

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.

92

No. A253156

REPORTERS' DAILY TRANSCRIPT
Friday, September 18, 1970
P. M. SESSION

APPEARANCES:

For the People:

DONALD A. MUSICH,
STEPHEN RUSSELL KAY,
[REDACTED] and
VINCENT T. BUGLIOSI,
DEPUTY DISTRICT ATTORNEYS

For Deft. Manson:

I. A. KANAREK, Esq.

For Deft. Atkins:

DAYE SHINN, Esq.

For Deft. Van Houten:

[REDACTED]
RONALD HUGHES, Esq.
PAUL FITZGERALD, Esq.

For Deft. Krenwinkel:

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

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I N D E X

PEOPLE'S WITNESS: DIRECT CROSS REDIRECT RECROSS

DE CARLO, Danny 10797 (Reopened)F
 10806 (Cont'd)K
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1 LOS ANGELES, CALIFORNIA, FRIDAY, SEPTEMBER 18, 1970

2 2:04 P.M.

3 ---Q---

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

6 You had something you wanted to take up,
7 Mr. Fitzgerald.

8 MR. FITZGERALD: Yes, please, your Honor, this
9 morning I presented for your signature an affidavit in
10 support of a removal order from the Los Angeles County
11 Jail, ordering that Mr. Charles Denton Watson be brought to
12 court this afternoon.

13 I did so for the purposes of asking Mr. De Carlo
14 to determine whether or not he could identify Mr. Watson.

15 Mr. Kanarek has informed me he wishes to object
16 to any such procedure, and particularly apparently he would
17 like to object to Mr. Watson being seen by the jury.

18 Obviously that is what I want done. I want, in
19 the presence of the jury, Mr. De Carlo to attempt to
20 identify Mr. Watson, if possible.

21 THE COURT: Is part of your cross-examination of
22 Mr. De Carlo?

23 MR. FITZGERALD: As part of my cross-examination of
24 Mr. De Carlo.

25 Actually I meant not to conclude my cross-
26 examination; as long as I did, I would ask permission to

1 reopen the cross-examination only for that very limited
2 purpose.

3 MR. KANAREK: I would object, your Honor.

4 I would object to any appearance of Mr. Watson
5 before the jury. Just so that -- may Mr. Watson, your Honor,
6 be out of the room while we have this colloquy?

7 THE COURT: I see no necessity for it, Mr. Kanarek.

8 MR. KANAREK: Very well.

9 Well, that is my desire, that Mr. Watson not be
10 before the jury.

11 It is not my intent to call him as a witness. I
12 just want to make it exceptionally clear that these are
13 separate trials.

14 I don't want the prosecution at some later time
15 to say that there has been any dilution of this whatsoever.

16 I object on the grounds of due process under the
17 14th Amendment, under California law, and I object to
18 Mr. Watson being placed before the jury.

19 I don't want that he have anything to do as far
20 as the jury is concerned, period.

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1 THE COURT: Well, your objection is overruled.

2 Let's bring in the jury.

3 MR. KANAREK: Very well.

4 Your Honor, before he brings in the jury,
5 I would also to make this point. I would like to make a
6 point that the right to confront under the Sixth Amend-
7 ment is fettered by what the prosecution has done in this
8 case.

9 By Mr. Watson's late appearance in the State
10 of California, we are deprived of discovery and everything
11 else that is attendant to the right to confront which is
12 guaranteed by the Fourteenth Amendment, the Sixteenth
13 Amendment as picked up by the Due Process clause of the
14 Fourteenth.

15 I wish to make it exceptionally clear that we
16 do not wish Mr. Watson to have any part of these proceed-
17 ings.

18 Thank you.

19 THE COURT: What you have just said is exceptionally
20 unclear, Mr. Kanarek.

21 MR. KANAREK: I would be glad to elaborate, your
22 Honor.

23 THE COURT: What does that have to do with Mr.
24 Watson's appearance in this court for the purpose of
25 cross-examination of Mr. DeCarlo for identification?

26 MR. KANAREK: Because we are dealing with live flesh

1 and blood jurors. They see Mr. Watson here. Then Mr.
2 Watson is not called as a witness. Then there is an
3 unanswered question.

4 MR. BUGLIOSI: One moment, Mr. Kanarek, the jury is
5 starting to come in.

6 (Pause while the jury is ushered back out.)

7 MR. KANAREK: The jury sees him, and then let's say,
8 in final argument, the prosecution says: Well, we are
9 not obliged to bring all witnesses and neither is the
10 defendant.

11 The prosecution doesn't even have to mention
12 Mr. Watson. There are many ways of slicing baloney but
13 it is still baloney.

14 The prosecution will try to get across to the
15 jury that here was Mr. Watson, he is available. How come
16 they didn't call him if they really have this to say?
17 And so forth and so on.

18 It fetters, it is a denial of a fair trial,
19 it fetters the right to confront. He has been here only a
20 few days.

21 My position is, your Honor, that bringing him
22 before the jury is useless, it is needless, there is no
23 question who Tex Watson is, it is a useless gesture, and
24 the prejudicial value far outweighs any probative value.
25 It has no probative value. Who cares?

26 They are not going to call him as a witness.

1 It is absolutely prejudicial.

2 As a matter of fact, your Honor, I will ask
3 for a mistrial on the grounds of the prejudice of bringing
4 Mr. Watson before the jury. I ask for a mistrial on that
10a fls. 5 if they are going to do it, if anybody is going to do it.
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1 THE COURT: Well, Mr. Kanarek, your argument doesn't
2 make very much sense to me, I must say.

3 MR. KANAREK: I am sorry, your Honor. I believe it is
4 completely and absolutely meritorious.

5 I see all kinds of problems. It is pregnant with
6 great danger, because the jury knows he is here, available,
7 and they are going to ask themselves questions both at the
8 time they are deliberating and while --

9 THE COURT: If you care to prepare some instructions
10 at the proper time for the jury as to this point,
11 Mr. Kanarek, you, of course, are free to do so, and you may
12 make a request to the Court to give those instructions;
13 but I see no reason whatever why Mr. Watson should not
14 appear for the purpose of having Mr. De Carlo attempt to
15 identify him.

16 MR. KANAREK: You see, it is identification in a
17 vacuum, your Honor. For what purpose?

18 THE COURT: All right.

19 MR. KANAREK: Very well.

20 I will and I do ask that he not be brought in,
21 your Honor.

22 THE COURT: He has testified that Mr. Watson was
23 present at the ranch. He apparently is being called here
24 for the purpose of finding out whether this Mr. Watson is
25 that Mr. Watson.

26 MR. KANAREK: Really, whether this Mr. Watson is that

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1 Mr. Watson, so far as the probative value or having any
2 legal or effective evidentiary value, it has none.

3 They know there is a Mr. Watson. The only
4 effect is the prejudice of having him here, and then people
5 on the jury begin adding up one and one, and they say:
6 Why didn't somebody call him? And they make some un-
7 warranted conclusions which prejudices the case.

8 I ask for a mistrial in advance. I will approach
9 the bench and ask for it after, if your Honor does allow
10 Mr. Watson to appear before the jury.

11 It has nothing but prejudicial value, serves no
12 purpose. It is a show is all it is. It is like a
13 Vaudeville performance, your Honor, because I see no
14 purpose in it.

15 THE COURT: Do you wish to respond, Mr. Fitzgerald?

16 MR. FITZGERALD: No, your Honor. I will submit the
17 matter.

18 THE COURT: Mr. Bugliosi?

19 MR. BUGLIOSI: Submit the matter, your Honor.

20 THE COURT: All right. The objection is overruled.

21 Let's bring in the jury.
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1 (The following proceedings were had in open
2 court in the presence of the jury, all defendants and their
3 counsel being present:)

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

6 THE CLERK: Would you state your name, sir.

7 THE WITNESS: Danny DeCarlo.

8 THE COURT: Do you wish to continue your cross-
9 examination at this time, Mr. Kanarek, or do you defer
10 to Mr. Fitzgerald?

11 MR. KANAREK: I will defer out of courtesy, if your
12 Honor --

13 I would -- you -- I want to continue, your
14 Honor, but I would -- I don't want to continue in the
15 presence of this gentleman in the courtroom.

16 THE COURT: Then you may reopen, Mr. Fitzgerald.

17 MR. FITZGERALD: Thank you, your Honor.

18 MR. KANAREK: May that be shown to be done over
19 my objection, your Honor?

20 THE COURT: Very well.

21 MR. KANAREK: Thank you.

22
23 CROSS-EXAMINATION (Reopened)

24 BY MR. FITZGERALD:

25 Q Mr. DeCarlo, you previously testified that a
26 man by the name of Tex Watson was present at the Spain

1 Ranch during the period of time that you were there in
2 1969, is that correct?

3 A Yeah.

4 Q Did you know Mr. Watson by any other name?

5 A Tex.

6 Q Do you recognize Mr. Watson in the courtroom?

7 MR. KANAREK: Your Honor, may I then object on the
8 grounds that I have enunciated to the Court previously?

9 THE COURT: You have objected, Mr. Kanarek.

10 You may answer the question.

11 THE WITNESS: Yeah.

12 BY MR. FITZGERALD:

13 Q Where is he located, Mr. DeCarlo?

14 A Right over there.

15 Q Is this the gentleman I am pointing to?

16 A Yeah.

17 MR. KANAREK: In order that I not interrupt, your
18 Honor, may I have a continuing objection on all of the
19 grounds that I have enunciated previously?

20 THE COURT: Very well.

21 MR. KANAREK: Thank you, your Honor.

22 MR. FITZGERALD: Could I have this gentleman identify
23 himself for the court, your Honor?

24 THE COURT: Yes.

25 Will you stand, sir, and state your name.

26 (No response.)

1 Your name, sir?

2 (No response.)

3 All right, you may be seated.

4 Is that the man you were referring to, Mr.
5 DeCarlo?

6 THE WITNESS: Yeah.

7 MR. FITZGERALD: I have no further questions, your
8 Honor, thank you.

9 THE COURT: Any cross-examination?

10 MR. SHINN: No questions.

11 THE COURT: Mr. Kanarek, you may continue.

12 MR. KANAREK: Thank you, your Honor. May we
13 approach the bench briefly, your Honor?

14 THE COURT: Very well.

15 MR. KANAREK: Thank you.

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

18 MR. KANAREK: First of all, your Honor, I would ask
19 the Court to voir dire the jury as to what if anything
20 they know concerning Mr. Watson's return to this community,
21 what they may have read in the newspapers about that.

22 I do make that motion that the jury be voir
23 dired on that subject matter.

24 THE COURT: Well, if you have some reason to think
25 that they know something, Mr. Kanarek, put it in the form
26 of an affidavit or a declaration, file a motion.

1 MR. KANAREK: I cannot make that representation,
2 your Honor, that they do.

3 I feel down deep in my heart there is no ques-
4 tion in my mind that they do.

5 THE COURT: Now, we have gone through this before,
6 now, about the hunches that you have deep down in your
7 heart, but that is not persuasive.

8 MR. KANAREK: I have no access to the jurors, your
9 Honor. I stay away from the Ambassador Hotel.

10 THE COURT: As far as I am concerned neither does
11 anyone else.

12 MR. KANAREK: They have conjugal visits, your Honor,
13 they speak with their family.

14 I make the motion. May I have a ruling?

15 THE COURT: The ruling is the motion is denied.

16 MR. KANAREK: Very well, your Honor. Then I do make
17 a motion for a mistrial because of the presence of Mr.
18 Watson before the jury in these proceedings.

19 THE COURT: The motion is denied.

20 MR. KANAREK: Thank you, your Honor.

21 MR. BUGLIOSI: Could I have an opportunity to ask
22 Mr. DeCarlo if Watson was this heavy when he was at the
23 Spahn Ranch, since they have opened it up?

24 THE COURT: I don't see what the relevancy of it
25 would be,

26 As the record now stands they simply identified

1 him.

2 Of course, if Mr. Kanarek or someone else goes
3 into his physical description on cross-examination, on your
4 redirect examination I suppose you could.

5 But it would be beyond the scope of the cross-
6 examination. He identified him.

7 MR. BUGLIOSI: Oh, yes, we are really talking about
8 a physical description when you identify someone.

9 I think the man has lost about --

10 THE COURT: Not necessarily. They are talking about
11 the identity of a person. They are talking about an
12 individual. He may have looked different at different
13 times.

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1 MR. BUGLIOSI: According to Mr. De Carlo, he told me
2 he does not look the same now; he was able to identify him
3 but he lost about 60 or 70 pounds.

4 THE COURT: It's a matter for cross-examination.
5 Nobody has challenged it so far or even talked about it.
6 Maybe they will, I don't know.

7 MR. BUGLIOSI: Without bringing him in may I ask
8 Mr. De Carlo, without bringing Mr. Watson back?

9 THE COURT: As to whether or not he looks the same now?

10 MR. BUGLIOSI: Yes, as he did when he knew him at
11 Spahn Ranch.

12 MR. KANAREK: I will object to that.

13 MR. BUGLIOSI: Because this is something that
14 Mr. Fitzgerald introduced into evidence.

15 Without bringing Watson back could I ask him if
16 he looked the same?

17 THE COURT: What is the necessity of it? Unless it
18 comes out on cross-examination, the record shows an
19 identification.

20 MR. BUGLIOSI: But the jury saw the man.

21 THE COURT: That's right, but they did not see him
22 when he weighed 50 or 60 pounds more, so what difference
23 does it make?

24 MR. BUGLIOSI: Actually it has some relevance.
25 I don't want to state it on the record, what the relevance
26 is.

1 I feel it has some relevance and I feel that it
2 is within the scope of Mr. Fitzgerald's examination.

3 When he identified the man like that, "Does he
4 look any different in court today than when you knew him at
5 Spahn Ranch?"

6 THE COURT: As I say, as the record now stands I
7 don't see any necessity for it. If you think you have
8 some reason for it, I don't see it is that objectionable at
9 all, I don't think it is objectionable at all, it is common
10 in identification to ask a witness whether a person appears
11 the same now as then; there is nothing unusual about that.

12 MR. BUGLIOSI: Thank you, your Honor.

13 MR. KANAREK: May the prosecution as well as the
14 Attorney General be put on notice, your Honor, that Mr.
15 if
16 Bugliosi --/Mr. Bugliosi goes into that evidence we object
17 on the grounds we enunciated previously.

18 It is our position Mr. Manson is in jeopardy,
19 of course any kind of error they introduce here by way of
20 any questioning would be error that we insist is invited
21 by their own conduct, the prosecution.

22 THE COURT: There is no necessity to put all of this
23 on the record, Mr. Kanarek.

24 MR. KANAREK: The law of jeopardy, I think, requires
25 it.

26 THE COURT: Requires what?

MR. KANAREK: The law of jeopardy, your Honor, I

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1 believe my motion is this: that the prosecution cannot
2 deliberately cause error and then force a new trial.

3 They cannot make a man stay in prison for many
4 years because of the fact that the new trial comes about
5 and is caused -- is because of what they have done.

6 THE COURT: What are you talking about? What has
7 the prosecution done that you are talking about?

8 MR. KANAREK: I am just stating on the record in
9 advance at the present time.

10 THE COURT: In advance of what?

11 MR. KANAREK: Of his questioning him about anything
12 concerning Mr. Watson, that if a new trial or error creeps
13 in because of what the prosecution does, it is my position
14 Mr. Manson could never be retried because of the fact that
15 it is deliberate error on the part of the prosecution.

16 THE COURT: What does that have to do with the trial
17 judge? That is something you may raise on appeal, but that
18 has nothing to do with what is going on now.

19 MR. KANAREK: Yes, it does.

20 THE COURT: Jeopardy has attached.

21 MR. KANAREK: Yes, but your Honor in controlling the
22 proceedings before him has the duty to see that the defen-
23 dant is not forced to go to an appellate court --

24 THE COURT: Of course.

25 MR. KANAREK: They are opening the door to error
26 when they start questioning Mr. Watson. I want the record

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to reveal.

THE COURT: What I say to you, Mr. Kanarek, while you have the right to make an objection, to raise an argument on the ground of jeopardy I think is a total waste of time.

MR. KANAREK: Jeopardy is a very important concept, your Honor. In England, you cannot retry a man if there is error.

MR. BUGLIOSI: Mr. Kanarek, if birds did not have wings they could not fly.

THE COURT: Let's proceed.

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

5 MR. KUNDEK: Q Mr. De Carlo, on August the
6 16th, 1969, you were arrested, right?

7 A Yes.

8 Q You were at the Spahn Ranch when you were
9 arrested?

10 A Yes.

11 Q Right?

12 A Yes.

13 Q At that time, Mr. De Carlo, when you were at the
14 Spahn Ranch, were there a lot of police officers there?

15 A There sure was.

16 Q There sure were, right?

17 A Yes. A lot of them.

18 Q Did you, Mr. De Carlo, make any statements?
19 I am saying you, yourself, did you make any statement
20 concerning pigs?

21 A No. Because as soon as they saw me, they knocked
22 me out.

23 Q Who knocked you out?

24 A The police.

25 Q How soon after you know the police were there
26 did they knock you out?

1 A Well, I didn't know because I was crashed,
2 I was sleeping.

3 Q You were sleeping?

4 A Yes.

5 Q You mean someone came in and hit you?

6 A Well, I had a gun next to me.

7 Q You slept with a gun next to you?

8 A Yes.

9 Q Always; right?

10 A Not always.

11 Q A good portion of the time?

12 A Well, the night before I was drinking. I got
13 pretty smashed, and they carried me in there. I don't
14 remember them carrying me in there.

15 Q You mean the Straight Satans carried you to your
16 bed?

17 A No. A couple of the girls did.

18 Q A couple of the girls?

19 A Yes.

20 Q You mean from the Spahn Ranch, carried you into
21 bed?

22 A I didn't get to the bed. I just got to the
23 floor.

24 Q And you slept on the floor?

25 A Yes.

26 Q When you say they knocked you out, what do you
mean by that, Mr. De Carlo?

1 A Well, I don't remember them hitting me. When I
2 was outside I had all kinds of lumps on my head.

3 Q You mean, at a time when the police officers
4 were in your immediate presence, you became conscious
5 and you felt lumps on your head?

6 A Yes. My nose was cut and I had a big black eye.
7 So, they had a good time.

8 Q I see.

9 Then, at that time, when you were in the immedi-
10 ate area of those police officers, did you say anything
11 about pigs?

12 A No.

13 Q Now, on more than one occasion, Mr. De Carlo,
14 did people have occasion to take you to bed, carry you to
15 bed, because you were smashed, while you were at the
16 Spahn Ranch?

17 A Yes.

18 Q This happened on many, many occasions, right?

19 A Not many, many. I made it a couple of times by
20 myself.

21 Q You mean, during the months from March to
22 August you made it a couple of times to bed on your own?

23 MR. BUGLIOSI: That is ambiguous.

24 A couple of times when he was smashed or a
25 couple of times referring to the whole period that he was
26 out there?

 THE COURT: Sustained.

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1 BY MR. KANAREK:

2 Q Directing your attention, Mr. DeCarlo, to the
3 time from March to August of 1969 when you were at the
4 Spahn Ranch, did you, on occasion, make it to bed where
5 you propelled yourself on your own feet?

6 MR. BUGLIOSI: Again the same objection, your Honor.

7 Is he talking about when he was drunk or when
8 he wasn't drunk?

9 MR. KANAREK: I am asking the question, your Honor.

10 MR. BUGLIOSI: And I am objecting. It is ambiguous.

11 THE COURT: Sustained.

12 MR. KANAREK: Q You were drunk every day; right,
13 Danny?

14 A I was smashed.

15 Q Smashed every day?

16 A Right.

17 Q You drank about a case of beer every day;
18 right?

19 A Yes.

20 Q And directing your attention to the times,
21 then, whatever your sobriety, whatever your state of
22 drunkenness might have been, did you, on two occasions,
23 get to bed on your own where you walked to bed on your
24 own, during the months of March to August?

25 A There was only a couple of times I had to be
26 carried.

12a-2

1 Q You are saying it is only a couple of times
2 that you had to be carried?

3 A Yes, that I had to be carried.

4 Q And the rest of the time you made it on your
5 own to bed?

6 A I walked myself.

7 Q I see.

8 Then, my question is: At the time when these
9 police officers came to the Spahn Ranch, like August the
10 16th, 1969, is it a fair statement that you uttered the
11 word "pigs" in connection with your arrest?

12 MR. BUGLIOSI: Asked and answered, your Honor.

13 THE COURT: Sustained.

14 BY MR. KANAREK:

15 Q Now, while you were at the Spahn Ranch, Mr.
16 DeCarlo, did you see Linda Kasabian take any pills?

17 MR. BUGLIOSI: That is irrelevant, your Honor. It
18 is also ambiguous.

19 MR. KANAREK: I don't know how it could be more
20 relevant or less ambiguous, your Honor, in view of the
21 prosecution's examination of --

22 MR. BUGLIOSI: What kind of pills is he talking about?

23 If it is sleeping pills, it doesn't have any
24 relevance to this case.

25 MR. KANAREK: I am asking for objective evidence
26 from the witness, uncolored by any kind of a conclusion.

12a-3

1 I am just asking him if he saw her take pills.

2 THE COURT: Overruled.

3 You may answer.

4 THE WITNESS: No.

5 BY MR. KANAREK:

6 Q Do you remember having a conversation with me
7 yesterday at the witness stand there before we were
8 interrupted by the District Attorney --

9 MR. BUGLIOSI: Oh, your Honor, that type of
10 inflammatory remark is ridiculous.

11 What does that have to do with the price of tea
12 in China, Mr. Kanarek? You are the one that is interrupt-
13 ing me all the time.

14 THE COURT: That will be enough, gentlemen.

15 MR. KANAREK: Will your Honor admonish the jury -- I
16 ask that the jury be admonished to disregard the remarks
17 of Mr. Bugliosi.

18 MR. BUGLIOSI: Your remarks are ridiculous.

19 THE COURT: Gentlemen, that will be enough.

20 You are admonished to disregard the remarks of
21 both counsel, ladies and gentlemen.

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1 MR. KANAREK: Your Honor, may we approach the bench
2 because of what Mr. Bugliosi just said to me?

3 I wish to be sworn. I don't know if the jury
4 heard it or not, your Honor, and I wish to be sworn as to
5 what Mr. Bugliosi stated to me.

6 May I be sworn? I ask that, your Honor. This
7 is conduct that is unbecoming a lawyer in a court of law
8 to say what he said.

9 MR. BUGLIOSI: Your conduct is grounds for disbar-
10 ment.

11 THE COURT: Let's proceed, gentlemen.

12 MR. KANAREK: I would like to approach the bench.

13 MR. HUGHES: May I make a motion?

14 THE COURT: We don't need to hear from you.

15 MR. HUGHES: May I make a motion, your Honor?

16 THE COURT: The jury is admonished to disregard the
17 remarks of counsel.

18 MR. HUGHES: May I make a motion?

19 THE COURT: Yes. State it.

20 MR. HUGHES: I make a motion for a mistrial because
21 of the conduct of Mr. Bugliosi and Mr. Kanarek at this time.
22 I think it is prejudicing the case for the other defendants.

23 THE COURT: The motion is denied.

24 Let's proceed.

25 MR. KANAREK: Your Honor, would your Honor admonish
26 the jury not to consider Mr. Bugliosi's statement

1 concerning disbarment for any purpose?

2 THE COURT: They have been so admonished, Mr.
3 Kanarek.

4 MR. KANAREK: Then may I approach the bench to make
5 a motion?

6 THE COURT: You may make it at the recess.

7 Let's proceed.

8 MR. KANAREK: Q Mr. De Carlo, did you see
9 Linda Kasabian take any white pills while she was at the
10 Spahn Ranch?

11 A I think she took a bennie, maybe.

12 MR. KANAREK: Your Honor, may I have an answer to that
13 question?

14 I ask that the answer be stricken as not
15 responsive, your Honor.

16 MR. BUGLIOSI: I join Mr. Kanarek.

17 THE COURT: The answer is stricken.

18 The jury is admonished to disregard it.

19 Listen to the question, Mr. De Carlo.

20 MR. KANAREK: May it be read to the witness, your
21 Honor?

22 THE COURT: Read the question.

23 (The question was read by the reporter.)

24 THE WITNESS: I don't know. I might have.

25 MR. KANAREK: Q Would you think about that for
26 a moment?

1 A Well, I am thinking and I am not sure.

2 Q Well, would you care to maybe take a few
3 seconds?

4 A I have while you two were arguing and I still
5 can't remember. I don't know.

6 Q I see.

7 Your answer is that you don't know?

8 A Right.

9 Q Did you see Linda Kasabian take any colored
10 pills, Mr. De Carlo, while you were at the Spahn Ranch?

11 A I don't know.

12 Q You may have?

13 A I don't know.

14 Q Well, would you think about it for a few moments
15 or for a few seconds.

16 A I don't know.

17 Q But you may have? She may have taken some
18 colored pills in your presence; is that correct?

19 MR. BUGLIOSI: It is irrelevant that she may have.
20 If he can't remember, your Honor, it is totally irrelevant.
21 It is asking for speculation. Anything is possible.

22 THE COURT: Well, I think he is still probing the
23 witness' memory.

24 You may answer the question.

25 THE WITNESS: I don't know.

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1 BY MR. KANAREK:

2 Q Now, Mr. DeCarlo, is it a fair statement that
3 you might say that during the months that you were at the
4 Spahn Ranch, when you drank, over Mr. Manson's objections,
5 when you brought guns to the Spahn Ranch, over Mr. Manson's
6 objections, that during that period you were, shall we say,
7 you had a lost five months because of the drunkenness,
8 the drunken condition you were in?

9 MR. BUGLIOSI: That is a compound question, it
10 assumes facts not in evidence, and is an unsolicited
11 lecture.

12 I will object on those three grounds.

13 THE COURT: Sustained.

14 BY MR. KANAREK:

15 Q As a matter of fact, Mr. DeCarlo, you don't
16 really remember anything really that happened during those
17 five months, do you, Mr. DeCarlo?

18 A Yes, I remember everything.

19 Q You remember everything?

20 A Yes.

21 Q You don't remember about Linda Kasabian and
22 the pills though, do you?

23 MR. BUGLIOSI: That is argumentative.

24 THE COURT: Sustained.

25 BY MR. KANAREK:

26 Q Is it a fair statement, Mr. DeCarlo, that you

12c-2

1 are remembering what you think will help the prosecution
2 in this case?

3 MR. BUGLIOSI: Argumentative, your Honor.

4 THE COURT: Overruled.

5 You may answer.

6 THE WITNESS: No.

7 MR. KANAREK: Pardon?

8 THE WITNESS: No.

9 BY MR. KANAREK:

10 Q Directing your attention to Ruthanne Morehouse,
11 Mr. DeCarlo. You liked her; is that correct?

12 A Yes.

13 Q And, Mr. DeCarlo, is it a fair statement that
14 Ruthanne Morehouse does not return that affection?

15 MR. BUGLIOSI: That calls for a conclusion, your
16 Honor. It is also immaterial.

17 MR. KANAREK: It goes to bias and prejudice. Mr.
18 Bugliosi has made her a part of the --

19 THE COURT: Sustained.

20 MR. KANAREK: Pardon me?

21 THE COURT: Sustained.

22 MR. KANAREK: On what ground, if I may ask, your
23 Honor?

24 THE COURT: Let's proceed, Mr. Kanarek.

25 BY MR. KANAREK:

26 Q Mr. DeCarlo, is your state of mind such that

1 you feel that some of the girls at the Spahn Ranch don't
2 like you?

3 MR. BUGLIOSI: That calls for a conclusion, your Honor.

4 MR. KANAREK: It goes to his bias and prejudice.

5 MR. BUGLIOSI: It is also irrelevant, unless we are
6 talking about these three female defendants, your Honor.

7 MR. KANAREK: The point is that Mr. Bugliosi brought--

8 THE COURT: That is the way I understood it.

9 Read the question.

10 (The question was read by the reporter.)

11 THE WITNESS: I think they all --

12 THE COURT: It is ambiguous. Sustained. It is also
13 irrelevant.

14 BY MR. KANAREK:

15 Q Mr. DeCarlo, is it a fair statement -- is it
16 a fair statement, Mr. DeCarlo -- that you were somewhat
17 jealous of the attention that Mr. Manson received from
18 some of the females at the Spahn Ranch?

19 Is that a fair statement, Mr. DeCarlo?

20 A No. There was enough girls for everybody.

21 Q At any time, Mr. DeCarlo, have you stated,
22 uttered any words, indicating your unhappiness because you
23 were not shown attention by females at the Spahn Ranch?

24 A I had the time of my life up there.

25 Q That isn't my question, Mr. DeCarlo.

26 A Well, I don't know.

1 Me and the girls got along fantastically, I
2 think.

3 Q You think?

4 A I know. Ask them.

5 Q All right.

6 Did you ever make any statements, Mr. DeCarlo,
7 to the effect that the girls at the Spahn Ranch were
8 putting you down?

9 A No.

10 Q Pardon? You never made any such statement?

11 A No. I'd only be lying.

12 Q What is that?

13 A I'd be lying if I had said that.

14 Q You would be lying if you had said that?

15 A None of the girls ever put me down.

16 Q My question is not whether you would be lying
17 if you said that. Did you ever utter those words?

18 A No.

19 Q Did you ever state --

20 A No, no, no.

21 Q You never did?

22 A No.

23 Q Did you ever tell anyone, any member of the
24 Straight Satans, that the girls at the Spahn Ranch had
25 put you down?

26 A No.

1 Q Mr. DeCarlo, have you, at any time -- let me
2 ask you this -- on how many occasions have you spoken with
3 Mr. Gutierrez, the gentleman here?

4 MR. BUGLIOSI: That is ambiguous, your Honor.
5 Spoken? How many times he said hello?

13 fls.

13-1

1 THE COURT: You may answer.

2 MR. KANAREK: Pardon?

3 THE COURT: You may answer.

4 THE WITNESS: I don't know about 20 times.

5 Q BY MR. KANAREK: And directing your attention --
6 you recall during the noon hour when I attempted to speak
7 to you in the lobby of the Hall of Justice?

8 A Yeah.

9 Q And you and I were present; I asked to have a
10 couple of words with you.

11 MR. BUGLIOSI: Your Honor, I am objecting to this;
12 I can tell from the tenor of the question, that it has no
13 relevance whatsoever.

14 I object on that ground and I ask that we
15 approach the bench, your Honor, if the Court has any doubt
16 about the admitting of this type of question.

17 MR. KANAREK: I will be glad to approach the bench,
18 your Honor.

19 THE COURT: I don't know what you mean by "this type
20 of question."

21 MR. BUGLIOSI: Well, it's obvious he is not asking
22 the type of question to secure an answer.

23 He is just talking in front of the jury. The
24 question itself contains accusations by Mr. Kanarek.

25 THE COURT: Reframe the question, Mr. Kanarek.

26 Q BY MR. KANAREK: Do you recall this afternoon

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1 after the morning session, Mr. De Carlo, when I was in the
2 lobby of the Hall of Justice here?

3 A Yes, sir.

4 Q And I tried to talk to you?

5 A Yeah.

6 Q And you and Mr. Gutierrez left my immediate
7 presence?

8 A I said I would talk to you.

9 Q You said you would talk to me but you ended up in
10 about a half second going off with Mr. Gutierrez, right?

11 MR. BUGLIOSI: I object to this line of questioning,
12 your Honor.

13 THE COURT: Sustained.

14 MR. KANAREK: Well, your Honor --

15 THE COURT: Sustained.

16 Q BY MR. KANAREK: Did you immediately leave with
17 Mr. Gutierrez?

18 MR. BUGLIOSI: It is irrelevant.

19 THE COURT: Sustained.

20 MR. KANAREK: May I make an offer of proof, your
21 Honor?

22 THE COURT: It's not necessary.

23 Q BY MR. KANAREK: And on other occasions -- you
24 say that you spoke to Mr. Gutierrez, that you have spoken
25 to him some 20 times, right?

26 A Yeah.

-2

1 Q And you recognize him as a Los Angeles police
officer, right?

2 A Yeah.

3 Q And you spoke with Mr. Bugliosi -- how many
4 different occasions have you spoken with him?

5 A Two or three.

6 Q And did you speak with Mr. Stovitz?

7 A One time I did for just a few seconds.

8 Q Now, have you, Mr. -- Mr. De Carlo -- have you a
9 clear mind right now, as you sit there on the witness stand?

10 A You mean, have I been drinking?

11 Q Okay, I will ask that, have you been drinking?

12 A Naw, they won't let me.

13 Q They won't let you, what do you mean by that?

14 A Well, they won't let me.

15 I mean they won't let me go to a bar.

16 Q I see. In other words, the prosecution won't
17 let you go to a bar.

18 MR. BUGLIOSI: He is assuming a fact not in evidence,
19 your Honor.

20 MR. KANAREK: He stated it, your Honor. It is in
21 evidence.

22 MR. BUGLIOSI: He said "they."

23 Q BY MR. KANAREK: Whom do you mean by "they,"
24 Mr. -- Mr. De Carlo?

25 MR. HUGHES: May the record reflect the witness has
26

13-4

1 pointed to Sergeant Gutierrez.

2 THE WITNESS: Mr. Gutierrez.

3 Q BY MR. KANAREK: Anyone else tell you not to
4 drink?

5 A No, just him.

6 Q I see. Now, when you were in court yesterday
7 did you have anything to drink?

8 A No, they wouldn't let me.

9 Q Directing your attention to your court appearance
10 yesterday, when was the time just previous to yesterday
11 that you had had anything to drink?

12 A That night.

13 Q The night before?

14 A The night before, yeah.

15 Q I see. And when you drank were you -- did you
16 have any Los Angeles police officers with you?

17 MR. BUGLIOSI: I object on the ground it's irrelevant,
18 your Honor.

19 What relevancy does it have who is in his
20 presence when he is drinking?

21 THE COURT: Sustained.

22 Q BY MR. KANAREK: Is it a fair statement,
23 Mr. De Carlo, that since you have been in the Los Angeles
24 area you have come to testify here, that you have been in
25 constant close association with people of the Los Angeles
26 Police Department?

13-5

1 A Yeah.

2 Q Every minute, every minute of your waking day?

3 A Yeah.

4 Q A man with the Los Angeles Police Department is
5 right next to you, right?

6 A Yeah.

7 Q Within inches of your physical person, is that
8 correct?

9 A Right there.

10 Q Right there. And where you sleep, Mr. De Carlo,
11 is there a police officer in the room there with you?

12 MR. BUGLIOSI: Under the sheet.

13 MR. KANAREK: It could well be. A lot of truth is
14 said in jest, your Honor, and I think --

15 THE COURT: You have made your point, Mr. Kanarek,
16 let's go on.

17 Q BY MR. KANAREK: Would you tell us, Mr. De Carlo,
18 would you tell us when you sleep how far away is the person
19 of the Los Angeles police officer?

20 A Well, they are in the room.

21 Q Same room, right?

22 A Yeah.

23 MR. KANAREK: Thank you, no further questions.

24 THE COURT: Any redirect examination?

25 MR. BUGLIOSI: Yes, your Honor.

26 MR. HUGHES: I believe I have questions, unless this

1 witness' testimony --

2 MR. BUGLIOSI: No, I believe his testimony, your
3 Honor, was offered partially against Leslie Van Houten.

4 THE COURT: That's all right. Go ahead, then,
5 Mr. Hughes.

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CROSS-EXAMINATION

BY MR. HUGHES:

Q Mr. DeCarlo, do you recall one day last November having a conversation with Sergeant Neilson of the Los Angeles Police Department and some other Los Angeles Police Department officers in Room 318 of the Los Angeles Police Department Building, located at 150 North Los Angeles Street, and the subject matter being the Tate-La Bianca homicides?

Do you recall that conversation?

A They talked to me, but it was not about this case.

Q Do you recall that that conversation lasted some seven hours, from 5:00 in the evening until roughly around midnight?

A I don't know how long it went on.

Q Do you recall that at the time you entered the building at 150 North Los Angeles Street that it was light outside?

A I cannot remember, sir.

Q Do you recall that at the time that you left the building that it was dark outside?

A I don't know.

Q Did the conversation take a long time?

A No.

MR. HUGHES: May I have a moment, your Honor?

13a-2

(Pause.)

1 BY MR. HUGHES:

2 Q During that conversation, Mr. DeCarlo, did
3 Sergeant Neilson or Sergeant Gutierrez -- was Sergeant
4 Gutierrez there also?

5 A Yeah.

6 Q Did Sergeant Neilson, Sergeant Gutierrez or
7 some other officer of the Los Angeles Police Department
8 discuss certain aspects of your family background?

9 A Well, they asked me what I did up at the ranch.

10 Q Did they more specifically say quote "someone
11 talked to your mom and dad today."

12 Do you recall those words?

13 A No.

14 MR. BUGLIOSI: I object to the use of the word
15 "quote."

16 The question seems to be offering this as a
17 fact in front of the jury.

18 Also it seems to be asking for testimony that
19 would be irrelevant to the charges, your Honor, whether
20 someone spoke to his parents.

21 THE COURT: Overruled, you may answer.

22 THE WITNESS: No, nobody talked to them that I know
23 of.

24 THE COURT: Read the answer, please.

25 (Whereupon the reporter reads the answer as
26

1 follows:

2 "THE WITNESS: No, nobody talked to them that
3 I know of.")

4 MR. HUGHES: I believe that is not responsive. May
5 I rephrase the question?

6 THE COURT: It is not responsive. Go ahead, Mr. Hughes.

7 BY MR. HUGHES:

8 Q Did they say "someone talked to your mom and
9 dad today."

10 Did the police say that?

11 A No.

12 Q Did they ask you questions concerning your
13 parents naturalization and their naturalization papers?

14 MR. BUGLIOSI: It's irrelevant, your Honor, it has
15 no materiality.

16 THE COURT: Overruled, you may answer.

17 THE WITNESS: No, they are citizens.

18 BY MR. HUGHES:

19 Q Did they ask you where your parents were born,
20 Mr. DeCarlo?

21 A No.

22 Q Do you recall stating to the police officers
23 that your parents were born in Canada?

24 A Yeah.

25 Q Do you recall the circumstances why you told
26 the police officers that?

1 MR. BUGLIOSI: It's irrelevant, your Honor. It is
2 irrelevant.

3 We are going into tangential areas which have
4 no materiality.

5 THE COURT: Well, it's not clear in my mind, Mr.
6 Bugliosi, but I see a possible area of relevancy.

7 MR. BUGLIOSI: Very well.

8 THE COURT: Overruled.

9 THE WITNESS: I am proud of where I was born. I tell
10 everybody where I was born and where my mom and dad were
11 born.

12 BY MR. HUGHES:

13 Q Do you recall though why they asked you that,
14 where your parents were born?

15 A I told them. Nobody has to ask me.

16 Q Do you recall a police officer asking you
17 detailed questions about your father's financial dealings?

18 MR. BUGLIOSI: Your Honor, this has no relevancy and
19 I would request an offer of proof up at the bench.

20 THE COURT: Sustained.

21 MR. HUGHES: Your Honor, may I approach the bench
22 for an offer of proof?

23 THE COURT: Very well.

24 (The following proceedings were had at the
25 bench out of the hearing of the jury.)

26 MR. KANAREN: Before we proceed so I can make my motion

1 at the earliest possible time, I make a motion for an
2 evidentiary hearing.

3 Mr. Bugliosi called me, he said, "You are a
4 God-damned asshole."

5 THE COURT: What are you talking about?

6 MR. KANAREK: I am telling you what he said to me.

7 THE COURT: When?

8 MR. KANAREK: When I asked you to approach the bench
9 previously, I ask to be sworn.

10 It was about a foot and a half from the nearest
11 juror. I heard him say that. I ask for an evidentiary
12 hearing. I ask for a mistrial, and there was a statement
13 about disbarment in the presence of the jury. I ask for
14 a mistrial. I ask the jury to be admonished and mere
15 admonition not sufficing, I ask for a mistrial.

16 MR. BUGLIOSI: What about your statement that I
17 interrupted you and would not let you talk to a witness?

18 Everything I said in this regard during the
19 course of this hard trial has been a response to something
20 the defense counsel has said.

21 MR. KANAREK: I ask that contempt proceedings be
22 instituted against Mr. Bugliosi.

23 THE COURT: If it occurred, I agree with you, it is
24 unjustifiable.

25 On the other hand I think both of you are
26 wrong. Your questions are an invitation to a response by

1 the attorney on the other side.

2 I don't say that he is justified in responding,
3 but you are going out of your way to elicit some kind of
4 a reaction from Mr. Bugliosi.

5 MR. KANAREK: That is not so, your Honor.

6 THE COURT: I think you are both wrong. I admonish
7 both of you to stop this bickering back and forth between
8 you. You cannot be helping your clients one bit.

9 MR. KANAREK: May we have an evidentiary hearing on
10 it?

11 THE COURT: What is the point of it? He has not
12 denied it.

13 I don't know whether it is true or not. If it
14 happened I certainly regret it and certainly would admonish
15 him.

16 On the other hand, as I say, I think you are
17 both wrong.

18 MR. KANAREK: Would your Honor admonish the jury,
19 and were admonishment not sufficing, may I ask for a
20 mistrial.

21 THE COURT: They have been admonished three times on
22 this particular point, Mr. Kanarek, there is no point in
23 my admonishing them again.

24 MR. KANAREK: May I have a ruling on the motion for
25 mistrial then?

26 THE COURT: The motion is denied. There is no evidence

1 the jury heard anything.

2 MR. KANAREK: Would your Honor voir dire them on it?

3 THE COURT: No, I will not.

4 MR. KANAREK: I do make that motion for a voir dire
5 on that.

6 THE COURT: Denied.

135 fls. 7 Now, let's get back to Mr. Hughes.

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1 MR. HUGHES: Yes, your Honor, my offer of proof has
2 to do with some roughly seven hours of tape recordings of
3 this witness, Danny De Carlo, which were made at the
4 Los Angeles Police Department Parker Center on, I believe,
5 November 17th, 1969 in Room, I think, 318 of the
6 Los Angeles Police Department.

7 During the initial phases of this tape, and
8 actually throughout it, there were certain questions asked
9 of him about his family and their relationship to finan-
10 cial matters, to various matters, your Honor, which seemed
11 to be putting subtle types of pressure, but constant, on
12 this witness, to remind him -- I don't know of what, perhaps
13 of naturalization problems, financial irregularities,
14 police mentioned the IRS and his father's dealings with the
15 Internal Revenue Service, various things.

16 They asked who his father's accountants were.

17 They asked him about his father's business, and
18 the machinery that had been sold.

19 They asked him about his brother's criminal
20 record.

21 They asked him about his sister.

22 They asked him about his mother's naturalization.

23 All of these, your Honor, go, I believe, to show
24 a motive for the testimony of this witness, especially in
25 light of other parts of this tape which deal with questions
26 of granting this witness immunity from certain cases.

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1 offering this witness the intercession of the
2 Los Angeles Police Department in a federal beef that this
3 witness had, a federal gun case.

4 And I would ask that your Honor allow this line of
5 questions to show that this subtle sort of pressure that
6 was put on this witness -- actually, it's not too subtle.

7 THE COURT: I don't see any pressure by reason of the
8 questioning.

9 If we had evidence of something said by the
10 police to him with regard to these matters other than just
11 questioning him. That does not constitute pressure.

12 MR. HUGHES: I have the three-reel tape which
13 Mr. Bugliosi made available to me. It is some seven hours.

14 Throughout it are scattered these questions that
15 the police asked.

16 THE COURT: Well, I understand what you are saying,
17 Mr. Hughes, but I don't see any reason why you cannot go
18 into the question of what, if anything, the police said to
19 him.

20 But the mere recitation of the questions that
21 they asked him, I don't see any relevancy to that unless
22 they follow it with something.

23 MR. HUGHES: Well, indeed, your Honor, I feel certain
24 that the police did not tape record all of the conver-
25 sations they had with Mr. De Carlo.

26 He states that they have interviewed him some

1383

20 times, and Mr. Bugliosi presented a discovery order.

MR. BUGLIOSI: He did not say 20 times, he said he had spoken to them. They see each other every day.

THE COURT: I am not foreclosing your right to go into these conversations; ask him if you want what they were, but I cannot quite see the relevancy of an extended examination by you as to what questions in the way of just information that the police elicited from him.

MR. HUGHES: I think I will say, your Honor, it goes to the question of impeachment of this witness.

THE COURT: It goes to what?

MR. HUGHES: To the question of impeachment of this witness.

I believe that I will be able to show him, you know, if his responses do not correspond -- I have many notes from those conversations, of that seven-hour tape.

MR. BUGLIOSI: May I just interpose one point, your Honor:

Under Section 356 of the Evidence Code if he just asked him what the conversation was, then I can put in the whole conversation, and the whole conversation, of course, would be very damaging to the defense.

He made a lot of very damaging statements about Manson, and you just cannot pick and choose what you want out of these statements.

I think you can impeach him on particular points.

B4

1 you can do that as long as you have an impeachment point
2 but just to go into those portions of the conversation that
3 you want to elicit, I think that entitles the prosecution
4 under 356 to put in the whole conversation, and I think
5 that would be more harmful to you than helpful.

6 THE COURT: I think there is something to that,
7 Mr. Hughes. I would suggest you talk it over with one or
8 more of the other defense counsel during the recess.

9 We can take the matter up after the recess.

10 MR. TANAREK: Your Honor, I would like to state, based
11 upon Mr. Bugliosi's statement, I would join with the
12 prosecution and object to this interrogation, so there is
13 no question about it.

14 THE COURT: All right. We will recess now.

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

17 THE COURT: We will take the afternoon recess at this
18 time, ladies and gentlemen. Do not converse with anyone
19 or form or express any opinion regarding the case until it
20 is finally submitted to you.

21 The court will recess for 15 minutes.

22 (Recess.)
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1 THE COURT: All parties, counsel and jurors are
2 present.

3 You may continue, Mr. Hughes.

4 MR. HUGHES: Q Mr. De Carlo, earlier this morning
5 you testified that there was a song up there at the ranch
6 which Mr. Manson sang and which you sang and that was your
7 favorite song.

8 Do you recall that testimony?

9 A Yes.

10 Q Do you recall if that song was called Live in
11 Your Own World?

12 A Yes.

13 Q May I read these various stanzas to you and see
14 if you recall that this is the song.

15 "Are you hopein' and a prayin' ---"

16 A That is it.

17 Q "As your soul keeps a weighin'.

18 "Judgment of the love

19 "That you thought was up above.

20 "There's no one in your world but you."

21 A That is the one.

22 Q "You knew it.

23 "Come on through it.

24 "Just a finger on a hand.

25 "Nothing's wasted.

26 "All's been tasted.

4-2

1 "Just a tiny grain of sand."

2 A Yes.

3 Q "Why should I say do or die.

4 "It is all up to you.

5 "Why should I say laugh or cry.

6 "You know what to do.

7 "Why should I say anything.

8 "It is all up to you.

9 "Do you live in your own world?

10 "The meaning is always leaning

11 "In a timeless world of sound.

12 "Have you been listening to the music?

13 "To the sound coming down.

14 "Cause there is no one in my world but love."

15 Is that the song?

16 A Yes.

17 Q Did that song suggest to you, Mr. De Carlo, that
18 Mr. Manson's so-called philosophy was just to do what you
19 felt was right?

20 MR. BUGLIOSI: I object, your Honor, it calls for a
21 conclusion.

22 THE COURT: Overruled.

23 You may answer.

24 THE WITNESS: Yes.

14A

14a-1

BY MR. HUGHES:

Q And that is why you liked that song, wasn't it, because you are a free and independent spirit and you felt that that was a good philosophy, to do what was right?

A Well, it has got good words and the melody was good. When everybody sang it together, it was real good. I liked it.

Q Do you recall, in your conversations with the Los Angeles Police Department officers, saying, or being asked, do you recall being asked where you first saw a .22 caliber revolver, or when you first saw it?

A They asked me what guns I took care of.

Q Do you recall telling them about a .22 caliber single six with an eight-inch barrel nine-shot single-action?

A They asked me to describe the weapons I took care of.

Q Do you recall describing a gun like that?

A Yes.

Q And do you recall them asking when you first noticed that gun around the ranch? Do you recall that question?

A I don't know.

Q Do you recall, Mr. DeCarlo, saying that it just popped up around July?

A I don't know.

Q Is it possible you could have said that?

1 A I don't know.

2 Q Do you recall later saying to them: Now, wait.
3 I just saw the .22 -- I first saw the .22 in June?

4 A Yes.

5 Q Do you recall the earlier statement that it
6 just popped up in July?

7 A I don't know.

8 Q You didn't tell the LAPD officers in November
9 about your truck having been traded for a gun, did you?

10 A I think I did.

11 Q Now, it is true, isn't it, that on the night
12 of August the 15th your motorcycle brothers came up and
13 threatened to burn down the ranch and to rape all the girls?

14 MR. BUGLIOSI: Calls for a conclusion. It is also
15 compound.

16 THE COURT: Sustained.

17 BY MR. HUGHES:

18 Q You recall your motorcycle brothers coming up
19 that evening, don't you?

20 A Yes.

21 Q And do you recall conversations to the effect
22 that they were going to burn down the ranch and rape all
23 the girls?

15 fls.

15-1

1 MR. BUGLIOSI: Ambiguous, your Honor, conversations
2 between who and whom?

3 THE COURT: Sustained.

4 Q BY MR. HUGHES: Do you recall a conversation
5 between your motorcycle brothers, that they were going to
6 burn down the ranch and rape all the girls?

7 MR. BUGLIOSI: Same objection, too broad.

8 MR. KANAREK: Your Honor, based on equal protection of
9 the law, Mr. Bugliosi has bunched many, many people --

10 THE COURT: Objection is sustained. Let's proceed.

11 Q BY MR. HUGHES: Do you recall the conversation
12 between any two people who were motorcycle brothers of yours
13 on the night of August 15th, to the effect that they were
14 going to burn down the ranch?

15 MR. BUGLIOSI: That calls for a hearsay answer, your
16 Honor.

17 THE COURT: Sustained.

18 Q BY MR. HUGHES: Did you, yourself, engage in any
19 conversation either for or against burning down the ranch
20 with your motorcycle brothers?

21 A Yeah.

22 Q Did you tell them not to burn down the ranch?

23 A No, they wanted me to leave that night, and I
24 didn't want to go.

25 So they gave me until 5:00 o'clock the next day
26 to get my ass back to Venice; they said they would burn the

15-2

1 place down.

2 Q Didn't they also say they would rape all of the
3 girls if you did not come back?

4 A No, they did not.

5 Q Now, you said that Mr. Manson gave you a .22
6 caliber Buntline revolver, is that correct?

7 A No, he never gave me the pistol.

8 Q It was in your possession, wasn't it?

9 A Yeah.

10 Q And you cared for that revolver at the ranch?

11 A Yeah.

12 Q You cared for several other guns at the ranch?

13 A Yeah.

14 Q You used to clean them?

15 A Yeah.

16 Q You kept them in the bunk house?

17 A Yeah.

18 Q And you were the only person who lived in the
19 bunk house, isn't that correct?

20 A Yeah.

21 Q If anybody wanted to use any of those weapons
22 they would have to come in the bunk house to get them, isn't
23 that correct?

24 A Yeah.

25 Q And pretty much most of the time that you were
26 at the ranch, Mr. De Carlo, you were there right around the

1 bunk house, drinking some beer, weren't you?

2 A Yeah.

3 Q And if anybody wanted to use any of those
4 weapons they pretty much had to get them from you, isn't
5 that correct?

6 A No, they could take them if they wanted them.

7 Q They would have to go into the bunk house and
8 have you watching there when they went in and did it?

9 A I wasn't there all the time.

10 Q You were pretty much aware when you were there
11 which weapons were there and which were not, weren't you?

12 A I couldn't stop nobody from taking the guns.

13 Q But you did clean those guns, right?

14 A The only thing I got mad at is if they brought
15 them back dirty.

16 Q You took care of the guns. Did you repair them?

17 A Yeah.

18 Q Did you at one time buy 400 sets of pistol
19 grips?

20 A Oh, that was -- that was my father who bought that
21 at an auction, at a gun shop that went out of business,
22 400 sets of pistol grips. I still have got them.

23 They are in my shop.

24 MR. HUGHES: May I have Exhibit 40, please, Your
25 Honor?

26 (Exhibit 40 handed to Mr. Hughes.)

1 MR. HUGHES: May I approach the witness, Your Honor?

2 THE COURT: Yes, you may.

3 O BY MR. HUGHES: Directing your attention,
4 Mr. De Carlo, to People's Exhibit No. 40, would any one of
5 those 400 sets of pistol grips fit People's Exhibit No. 40?

6 A Yeah.

7 Q Now, Mr. Manson did not clean the guns at the
8 ranch, did he?

9 A No.

10 Q Leslie Van Houten did not clean the guns at the
11 ranch, did she?

12 A She might have helped me.

13 Q But pretty much, by and large, those guns were
14 under your control, weren't they?

15 A Yeah.

16 Q Do you recall earlier today and yesterday
17 identifying a buck knife?

18 A Yeah.

19 Q Did Linda ever tell you that buck knife was here?

20 A Yeah.

21 Q Didn't she in fact tell you that she would not
22 go anywhere without that buck knife?

23 A Yeah.

24 Q When did Linda tell you, if you remember, that
25 she would not go anywhere without that buck knife?

26 A I don't know.

1 Q Was it in the month of July, last year?

2 A Maybe the very last part of July.

3 Q Could it have been in August that Linda told
4 you that she would not go anywhere without her buck knife?

5 A It's possible.

6 Q Isn't it true, Danny, -- can I call you Danny?

7 A Sure.

8 Q Isn't it true that late last year, early this
9 year you bragged to a lot of people that you were going to
10 get all your charges cleared up by testifying in the Tate-
11 La Bianca case?

12 A I sure did not.

13 Q You did not do that?

14 A No, I did not.

15 Q Do you have a motorcycle brother, or did you have
16 a motorcycle brother --

17 I it the Straight Satans, or the Satan Slaves,
18 Mr. De Carlo -- Danny?

19 I have forgotten the name of your ex-outfit.
20 Is that the Straight Satans or the Sitan Slaves?

21 A I already said the Straight Satans.

22 Q The Straight Satans, thank you.

23 Did you have a motorcycle brother in the
24 straight Satans by the name of Pete Smith?

25 A Yeah.

26 Q Does Pete Smith live all the time?

1 MR. BUGLIOSI: Irrelevant, your Honor.

2 THE COURT: Sustained.

3 Q BY MR. HUGHES: Is Pete Smith his real name?

4 A I don't know.

5 Q But you know who I mean when I refer to Pete
6 Smith?

7 A Yeah.

8 Q Referring your attention to the broken sword
9 that you saw earlier, isn't it true that you saw that sword
10 in Pete Smith's possession?

11 A No, I did not.

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16-1

1 Q Do you recall being asked about that sword
2 by LAPD on the evening of November 17th, 1969, at the
3 Parker Center Police Station, Room 318?

4 A No.

5 Q Do you recall telling LAPD officers on that
6 evening that Pete Smith took that sword and you don't know
7 how it got broken?

8 A I don't know.

9 Q Could you have uttered those words, or words
10 to that effect?

11 A No, I didn't say that.

12 Q You are sure that you didn't say that Pete
13 Smith took that sword and that you don't know how it got
14 broken?

15 A Well, I wasn't sure who took the sword. I
16 didn't know the sword was even gone.

17 Q Didn't the police accuse you of having been
18 the owner of that sword?

19 A No.

20 MR. KANAREK: Your Honor, may the record reflect a
21 hesitation of some seconds before the witness answered?

22 I'd say four or five seconds. Is that a fair
23 statement, your Honor?

24 THE COURT: The witness appeared to think before he
25 gave the answer, yes, Mr. Kanarek.

26 MR. KANAREK: Thank you.

16-2

1 BY MR. HUGHES:

2 Q Do you recall, Mr. DeCarlo, on the evening of
3 November the 17th, this evening that I have referred to at
4 the LAPD Parker Center, do you recall on that evening being
5 shown a revolver, either this revolver, People's 40, or one
6 similar to it?

7 A They showed me nothing.

8 Q Do you recall essentially being asked about a
9 revolver and saying words to this effect:

10 This looks like the gun, yeah, but the rear
11 sight blade was different and it had a plunger right
12 there.

13 Do you recall words to that effect?

14 A No, I never said that.

15 Q Do you recall the police officers that evening
16 offering to help you on your pending federal case?

17 A No.

18 Q Do you recall words to this effect:

19 Let me tell you something, Danny. Lots of
20 people are involved in this thing, but we are going
21 to buy what you say. As it stands right now, you
22 are in our good graces, you have a free ride home
23 right now. We know you are wanted by the Feds on
24 a federal warrant, and a warrant from Van Nuys,
25 but we are going to let you go, not arrest you on
26 those warrants, but we need protection from you so

16-3

1 that you won't tell that we didn't arrest you.

2 A No.

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Q Do you recall words by LAPD to this effect:

1 If you are willing to testify against Mr.
2 Manson, well, I don't know how much authority I
3 have, but I am willing to try for you. Maybe we
4 can get your charges dropped to lesser charges,
5 or dismissed. Maybe we can get to the federal
6 people on your gun beef. But to get immunity
7 we must say to Evelle Younger, (1) he is not a
8 party to the murders; and (2) he is a cooperative
9 witness. We will talk to some high-up people on
10 the federal case and maybe we will even talk to
11 a Federal Commissioner. Getting immunity is
12 difficult, though.

13 Do you recall those words?

14 A No.

15 Q Or words to that effect?

16 A They made me no promises, Mister.

17 MR. MANAREK: Your Honor, I ask that that be stricken,
18 that conclusory statement by the defendant -- I mean,
19 pardon me -- by Mr. DeCarlo; that that be stricken as a
20 conclusion on his part, your Honor, that they made him no
21 promises.

22 THE COURT: He added the words "or words to that
23 effect." He amended the question.

24 I think the witness was trying to answer the
25 question.
26

1 MR. KANAREK: But he doesn't have the right to make
2 that conclusionary statement. It is for the jury to decide
3 whether or not there were any promises.

4 A gratuitous statement by him at this point in
5 the proceedings is prejudicial, it doesn't have any proba-
6 tive value, and I ask that it be stricken.

7 THE COURT: Read the answer.

8 (The answer was read by the reporter.)

9 MR. KANAREK: That is a conclusion, your Honor.

10 THE COURT: I believe it is.

11 The answer will be stricken.

12 The jury is admonished to disregard it.

13 BY MR. HUGHES:

14 Q Danny, if LAPD --

15 THE COURT: Just a moment.

16 Are you withdrawing the question, Mr. Hughes?

17 MR. HUGHES: No, your Honor.

18 THE COURT: Then it should be answered by the witness.

19 Do you have the question in mind, Mr. DeCarlo?

20 THE WITNESS: No, I don't.

21 THE COURT: Do you want to reframe the question, Mr.
22 Hughes?

23 MR. HUGHES: Q The question was, Danny: Do
24 you recall being told by some LAPD officers words to this
25 effect:

26 If you are willing to testify against Manson,

1 well, I don't know how much authority I have, but
2 I am willing to try for you. Maybe we can get your
3 charges dropped to lesser charges or dismissed.
4 Maybe we can get to the federal people on your
5 gun beef. But to get immunity, we must say to
6 Evelyn Younger, (1) he is not a party to the murders;
7 and (2) he is a cooperative witness. We will talk
8 to some high-up people on the federal case and maybe
9 we will even talk to a Federal Commissioner. But
10 getting immunity is difficult.

17 Flx. 11

A No.

17-1

1 Q If an officer had said that to you would you
2 have considered it to be an offer of immunity?

3 MR. KANAREK: Your Honor, that calls for a
4 conjecture. I must object to that.

5 MR. BUGLIOSI: I join Mr. Kanarek.

6 MR. KANAREK: I must --

7 THE COURT: Sustained.

8 Q BY MR. HUGHES: Would you have considered a
9 statement like that a promise to you, Danny?

10 MR. KANAREK: Your Honor, I must --

11 THE COURT: Sustained.

12 MR. KANAREK: Your Honor, I think it calls for a
13 conclusion.

14 THE COURT: It's already been sustained.

15 MR. KANAREK: Pardon?

16 THE COURT: The objection is sustained.

17 MR. KANAREK: Thank you, your Honor.

18 Q BY MR. HUGHES: Danny, do you recall in another
19 part of that conversation at LAPD, your saying something to
20 the effect;

21 "Yeah, there's also a reward involved. I
22 put
23 could/my boy through military school with that
24 reward. Military school really snaps them,
25 shapes them up?"

26 A I told them about military school, right.

You are right there.

7-2

1 Q Do you recall the point about the reward?

2 A The reward was not brought up. I said I
3 wanted to send him to military school but I did not say
4 anything about giving me no money to do it.

5 Q Danny, do you recall words by some L.A.P.D.
6 officer that evening to the effect, and I am paraphrasing
7 and I am leaving out one particular word which I hesitate to
8 say in front of the Court:

9 "If you think I am screwing you around, you
10 tell me. The charges are going to be dropped.
11 You are going to have the word of people, it's
12 iron, and the charges will be dropped if you can
13 testify to something good enough, and you do
14 testify."

15 Do you recall that, those words, or words to
16 that effect?

17 A No.

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

19 (Mr. Hughes approaches the witness.)

20 Q Mr. De Carlo, or Danny.

21 A Yeah.

22 Q I show you People's Exhibit No. 95, would you
23 take that, please, and No. 75, and People's Exhibit No. 241.

24 Directing your attention, Mr. De Carlo, to
25 those various exhibits which I have just shown you, have
26 you seen any of those before?

17-3

1 A I have seen leather similar to it. I don't know
2 if they was the exact ones.

3 Q Isn't it true that just about every hippie
4 pad that you have ever seen, you have seen leather thongs
5 of one sort or another?

6 A What do you mean "every hippie pad"?

7 Q Well, you have seen hippie pads besides up at
8 Spahn Ranch, haven't you?

9 A No.

10 Q Have you ever seen people wearing leather thongs?

11 A Yeah.

12 Q You have seen people down in Venice wearing
13 leather thongs?

14 A Yeah.

15 Q And pretty much mostly hippies wear leather
16 thongs, don't they?

17 A Yeah.

18 Q And you have seen a lot of hippies down in
19 Venice, haven't you?

20 A Yeah.

21 Q Have you been in some of their pads?

22 A No, we don't associate with the hippies.

23 Q Now, working around guns, you work with holsters
24 and leather?

25 A Yeah.

26 Q And you are as familiar as the next person with

1 leather, aren't you?

2 A I did not hear that.

3 Q You are as familiar as the next person with
4 leather, aren't you?

5 A Yeah.

6 Q Now, Exhibit No. 75 which appears to be a leather
7 thong, does that appear to differ -- would you hold that --
8 does that appear to differ from the leather in People's
9 Exhibit 241?

10 A No.

11 Q They both appear to be leather?

12 A They appear to be.

13 Q Do they appear to be of different colors?

14 A Yeah.

15 Q Do they appear to be of different lengths?

16 MR. BUGLIOSI: The exhibit is the best evidence of
17 that, your Honor. I object on that ground.

18 THE COURT: Overruled. You may answer.

19 THE WITNESS: Yeah.

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17a-1

1 BY MR. HUGHES:

2 Q Do they appear to have come from different
3 hides?

4 MR. ZUCCHIOSI: Calls for a conclusion, your Honor.

5 THE WITNESS: I don't know if they came off the same
6 cow or not.

7 BY MR. HUGHES:

8 Q That would be pretty hard to tell, wouldn't it,
9 Mr. DeCarlo?

10 A Yeah.

11 Q Directing your attention to People's Exhibit
12 95, does that appear to be different from the other two
13 exhibits that you have in your hand?

14 A No.

15 Q It is made out of leather, is that correct?

16 A Yeah.

17 Q It appears to be a different color, does it
18 not, from the other two?

19 A Yeah.

20 Q It appears to be a different length, does it
21 not?

22 A Yeah.

23 Q It appears to be a different thickness, does
24 it not?

25 A It looks like it is the same.

26 Q Does the tone of the color look different than

1 on the other two?

2 MR. BUGLIOSI: Ambiguous.

3 THE COURT: Sustained.

4 BY MR. HUGHES:

5 Q Did one of those exhibits look washed out in
6 color?

7 A Yeah.

8 Q Does one of those exhibits look like you could
9 break it easily?

10 MR. BUGLIOSI: Calls for a conclusion.

11 THE COURT: Sustained.

12 BY MR. HUGHES:

13 Q Do one of those exhibits look like the leather
14 is weakened?

15 MR. BUGLIOSI: Calls for a conclusion. He is not an
16 expert on leather, your Honor.

17 THE COURT: Sustained.

18 BY MR. HUGHES:

19 Q Could you break Exhibit 75 easily if you were
20 to pull it with your hands?

21 MR. BUGLIOSI: Calls for a conclusion.

22 BY MR. HUGHES:

23 Q I don't want you to break it, but just pull
24 it to get some idea.

25 MR. BUGLIOSI: Calls for a conclusion.

26 THE COURT: Sustained.

1 BY MR. HUGHES:

2 Q Pretty much then, considering the differences
3 in the color and the length, those pieces of leather look
4 different to you, don't they, considering these qualities?

5 MR. BUGLIOSI: It is ambiguous. Of course they are
6 different. They are two separate pieces of leather.

7 That doesn't mean they came from the same piece
8 originally. No one knows.

9 MR. KANAREK: May Mr. Bugliosi's statement -- would
10 your Honor request the jury to disregard it for any purpose,
11 his gratuitous comment.

12 THE COURT: It is. The jury is admonished to disregard
13 it.

14 The objection is overruled, you may answer.

15 THE WITNESS: Yeah, they look different.

16 MR. BUGLIOSI: Motion to strike, your Honor, on the
17 grounds it is a conclusion.

18 It is also ambiguous, what he means by different.

19 THE COURT: Denied.

20 BY MR. HUGHES:

21 Q What sort of clothes do bikers wear, Mr. DeCarlo--
22 Danny?

23 A Levis and boots.

24 Q Do they sometimes wear jackets?

25 A Yeah.

26 Q Do they sometimes wear thongs?

1 A Yeah.

2 Q Sometimes they tie their boots up with thongs,
3 don't they?

4 A Yeah.

5 Q Sometimes they tie leather thongs around their
6 grips, around the handlebars; you have seen them at various
7 places ornamenting bikes, haven't you?

8 A No, they don't string them like ornaments.

9 Q You have seen bikers with thongs, leather
10 thongs like that tied around their head or around their
11 hair?

12 A Yeah.

13 Q Have you ever worn thongs like that?

14 A On my hat.

15 Q The thongs you wore, which exhibit did they
16 most closely resemble?

17 A All of them.

18 Q Do bikers wear colors on their jackets?

19 A Yeah.

20 Q And what were the colors of the motorcycle group
21 you were in?

22 THE WITNESS: Your Honor, our colors are copyrighted
23 legally and I am not even supposed to talk about them.

24 We have got a copyright on them and for me to
25 be telling everybody, you know, that is nobody's business.

26 THE COURT: This won't infringe on your copyright,

1 Mr. DeCarlo. Answer the question.

2 THE WITNESS: I have to answer it!

3 MR. HUGHES: I offer to withdraw the question, your
4 Honor, if the witness is so reluctant to answer it.

5 THE WITNESS: Thank you.

6 MR. HUGHES: You are welcome.

7 BY MR. HUGHES:

8 Q You did not have any concept of time up at
9 the ranch, did you?

10 A Any what?

11 Q Concept of time?

12 A Well, I knew when it was daytime and nighttime,
13 that is the only time we knew.

14 Q Somebody could have come up to you in July and
15 said it was September and you would have had no way of
16 telling whether it was or not?

17 A Oh, I knew the month, I knew what month it was.

18 Q Did you know the day of the week?

19 A Yeah.

20 Q You did not have any calendars, did you?

21 A No.

18 fls. 21

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18-1

1 Q How could you tell what day of the week it was?

2 A Well, I'd go down to town and ride around.
3 I'd go down to Venice. I knew when Friday was. I used to
4 go to the meetings on Friday.

5 Q Was that meetings of your club?

6 A Yes.

7 Q Did you do a lot of drinking at the meetings?

8 MR. BUGLIOSI: Irrelevant.

9 THE COURT: Sustained.

10 MR. HUGHES: Q Was there a lawyer that used to come
11 and drink with you occasionally?

12 MR. BUGLIOSI: That is irrelevant.

13 THE COURT: Sustained.

14 MR. HUGHES: Q Was there a lawyer who used to come
15 and tell you how to handle yourself when the Highway Patrol
16 pulled you over?

17 MR. BUGLIOSI: Irrelevant, and also improper founda-
18 tion.

19 THE COURT: Sustained.

20 MR. HUGHES: On which ground, your Honor?

21 THE COURT: On the grounds stated.

22 MR. HUGHES: Q Did any lawyers ever tell you last
23 year what to say when you were questioned by police offi-
24 cers?

25 MR. BUGLIOSI: It is irrelevant. It is also
26 ambiguous. Beyond the scope of the direct.

A-2

1 THE COURT: Sustained. It is ambiguous.

2 MR. HUGHES: May we approach the bench, your Honor?

3 MR. FITZGERALD: Yes, could we?

4 THE COURT: Very well.

5 (Whereupon, all counsel approach the bench
6 and the following proceedings occur at the bench outside
7 of the hearing of the jury:)

8 MR. FITZGERALD: Your Honor, I caused to be issued
9 to the Los Angeles County Sheriff's Office a subpoena
10 duces tecum for photographs taken of Mr. De Carlo and
11 Mr. Manson and other persons who were arrested at the
12 Spahn Ranch on August the 16th, 1969.

13 These photographs will show a leather thong
14 around the neck of Charles Manson and will show, among
15 other things, Mr. De Carlo standing next to Mr. Watson.

16 Now, the Sheriff has been directed to appear,
17 and I understand there is going to be no problem, they
18 are going to give us the pictures.

19 We would like to show these photographs to
20 Mr. De Carlo and have him identify these photographs, and
21 also identify the thong around Mr. Manson's neck, and ask
22 him questions about the custom, was that customary and
23 ordinary, and did Manson frequently wear the thongs, and
24 so on and so forth.

25 Mr. Hughes has simply informed us that he has
26 concluded his cross-examination.

18-3

1 MR. HUGHES: No. I could ask some more questions.

2 THE COURT: You want to adjourn earlier; is that
3 what you mean?

4 MR. FITZGERALD: Well, yes.

5 MR. HUGHES: Until we get the pictures.

6 MR. BUGLIOSI: I think I have some of those photo-
7 graphs somewhere.

8 The pictures showing De Carlo with a broken nose
9 or something?

10 MR. FITZGERALD: Yes.

11 MR. BUGLIOSI: I think I have got those. I wasn't
12 going to introduce them.

13 THE COURT: You want to adjourn now?

14 MR. FITZGERALD: Yes.

15 When we adjourn could we meet among ourselves
16 briefly?

17 THE COURT: All the defendants?

18 MR. FITZGERALD: Yes.

19 MR. KANAREK: Your Honor --

20 MR. FITZGERALD: Do you have any objection?

21 THE COURT: I give you permission. Whether you want
22 to do it or not is your own business.

23 MR. FITZGERALD: Thank you.

24 MR. HUGHES: Thank you.

25 MR. KANAREK: I would ask for an order for us to know
26 where Mr. De Carlo is staying so we can talk to him over the

18-4

1 weekend.

2 I move that I be told where he is staying so
3 that I can talk with him.

4 May I have a ruling on that?

5 MR. HUGHES: I would join in that motion.

6 THE COURT: The motion is denied.

7 (Whereupon, all counsel return to their
8 respective places at counsel table and the following
9 proceedings occur in open court within the presence and
10 hearing of the jury:)

11 THE COURT: We will adjourn at this time, ladies
12 and gentlemen.

13 Do not converse with anyone or form or express
14 any opinion regarding the case until it is finally submitted
15 to you.

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

17 (Whereupon, at 4:10 p.m. the court was in
18 recess.)
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