course, have no way of knowing whether
16 these three pieces actually came from this revolver; is
17 that correct?

18 A No, I don't. They look very similar.

19 Q But do you see any difference at all between
20 these three pieces of grip here when mated together and
21 this left-hand grip, such as the insignia, the type of wood,
22 et cetera?

23 A No. It is identical.

24 Q The shape is identical?

25 A Yes.

26 Q And the wood is walnut?

1 A Yes, sir.

2 Q The same insignia?

3 A Yes, sir.

4 Q Looking again at People's 40, how many
5 cartridges are in the cylinder? Not right now, but
6 normally how many does that cylinder hold?

7 A Normally, nine.

8 Q How long is the barrel length?

9 A Nine and a half inches.

10 Q You mentioned Buntline before. Is that a
11 nickname for the revolver?

12 A It is a nickname. It is reminiscent of the
13 long handled revolvers that Ned Buntline had made for
14 Wyatt Earp.

15 Q Is that .22 caliber Longhorn Buntline revolver
16 common or is it a rather unique revolver?

17 A It is rather unique.

18 Q Up until the time that you quit work for
19 High Standard on March 15th, 1970, do you know approximately
20 how many of those revolvers were manufactured by High
21 Standard?

22 A If you are talking about this revolver with
23 this type of grip, with this insignia or escutcheon, about
24 2700.

14b fls.

25

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4-B-1

1 Q And how does that figure compare percentagewise
2 with the manufacture and sale of other firearms by High
3 Standard?

4 A In hand guns, I would say 2 per cent.

5 Q So, the manufacture and sale of People's 40,
6 that type of revolver, is about 2 per cent of the over-all
7 sales; is that correct?

8 A Of hand guns, yes.

9 Q Other firearms are produced in much greater
10 quantity by High Standard; is that correct?

11 A Yes.

12 MR. BUGLIOSI: No further questions.

13 THE COURT: Mr. Fitzgerald?

14 MR. FITZGERALD: No questions.

15 THE COURT: Mr. Shinn?

16 MR. SHINN: Yes, sir.

17
18 CROSS-EXAMINATION

19 BY MR. SHINN:

20 Q You say they have manufactured 2700 of these
21 same type of guns?

22 A With this particular grip and identification.
23 We have been making the gun for some ten years, to the best
24 of my knowledge, but not with this particular grip and
25 identification.

26 Q How did you arrive at the figure of 2700?

4B2

1 A From sales records.

2 Q I mean, you, yourself, looked at these sales
3 records?

4 A We were asked by the Police Department to do
5 some checking, which we did.

6 Q And this information was gathered from other
7 people, too?

8 A From High Standard, yes.

9 MR. SHINN: Nothing further.

10 THE COURT: Mr. Kanarek?

11 MR. KANAREK: Yes.

12 CROSS-EXAMINATION

13 BY MR. KANAREK:

14 Q Officer, you say -- I am sorry, Mr. Lomax.

15 A Thank you.

16 Q You say that you spoke to some Los Angeles
17 Police officers concerning this grip. Do you know the date
18 that you spoke to the police officers?

19 A I am not positive.

20 I remember the 17th of August. It was on a
21 Friday, this I do remember, and a week after this thing had
22 happened.

15

15-1

1 Q So your frame of reference is that about a week
2 after you had heard about what happened in the Tate residence,
3 that is about the time you spoke with some Los Angeles police
4 officers?

5 A That's right.

6 Q And where were you when you spoke with them?

7 A At the Los Angeles Police Academy.

8 Q And who were the police officers you spoke to?

9 A Sergeant Billie of the Firearms Identification
10 Division.

11 Q And anyone else?

12 A There was an inspector there, but I'm sorry I
13 don't remember his name.

14 Q And is it a fair statement that they had some
15 reports and documents?

16 A No, all they had was the three pieces of wood
17 in a plastic bag.

18 Q I see. You yourself did not see any reports
19 that they may have had?

20 A No, I did not, no.

21 Q And when were you next called in connection
22 with this case? When did you next speak to anyone?

23 A I received a call from the District Attorney's
24 Office -- don't hold me to this date -- it seems like a
25 week before the Grand Jury investigation started, and I was
26 told I was on call as a witness.

15-2

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Q Yes, but would you give us a date?

A I cannot. I did not write the date down.

Q I see.

A I did not talk to them any other than that.

We were asked to provide serial numbers of this type of gun which we had shipped from our plant to this particular area out here, the four or five Western states, which we did.

That is my only connection.

Q Is it a fair statement, Officer, that it was sometime in December that you next spoke to any police officers or any law enforcement people concerning this matter?

A To the best of my knowledge, yes, that would be a fair statement.

Q I see, and after December when was the next time you next spoke to any law enforcement people or anyone concerned with this prosecution?

A After my appearance before the Grand Jury I receive a summons that I was to be ready, and I have not talked to them concerning this case since then.

MR. KANAREK: I see.

Thank you very much, Mr. Lomax.

THE WITNESS: You bet.

MR. HUGHES: Your Honor, per stipulation with Mr. Bugliosi, this witness's testimony is not to be received

15-3

1 for any purpose against Leslie Van Houten, is that correct?

2 MR. BUGLIOSI: So stipulated.

3 THE COURT: Very well. Any redirect examination?

4 MR. BUGLIOSI: No, your Honor.

5 THE COURT: You may step down, sir.

6 MR. BUGLIOSI: People call Michael Hendricks.

7 MR. KANAREK: May we approach the bench, your Honor?

8 THE COURT: Yes.

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

11 MR. KANAREK: Your Honor, I would ask that counsel
12 defer bringing Mr. Hendricks before the jury.

13 I can represent to the Court that part of this
14 file reveals that people connected with Mr. Hendricks feel
15 -- I cannot --

16 THE COURT: Just a moment.

17 (Pause.)

18 All right, go ahead.

19 MR. KANAREK: I don't want to misquote from the file,
20 but there is indication that he has brain damage.

21 There is also indication that the man is insane.

22 Therefore it would be most prejudicial to have
23 him testify before the jury at this time.

24 THE COURT: Have you read the file?

25 MR. KANAREK: I have not digested it. It is so
26 thick. But certainly I can point out to the Court where

1 this man -- may I have the file, your Honor -- I suggest --
2 I move that this witness be deferred before the jury.

3 THE COURT: Until what time? Deferred for what?

4 MR. KANAREK: Well, your Honor --

5 THE COURT: Pending what, that is what I am trying
6 to find out.

7 MR. KANAREK: Well, we request the Court that doctors
8 be appointed pending determination of competence, or just
9 pending cross-examination.

10 The man is insane. I can allege it as much as
11 a layman can allege it. If I had the file --

12 MR. FITZGERALD: I don't need it for cross-examination.
13 I mean, the file is on the counsel table, Mr. Kanarek.
14 If you want it, go get it.

15 MR. KANAREK: All right.

16 (Pause while Mr. Kanarek gets the file.)

17 MR. KANAREK: I will read into the record, for
18 instance, your Honor --
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15a file

15-A-1

1 THE COURT: Identify what you are reading from.

2 MR. KANAREK: I am reading from a report. It says,
3 "Confidential; do not discuss with Ward." It is dated
4 June 5, 1970, one of the entries here state --

5 THE COURT: What kind of report is it and by whom?

6 MR. KANAREK: By a consultant, Maxwell Gage, M.D.,
7 Consulting Psychiatrist.

8 THE COURT: This is from the file?

9 MR. KANAREK: Yes, your Honor:

10 "Ward admitted to visual hallucinations, and
11 he sees little men sitting on the end of his
12 bed from time to time, and they converse with
13 him, but he does not recall what they talk
14 about.

15 "On May 24th, 1970 while being treated with an
16 ultraviolet light for facial acne, he removed his goggles
17 and deliberately stared into the light. His eyes were
18 inflamed and he was hospitalized for several days for
19 treatment of his eyes.

20 "The day following the discharge from the
21 hospital he cut his wrists with a razor blade and was
22 found watching his blood dripping into the sink."

23 There is another entry there:

24 "He smiled inappropriately; he laughed without
25 purpose."

26 But there is one here --

.5a2

1 THE COURT: What is the conclusion?

2 MR. KANAREK: Diagnosis, schizophrenic reaction,
3 undifferentiated type.

4 "Recommendation, Ward is in need of psychiatric
5 hospitalization at Atascadero which should be done as soon
6 as possible in view of self-destructive behavior."

7 Now, there is also an entry in here, I notice,
8 there is a statement that he has brain damage, or he may
9 have brain damage which should be evaluated, which is why he
10 is at Atascadero.

11 MR. FITZGERALD: Subsequent psychological reports do
12 not confirm a diagnosis of organic brain damage.

13 That material is contained in the file of the
14 subsequent report.

15 The records also indicate that this witness has
16 complained of auditory and visual hallucinations, and
17 on June 1, 1970 he attempted to commit suicide while a ward
18 of the California Youth Authority, by slashing his left
19 wrist.

20 The file also indicates on May 24, 1970 while in
21 a youth training school institution he was being treated for
22 acne condition on his face, which required that he subject
23 his face to ultraviolet --

24 THE COURT: That part was read in the record.

25 MR. FITZGERALD: He also made threats on the lives of
26 persons within the youth training school, and for that

5a3

1 reason he was referred to Atascadero State Hospital rather
2 than some other medical facility such as Metropolitan State
3 Hospital at Camarillo, he was sent to Atascadero because he
4 was considered violent and aggressive and a high escape
5 risk.

6 THE COURT: Of course all of these things might be
7 personality defects that might not render him incompetent as
8 a witness.

9 MR. FITZGERALD: As a matter of fact, one of the
10 excerpts so includes that it is a character disorder.

11 Many of the other observers seem to feel there is
12 a psychotic or pre-psychotic background.

13 But it could be a substantial character disorder.
14 That is correct.

15 MR. KANAREK: Your Honor, the point is he was sent to
16 Atascadero for treatment and/or analysis.

17 THE COURT: Mr. Kanarek, we have to come to grips
18 with the problem now.

19 You have challenged the competency of this
20 witness. You have taken him on voir dire at length.

21 We deferred the matter further for you to obtain
22 this file, which you have.

23 Now, do you wish to offer something more, and if
24 so, what?

25 MR. KANAREK: Yes, I ask that he be deferred, and
26 your Honor appoint doctors to examine him.

1 THE COURT: I am not going to do it unless I have
2 some reason to do it.

3 Your mere statement is not enough.

4 MR. KANAREK: That is why he is at Atascadero, your
5 Honor.

6 THE COURT: That is what you say.

7 MR. KANAREK: As I say, we just got this file.

8 I would urge this witness be deferred in the
9 interest of not injecting error into this trial.

10 THE COURT: Until when?

11 MR. KANAREK: So we can study it.

12 If your Honor wishes, I can give it to you in
13 great detail, but within 15 minutes of a recess -- it takes
14 more than that to study a file like this.

15B

15b-1

1 THE COURT: I asked you if you had read the file
2 and you said you had.

3 Perhaps I misunderstood you.

4 MR. KANAREK: I have not digested it. It is too
5 thick.

6 THE COURT: I want to defer this matter as to this
7 witness until tomorrow morning then.

8 MR. KANAREK: Certainly, yes. I would ask for further
9 time so that your Honor -- as far as I am concerned your
10 Honor can take the file and read it if your Honor has any
11 question.

12 THE COURT: I can tell you, Mr. Kanarek, I am not
13 going to do anything on the basis of your bare statement
14 about the witness.

15 In other words, you have the burden of
16 challenging the competency of this witness to show that
17 he is incompetent. That requires some kind of evidence,
18 not just statements.

19 MR. KANAREK: But your Honor can take judicial
20 notice -- your Honor can take judicial notice of the action
21 of the California Youth Authority in sending him to
22 Atascadero.

23 THE COURT: That is just a fact of record. That does
24 not give me any insight as to whether or not the man is
25 competent to testify as a witness.

26 We all know there are many many people at

1 Atascadero who are competent to testify as witnesses and
2 do testify frequently.

3 MR. KANAREK: I understand that, your Honor.

4 THE COURT: I have no objection to deferring this
5 matter until tomorrow morning so you can examine the
6 file, but as I have indicated you have the burden of
7 challenging the competency of this witness, to come up
8 with something to indicate he is incompetent.

9 MR. KANAREK: Very well, your Honor. If we can
10 defer that until tomorrow morning.

11 THE COURT: All right.

12 Mr. Bugliosi, did you hear everything that
13 was said?

14 MR. BUGLIOSI: I have to start listening, I'm sorry.

15 THE COURT: We will defer everything further with
16 respect to this witness so Mr. Kanarek can read the Youth
17 Authority file.

18 Do you have someone else you can call this
19 afternoon?

20 MR. BUGLIOSI: I have another witness, your Honor,
21 his name is Thomas Walleman. He is out of order right now,
22 but I guess we can call him.

23 THE COURT: We will defer the matter then, Mr. Kanarek,
24 until to morrow morning as to Mr. Hendricks and go on
25 with the next witness.

26 MR. KANAREK: I would like to make this point in

1 connection with the next witness, your Honor, I would ask
2 for an offer of proof as to Mr. Walleman for this reason:

3 I believe that the District Attorney is going
4 to try --

5 THE COURT: Before he has testified you want an
6 offer of proof!

7 MR. FITZGERALD: He is going to testify to other
8 acts.

9 MR. KANAREK: He is going to testify, I believe,
10 the District Attorney is going to solicit testimony which
11 is going to be clearly the kind of testimony which if
12 stated before the jury would necessitate a mistrial.

13 I want to warn the District Attorney at this
14 time he is going to solicit statements from Mr. Walleman
15 that Mr. Manson shot a rifle --

16 MR. BUGLIOSI: I am not going to put that on. I
17 don't think we can put that on.

18 THE COURT: Let's not clutter up the record with
19 things you are not going to put on.

20 MR. KANAREK: Previously it has been indicated to
21 me, Mr. Bugliosi previously indicated that he would use
22 it.

23 THE COURT: Let's proceed. If you have objections
24 as we go along you make your objections.

25 MR. KANAREK: Very well.

26 THE COURT: Let's not try the case up here at the

1 bench.

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

4 MR. BUGLIOSI: Call Thomas Walleman.

5 Apparently Mr. Walleman is not outside, your
6 Honor. He was there at 2:00 o'clock. They are looking for
7 him right now.

8 THE COURT: We will take a brief recess.

9 I will ask the jury to remain in the jury box.

10 Let the Clerk know when your witness is present.

11 (Recess.)

16 fls. 11

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MR. BUGLIOSI: The People call Thomas Walleman.

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

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 --

THE CLERK: -- so help me God.

THE WITNESS: -- so help me God.

THE CLERK: Would you be seated, please.

Would you please state and spell your name.

THE WITNESS: Thomas Walleman; W-a-l-l-e-m-a-n.

MR. HUGHES: Your Honor, by stipulation with Mr. Bugliosi, he has agreed that none of Mr. Walleman's

-6-2

1 testimony will be introduced in any form against
2 Leslie Van Houten.

3 MR. BUGLIOSI: So stipulated.

4 MR. KANAREK: Your Honor, may we have the same
5 stipulation as to materiality and relevancy?

6 THE COURT: Yes.

7 Ladies and gentlemen, you are instructed to
8 disregard the testimony of this witness insofar as
9 Leslie Van Houten is concerned; that is, the testimony of
10 Mr. Wallemann.

11 THOMAS WALLEMAN,
12 called as a witness by and on behalf of the People, being
13 first duly sworn, was examined and testified as follows:
14

15 DIRECT EXAMINATION

16 BY MR. BUGLIOSI:

17 Q What is your occupation, sir?

18 A I don't do much of anything.

19 Q Of course, you have worked from time to time,
20 haven't you?

21 A Optical technician.

22 Q Have you ever lived at Spahn Ranch in Chatsworth,
23 California?

24 A Yes.

25 Q When did you start living there?
26

16-3

1 A It was about three years ago, four years ago.

2 Q Did you do any work out there at Spahn Ranch?

3 A I worked with the horses.

4 Q Did you work for Mr. Spahn?

5 A Yes.

6 Q Were you kind of a ranch hand out there?

7 A Yes.

8 Q Did you live there continuously? In other words,
9 you went there three or four years ago. Did you continue
10 living there for any period of time?

11 A For a couple of years.

12 MR. KANAREK: Your Honor, in order not to interrupt,
13 may I also have an objection on remoteness, a continuing
14 objection on remoteness in time?

15 THE COURT: I don't recognize any such objection,
16 Mr. Kanarek. Are you talking about relevancy?

17 MR. KANAREK: Relevancy and materiality based upon
18 remoteness of time.

19 THE COURT: You have the objection that I indicated
20 in the past.

21 MR. KANAREK: Thank you.

22 MR. BUGLIOSI: Q Do you know the defendant
23 Charles Manson in this case?

24 A Yes.

25 Q Do you see him seated to your right front?

26 A Yes.

b-4

1 Q Were you living at Spahn Ranch in July of 1969?

2 A Yes.

3 Q Directing your attention to the early part of
4 July, 1969, do you recall any particular evening when you
5 received a phone call from a woman?

6 A Yes.

7 Q About what time was it?

8 A It was late, late at night. I don't really know
9 the time.

10 Q When you say late at night, do you mean around
11 midnight?

12 A Right.

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1 Q Where were you at the time that you received the
2 phone call?

3 A Out on the boardwalk.

4 Q At the front part of the ranch?

5 A Yes.

6 Q Was Mr. Manson around?

7 A Yes, he was there.

8 Q Did you speak to this woman over the phone?

9 A Yes.

10 Q Without going into the conversation, did you
11 eventually turn the telephone over to Mr. Manson?

12 A Yes.

13 Q And did you hear Mr. Manson speaking to this
14 woman?

15 A Yes, I did.

16 Q Then, eventually, Mr. Manson put down the
17 telephone; is that correct?

18 A There was conversation and then he put it down.

19 Q Put it back on the receiver?

20 A Right.

21 Q After Mr. Manson spoke to this woman, what is
22 the next thing that happened, if you recall?

23 A Well, he said that there was a guy going to
24 come over and do the ranch in, and that he had a girl over
25 there that he was going to do in if we didn't do something
26 about -- somebody was living at the ranch and had stolen

1 some money, and he was going to do the whole ranch in for
2 it.

3 So, to stop that, we went over there.

4 Q You say you went over there. Where are you
5 talking about?

6 MR. FITZGERALD: I am going to interpose an objection.
7 All this is hearsay as to Patricia Krenwinkel and Susan
8 Atkins.

9 MR. KANAREK: It is hearsay, also, your Honor, and
10 I object on the grounds of hearsay.

11 THE COURT: All right.

12 MR. KANAREK: And also it is not within the time
13 period.

14 THE COURT: Read the answer.

15 (The answer was read by the reporter.)

16 MR. BUGLIOSI: Your Honor, I have no objection to the
17 Court granting the motion to strike the particular language
18 of the conversation if the defense is interested in that.

19 I am not after the conversation.

20 MR. FITZGERALD: I am interested in that.

21 MR. BUGLIOSI: I offered the conversation, but I have
22 no objection if you want to have it stricken. That is not
23 the purpose of calling him to the stand.

24 THE COURT: The answer will be stricken as unintelligible.

25 MR. FITZGERALD: It is also immaterial and irrelevant.

26 THE COURT: In addition to the other objections.

1 I didn't hear you?

2 MR. FITZGERALD: Excuse me. In addition to the other
3 objections, it is immaterial and irrelevant. It is beyond
4 the scope of the issues in this case.

5 THE COURT: The jury is admonished to disregard the
6 answer.

7 MR. BUGLIOSI: Q After Mr. Manson stopped talking
8 to this woman on the telephone, did he ask you to go
9 anywhere with him?

10 A Yes. He asked me if I wanted to go with him.

11 Q Did he say where he was going?

12 A Over to see the man that was on the phone.

13 THE COURT: Keep your voice up, please, Mr. Walleman.

14 BY MR. BUGLIOSI:

15 Q What did you say to Mr. Manson when he asked
16 you to go with him?

17 A Yes.

18 Q Did you eventually get into a car?

19 A Yes, we got into a car there.

20 Q Do you know what type of car it was?

21 A Yes.

22 Q What type of car was it?

23 A '59 Ford.

24 Q Do you know whose car it was?

25 A John Swartz's.

26 Q Do you know what color the car was?

1 A A light color.

2 Q Do you know John Swartz?

3 A Yes.

4 Q Was he one of the co-ranch hands out there with
5 you at the time?

6 A Well, at that time he was the ranch hand and I
7 wasn't too much of a ranch hand.

8 Q But you did work with him off and on?

9 A Yes, I worked with him off and on.

10 Q Did Mr. Manson get into this 1959 Ford?

11 A Yes.

12 Q And you got into the car too?

13 A Yes, sir.

14 Q Do you recall whether Mr. Manson asked Mr.
15 Swartz for permission to use the car?

16 MR. KANAREK: Object, your Honor, on the grounds that
17 that is immaterial.

18 THE COURT: Overruled. You may answer.

16b fls19 THE WITNESS: I don't recall if he did or not.

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6-B

1 MR. BUGLIOSI: Q Well, how long after he
2 asked you to go with him did he enter the 1959 Ford?

3 A It was a while. He went some place and came
4 back.

5 Q Mr. Manson did?

6 A Yes.

7 Q I show you People's 38 for identification.
8 Do you know what is shown in that photograph, sir?

9 A Yes.

10 Q What is shown in that photograph?

11 A A '59 Ford.

12 Q Is this the Ford of John Swartz?

13 A It looks like it.

14 Q Is this the car that you and Mr. Manson entered
15 on this particular evening?

16 A It looks like the one.

17 Q In early July of 1969?

18 A Yes.

19 Q Now, you say that Mr. Manson left you for a
20 moment and then came back. When he came back, was he
21 carrying anything?

22 A Yes.

23 Q What was he carrying?

24 A A revolver.

25 Q What type of a revolver?

26 A A .22.

Q A .22 caliber?

16B2

1 A Right.

2 Q Was there anything unusual about the revolver?

3 A Unusual?

4 Q Well, did it look like a regular revolver?

5 Did it have a long barrel or a short barrel?

6 A It was a long one.

7 Q I show you People's 40 for identification.

8 Have you ever seen that particular revolver
9 before?

10 A I don't think so. It looks something like it,
11 but I don't know for sure, you know.

12 Q You can't be sure?

13 A No.

14 Q Did the revolver that Mr. Manson had, did it
15 look like this one? Was it similar to it?

16 A It was long.

17 MR. KANAREK: Calling for a conclusion, Your Honor.

18 THE COURT: Overruled.

19 What was the answer?

20 THE WITNESS: It was long.

21 THE COURT: It was long?

22 Is that the answer?

23 THE WITNESS: Yes.

24 MR. BUGLIOSI: Q Did it resemble this revolver?

25 A Yes, it was long like that one.

26 Q Do you recall whether one of the grips on the

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1 revolver was missing at that time?

2 A No. I didn't see any missing grips.

3 Q The revolver that Mr. Manson had was a long-
4 barreled revolver like this; is that correct?

5 A Yes.

6 Q And you recall that it was a .22 caliber
7 revolver?

8 A Yes.

9 Q Now, your first statement, I believe, was to
10 the effect that you didn't think this was the revolver, and
11 then you said it looked like it.

12 A I mean, I don't know for sure whether it is the
13 revolver, but it looks like the revolver. There are a lot
14 of those made.

15 Q In other words, you have no way of knowing
16 whether this was the identical revolver that Mr. Manson
17 had on his person; is that correct?

18 A No. That is correct.

19 Q But my question is: Did the revolver that
20 Mr. Manson had on his person look like this revolver?

21 A Yes. My answer is yes. It was long like that
22 one.

23 Q And it was a .22 caliber?

24 A Right.

25 Q As Mr. Manson entered the car, did he do anything
26 with that revolver?

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1 A He put it on the seat.
2 Q And he drove the car?
3 A Yes.
4 Q Did you sit in the front passenger seat?
5 A Yes.
6 Q So, the revolver was between you then?
7 A Right.
8 Q And then, I take it, he drove off?
9 A Right.

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1 Q Do you know where he drove to?
2 A To Hollywood.
3 Q Do you know what boulevard?
4 A Franklin.
5 Q Franklin Avenue?
6 A Yes.
7 Q In Hollywood?
8 A Yes.
9 Q And he stopped where?
10 A I don't know where it is at.
11 Q Well, was it a home or an apartment house,
12 * restaurant?
13 A An apartment.
14 Q And you both got out of the car at that point?
15 A Yes.
16 Q Did you do anything with the revolver as you
17 got out of the car?
18 A I put it in my belt.
19 Q After you got out of the automobile and you
20 put the revolver in your belt, what is the next thing that
21 happened with respect to that revolver?
22 A Charlie asked for it.
23 Q Charlie Manson?
24 A Yes.
25 Q Did you give Mr. Manson the revolver?
26 A Yes.

1 Q Then you both entered the apartment; is that
2 correct?

3 A Yes.

4 Q Going back to this revolver again, now, the
5 revolver that you saw Mr. Manson have on his person that
6 night, had you ever seen that revolver before out at the Spahn
7 Ranch?

8 A Yes.

9 Q Where did you see it at the Spahn Ranch?
10 What part of the ranch or with what person?

11 A With Randy Starr.

12 Q You saw Randy carrying the revolver?

13 A Yes. I seen it in his hand.

14 Q Did you ever see the revolver in any particular
15 building out at the Spahn Ranch?

16 A No.

17 MR. BUGLIOSI: No further questions.

18 THE COURT: Mr. Fitzgerald?

19
20 CROSS-EXAMINATION

21 BY MR. FITZGERALD:

22 Q Who is Randy Starr?

23 A He was the foreman at the ranch.

24 MR. FITZGERALD: Nothing further.

25 MR. SHINN: No questions.

26 MR. KANAREK: No questions, your Honor.

1 THE COURT: Anything further, Mr. Bugliosi?

2 MR. BUGLIOSI: No, your Honor.

3 THE COURT: You may step down, Mr. Walleman.

4 MR. BUGLIOSI: Your Honor, our next witness is
5 Michael Hendricks. May we put this over, then, until
6 perhaps tomorrow morning?

7 THE COURT: All right.

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

11 The court will adjourn until 9:45 tomorrow
12 morning.

13 (Whereupon at 4:13 o'clock p.m. the court
14 was in recess.)

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