

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

DEPARTMENT NO. 104

HON. CHARLES H. OLDER, JUDGE

COPY

THE PEOPLE OF THE STATE OF CALIFORNIA,

Plaintiff,

vs.

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

Defendants.

95

No. A253156

REPORTERS' DAILY TRANSCRIPT
Tuesday, September 22, 1970
A. 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

1 LOS ANGELES, CALIFORNIA, TUESDAY, SEPTEMBER 22, 1970

2 9:50 A.M.

3 ---o---

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

6 Will counsel approach the bench, please.

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

9 MR. HUGHES: Your Honor, I wish to apologize to the
10 Court. I came in a few minutes late.

11 THE COURT: All right.

12 I have received another letter, another
13 anonymous letter which may or may not be of any signifi-
14 cance to you. I am going to turn it over to the clerk.
15 Anyone who is interested in it may read it.

16 MR. KANAREK: Thank you.

17 THE COURT: Mr. Darrow, did you hear what I just
18 said?

19 THE CLERK: Just barely.

20 THE COURT: I said I received an anonymous letter,
21 which the writer purports to have some information con-
22 cerning the case. I will turn the letter over to you.
23 It should be available to all counsel.

24 THE CLERK: I will put it in the court file.

25 MR. BUGLIOSI: Does the Court want to make a ruling
26 on Mr. Kanarek's contempt motion?

1 THE COURT: Well, I'm not sure that any ruling is
2 required.

3 MR. BUGLIOSI: The press is coming up and wants to
4 know what the Court is going to do. I did not tell them
5 anything about it.

6 I think Mr. Kanarek, incidentally, furnished
7 them with a copy of the document which, of course, is a
8 violation of the gag order. He should know better.

9 But they wanted to know what your disposition of
10 the matter will be.

11 THE COURT: I saw Mr. Fitzgerald, who makes a very
12 good presence on TV, last night, and all I want to say is
13 I again remind you that a portion of that publicity order
14 is a prohibition of comment on the effect of any evidence,
15 as well as comments about what witnesses will testify to
16 who have not yet testified.

17 MR. KANAREK: May I inquire of the Court --

18 THE COURT: I am going to add another thing:

19 The fact this jury is sequestered in this case,
20 of course, helps, but as we all know security is a
21 relative thing and there is no such thing as 100 per cent
22 security.

23 So the publicity order is still in full force
24 and effect, because I recognize that that risk is still
25 present no matter how stringent the sequestration may be.

26 Anything else?

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1 On the declaration filed by Mr. Kanarek
2 on behalf of Sandra Goode, I don't find anything in the
3 declaration which indicates to me that, assuming it to be
4 true in toto, constitutes a contempt.

5 Again, I am not passing on the matters stated
6 in there; assuming them to be true, as to whether or not,
7 based against some other standard, they are desirable or
8 undesirable or subject to criticism and so forth, but I
9 do not believe, taking the matters to be true, that they
10 constitute contemptuous conduct on Mr. Bugliosi's part,
11 and I do not intend to take any further action against
12 him.

13 I have always been somewhat confused about this
14 particular type of situation. The Code of Civil Procedure

15 provides for the initiation of a civil contempt
16 committed out of the presence of the Court and provides
17 for the filing of an affidavit and declaration, and so
18 forth, then just sort of trails off into nothingness after
19 that in case the Court decides not to take any action.

20 I take it that since it is a matter for the
21 Court to determine, that no order is required, because nothing
22 would happen unless the Court signed an order to show
23 cause, which I don't propose to do.

24 So the record will be clear, I will now make
25 the statement that I do not intend to take any further
26 action.

1 MR. KANAREK: I don't think that the Code provides
2 anything special about a lawyer being late. There are
3 myriad things that occur outside of the presence of the
4 Court. For instance, there are cases that involve --

5 THE COURT: You misunderstood what I said, Mr. Kanarek.
6 I am talking now about simply procedure, not what con-
7 stitutes a contempt or what doesn't constitute a contempt.
8 I am simply talking about procedure.

9 In the case where a declaration is filed and the
10 declaration, on its face, fails to reveal any contemptuous
11 conduct, and the Court does not intend to proceed further,
12 the Code of Civil Procedure is simply silent as to what
13 happens next.

14 I take it from that that nothing happened.
15 Since the Court isn't going to issue an order to show cause,
16 there is no need to go any further.

17 I am simply making the record clear that I do
18 not intend to go any further.

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1 MR. KANAREK: Is the Court exercising its discretion
2 or is the Court -- in other words, certainly the Court
3 agrees that browbeating a witness interferes with the
4 orderly administration of justice.

5 THE COURT: I have made my position clear, Mr.
6 Kanarek.

7 MR. KANAREK: Very well.

8 Your Honor doesn't wish me to make any further
9 statements, then, I gather; is that correct?

10 THE COURT: It isn't necessary.

11 MR. KANAREK: Very well.

12 THE COURT: All right. Let's proceed.

13 (Whereupon, all counsel returned to their
14 respective places at counsel table and the following
15 proceedings occur in open court within the presence and
16 hearing of the jury:)

17 MR. HUGHES: Your Honor, I would like to apologize
18 to the Court and the jury and to other counsel for arriving
19 late this morning.

20 THE COURT: Very well, Mr. Hughes.

21 You may proceed, Mr. Bugliosi.

22
23 RUBY PEARL,

24 the witness on the stand at the time of the adjournment,
25 resumed the stand and testified further as follows:
26

1 THE CLERK: Would you state your full name, please?

2 THE WITNESS: Ruby Pearl.

3 THE CLERK: You are still under oath.

4 THE WITNESS: Yes, sir.

5
6 DIRECT EXAMINATION (CONTINUED)

7 BY MR. BUGLIOSI:

8 Q Showing you again, Miss Pearl, People's Exhibit
9 258 for identification, the black T-shirt.

10 Does this appear to be dyed to you also?

11 (Pause while the witness examines the exhibit.)

12 A Yes.

13 Q When did you find People's 258?

14 A It was this year. It was about, oh, about two
15 months ago.

16 Q You found it with Randy Starr?

17 A Yes.

18 Q The former foreman of the ranch?

19 A Yes.

20 Q And this black T-shirt was near a trailer, you
21 say?

22 A Yes.

23 Q Was the trailer still there --

24 A No, sir.

25 Q - when you found it?

26 A No. They had moved the trailer.

1 Q It was near where the trailer used to be?

2 A Yes.

3 THE COURT: Will you pull the microphone a little
4 closer, Miss Pearl?

5 THE WITNESS: Yes, sir.

6 Q BY MR. BUGLIOSI: I show you People's 241 for
7 identification.

8 Have you ever seen leather thongs like that
9 before?

10 MR. KANAREK: Your Honor, I will object on the
11 grounds that the prejudicial value outweighs any probative
12 value in view of the great prevalence of leather in our
13 community, your Honor.

14 THE COURT: Overruled.

15 THE WITNESS: Yes.

16 MR. BUGLIOSI: Q Where did you see thongs like
17 this before?

18 A Charlie Manson was wearing them around his neck.

19 Q Charlie used to wear them around his neck out at
20 the Spahn Ranch?

21 A Yes.

22 Q Did you see him with thongs like this around his
23 neck more than once?

24 A Yes.

25 Q How many times?

26 A Oh, he wore them around as he walked around.

Q Frequently?

A Frequently.

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

3 A Yes.

4 Q Where did you see this revolver before?

5 A In Randy's trailer.

6 Q Randy Starr's trailer?

7 A Yes.

8 Q Do you know when?

9 A Yes, '68. He had it on his wall when he first
10 moved into the trailer.

11 Q This trailer was on the ranch, the Spahn
12 Ranch?

13 A Yes, yes.

14 Q You don't know what happened to this revolver
15 after that?

16 A No.

17 Q What makes you recall this particular revolver?

18 A Well, the long barrel. I have never seen one
19 like that before.

20 Q Do you know what a Buck knife is, Mrs. Pearl?

21 A I believe I do.

22 Q Did you ever see any Buck knives out at Spahn
23 Ranch?

24 A Yes.

25 Q When did you first see Buck knives/^{out}at Spahn
26 Ranch?

3-2

1 A Well, I have seen a few shortly after the
2 Family arrived.

3 Q Did members of the Family carry them?

4 A Yes, they fooled with them a little bit, they
5 did not wear them.

6 Q This was in 1968?

7 A Yes.

8 Q At any later point in time did you notice
9 more Buck knives out at Spahn Ranch?

10 A Yes.

11 Q When?

12 A Around July.

13 Q What year?

14 A '69.

15 Q How many Buck knives did you notice at that
16 time?

17 A Well, it seemed like everyone of them had one.

18 Q You say everyone of them, you are referring
19 to the Family?

20 A Yes.

21 Q Men and women?

22 A Yes.

23 Q Do you recall the approximate dimensions of
24 the blade -- strike that.

25 Were all of these Buck knives the same or
26 were they different?

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A They seemed to be the same.

Q Do you recall the approximate dimensions of the blade on these Buck knives? What about the length?

A Well, about six inches.

Q What about the width?

A The width, about an inch.

Q What about the thickness?

A Oh, just about a fourth inch.

Q I have interviewed you twice, is that correct?

A Yes.

Q Did any member of the Los Angeles Police Department ever interview you?

A No.

MR. BUGLIOSI: No further questions.

a fls.

3a-1

1 THE COURT: Cross-examination, Mr. Fitzgerald?

2 MR. FITZGERALD: Thank you.

3
4 CROSS-EXAMINATION

5 BY MR. FITZGERALD:

6 Q When did you first see anybody at the Spahn
7 Ranch dyeing any clothing?

8 A Shortly after they arrived.

9 Q And when would that be again, Mrs. Pearl?

10 A Well, '68.

11 Q Do you remember the month in 1968?

12 A No, it was in the early summer.

13 Q June or July or May or what?

14 A May or June.

15 Q 1968?

16 A Yes.

17 Q And was this a frequent process at the ranch,
18 the dyeing of clothing?

19 A Well, quite a bit because I had to keep
20 moving them to do any work.

21 Q And that was when they first arrived?

22 A Shortly after.

23 Q And the dyeing would take place in the kitchen?

24 A Yes.

25 Q Of the ranch house?

26 A Yes.

3a-2

1 Q That is, the house in which George Spahn
2 resides?

3 A Yes.

4 Q Did you see them dyeing clothing on a number
5 of occasions?

6 A Yes.

7 Q And was that continuous from approximately
8 May, 1968, to and including the present date?

9 A No, off and on.

10 Q Did you see the clothing on some occasions
11 before it was dyed, and then see it after?

12 A Yes.

13 Q Do you know the origin or the source of the
14 clothing of your own knowledge, that was dyed?

15 A No.

16 Q Did it appear to be used, while it was being
17 dyed?

18 A Yes.

19 Q Are you familiar with the term "tie dye"?

20 A Yes.

21 Q Was the dyeing process you have been referring
22 to the tie dye process?

23 A No.

24 Q This was a dyeing that would dye the entire
25 garment one color, is that right?

26 A Yes.

1 MR. FITZGERALD: I have a series of photographs I
2 would like marked, your Honor.

3 I have a photograph of a house; may that be
4 marked Defendants' CC?

CC Id.

5 THE COURT: Yes, it will be so marked.

6 MR. FITZGERALD: I have also a photograph of a
7 building, may that be marked Defendants' DD?

DD Id.

8 THE COURT: It will be so marked.

9 MR. FITZGERALD: I have a photograph of another
10 building, may that be marked EE?

EE Id.

11 THE COURT: It will be so marked.

12 MR. FITZGERALD: May I approach the witness?

13 THE COURT: Yes.

14 BY MR. FITZGERALD:

15 Q Directing your attention to a photograph
16 that has been marked CC for identification, would you
17 look at that photograph, Mrs. Pearl.

18 (Witness complies.)

19 Do you recognize what is depicted in that
20 photograph?

21 A Yes.

22 Q Is that a house or a ranch house?

23 A The ranch house.

24 Q And is that where Mr. Spahn lives at the
25 Spahn Ranch?

26 A Yes.

1 Q Now, directing your attention to another
2 photograph that has already been marked Defendants' W for
3 identification, do you recognize what is depicted in that
4 photograph?

5 A Yes.

6 Q Does that photograph depict the interior of
7 the house at which Mr. Spahn resides, the ranch house?

8 A Yes.

9 Q Does that photograph also depict Mr. Spahn?

10 A Yes.

11 Q Is he sitting down?

12 A Yes.

13 Q Is he wearing sunglasses?

14 A Yes.

15 Q With a cowboy hat?

16 A Yes.

17 Q Is that his customary dress?

18 A Yes.

19 Q Directing your attention to a photograph, DD
20 for identification, do you recognize what is depicted in
21 that photograph?

22 A Yes.

23 Q Is that part of the Spahn Ranch?

24 A Yes.

25 Q Is that a building on the ranch?

26 A Yes.

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Q What building is that?

A That is the office.

Q What office?

A Near the stable.

Q Is that where you customarily work?

A Yes.

3b fls.

3B-1

1 Q And is that the office from which you rented or
2 leased horses?

3 A Yes.

4 Q I have another photograph, EE, that also depicts
5 a building. Do you recognize that building?

6 A Yes.

7 Q What is that building?

8 A The store room.

9 Q Is that located on the boardwalk portion of the
10 Spahn Ranch?

11 A Yes.

12 Q That is actually on the movie set portion, is
13 that right?

14 A The movie set -- right.

15 Q You previously testified in connection with a
16 saloon, right?

17 A Yeah.

18 Q That saloon is also on the movie set boardwalk
19 portion of the Spahn Ranch, correct?

20 A Yes.

21 Q Now, during the period of time 1968, 1969, was
22 that saloon in operating condition, that is, were alcoholic
23 beverages dispensed there?

24 A No.

25 Q It was a saloon on the movie set, is that right?

26 A Yes.

JB2

1 Q But in addition to having a front and a door
2 that said "saloon," there was actually a room within?

3 A Yes.

4 Q And that room had a bar?

5 A Yes.

6 Q And movies were sometimes taken within the
7 saloon?

8 A Yes.

9 Q Is that correct?

10 A Yes.

11 Q But no one dispensed beer or wine?

12 A No.

13 Q Now, did the people who resided at the Spahn Ranch
14 during the period of time 1968, 1969, do something in return
15 for their room?

16 A Oh, yes.

17 Q What, if anything, did they do?

18 A They kept the boardwalk clean, repaired the
19 buildings; they were broken.

20 They repaired fences. They kept the house
21 clean; they swept out the saloon and the storeroom.

22 Q Did they run errands from time to time?

23 A No, not for us, I don't believe.

24 Q Did they do anything in connection with the care
25 of Mr. Spahn?

26 A Yes.

1 Q What?

2 A The girls cook his food, served him, kept his
3 rooms clean, kept the front room clean so visitors could
4 come in -- regular household duties.

5 Q I take it they were not provided board. They
6 were not fed?

7 A Certainly they were fed.

8 Q Mr. Spahn provided food for them?

9 A Yes.

10 Q They did not provide their own food?

11 A They provided some, whatever they wanted to
12 provide.

13 We always had food for them.

14 MR. FITZGERALD: I have nothing further.

15 THE COURT: Any questions, Mr. Shinn?

16 MR. SHINN: Yes, your Honor.

17

18 CROSS-EXAMINATION

19 BY MR. SHINN:

20 Q Mrs. Pearl, during Mr. Manson's stay at the
21 ranch there were numerous people coming back and forth,
22 is that correct?

23 A Do you mean during the day hours of business?

24 Q I mean this group that were there at the ranch.
25 It used to decrease and increase?

26 A Yes.

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Q At times it used to be up to, say, 100 people, 150 people sometimes?

A Not that many.

Q Well, 75?

A Off and on, 20, 30, 40.

Q And people used to bring clothes there, leave their clothes there, they would exchange clothes, is that correct?

A No, nobody exchanged any clothes. Sometimes they gave them things in boxes.

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Q In other words, they gave them clothes and they gave them things in boxes, and the people that would leave the ranch would leave clothes and boxes there?

A They were given things.

Q Clothes, too?

A Clothes, yes.

Q Now, you identified this gun which is Exhibit 40 when Mr. Bugliosi showed you this gun, and I believe you said you saw that particular gun before.

A Yes.

Q Did you mean to say that you saw a gun similar to this gun before?

A Yes.

Q In other words, you don't know this gun from another gun that looks like it, do you?

A Yes, I know that gun.

Q Well, do you recall any characteristics or any outstanding marks on this gun that you could identify this particular gun?

A Well, just the long barrel and the short handle.

Q That is the only way you identify a gun that looks like this; is that correct?

A Yes. I haven't seen many like that, or any like that.

Q So, in other words, your answer would be correct if you stated that you saw a gun that looks like this gun?

1 A Yes.

2 Q Did anyone mention to you anything about a
3 \$25,000 reward?

4 A Never.

5 Q Did you hear about it?

6 A Randy was talking about it for himself.

7 Q You did hear about this \$25,000 reward?

8 A Yes. From Randy.

9 Q For Randy?

10 A From and for Randy.

11 Q And you discussed it with Randy?

12 A No. He mentioned it.

13 MR. SHINN: Thank you.

14 I have no further questions.

15 THE COURT: Any questions, Mr. Kanarek?

16 MR. KANAREK: Yes, your Honor.

17

18 CROSS-EXAMINATION

19 BY MR. KANAREK:

20 Q Is it Mrs. Pearl?

21 A Mrs. Pearl.

22 Q Mrs. Pearl, for 20 years you had been at the
23 Spahn Ranch, right?

24 A Yes.

25 Q And is it a fair statement that for 20 years, in
26 connection with the stables, you ran things; is that

1 correct?

2 A Yes.

3 Q Now, Mr. Spahn, throughout all the time that
4 Mr. Manson has been there, has known that Mr. Manson ^{was}
5 there; right?

6 A Yes.

7 Q At the present time, Mrs. Pearl, would you tell
8 us, does Squeaky still live at the Spahn Ranch?

9 A Yes.

10 Q Does Sandy still live at the Spahn Ranch?

11 A Yes.

12 Q And does Sue Bartell, Country Sue, does she
13 live at the Spahn Ranch?

14 A Not right at present, but she has been.

15 Q And a girl named Stingy?

16 A Yes.

17 Q She lives at the Spahn Ranch?

18 A Yes.

19 Q And Gypsy?

20 A Yes.

21 Q She lives at the Spahn Ranch?

22 A Yes.

23 Q Katherine Gillis has lived there since August
24 of 1969; right?

25 A Yes.

26

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1 Q All of these people have lived there since
2 August of 1969?

3 A Yes.

4 Q And they have spoken with Mr. Spahn; right?

5 A Yes.

6 Q And these same people and Mr. Manson have
7 ^{and} spoken and had conversation/worked there and lived there
8 before August of 1969; right?

9 A Yes.

10 Q Now, directing your attention, Mrs. Pearl,
11 to that rope. Is it a fair statement that as far as you
12 are concerned, Mrs. Pearl, rope is just rope?

13 Right?

14 A No, indeed.

15 Q Well, directing your attention to the rope
16 that Mr. Bugliosi showed you, there is certainly nothing
17 about that rope that he showed you that is distinctive,
18 is there?

19 A To me, yes.

20 Q I see.

21 Well, you have seen rope of this type before;
22 right?

23 A Yes. They make show ropes for horses out of
24 this, lead ropes.

25 Q The same kind of rope; right?

26 A The same kind of rope.

4a-2

1 Q So this rope, really, there is nothing about
2 it that would let you -- other than the fact that Mr.
3 Bugliosi showed it to you in these proceedings -- there
4 is nothing about it that makes you know that this rope
5 was rope that you have seen before?

6 A Yes, because we don't use that expensive rope
7 up there.

8 Q Well, what I am saying is this, Mrs. Pearl:
9 There is nothing about the particular rope that Mr.
10 Bugliosi showed you from which you could believe that you
11 had seen that rope before other than the fact that Mr.
12 Bugliosi showed it to you?

13 A Well, I recognized it.

14 Q You recognized it?

15 A Yes.

16 Q Well, other than telling us, Mrs. Pearl, other
17 than your telling us you recognized it --

18 A Yes.

19 Q -- but going beyond that mere statement that
20 you say that you recognized it, there is nothing about it
21 that you can tell us that made you recognize it, is there?

22 A Just the fact that it was a nice new, smooth,
23 nylon rope.

24 Q It is not new or smooth now, is it?

25 A No, not now.

26 Q So, it is really just your conclusion; you are

1 concluding that you recognize it because you are in this
2 courtroom with Mr. Bugliosi as a prosecutor, you are a
3 prosecuting witness, and you feel this is the correct
4 thing to say?

5 MR. BUGLIOSI: That is argumentative, a lecture,
6 and is compound.

7 THE COURT: Sustained.

8 THE WITNESS: I examined that rope. I pulled it
9 apart.

10 MR. BUGLIOSI: Just a moment. The objection was
11 sustained.

12 I will withdraw the objection.

13 BY MR. KANAREK:

14 Q You examined the rope and you pulled it apart;
15 right?

16 A Yes.

17 Q And from that pulling apart of the rope,
18 would you tell us --

19 A I seen it was new and smooth and silky, just
20 like the rope I had in my hands previously.

4b fls.

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1 Q All right. But there is nothing about it,
2 nothing about the rope that you say you saw previously, is
3 there?

4 Did you make any mark on it so you would remem-
5 ber it?

6 A No.

7 Q So, there is really nothing about the rope that
8 you see here in the courtroom and the rope that you saw
9 before to make you think it is the same other than the
10 fact that you are in this courtroom as a prosecution wit-
11 ness?

12 MR. BUGLIOSI: Argumentative, your Honor.

13 I remind Mr. Kanarek that argument will be
14 about two and a half months from now.

15 THE COURT: Sustained.

16 MR. KANAREK: Q Mrs. Pearl, would you tell
17 us how many pieces of rope you have seen at the Spahn
18 Ranch in 20 years?

19 A The ropes that I seen before were finished at
20 the ends ready to use on a horse.

21 Q I see. And this rope?

22 A And this rope was brand new, it hadn't been
23 used before, it hadn't been fixed for a horse rope. It was
24 a nice rope that could have been made into a nice show
25 rope. That is why we wanted to buy it.

26 Q Then you have used show ropes before, right?

1 A Not I. I haven't used it. I have seen them
2 on the show horses.

3 Q You have seen it at the Spahn Ranch in
4 connection with some of the activities there; right?

5 A No, I never saw any at the ranch.

6 Q You have seen show rope at the ranch?

7 A Yes, in the show rings.

8 Q All right.

9 So, what I am saying, or what I am asking you,
10 is: There is really nothing -- when you say that you
11 recognize it, there is nothing to make the equation other
12 than your bare statement; is that right, Mrs. Pearl?

13 A Just the rope.

14 Q But other than your bare statement to that effect,
15 there is no marking or no anything that makes you say it is
16 the same?

17 A No marking.

18 Q Right? Correct?

19 A Correct, no marking.

20 Q Now, is it a fair statement that your state of
21 mind is such that you sort of identify yourself with the
22 prosecution in this case?

23 MR. BUGLIOSI: Argumentative, your Honor.

24 THE WITNESS: I don't understand that.

25 THE COURT: Well, it is ambiguous. Sustained.

26 MR. KANAREK: Q Well, as you sit on the witness

1 stand, you recognize that you are a prosecution witness;
2 right?

3 MR. BUGLIOSI: Your Honor, I object. Mr. Kanarek
4 claims there is no such thing as a prosecution witness.

5 MR. KANAREK: Your Honor, I am asking a question.
6 I, in fact, subscribe to what Mr. Bugliosi said. I believe
7 a witness should be impartial, but we are after her state
8 of mind.

9 THE COURT: The question is ambiguous, Mr. Kanarek.

10 The objection is sustained.

11 MR. KANAREK: Very well.

12 Q As you sit there on the witness stand,
13 Mrs. Pearl, you recall that you have spoken with
14 Mr. Bugliosi; right?

15 A Among many people, yes.

16 Q But you have spoken with Mr. Bugliosi; right?

17 A Yes.

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1 Q And your state of mind, when you spoke with
2 Mr. Bugliosi, was that you were going to testify for the
3 prosecution; right?

4 A I specified that I would tell the truth.

5 Q Mrs. Pearl, I am just asking you, is it true
6 that you identify yourself with the prosecution?

7 MR. BUGLIOSI: Ambiguous, your Honor.

8 MR. KANAREK: I am asking her, your Honor. It is
9 her state of mind I am after.

10 THE COURT: It is ambiguous, Mr. Kanarek.

11 The objection is sustained.

12 BY MR. KANAREK:

13 Q And you have spoken with police officers from
14 time to time; is that right?

15 A Yes, at the ranch.

16 Q Police officers have come to you and spoken
17 to you concerning this case; correct?

18 A Just to identify the members of the Family.

19 Q But you have spoken with them; right?

20 A Yes.

21 Q Would you say that you are friendly disposed
22 to the police officers?

23 A No, I wouldn't know one of them today.

24 Q Would you say that you are friendly
25 disposed to Mr. Bugliosi?

26 A The same.

1 Q Right?

2 A The same.

3 Q You like him; right?

4 A Yes, I like everybody.

5 Q I see.

6 Now, your state of mind was such, Mrs. Pearl,
7 that when you -- directing your attention to this shirt,
8 you brought this shirt to Mr. Bugliosi or to some law
9 enforcement officer; right?

10 A I believe Randy Starr brought the shirt in.

11 Q But you say you and he were together?

12 A Yes. I saw it too.

13 Q I see.

14 Now, is it a fair statement, Mrs. Pearl, that
15 the people, Mr. Manson and the people that were with him
16 at the Spahn Ranch after the summer of '68, they did
17 useful work around the premises; right?

18 A Yes.

19 Q Is it a fair statement that up to the very
20 present time those people are doing useful work for Mr.
21 Spahn at the Spahn Ranch?

22 MR. BUGLIOSI: Irrelevant, your Honor.

23 MR. KANAREK: He brought in this very issue, your
24 Honor.

25 THE COURT: The objection is sustained.
26

1 BY MR. KANAREK:

2 Q In any event, Mrs. Pearl, Mr. Spahn, with
3 whatever authority he has, has allowed and fostered and
4 seen to it that the people that I have mentioned previously,
5 like Gypsy and Squeaky, still live there; right?

6 A Yes.

7 Q And they are friends of Mr. Manson; right?

8 A They are still friends, right.

9 MR. KANAREK: Thank you.

10 Thank you, your Honor.

11 THE COURT: Mr. Hughes?

12 MR. HUGHES: I have no questions of Miss Pearl,
13 your Honor.

14 THE COURT: Any redirect?

15 MR. BUGLIOSI: No further questions.

5 fls. 16 THE COURT: You may step down, Mrs. Pearl.

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1 MR. BUGLIOSI: People call Dave Hannum.

2 THE CLERK: Raise your right hand, please.

3 Would you please repeat after me.

4 I do solemnly swear --

5 THE WITNESS: I do solemnly swear --

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

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

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

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

10 THE CLERK: -- before this Court --

11 THE WITNESS: -- before this Court --

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

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

14 THE CLERK: -- the whole truth --

15 THE WITNESS: -- the whole truth --

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

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

18 THE CLERK: -- so help me God.

19 THE WITNESS: -- so help me God.

20 THE CLERK: Would you be seated there, please.

21 Would you draw the microphone back to your face, sir.

22 Would you please state and spell your name.

23 THE WITNESS: My name is David Brian Hannum,

24 H-a-n-n-u-m.

25 THE REPORTER: How do you spell your middle name?

26 THE WITNESS: B-r-i-a-n.

1 DAVID BRIAN HANNUM,

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

4
5 DIRECT EXAMINATION

6 BY MR. BUGLIOSI:

7 Q What is your occupation?

8 A Cowboy.

9 Q Your occupation is a cowboy?

10 A That is correct.

11 Q Are you familiar with Spahn Ranch, sir, in
12 Chatsworth, California?

13 A Yes, I am.

14 Q Did you ever work out there?

15 A Yes, I did.

16 Q As a ranch hand?

17 A That's correct.

18 Q Do you recall the day that you first arrived at
19 Spahn Ranch?

20 MR. KANAREK: Your Honor, may I have a continuing
21 objection to the materiality and relevancy as to this
22 witness?

23 THE COURT: Very well.

24 MR. KANAREK: Thank you.

25 THE WITNESS: August 12th.

26 Q BY MR. BUGLIOSI: 1969?

A That is correct.

Q That is, August the 12th, 1969, is that correct?

1 A That is right.

2 Q You were arrested at Spahn Ranch with everyone
3 else on August 16th?

4 MR. KANAREK: Objection, your Honor. May we approach
5 the bench?

6 THE WITNESS: Yes.

7 THE COURT: What is the objection, Mr. Kanarek; state
8 it.

9 MR. KANAREK: That this interrogation is -- the
10 prejudicial value outweighs the probative value, your Honor.

11 THE COURT: Overruled.

12 Q BY MR. BUGLIOSI: You are using August 16th,
13 1969 as a basis of reference, when you say you arrived on
14 August the 12th?

15 A That's correct.

16 Q Do you know Linda Kasabian?

17 A Yes, I do.

18 Q I show you defendants' exhibit, I believe it's
19 I. Is it 1 or I?

20 THE COURT: I.

21 Q BY MR. BUGLIOSI: Defendants' Exhibit I. Do
22 you know who is shown in that photograph, sir?

23 A Linda Kasabian.

24 Q Did you own a car while you were at the Spahn
25 Ranch, Mr. Hannum?

26 A Yes, I did.

1 Q What type of car was it?
2 A A '61 white Volvo sedan.
3 Q Did you ever loan Linda Kasabian that 1961 Volvo?
4 A Yes, I did.
5 Q When was the first time you loaned her the
6 Volvo?
7 A August 12th.
8 Q The first day you arrived at Spahn Ranch?
9 A That's correct.
10 Q Did she tell you why she wanted the car?
11 MR. KANAREK: Object, your Honor, on the grounds of
12 conclusion.
13 MR. BUGLIOSI: It's not offered --
14 THE COURT: (To the witness:) Just a moment, wait
15 for the ruling.
16 The question does not call for hearsay; it calls
17 for whether there was a conversation.
18 You may answer the question yes or no. The
19 objection is overruled.
20 Q BY MR. BUGLIOSI: Did she tell you why she
21 wanted the car?
22 A Yes, she did.
23 Q What did she say?
24 MR. KANAREK: I object on the grounds of hearsay, your
25 Honor.
26 MR. SHINN: Join in the objection.

1 MR. BUGLIOSI: It is not offered for the truth of the
2 matter, your Honor.

3 THE COURT: The objection is sustained.

4 Q BY MR. BUGLIOSI: Did you, in fact, loan Linda
5 Kasabian your 1961 Volvo then on August 12th, 1969?

6 A Yes, I did.

7 Q And she took it off Spahn Ranch?

8 A That's correct.

9 Q Did you again at any later time loan Linda
10 Kasabian the 1961 Volvo?

11 A Yes, I did.

12 Q When was that?

13 A August 13th.

14 Q The following day?

15 A That's correct.

16 Q She again asked you for the car?

17 A That's correct.

18 Q And you gave it to her?

19 A That's correct.

20 Q And she drove it off the Spahn Ranch?

21 A That is correct.

22 Q Did Mrs. Kasabian return the car to you?

23 A No, she did not.

24 Q Did you ever receive a note or a letter from
25 Linda Kasabian?

26 A Yes, I did.

1 Q How long after August 13th, 1969 did you receive
2 this note?

3 A Two weeks.

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1 Q Did you receive it directly from Linda or from
2 some other party?

3 A I received it from a different party.

4 Q Who is that?

5 A Susan Atkins.

6 Q Referring to Defendant Susan Atkins seated in
7 front of you here?

8 A That's correct.

9 Q What did Susan Atkins give you?

10 A A torn-up piece of a letter.

11 Q Was the envelope surrounding the letter?

12 A No.

13 Q There was no envelope?

14 A No.

15 MR. KANAREK: Your Honor, I would ask that this not
16 be received for any purpose as far as Mr. Manson is con-
17 cerned.

18 All of this -- this is after the 9th, after
19 the two days, and it cannot be in any way -- unless there
20 is some showing other than is in the record today, to
21 the present time, I object -- I would ask that the jury
22 be requested not to consider this for any purpose as to
23 Mr. Manson.

24 THE COURT: You are offering it for a limited purpose,
25 Mr. Bugliosi?

26 MR. BUGLIOSI: I believe it should come in against

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1 every defendant, your Honor. I don't see the limitation on
2 this particular evidence. This was gone into in great
3 depth by the defense as to when Linda Kasabian left Spahn
4 Ranch.

5 MR. KANAREK: But the law of evidence still applies,
6 your Honor. This has nothing to do with Mr. Manson.

7 THE COURT: The objection is overruled.

8 BY MR. BUGLIOSI:

9 Q Now, you say there was no envelope on this
10 torn letter that you got from Susan Atkins?

11 A No.

12 Q What was the condition of the letter itself?

13 A It was just a torn-out piece of a letter.

14 Q You did not get the entire letter?

15 A No.

16 MR. KANAREK: Your Honor, may we inquire on voir
17 dire as to whether he knows the handwriting of Linda
18 Kasabian.

19 MR. BUGLIOSI: I think it's a matter of cross-examina-
20 tion, your Honor.

21 THE COURT: The motion is denied.

22 BY MR. BUGLIOSI:

23 Q Were there any keys in the envelope?

24 A No.

25 Q And you say the note was from Linda Kasabian?

26 A That's correct.

5a-3

1 Q Did the note tell you where your car was?

2 A Yes, it did.

3 MR. KANAREK: I object, calling for hearsay, your
4 Honor. It is clear hearsay.

5 THE COURT: Overruled.

6 BY MR. BUGLIOSI:

7 Q And where did the note indicate that your car
8 was?

9 MR. KANAREK: I object on the grounds of hearsay.

10 THE WITNESS: New Mexico.

11 THE COURT: Just a moment, sir; if there is an
12 objection wait for the ruling.

13 The objection is sustained. The answer is
14 stricken. The jury is admonished to disregard it.

15 BY MR. BUGLIOSI:

16 Q Did you ever recover that 1961 Volvo?

17 A Yes, I did.

18 Q Where did you recover it?

19 A I recovered it in New Mexico.

20 Q Where in New Mexico?

21 A Albuquerque, New Mexico.

22 Q Where was it in Albuquerque?

23 A It was left at a Shell gas station.

24 Q When did you recover it in Albuquerque,
25 New Mexico?

26 A About a month and a half after the letter.

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1 Q Did you personally recover it?

2 A Yes, I did.

3 Q How did you know to go to this particular garage
4 in Albuquerque?

5 MR. KANAREK: Immaterial, calls for a conclusion and
6 hearsay.

7 MR. BUGLIOSI: I think this comes in under an exception
8 to the hearsay rule. I would make an offer of proof on it
9 if the Court is concerned.

10 THE COURT: What exception?

11 MR. BUGLIOSI: I would say a prior consistent statement.

12 THE COURT: The objection is sustained.

13 BY MR. BUGLIOSI:

14 Q What led you to believe that the car was at
15 this particular garage in Albuquerque?

16 MR. KANAREK: I object, calls for a conclusion,
17 hearsay, improper foundation.

18 MR. BUGLIOSI: It is not offered for the proof of the
19 matter, your Honor, it is offered as a basis for his
20 conduct, instead of his acting in the abstract, I think the
21 letter is circumstantial evidence of why he did certain
22 things.

23 I think that is an exception to the hearsay
24 rule.

25 MR. SHINN: It is a violation of the best evidence
26 rule, too, your Honor.

1 MR. BUGLIOSI: May I have just a moment, your Honor?

2 THE COURT: Very well.

3 MR. BUGLIOSI: Assuming the Court considers it to be
4 hearsay, I think it comes in under Section 1250 Subdivision
5 (a), Subdivision (2) of the Evidence Code, and I query
6 whether it even is hearsay.

7 If it is not hearsay, your Honor, then I would
8 refer the Court to page 428 of Witkin where the Court talks
9 about statements being relevant as circumstantial evidence
10 of subsequent conduct.

11 MR. KANAREK: Your Honor, Mr. Bugliosi can stretch
12 circumstantial evidence only so far --

13 THE COURT: All right, Mr. Kanarek.

14 Reframe the question.

15 MR. BUGLIOSI: All right.

16 BY MR. BUGLIOSI:

17 Q Did this letter from Linda Kasabian tell you
18 where you could get your car?

19 MR. KANAREK: I object, that is hearsay, your Honor.

20 MR. SHINN: Join the objection, your Honor.

21 THE COURT: I'm going to sustain the objection to
22 the question in that form, Mr. Bugliosi.

23 Do you wish to approach the bench?

24 MR. BUGLIOSI: Yes, your Honor.

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

3 THE COURT: I question whether this is hearsay at
4 all. I think perhaps the question in that form is
5 objectionable.

6 I think it can be asked, for example, what
7 caused a person to go to a particular place.

8 MR. BUGLIOSI: Uh-huh.

9 THE COURT: And he can testify he went there because
10 he read or heard something.

11 MR. BUGLIOSI: Okay.

12 THE COURT: That is not hearsay. I think that is
13 what you are trying to get at.

14 MR. BUGLIOSI: Yes, your Honor.

15 MR. KANAREK: It is still hearsay whether it is
16 directly or indirectly.

17 THE COURT: Why is it hearsay?

18 MR. KANAREK: Because, your Honor, the impact for
19 the jury, that it is offered for the truth of the matter
20 asserted, namely, that the car is where she said it is,
21 no matter which way you slice it it's hearsay in my humble
22 opinion.

23 THE COURT: I think it is an offer to show he went
24 there because he received a communication from Linda, not
25 because the car was in Albuquerque, but because he
26 received a communication from Linda Kagabian.

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1 MR. KANAREK: I believe he can ask, "Did you get a
2 letter? After you got the letter did you go somewhere?"

3 But when you start putting in causal effects,
4 you are then putting in conclusions and hearsay.

5 He can ask a proper question, the fact he got
6 a letter, and so forth.

7 THE COURT: As I see it, it is not being offered
8 to prove that the car was in Albuquerque, because he already
9 testified he went there and it was there.

10 It is an offer to show why he went there.

11 MR. KANAREK: You see, then, your Honor, then the
12 causal effect is clearly because it was what she said in
13 the letter.

14 THE COURT: That's right, not the truth of what she
15 said, but the fact that she said it.

16 The objection will be overruled. I don't think
17 there is a question pending.

18 MR. BUGLIOSI: Thank you, your Honor.

19 MR. KANAREK: I would like to say this, your Honor:

20 My position is, there is no foundation here.
21 We have only conclusions by this man that he got a letter
22 from Linda Kasabian.

23 There is no foundation to show --

24 THE COURT: There is no question pending at the
25 moment, Mr. Kanarak. We will have to wait and see what
26 the next question is.

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

3 Q BY MR. BUGLIOSI: Mr. Hannup, what caused you to
4 go to this particular garage in Albuquerque to pick up your
5 1961 Volvo?

6 A Reference from the letter, stating where it was.

7 MR. KANARCK: I will ask that be stricken.

8 THE COURT: Keep the microphone close to your mouth.

9 THE WITNESS: The letter stated where I might be able
10 to find my car.

11 Q BY MR. BUGLIOSI: You are referring to the letter
12 from Linda Kasabian?

13 A Yes, that's correct.

14 Q You do not have that car any longer?

15 A No, I do not.

16 Q You sold it?

17 A That's correct.

18 Q I take it you know Charles Manson?

19 A That's correct.

20 Q Did you ever have a conversation with Charles
21 Manson wherein he asked you to join his group?

22 A Yes, I did.

23 MR. FITZGERALD: Your Honor, I am going to object
24 to that as immaterial and irrelevant.

25 The witness has testified that he did not come
26 to the Espahn Ranch until after the date alleged in the
Indictment.

1 It is beyond the scope of the issues of this
2 case.

3 MR. KANAREK: Join, your Honor. Also it is a con-
4 clusion and hearsay.

5 MR. SHINN: Join.

6 THE COURT: Sustained.

7 MR. BUGLIOSI: Your Honor, may I approach the bench
8 on this matter? We intend to go into a considerable amount
9 of conduct subsequent to the night in question, your Honor.

10 THE COURT: There is only one question pending before
11 me, Mr. Bugliosi, and I sustain the objection to that
12 question.

13 MR. BUGLIOSI: I know the path to the bench is very
14 well worn, your Honor, but I think this necessitates a
15 considerable discussion, at least if the Court is sus-
16 taining the objection on the ground enunciated by the
17 defense.

18 If the Court is sustaining the objection on some
19 other ground, that is different.

20 If that is the ground, I would require a serious
21 discussion at the bench.

22 THE COURT: All right, you may approach the bench.
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1 (The following proceedings were had at the
2 bench out of the hearing of the jury:)

3 MR. BUGLIOSI: Your Honor, I think the law is very
4 very clear --

5 THE COURT: Let's start at the beginning. The
6 question now pending is whether he ever had a conversation
7 with Mr. Manson in which he asked Mr. Hannum to join the
8 Family, is that it?

9 MR. BUGLIOSI: Right.

10 Now, I think the law is clear, your Honor,
11 that the prosecution has the right in all trials, all
12 criminal trials, to put on evidence subsequent to the acts
13 in question as circumstantial evidence reflecting back to
14 the acts in question.

15 This is fundamental. It starts with running
16 from the scene of a robbery to --

17 THE COURT: What is the relevancy of this question?
18 I don't see it.

19 You are arguing the principles. I am trying
20 to find the relevancy of this particular question.

21 MR. BUGLIOSI: That he had a conversation with Mr.
22 Manson, and Mr. Manson told him to join the group, and I
23 believe he said he could have anything he would want.

24 I have my notes. I would have to get my notes
25 as to the exact conversation.

26 But it goes towards the same thing, his domination

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1 over the Family. As long as the Court is not questioning
2 the right of the prosecution going into subsequent conduct,
3 that is the thing I was concerned about.

4 THE COURT: I am not ruling on anything except the
5 question now pending.

6 MR. BUGLIOSI: The objection was on that ground.
7 It was by Mr. Fitzgerald, I think, this was after August
8 9th and 10th, the Court sustaining the objection --

9 THE COURT: I sustained the objection because I felt
10 it was irrelevant.

11 MR. SHINN: Well, your Honor, if Mr. Bugliosi wants
12 to put on some evidence in connection with the crimes, and
13 Mr. Manson's behavior as to flight, then it would be
14 relevant, your Honor.

15 But this conversation as to whether this man
16 wants to join Mr. Manson's Family is irrelevant.

17 MR. KANAREK: Your Honor, if I may, I would like to
18 just try to convince the Court, because Mr. Bugliosi has
19 some idea, or because he has a theory does not mean that
20 we have --

21 THE COURT: Mr. Kanarek, spare me the philosophy.

22 Now, if you have something on the point get to
23 it.

24 MR. KANAREK: Well, the point is, your Honor, that I
25 would ask your Honor to order Mr. Bugliosi to present
26 evidence that has to do with what our law is, and unless

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1 it is an admission, unless it has something to do with the
2 particular crime --

3 THE COURT: All right, that is enough of that.

4 MR. FITZGERALD: Maybe we can have an offer of proof
5 and we can object to it. It may save time.

6 MR. BUGLIOSI: All right.

7 (Pause while Mr. Bugliosi obtains notes.)

8 MR. BUGLIOSI: I hate to take up the Court's time
9 like this, I'm sorry, but I am in a bad spot here.

10 Among other things Manson told him that he had
11 30 girls stashed away behind the ranch.

12 Manson became interested in Hannum because
13 Hannum had great knowledge of the desert, and Manson wanted
14 Hannum to find some place for the Family to live in the
15 desert, as I understand it.

16 Manson then attempted to talk Hannum into
17 joining their cause. Manson stated "S-h-i-t is going to come
18 down, and the black people are going to kill all of the
19 white people."

20 It is not a great amount of evidence but again
21 I would draw the Court's attention to this case, and there
22 are many cases.

23 This is just illustrative, People vs. Griffin,
24 98 Cal. App. 2d, 1, at page 55, the entire conduct of
25 the parties, their relationship, acts and conduct, after
26 the crime may be considered.

1 MR. KANAREK: But, your Honor has discretion to
2 exercise, and when the prejudicial and cumulative effect
3 far outweighs any probative effect, even assuming arguendo
4 this is true, I would have to read that case because
5 knowing Mr. Bugliosi -- the case probably has nothing to
6 do --

7 THE COURT: This is cumulative to what, Mr. Kanarek?

8 MR. KANAREK: Cumulative to the trivia that he has
9 offered so far, your Honor.

10 The point of the matter is, if they have no
11 case they cannot boot-strap themselves into a case because
12 they have zealousness to fight to get a conviction, that
13 is what I am saying, your Honor.

14 All he is asking at this time, if that is an
15 offer of proof as to Mr. Hannum, that is not -- the law
16 does not allow that kind of --

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1 THE COURT: What is the relevancy, Mr. Bugliosi?

2 MR. BUGLIOSI: Again, he is the one that is asking
3 someone to join the cause; he is the one that is asking
4 Hannum to make arrangements for the Family up north.

5 Again, Your Honor, it is circumstantial
6 evidence of his control and domination over this Family.

7 THE COURT: I don't see it, Mr. Bugliosi. I think
8 it is far-fetched, unless it is in the context of a
9 relationship with other members of the Family; but if it
10 is just a conversation between this man and Mr. Manson, I
11 don't see it.

12 MR. BUGLIOSI: Of course, it could come in just
13 against Mr. Manson.

14 THE COURT: Even then, what is the relevancy? We
15 all know that he lived at Spahn Ranch.

16 MR. BUGLIOSI: But I have the burden of proving,
17 Your Honor, that he was in control, not only of the Family
18 but of these particular defendants, and that on the two
19 nights in question --

20 THE COURT: That is precisely the point that I am
21 making to you, that I don't see any relevancy to that
22 point because he has a conversation with someone else.
23 It doesn't show any relationship with Mr. Manson and members
24 of the Family other than the fact that he was living there.

25 MR. BUGLIOSI: Well, say he made a statement, however --
26 and this is hypothetical, of course -- that "I am the head

1 of the Family." It could come in as an admission.

2 THE COURT: Did he make such a statement?

3 MR. BUGLIOSI: No, he did not make such a statement
4 to Mr. Hannum.

5 I am not going to pursue this particular thing,
6 your Honor. The reason that I wanted to approach the bench
7 was that I was fearful that the Court sustained the objec-
8 tion on the grounds that it was subsequent to the acts in
9 question.

10 THE COURT: No, that was not the objection.

11 We will take our recess at this time.

12 MR. BUGLIOSI: There are other conversations that I
13 want to go into that won't concern this subject.

14 THE COURT: All right.

15 (Whereupon, all counsel return to their
16 respective places at counsel table and the following
17 proceedings occur in open court within the presence and
18 hearing of the jury:)

19 THE COURT: We will take our recess at this time,
20 ladies and gentlemen.

21 Do not converse with anyone or form or
22 express any opinion regarding the case until it is finally
23 submitted to you.

24 The Court will recess for 15 minutes.

25 (Recess.)

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

3 You may proceed, Mr. Bugliosi.

4 MR. BUGLIOSI: Thank you.

5 Q You never joined the Family out at Spahn Ranch,
6 did you?

7 A No, I did not.

8 MR. KANAREK: I didn't hear that question, your
9 Honor. May I hear it?

10 Well, Mr. Shinn has just informed me. Thank you,
11 your Honor.

12 MR. BUGLIOSI: Q Did you ever kill a rattle-
13 snake out at Spahn Ranch?

14 A Yes, I did.

15 MR. KANAREK: Your Honor, I must object to that.

16 MR. BUGLIOSI: Q When did you kill this rattle-
17 snake?

18 A Oh, prior to the 16th.

19 Q Prior to the 16th of August, 1969?

20 A That is correct.

21 Q Where was the rattle snake located at the Spahn
22 Ranch?

23 A It was down the bridle trail from the ranch.

24 Q Was Charles Manson present when you did that?

25 A He was around in the area.

26 Q Did he say anything to you after you killed the

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1 rattlesnake?

2 MR. KANAREK: I will object, your Honor.

3 THE COURT: Pull the microphone up closer to your
4 mouth, please, Mr. Hannum.

5 On what ground, Mr. Kanarek?

6 MR. KANAREK: On the ground that the prejudicial
7 value far outweighs any probative value, your Honor.

8 MR. SHINN: And it is hearsay as to Susan Atkins.

9 MR. KANAREK: Also hearsay as to Mr. Manson.

10 THE COURT: Overruled.

11 You may answer.

12 THE WITNESS: Yes, he did.

13 He said: How would I like it if he chopped my
14 head off?

15 MR. BUGLIOSI: Q Did he say anything in
16 relation to people and animals when you killed the rattle-
17 snake?

18 A Yes, he did.

19 Q What did he say?

20 A He said he would rather --

21 MR. KANAREK: May I have a continuing objection on
22 the grounds that all of this --

23 MR. BUGLIOSI: He is interrupting the witness, your
24 Honor, right in the middle of a sentence. He is
25 interrupting the witness.

26 MR. KANAREK: Your Honor, may I have a continuing

43
1 objection on the grounds that the prejudicial value out-
2 weighs the probative value. Then I will not interrupt any
3 more.

4 THE COURT: You may not have such a continuing
5 objection.

6 Reframe the question, Mr. Bugliosi.

7 MR. BUGLIOSI: Q When you killed the rattle-
8 snake, did Mr. Manson say anything to you with respect to
9 people and animals?

10 MR. KANAREK: I object --

11 THE WITNESS: Yes, sir, he did.

12 MR. KANAREK: May the witness be instructed, your
13 Honor, to please allow me to enunciate my objection?

14 THE COURT: Wait for the objection and the ruling,
15 Mr. Hannum.

16 MR. KANAREK: In addition to the other objection,
17 your Honor, the prejudicial value outweighs --

18 THE COURT: You just made that objection, Mr. Kanarek.
19 Don't make it again with respect to this question.

20 MR. KANAREK: Very well.

21 THE COURT: The objection is overruled.

22 You may answer.

23 MR. BUGLIOSI: Q What did he say?

24 A He said he would rather kill people than
25 animals.

26 Q Did Manson say anything about black people to

14

1 you?

2 MR. KANAREK: Your Honor, same objection.

3 I understand that this is, I gather, after the
4 9th and the 10th.5 MR. BUGLIOSI: I am laying a foundation right now,
6 Mr. Kanarek.

7 THE COURT: Overruled.

8 THE WITNESS: Yes, he did.

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1 BY MR. BUGLIOSI:

2 Q When did he make this statement to you about
3 black people?

4 A In a conversation we were having.

5 Q Do you know when this conversation occurred?

6 A About the 13th.

7 Q August 13th, 1969?

8 A That is correct.

9 Q At Spahn Ranch?

10 A That is correct.

11 Q In addition to yourself and Mr. Manson, was
12 anyone else present?

13 A No.

14 Q What did he say about black people?

15 A He said --

16 MR. KANAREK: I object on the grounds that the
17 prejudicial value outweighs the probative value, and
18 hearsay.

19 MR. SHINN: May this be limited to the declarant,
20 your Honor?

21 MR. BUGLIOSI: It is limited to Mr. Manson, your
22 Honor.

23 THE COURT: Very well.

24 The jury is admonished to consider the
25 testimony only with respect to Mr. Manson and not as to
26 any of the other defendants.

6b-2

1 The objections are overruled.

2 You may answer.

3 THE WITNESS: He said that the blacks were going to
4 take over and kill all the whites.

5 MR. BUGLIOSI: No further questions.

6 THE COURT: Mr. Fitzgerald?

7 MR. FITZGERALD: Thank you, your Honor.

8
9 CROSS-EXAMINATION

10 BY MR. FITZGERALD:

11 Q Mr. Hannum, was there some reason you lent
12 your car to Linda Kasabian the first time?

13 A Just so she could use it to go to town, as she
14 stated.

15 Q And what date was that, if you recall, the first
16 time?

17 A August 12th.

18 Q And did she return the car?

19 A Yes, she did.

20 Q And you lent the car to her a second time; is
21 that correct?

22 A Yes, it is.

23 Q That was the next day?

24 A That is correct.

25 Q That would be what date?

26 A August the 13th.

6b-3

1 Q And did you have a conversation with her about
2 the purpose for which she was borrowing your car?

3 A Yes, I did.

4 Q And what did she tell you? What did she ask
5 you?

6 A She wanted to use the car to go downtown.

7 Q And when the car was not returned later that day,
8 Mr. Hannum, were you alarmed?

9 A Yes, I was.

10 Q What, if anything, did you do?

11 A I tried to find out where she was.

12 Q Were you able to find out where she was?

13 A No, I wasn't.

14 Q Did you contact or notify any of the police?

15 A A couple of days after I did.

16 Q You waited approximately two days?

17 A I'm not sure.

18 Q Did you call the Sheriff's Station at Malibu?

19 A Yes, I did.

20 Q And were you able to lodge a report with that
21 police agency?

22 A No, I wasn't.

23 Q Do you recall the date that you were given this
24 letter by Susan Atkins?

25 A Not the exact date, no.

26 Q How long was it from the time she had borrowed

1 the car?

2 A About two weeks.

3 Q Do you have any knowledge as to when that letter
4 arrived?

5 A No, I do not.

6 Q Did that letter contain, or the portion of the
7 letter that you saw, contain what appeared to be the signa-
8 ture of Linda Kasabian?

9 A Yes, it did.

10 Q Did it appear to you, the portion of the letter
11 that you saw, did it appear to you that -- strike that.

12 What did the portion of the letter you received
13 say?

14 A It stated as to where the whereabouts of my car
15 was, and an apology to a certain degree.

16 She said that she was sorry, and it was her
17 karma, and then it was signed "Linda."

18 Q Karma, k-a-r-m-a?

19 A Yes, that's right.

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1 Q What does that mean, Karma?

2 A To my knowledge, in relationship to, oh, her
3 luck, her bad luck on her borrowing the car, or something
4 like that.

5 Q And what was the nature of the apology?

6 A She just stated she was sorry.

7 MR. KANAREK: Your Honor, if I may, at this time I
8 would ask the Court to take judicial notice of the word
9 karma, which is in the dictionary, and I would ask your
10 Honor to -- the Court has the ^{power} to take judicial
11 notice of that, and I would ask your Honor to inform the
12 jury of what karma means.

13 THE COURT: Well, we don't know what Miss Kasabian
14 meant by it, do we?

15 MR. KANAREK: No, but I think the fair inference is
16 that she meant what the dictionary says it means, and I
17 ask the Court to take judicial notice of it.

18 THE COURT: Well, that is your speculation, Mr.
19 Kanarek.

20 The motion will be denied.

21 MR. FITZGERALD: Q You previously testified,
22 Mr. Hannum, that the envelope did not have any keys in it;
23 is that right?

24 A To my knowledge, Susan Atkins stated there were
25 no keys.

26 MR. BUGLIOSI: I will move to strike that on the

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1 grounds that it is hearsay, your Honor.

2 THE COURT: Read the last question and the answer,
3 please.

4 (The question and the answer were read by the
5 reporter.)

6 MR. BUGLIOSI: It is hearsay, your Honor.

7 THE COURT: It is non-responsive.

8 The answer will be stricken and the jury is
9 admonished to disregard it.

10 Read the question once more.

11 Listen to the question, please, Mr. Hannum.

12 MR. FITZGERALD: Q Mr. Hannum, you testified in
13 response to a question by Mr. Bugliosi that "the envelope
14 had no keys in it."

15 Is that correct, sir?

16 A That is correct.

17 Q Upon what did you base that conclusion?

18 A I based the conclusion on what Susan Atkins had
19 said to me, that there were no keys along with the letter.

20 MR. BUGLIOSI: Motion to strike, your Honor, on the
21 grounds it was the relation of a hearsay statement, an
22 out-of-court statement, between Susan Atkins and the witness.
23 This is what Susan Atkins said. It doesn't make it a fact,
24 your Honor.

25 THE COURT: overruled.

26 MR. FITZGERALD: Q And when did you go to

1 New Mexico?

2 A About a month and a half after receiving the
3 letter.

4 Q Did you ultimately secure your car?

5 A I had made phone calls down there and had a
6 dealership get the car out of storage and repair it for me.

7 Q Did your car have the keys in it when you
8 ultimately picked it up?

9 A No, it did not.

10 Q Did you ever get your keys back?

11 A No, I didn't.

12 Q Have you ever talked with Susan Atkins -- strike
13 that.

14 Have you ever talked with Linda Kasabian about
15 the circumstances surrounding your car?

16 A No, I haven't.

17 Q Have you ever communicated with her by letter
18 in connection with your car?

19 A No, I haven't.

20 MR. FITZGERALD: I have nothing further.

21 THE COURT: Mr. Shinn?

22 MR. SHINN: Yes, your Honor.

23
24 CROSS-EXAMINATION

25 BY MR. SHINN:

26 Q Mr. Hannum, you have heard people often say

1 that "I am going to kill my wife" or "My husband, I am going
2 to kill him"?

3 You have heard that phrase said by various people,
4 haven't you?

5 MR. BUGLIOSI: Irrelevant, your Honor.

6 THE COURT: Sustained.

7 MR. SHINN: What grounds, Your Honor?

8 May I make an offer of proof?

9 THE COURT: On the grounds stated, Mr. Shinn.

10 Go to your next question.
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1 BY MR. SHINN:

2 Q When Mr. Manson said that -- made statements
3 about the black and white people, you did not at that time
4 believe him, did you?

5 MR. BUGLIOSI: Irrelevant, your Honor, it also calls --

6 MR. SHINN: It calls for a state of mind, your Honor.

7 MR. BUGLIOSI: -- for testimony that is immaterial.

8 THE COURT: Sustained.

9 MR. SHINN: I have no further questions, your Honor.

10 THE COURT: Any questions, Mr. Kanarek?

11 MR. KANAREK: Yes, your Honor.

12 CROSS-EXAMINATION

13 BY MR. KANAREK:

14 Q Just the word, karma, was it your understanding
15 that the word karma means retribution?
16

17 MR. BUGLIOSI: It's immaterial.

18 THE COURT: Sustained.

19 MR. KANAREK: Thank you, Mr. Hannum.

20 THE COURT: Any questions, Mr. Hughes?

21 MR. HUGHES: No questions.

22 THE COURT: Any redirect examination?

23 MR. BUGLIOSI: No, your Honor.

24 THE COURT: You may step down, Mr. Hannum.

25 MR. BUGLIOSI: People call Deputy Gleason.

26 MR. KANAREK: Your Honor, as to Mr. Hannum, may he be

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1 put on call, however, in case we need him?

2 THE COURT: Just a moment, Mr. Hannum.

3 THE CLERK: Mr. Bailiff, will you get Mr. Hannum
4 back, please.

5 THE COURT: I am not going to put him on call, Mr.
6 Kanarek; you have the right to subpoena him as you do
7 any other witness, if you like.

8 MR. KANAREK: Very well, very well, thank you, your
9 Honor.

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

11 Would you please repeat after me.

12 I do solemnly swear --

13 THE WITNESS: I do solemnly swear --

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

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

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

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

18 THE CLERK: -- before this court --

19 THE WITNESS: -- before this court --

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

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

22 THE CLERK: -- the whole truth --

23 THE WITNESS: -- the whole truth --

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

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

26 THE CLERK: -- so help me God.

1 THE WITNESS: -- so help me God.

2 THE CLERK: Would you be seated, please.

3 Would you please state and spell your name.

4 THE WITNESS: William C. Gleason, G-l-e-a-s-o-n.

5
6 WILLIAM C. GLEASON,

7 a witness called by and on behalf of the People, was
8 examined and testified as follows:

9
10 DIRECT EXAMINATION

11 BY MR. BUGLIOSI:

12 Q What is your occupation?

13 A Deputy Sheriff, Los Angeles County.

14 Q Did you participate in an arrest on August 16th,
15 1969, at Spahn Ranch in Chatsworth?

16 A Yes.

17 Q Do you have your records with you indicating
18 who was arrested on that date?

19 A They were presented to the court yesterday.

20 MR. KANAREK: May I have a continuing objection then
21 on materiality and relevancy as to this witness, your
22 Honor?

23 THE COURT: Very well.

24 BY MR. BUGLIOSI:

25 Q You say they were presented to the court, you
26 mean to Judge Older?

1 A No, sir, they were presented to you yesterday.

2 Q You did not keep a copy?

3 A No, sir.

4 Q Do these appear to be the records, the
5 certification of records?

6 A Yes, they are.

7 Q Do those documents there contain the names of
8 people who were arrested at Spahn Ranch on August 16th?

9 A Yes.

10 MR. BUGLIOSI: May the witness refer to these docu-
11 ments in his testimony?

12 MR. KANAREK: Your Honor, I would prefer that the
13 witness testify from his personal knowledge, and counsel
14 can use the accepted methods of refreshing his recollec-
15 tion, or whatever he wishes.

16 BY MR. BUGLIOSI:

17 Q Do you remember who was arrested on August
18 16th, 1969, at Spahn Ranch?

19 A Yes, sir.

20 Q Please relate that to the Court and jury.

21 A All of the people arrested?

22 Q Yes.

23 A Charles Manson, Sadie Glutz.

24 Q When you say Sadie Glutz, you mean Susan Atkins?

25 A Yes.

26 Q Okay.

1 A David Hannum, Maryanne Scott, Leslie Owens.

2 Q When you say Leslie Owens, do you know her by
3 any other name?

4 A Yes, Leslie Van Houten.

5 Q The defendant in this case?

6 A Yes.

7 Ruthanne Heublhurst.

8 Q Do you know her by any other name?

9 A Sherry Anne Cooper.

10 Q Do you know her by any other name?

11 A Not that I can recall, sir.

12 Q Does the name Ruth Morehouse ring a bell or
13 are you referring to someone else?

14 A That is someone else.

15 Q Okay, you may continue.

16 A A Richard Allan Smith.

17 Q Is that the same as Danny DeCarlo?

18 A Yes.

19 Juan Flynn.

20 Ruthanne Smith.

21 Q Incidentally, when you give me these names,
22 if you are knowledgeable of any other names these people
23 are known by, relate that other name.

24 A Yes, sir. Ruthanne Smith is also known as
25 Ruthanne Morehouse.

26 Q Quish?

1 A Yes.

2 Larry Craven, and the other names I cannot

3 recall, sir.

4 Q What about Sandra Pugh?

5 A Yes, sir.

6 Q Also known as Sandra Good?

7 A Yes.

8 Q Did you name Nancy Pittman?

9 A Yes, sir.

10 Q Also known as Brenda McCann?

11 A Yes.

12 Q John Swartz?

13 A Yes.

14 Q Did you name Barbara Wire?

15 A No, sir, I did not.

16 Q Was she arrested on August 16th?

17 A Yes.

18 Q Do you know her also as Barbara Hoyt?

19 A Yes, sir.

20 Q H-o-y-t?

21 A Yes.

22 Q Was Lynne Fromme arrested?

23 A Yes, sir.

24 Q Did you name her already?

25 A No, I did not.

26 Q Is she also known as Squeaky?

1 A Yes.

2 Q Did you name Clem Tufts?

3 A No, sir, I did not.

4 Q Was he arrested on August 16th?

5 A Yes.

6 Q Is Clem Tufts also Steve Grogan?

7 A Yes, he is.

8 Q On the 16th did he give the name, Grant Mollen?

9 A Yes, he did.

10 Q Did you name Patricia Burke?

11 A No, I did not.

12 Q Was she arrested on that date?

13 A Yes.

14 Q What about Julia Roberts?

15 A I did not name her; she was arrested.

16 Q Do you know her by any other name?

17 A Yes, her name is Laura Anne Sheppard.

18 Q Is Patricia Burke known by any name?

19 A Yes, Catherine Gillies, G-i-l-l-i-e-s.

20 Q Did you name Katherine Share?

21 A No, sir.

22 Q Was she arrested on August 16th?

23 A Yes.

24 Q She is also known as Gypsy?

25 A Yes, she is.

26 Q What about Catherine Anne James?

1 A Yes, that is the name of Katherine Share.
2 Q That is the name she gave on August 16th?
3 A Yes, sir.
4 Q What about Catherine Lynne Drake?
5 A Yes, she was arrested. Her true name was
6 Catherine Lutesinger.
7 Q She was arrested on August 16th also?
8 A Yes, sir.
9 Q She gave the name of Catherine Drake?
10 A Yes, sir.
11 Q Her true name is Catherine Lutesinger?
12 A Yes, sir.
13 Q Have you named Maryanne Scott?
14 A Yes, I did, sir.
15 Q Is she known by any other name?
16 A Yes, that is Patricia Krenwinkel.
17 Q Did you name Juan Flynn?
18 A Yes, I did.
19 Q What about Shirley Amanda McCoy?
20 A I did not name her.
21 Q Was she out there on August 16th?
22 A Yes, she was.
23 Q Is she also known as Little Patti?
24 A Yes.
25 Q Were any children detained as a result of
26 that conduct on August 16th, 1969?

1 A Yes, sir, there was.

2 Q And who were those?

3 A There were five children between approximately
4 ten months old and ten years old.

5 Q Do you remember their names?

6 A There was a Dennis DeCarlo, a Michael Shawn,
7 Tanya Kasabian, ZoZeZo Zafrack and a Johnny Freedman.

8 MR. SHINN: Your Honor, can I take this officer on
9 voir dire to determine whether or not there was a warrant
10 for the arrest of these people or whether or not he had
11 probable cause to make the arrest, your Honor?

12 I don't think this officer has testified to that.

13 THE COURT: Denied.

14 BY MR. BUGLIOSI:

15 Q Did you recover any personal property as a
16 result of the arrest on August 16th, 1969?

17 A Yes, sir.

18 Q Were any Buck knives recovered?

19 MR. KANAREK: Object, illegal search and seizure,
20 your Honor, no foundation.

21 MR. FITZGERALD: Join.

22 MR. SHINN: Join.

23 THE COURT: Do you wish to approach the bench, Mr.
24 Bugliosi?

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1 (The following proceedings were had at the
2 bench out of the hearing of the jury.)

3 MR. BUGLIOSI: This was a grand theft auto arrest,
4 your Honor.

5 I think we could on probable cause for the
6 arrest -- however, all I am going to put on now is, I don't
7 think the defense should be that concerned, they did not
8 recover any buck knives. They did not recover any buck
9 knives.

10 THE COURT: In other words, there was no search and
11 seizure involved, is that right?

12 MR. BUGLIOSI: I don't see the search and seizure
13 issue.

14 Now, there is going to be a search and seizure
15 issue, apparently, which I was going to approach the bench
16 on.

17 This helter skelter here, the photograph,
18 helter skelter, on the wall or the door of one of the
19 trailers out there.

20 And I actually have the item right now on the
21 counsel table. It was not recovered that day. It was
22 observed that day.

23 It was recovered, I think, several months later.

24 Now, as I understand it, the police got per-
25 mission to remove this from the trailer, so there will be
26 a search and seizure issue.

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Is that correct?

MR. FITZGERALD: That's correct.

MR. SHINN: Yes.

THE COURT: Permission from whom?

MR. BUGLIOSI: I think they got permission from Ruby Pearl, if I'm not mistaken, either Ruby Pearl -- I don't have that particular report right now, but I believe they got permission from either George Spahn or Ruby Pearl to remove this particular thing here.

THE COURT: Are you going into this matter, that is, the helter skelter matter at this time?

MR. BUGLIOSI: What I could do is ask him if he saw this out there, without actually introducing the actual piece of wood.

MR. SHINN: We will object to that, your Honor.

MR. BUGLIOSI: He can testify to observing it.

MR. SHINN: Unless you can show he had a search warrant or he had a warrant for someone's arrest or reasonable, probable cause to enter the premises.

It is an illegal entry. You have to lay a foundation as to how he got there.

THE COURT: Well, are we through talking about the buck knives?

MR. FITZGERALD: As to the buck knives, I will withdraw my objection to the foundation inasmuch as there will be negative testimony, no buck knives were found.

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MR. KANAREK: I object.

MR. SHINN: I object to any testimony.

MR. KANAREK: He can ask was the Declaration of Independence found there.

THE COURT: Are you objecting?

MR. KANAREK: Yes, your Honor.

THE COURT: What is your objection?

MR. KANAREK: Its prejudicial value to suggest it.

THE COURT: The fact they did not find anything there?

MR. KANAREK: It is a suggestion, your Honor.

THE COURT: Suggestion of what?

MR. KANAREK: Your Honor, he can ask all kinds of negatives, "Did you find --"

THE COURT: It is true he can. I am trying to find out what is your objection.

Can you state it in some kind of form that I can make head or tails out of?

MR. KANAREK: It is offered for prejudicial purposes only. It injects a subject matter that has only prejudicial value, whether he gets a negative like that, there is a myriad of things that were not found.

MR. FITZGERALD: Mr. Kanarek, if I may just point out by inter se comment that this jury now thinks that there were buck knives at the ranch.

The question has been asked, "Did you find any

1 buck knives at the ranch?"

2 MR. KANAREK: I realize that. Because of the
3 prejudice, what I am saying, this is the vice of what
4 Mr. Bugliosi is doing.

5 MR. FITZGERALD: The vice is not going to be cured
6 by allowing the question not to be answered.

7 THE COURT: What is the relevancy of your asking the
8 question? I can see how it might be relevant if someone
9 else asked it.

10 MR. BUGLIOSI: The relevance, your Honor, is this:
11 The gun, for instance, the revolver, according
12 to Danny De Carlo, this appeared shortly before the
13 murders.

14 The buck knives, we put on a substantial amount
15 of evidence, I think, from which the jury can draw the
16 inference that the buck knives seen out at the ranch by
17 Ruby Pearl, may well have been used in the murders.

18 They were no longer there August 16th, so anyone
19 who used the knives might well want to dispose of them.

20 They were there shortly before the murder;
21 they were being used.

22 It is just a speck of circumstantial evidence.
23 What happened to them?

24 MR. KANAREK: This is why I suspected -- that is the
25 very point.

26 MR. SHINN: It doesn't help us at all. It helps

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1 the prosecution.

2 MR. BUGLIOSI: It certainly is relevant that knives
3 which the prosecution have put in evidence may well have
4 been used in these murders suddenly vanish.

5 THE COURT: Are you going to ask the officer whether
6 he made a search of the ranch?

7 MR. BUGLIOSI: Yes.

8 MR. SHINN: We object.

9 MR. KANAREK: This is illegal. The finding of these
10 negatives is the product of an illegal search.

11 MR. BUGLIOSI: It would be the same thing if they
12 looked for the gun or the rope and it was no longer there.

13 It was there before the murders; suddenly it is
14 gone. It has relevance.

15 THE COURT: I don't know about this, Mr. Bugliosi,
16 I have some doubt about it.

17 MR. BUGLIOSI: What happened to these knives, your
18 Honor?

19 THE COURT: You are certainly not going to find out
20 by asking me.

21 MR. BUGLIOSI: I know. The point is three of them --
22 two of them were thrown over the side of the hill. They
23 are no longer available.

24 We have not been able to find them.

25 Ruby Pearl testified they used to have them out
26 there all the time. Now all of a sudden the police go out

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1 there and these knives which were very well used in the
2 murders are no longer there.

3 THE COURT: Well, of course that may or may not be
4 a valid conclusion based on what the officers did.

5 MR. BUGLIOSI: I would put on evidence that they
6 searched for the weapons and they did find guns.

7 I was not going to go into that. If the
8 defense wants me to I will. I was not going to go into
9 that.

10 THE COURT: Isn't the non-product of an illegal
11 search protected by the Fourth Amendment?

12 In other words, evidence that the search
13 produced nothing?

14 MR. BUGLIOSI: I don't know of any case. I see the
15 Court's point. I don't know of any case that has dealt
16 with that issue, whether finding nothing falls within the
17 gambit of the Fourth and Fourteenth Amendments.

18 Assuming that it does, then we can put on --

19 THE COURT: I am going to sustain the objection to
20 that question.

21 MR. FITZGERALD: So my position will be clear, I
22 am not objecting and I am not evaluating this case in a
23 vacuum.

24 I am evaluating my position in light of the
25 fact the jury has already heard the question, and I don't
26 feel an admonition --

1 THE COURT: I think the defense is in an entirely
2 different position when they are cross-examining a witness
3 than the prosecution is in trying to elicit as far as their
4 testimony in chief.

5 MR. KANAREK: I would make a motion, your Honor, that
6 your Honor request the jury not to consider this last
7 question for any purpose.

8 MR. SHINN: Your Honor, is the Court --

9 THE COURT: I am going to sustain the objection to the
10 last question, and now we will go back and proceed.

11 MR. SHINN: What of the question of the search warrant
12 or the warrant for arrest?

13 THE COURT: There is no question before the Court now.

14 MR. SHINN: He is going to enter into it now.

15 THE COURT: We will take it one at a time, gentlemen,
16 I cannot rule on questions that were not asked.

17 MR. BUGLIOSI: Rather than come to the bench again,
18 perhaps I'd better not go into this right now, or if
19 the Court wants to we can excuse the jury and put on
20 probable cause for their being out there.

21 MR. FITZGERALD: There was a search warrant.

22 MR. SHINN: On this particular day there was a search
23 warrant?

24 MR. FITZGERALD: The seizures were made pursuant to a
25 search warrant.
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1 MR. SHINN: We will attack the search warrant.

2 MR. BUGLIOSI: This is extremely relevant, that
3 Helter Skelter was found at Spahn Ranch. We have got to
4 introduce it.

5 I am just saying that if they are going to raise
6 the legality of the search, I guess it will have to be outside
7 the presence of the jury.

8 MR. KANAREK: I would ask the Court to consider
9 Chimel vs. California. This is clearly not within the
10 ambit of any search warrant.

11 THE COURT: You can raise the point after we hear
12 what the evidence is.

13 Well, how do you want to proceed?

14 MR. BUGLIOSI: Rather than come back like we did with
15 Sergeant Lee, why don't we go into the legality aspect of
16 the search right now? We would have to come back to it
17 later on anyway.

18 THE COURT: Do you want to have a hearing now out of
19 the presence of the jury?

20 MR. BUGLIOSI: I think so.

21 THE COURT: Do you have the search warrants present?

22 MR. BUGLIOSI: I don't have them with me.

23 I think they would be part of -- you know that
24 document you have, are they part of that? Do you have the
25 search warrant, Mr. Fitzgerald?

26 MR. FITZGERALD: I will check my records. I don't

8-2

1 believe I have a copy of the search warrant.

2 MR. BUGLIOSI: May I walk in front of the bench, your
3 Honor?

4 THE COURT: Yes.

5 MR. SHINN: Don't you have a copy of the search
6 warrant?

7 MR. KANAREK: I can't read it either.

8 MR. BUGLIOSI: I don't have the search warrant.

9 May I approach the witness and ask him if he
10 has it?

11 THE COURT: Yes.

12 (Mr. Bugliosi approaches the witness and confers
13 with the witness.)

14 THE COURT: Ladies and gentlemen, we are going to take
15 a very brief recess, about five minutes. I will ask the
16 jury to remain in the box.

17 (Recess.)

18 (Whereupon the Clerk informs the members of
19 the jury and all persons present that the recess has been
20 extended until 2:00.)

21 (Whereupon at 11:55 o'clock a.m. the court
22 was in recess.)

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