

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES

DEPARTMENT NO. 106

HON. RAYMOND CHOATE, JUDGE

THE PEOPLE OF THE STATE OF CALIFORNIA,)

Plaintiff,)

-vs-)

CHARLES MANSON,)

Defendant.)

128
NO. A-267861

WHITE
WHITELEY
WALKER
CHRISTENSEN
FRASER
GRAP

STANDOFF
WILSON

REPORTERS' DAILY TRANSCRIPT
Friday, August 6, 1971
VOLUME 28

APPEARANCES:

For the People: JOSEPH P. BUSCH, JR., District Attorney
BY: ANTHONY MANZELLA,
Deputy District Attorney

For the Defendant Manson:

IRVING A. KANAREK, ESQ.

MARY LOU BRIANDI, CSR
ROGER K. WILLIAMS, CSR
Official Court Reporters

COPY

I N D E XPEOPLE'S WITNESSES: DIRECT CROSS REDIRECT RECROSS

WHITE, Flois (Cont'd)	4376			
WHITELEY, Paul J. (Cont'd)	4383	4386		
WALKER, Melvin James	4388	4395		
CHRISTANSEN, Robert P.	4408	4432	4438	
FRASER, James K.	4442			
GRAP, George D. (Cont'd)	4459 4504			
STANOFF, Nat (Cont'd)	4478 4506	4513		
WILSON, John David	4540	4545		

E X H I B I T SPEOPLE'S: FOR IDENTIFICATION IN EVIDENCE

27 - Driver's license	4377	
28 - Exemplar card	4377	
29 - Aerial photo	4391	
30 - 9 mm Radom	4411	
31 - Manila envelope containing a bullet	4411	
32 - Temporary driver's license for Gary Allen Hinman	4441	
33 - Purchase order bearing name Gary A. Hinman	4441	
34 - Certificate of ownership to Fiat in name of Gary Allen Hinman	4441	

I N D E X (Continued)PEOPLE'S EXHIBITS: FOR IDENTIFICATION IN EVIDENCE

35 - Notice of Vehicle Code
violation bearing the
name Gary Allen Hinman 4442

36 - 8 color photos of
Spahn Ranch 4462

37 - 5 photos 4464

38 - A Form 4473 4480

39 - Temporary driver's license 4480

40 - 3 documents consisting
of two receipts and a
dealer's record of sale 4481

DEFENDANT'S:

F - Notes 4435

DEFENDANT'S SPECIAL EXHIBIT I:

Newspaper articles 4552

1 LOS ANGELES, CALIFORNIA, FRIDAY, AUGUST 6, 1971, 9:57 A. M.

2
3 THE COURT: The record will show that it is three minutes
4 to 10:00. This case was called for 9:45.

5 MR. KANAREK: Oh, your Honor, we've been -- at least
6 since twenty minutes of 10:00 right in the bailiff's -- right
7 next to this courtroom, your Honor.

8 THE COURT: Very well. Very well.

9 All right, in the case of People versus Manson,
10 the record will show that Mr. Manson is present with
11 Mr. Kanarek. Mr. Manzella for the People. And all the jurors
12 and all the alternates are present.

13
14 FLOIS WHITE,
15 having been previously duly sworn, resumed the stand and
16 testified further as follows:

17
18 DIRECT EXAMINATION (Continued)

19 BY MR. MANZELLA:

20 Q Mr. White, have you stated your name for the
21 record?

22 THE COURT: Yes, please do state your name.

23 THE WITNESS: Flois White, F-l-o-i-s, W-h-i-t-e.

24 MR. MANZELLA: Your Honor, I have here what appears to be
25 a temporary license in the name of Gary Allen Hinman, bearing
26 the number J359906.

27 May I have that marked People's 27 for identifica-
28 tion?

1 THE COURT: What type of license are you referring to?

2 MR. MANZELLA: It is a temporary driver's license, your
3 Honor. It is a copy of a temporary driver's license.

4 THE COURT: It may be so marked.

5 MR. MANZELLA: I have here what appears to be a finger-
6 print exemplar card of the medical examiner Coroner's Office
7 of Los Angeles. May I have that marked People's 28 for
8 identification?

9 THE COURT: So ordered.

10 BY MR. MANZELLA:

11 Q Mr. White, directing your attention to People's
12 27 and People's 28 for identification, that is the temporary
13 driver's license and the coroner's fingerprint exemplar card,
14 have you made a comparison between the fingerprints appearing
15 on the coroner's exemplar card and the fingerprint appearing
16 on the temporary driver's license?

17 MR. KANAREK: Object on the grounds of improper founda-
18 tion, irrelevant and immaterial.

19 THE COURT: The objection is overruled. You may answer
20 that question yes or no.

21 A Yes, sir, I've made a comparison.

22 BY MR. MANZELLA:

23 Q And have you formed an opinion as a result of that
24 comparison as to whether or not those -- the prints on -- the
25 fingerprint of People's 27 for identification was made by the
26 same person whose prints appear on People's 28 for identifica-
27 tion?

28 MR. KANAREK: Improper foundation, irrelevant, immaterial.

1 The prejudicial value outweighs any probative value.

2 THE COURT: The objection is overruled. You may answer
3 yes or no.

4 A Yes, sir.

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

2-1

1 Q BY MR. MANZELLA: And what was that opinion?

2 MR. KANAREK: Same objection, your Honor.

3 THE COURT: The objection is sustained.

4 MR. MANZELLA: Your Honor, perhaps it would guide me
5 if I had the grounds on which you sustained the objection.

6 THE COURT: You may approach the bench.

7 MR. KANAREK: Yes, your Honor.

8 MR. MANZELLA: Yes.

9 (Whereupon, the following proceedings were had
10 at the bench among Court and counsel, outside the
11 hearing of the jury:)

12 THE COURT: You don't have any foundation here, --

13 MR. MANZELLA: For what?

14 THE COURT: -- as far as I know.

15 For this.

16 MR. MANZELLA: For People's 28?

17 THE COURT: Is there anything to indicate that -- did I
18 miss something in the record?

19 MR. MANZELLA: No. Sergeant Whiteley's going to
20 testify right after White.

21 THE COURT: What?

22 MR. MANZELLA: Sergeant Whiteley is going to testify
23 that those are the prints of the corpse on that People's
24 28.

25 THE COURT: You don't have this in yet. His objection
26 is well taken.

27 MR. MANZELLA: What difference does it make, if I don't
28 have it in yet, if I'm going to put it in right after?

2-2

1 THE COURT: Well, you sound surprised that the Court
2 should sustain the objection.

3 MR. MANZELLA: Well, I am, because I am going to put
4 Sergeant Whiteley on right after he testifies. Otherwise,
5 I will have to --

6 THE COURT: Well --

7 MR. MANZELLA: This is just marked for identification.
8 It's not an exhibit yet.

9 THE COURT: Yes. But you are asking him, Mr. Manzella,
10 to testify about it. And really, there's a lack of foundation.

11 You have to establish your foundation first, before
12 you can have expert testimony in connection with it.

13 Now, you are representing to me, however, that you
14 can establish that these fingerprints on 28 were taken from the
15 corpse; is that right?

16 MR. MANZELLA: Yes, your Honor.

17 THE COURT: All right. Now, as to 27 here, we have
18 got a copy of a driver's license. What foundation do you have
19 in connection with that? There's a similarity of names --
20 well, you haven't established where this --

21 MR. MANZELLA: Well, the number on the driver's license,
22 on the temporary license is the same as the number on the
23 permanent license. The name is the same, and the address
24 is the same. The photograph appearing on the permanent
25 license has been identified as Gary Hinman.

26 And the fingerprint appears upon the temporary
27 license.

28 THE COURT: Do you have any objection to proceeding in

1 this order?

2 MR. KANAREK: Yes, your Honor, I do.

3 MR. MANZELLA: All right. I'll excuse Mr. White.

4 THE COURT: In connection with 28?

5 MR. KANAREK: And also 27, your Honor. It's not proper
6 foundation. The Evidence Code --

7 THE COURT: In what respect?

8 MR. KANAREK: The Evidence Code does not allow -- does
9 not allow this type of foundation to go in. This does not --
10 this does not satisfy the Evidence Code.

11 THE COURT: Spell it out for me, as to what is missing.

12 MR. KANAREK: What is missing, your Honor, is that there
13 is no showing -- there's no authentication of that, as being
14 what it purports to be; absolutely none.

15 THE COURT: Authentication of what type?

16 MR. KANAREK: Authentication of what it purports to be;
17 namely, a driver's license -- or driver's license information,
18 or -- I'm sure your Honor agrees with me that -- that there is
19 nothing there to authenticate what it purports to be;
20 absolutely nothing.

21 THE COURT: What do you mean by that?

22 MR. KANAREK: Well, I -- well, very succinctly, the
23 Department of Motor Vehicles has not certified those documents.
24 The law provides that that foundation must be there.

25 THE COURT: It doesn't appear to be -- in the Court's
26 judgment, it doesn't appear to be an ordinary and regular
27 license. It's labeled "Confidential Information" and it has
28 numbers on it; but it doesn't --

1 MR. MANZELLA: I'll have to look for the original in the
2 exhibits, your Honor.

3 And I will excuse Mr. White and have Sergeant
4 Whiteley take the stand.
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

2a-1

1 MR. KANAREK: Now, while we are at the bench, I have a --
2 I do this with a -- with the greatest of reluctance, your
3 Honor. I wonder if your Honor could come closer, so the jury
4 could not possibly hear me.

5 THE COURT: What is it?

6 MR. KANAREK: Your Honor, I feel obliged to, and I do make
7 a motion to sequester the jury. I have -- it's a Hobson's
8 choice kind of thing, but I have no alternative. The
9 publicity is horrendous.

10 THE COURT: What is the problem?

11 MR. KANAREK: I have newspapers -- the problem is that
12 the publicity in the community, television and newspapers --
13 they're putting the Shea case, which is going on in Judge
14 Call's court, where Mr. Grogan is the defendant, and this
15 case; and this case is already decided in the newspapers.

16 They have -- out of the presence of the jury, I
17 will show your Honor the newspaper articles, and I will --

18 THE COURT: We'll go into that later.

19 MR. KANAREK: Yes, your Honor.

20 (Whereupon, the following proceedings were had in
21 open court, within the hearing of the jury:)

22 MR. MANZELLA: Now, your Honor, may Mr. White be excused
23 for the moment, so I can put Sergeant Whiteley on?

24 THE COURT: Yes. You may step down, Mr. White.

25 You may remain behind the rail.

26 MR. MANZELLA: Mr. White, you'll have to wait outside in
27 the hall until Sergeant Whiteley finishes testifying. If
28 you'll wait outside in the hall, I'll call you right back in.

2a-2

1 Sergeant Whiteley, would you take the stand, please?

2
3 PAUL J. WHITELEY,

4 having been previously duly sworn, resumed the stand and
5 testified further as follows:

6 THE CLERK: Would you state your name again for the
7 record?

8 THE WITNESS: Paul J. Whiteley; W-h-i-t-e-l-e-y.
9

10 FURTHER DIRECT EXAMINATION

11 BY MR. MANZELLA:

12 Q Sergeant Whiteley, directing your attention to the
13 exhibit which has been marked People's 28 for identification,
14 that which appears to be a coroner's fingerprint exemplar
15 card -- or a copy of the coroner's fingerprint exemplar card --
16 do you recognize that exhibit?

17 A Yes, I do.

18 Q And when and where did you first see it? And under
19 what circumstances?

20 A It was -- the prints were rolled in front of me
21 from the victim that I had seen at 964 Old Topanga Road on
22 July the 31st.

23 The prints were rolled on August 1st, in the
24 Coroner's Office.

25 MR. KANAREK: Well, your Honor, may I inquire on voir
26 dire? I object.

27 THE COURT: No, you may not.

28 MR. KANAREK: Pardon?

1 THE COURT: No, you may not. This does not appear to be
2 a proper matter for voir dire.

3 You may cross examine.

4 MR. KANAREK: Then I make a motion to strike, as a
5 conclusion on the part of this witness; no foundation to that
6 last statement, unless he can show that -- that he's a finger-
7 print expert, your Honor. How can he know what that exemplar
8 is?

9 THE COURT: The objection is overruled.

10 BY MR. MANZELLA:

11 Q Directing your attention to Exhibit -- to the body
12 depicted in People's 6 for identification, is that the person
13 whose prints were rolled on People's 28 for identification?

14 MR. KANAREK: Object. No foundation; irrelevant and
15 immaterial.

16 THE COURT: Sergeant Whiteley, you did say that these
17 prints were rolled in front of you?

18 THE WITNESS: That's correct.

19 MR. KANAREK: How do we know these were these prints,
20 your Honor, unless there's a foundation that he is a finger-
21 print expert?

22 THE COURT: The objection is overruled.

23 BY MR. MANZELLA:

24 Q Directing your attention to the photograph of the
25 torso appearing in People's 17 for identification, is that the
26 same person appearing in People's 6, and the same person whose
27 prints were rolled upon People's 28 for identification in your
28 presence?

1 MR. KANAREK: Objection, your Honor. Improper foundation;
2 calling for a conclusion; irrelevant and immaterial; and the
3 prejudicial value outweighs the probative value.

4 THE COURT: Do you recognize People's 28?

5 THE WITNESS: Yes, I do.

6 THE COURT: You may answer the question.

7 THE WITNESS: Yes, they are the same prints. That is, the
8 prints which were rolled in front of me, here (indicating),
9 were the prints from the body in People's 17 and People's 6.

10 MR. KANAREK: Object, and ask that that be stricken as
11 no foundation, conclusion and conjecture, your Honor.

12 THE COURT: Overruled.

13 BY MR. MANZELLA:

14 Q And that was done in the Coroner's Office?

15 A That's correct.

16 THE COURT: And did you give us the date already on which
17 it was done?

18 THE WITNESS: August the 1st, 1969.

19 MR. MANZELLA: All right. Thank you, Sergeant Whiteley.
20 I have no further questions, your Honor.

21 I need a moment to look for an exhibit in the
22 exhibit room. I apologize for the delay, your Honor.

23 THE COURT: You may do so.

24 You may step down.

3-1

1 THE COURT: We'll be in recess for approximately five
2 minutes. Don't converge amongst yourselves, nor with
3 anyone else, nor allow anyone to converse with you on any
4 subject connected with this case, nor are you to form or
5 express any opinion on the matter until it has finally been
6 submitted to you.

7 You may either stay in place or move around and
8 get a drink of water, if you want. But stay close.

9 (Short recess.)

10 THE COURT: All the jurors are present. The record
11 may show the defendant is present with his counsel.

12 MR. MANZELLA: The People would ask that Mr. White be
13 excused at this time, your Honor.

14 MR. KANAREK: I had a couple of questions of Mr. Whiteley.

15 MR. MANZELLA: Oh, Sergeant Whiteley -- oh, fine. I
16 meant Sergeant Whiteley.

17 MR. KANAREK: Yes.

18
19 FURTHER CROSS EXAMINATION

20 BY MR. KANAREK:

21 Q Officer Whiteley, are you a fingerprint expert?

22 A No, sir, I am not.

23 Q And you do not roll fingerprints or identify
24 fingerprints?

25 A No, I do not.

26 MR. KANAREK: Thank you.

27 I renew my motion, your Honor, to strike the
28 testimony of Officer Whiteley which has just occurred in the

3-2

1 recent past.

2 THE COURT: How do you recognize People's 28?

3 THE WITNESS: I affixed my signature to the copy.

4 THE COURT: When did you do that?

5 THE WITNESS: On August 1st, 1969.

6 THE COURT: At the time the prints were rolled?

7 THE WITNESS: Directly thereafter the prints were rolled.

8 THE COURT: The motion is denied.

9 You may step down.

10 Call your next witness.

11 MR. MANZELLA: People call Mr. Flois White, your Honor.

12
13 FLOIS WHITE,

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

17 MR. MANZELLA: The People have no further questions of
18 Mr. White at this time, your Honor.

19 THE COURT: Cross-examination?

20 MR. KANAREK: I have no questions at this time.

21 THE COURT: All right.

22 MR. KANAREK: Your Honor --

23 THE COURT: You may step down.

24 MR. KANAREK: Thank you, Mr. White.

25 May Mr. White -- he's subject -- may I just inquire?

26 BY MR. KANAREK:

27 Q Are you going on vacation?

28 A I'm going back to work now.

3-3

1 Q In the next few weeks are you going to be on
2 vacation, Officer?

3 A No, sir.

4 Q Are you going to be in the Los Angeles area?

5 A Yes, sir.

6 Q Subject to come back to court?

7 A Yes, sir.

8 MR. KANAREK: Thank you.

9 MR. MANZELLA: People call Mr. Mel Walker, your Honor.

10

11

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

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

16 You do solemnly swear the testimony you may give
17 in the cause now pending before this court shall be the truth,
18 the whole truth, and nothing but the truth, so help you God?

19 THE WITNESS: I do.

20 THE CLERK: Please take the stand and be seated.

21 THE COURT: Remove your glasses.

22 THE CLERK: Please state and spell your full name.

23 THE WITNESS: Melvin James Walker, M-e-l-v-i-n,
24 J-a-m-e-s, W-a-l-k-e-r.

25

26

27 BY MR. MANZELLA:

28

Q Mr. Walker, what is your occupation?

A I am a fireman for the County of Los Angeles.

1 Q How long have you been so employed as a fireman?

2 A Seven years.

3 Q Now, where are you assigned?

4 A I am assigned to a patrol unit 75 in Chatsworth.

5 Q How long have you been assigned to that area?

6 A Two and a half years.

7 Q Have you had occasion -- strike that.

8 Do you know the location of the Spahn Ranch in

9 Chatsworth?

3a fls.

10 A Yes, I do.

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

3a-1 1 Q Have you had occasion to go to that branch?

2 A Yes, I have.

3 Q In the course of your duties as a fireman?

4 A Right.

5 Q Now, directing your attention to the date of July
6 30, 1969.

7 Did you go to the Spahn Ranch on that date?

8 A I did.

9 Q And did you see any vehicles on the ranch?

10 A Uh, yes, I did. Not directly adjacent to the
11 ranch itself. It was somewhat easterly of the Spahn Ranch.
12 But it is still the Spahn Ranch property.

13 Q All right. Now, directing your attention to the
14 exhibit marked People's 2 for identification.

15 Do you recognize the vehicle depicted in that
16 photograph?

17 MR. KANAREK: Object on the grounds of improper founda-
18 tion, irrelevant, and immaterial, your Honor, and I would like
19 to approach the bench.

20 THE COURT: The objection is overruled and your motion
21 to approach the bench is denied.

22 MR. KANAREK: Then, I will object on the grounds of the
23 Fourteenth Amendment to the United States Constitution,
24 illegal search and seizure.

25 THE COURT: The objection is overruled.

26 A Yes, I definitely do recognize the vehicle.

27 BY MR. MANZELLA:

28 Q Did you see the vehicle depicted in People's 2 for

1 identification on that date?

2 A I did.

3 Q Where did you see the vehicle?

4 A Approximately --

5 MR. KANAREK: May I have the continuing objection, your
6 Honor?

7 THE COURT: No, you may not.

8 MR. KANAREK: Well, then, I'll object on the grounds of
9 illegal search and seizure, improper foundation and irrelevant
10 and immaterial.

11 THE COURT: The objection is overruled.

12 A I saw the vehicle approximately one-half mile
13 west of the Spahn Ranch on what would be an old stagecoach
14 road, I believe, that they put in on the property there.

15 MR. MANZELLA: Your Honor, I have here what appears to
16 be an aerial photograph of the portion of Spahn Ranch.

17 May I have that marked People's 29 for identifica-
18 tion?

19 THE COURT: So ordered.

20 MR. KANAREK: Your Honor, may we approach the bench?

21 THE COURT: No, you may not.

22 MR. KANAREK: I object to the use of this document,
23 your Honor, this picture.

24 THE COURT: It hasn't been offered yet.

25 MR. KANAREK: Well, he's using it. Potentially it will
26 be.

27 THE COURT: The objection is overruled.

28 MR. KANAREK: Very well.

29 ID

1 BY MR. MANZELLA:

2 Q Mr. Walker, directing your attention to the
3 photograph which is marked People's 29 for identification.

4 Do you recognize what is depicted in that photo-
5 graph?

6 MR. KANAREK: Immaterial and irrelevant.

7 THE COURT: Objection is overruled.

8 A Yes, I do. This is the Spahn Ranch.

9 BY MR. MANZELLA:

10 Q Now, would you -- strike that.

11 Does the location at which you saw the vehicle,
12 the Volkswagen microbus, shown in People's 2 for identification
13 on July 30, 1969, is that location shown in People's 29 for
14 identification?

15 MR. KANAREK: Calling for a conclusion, your Honor, and
16 the same previous objection.

17 THE COURT: A conclusion?

18 MR. KANAREK: Yes. If your Honor would look at the
19 document, I think your Honor --

20 THE COURT: The objection is overruled.

21 A I'd have to study it for a little bit.

22 BY MR. MANZELLA:

23 Q All right. Have you ever seen that aerial
24 photograph before?

25 A Not this one.

26 Q All right. Had you seen one similar to it?

27 A Yes, I have, but on a much larger scale.

28 Q Would you look at the photograph for a while to see

1 if you can recognize any of the areas in it?

2 THE COURT: Is it an accurate depiction of what it
3 purports to be, the Spahn Ranch?

4 THE WITNESS: Uh, yes, it is.

5 BY MR. MANZELLA:

6 Q Mr. Walker, when you observed the vehicle depicted
7 in People's 2 for identification, was that on July 30, of
8 1969, on the Spahn Ranch; was that near any of the Spahn Ranch
9 buildings at that time?

10 A It -- like I say, it was approximately a half a
11 mile west of the main ranch itself. But it is still on the
12 Spahn Ranch property.

13 Q All right.

14 A And I believe it would be over in this right
15 corner in this group of trees where I saw the vehicle
16 (indicating).

17 Q All right. Would you hold that photograph up
18 so the jury can see it. Let me hold it.

19 Would you point out the ranch buildings which you
20 spoke of earlier? Are they shown in this photograph, People's
21 29 for identification?

22 A Well, this would be the ranch itself and down off
23 this lower road, back off in the group of trees is where I saw
24 the vehicle (indicating).

3b fls.

25
26
27
28

3b-1

1 Q Would you point to -- when you refer to the ranch
2 itself, what are you pointing to when --

3 A This area here (indicating).

4 THE COURT: Indicating --

5 Q BY MR. MANZELLA: Well, what is indicated in the
6 photograph, if you know?

7 A Well, I don't know what you are getting at.

8 Q What are we looking at? Are we looking at trees?

9 A Oh, no, a group of buildings.

10 Q Those are ranch buildings -- those buildings are
11 on the ranch?

12 A Right.

13 Q All right. And are those the main ranch buildings?

14 A Yes, they are.

15 Q What is to the left of those buildings as you
16 look at --

17 A Those are the riding stables.

18 Q Now, what direction, as you are looking at the
19 photograph, from the ranch buildings, was the vehicle that you
20 saw on July 30, 1969, at the ranch?

21 A It would be off to the right, which would be west.

22 Q All right. Would you take one of the pens to your
23 left there, perhaps the red one would work the best, and would
24 you mark on the photograph marked People's 29 for identifica-
25 tion, the location at which you saw the Volkswagen microbus
26 depicted in People's 2?

27 A (Witness complied.)

28 Q All right. Would you mark in the margin in red,

3b-2

1 too. It is a little difficult to see. Just darken the margin,
2 the white margin.

3 A (Witness complied.)

4 MR. MANZELLA: May the record reflect that the witness
5 has complied, your Honor?

6 THE COURT: So ordered.

7 Q BY MR. MANZELLA: Would you put your initials
8 somewhere on the photograph near the markings that you've
9 made?

10 A (Witness complies.)

11 Q All right, thank you, Mr. Walker.

12 I have no further questions, your Honor.

13
14 CROSS-EXAMINATION

15 BY MR. KANAREK:

16 Q Mr. Walker, when you came upon this car, you had
17 no particular notation that you made about it, did you?

18 A Pardon me? Could you speak a little louder?

19 Q Could you make -- did you make any --

20 THE COURT: Why don't you use the microphone, Mr.
21 Kanarek.

22 Q BY MR. KANAREK: Did you make any notation, Mr.
23 Walker, concerning where you found this car?

24 A Yes, I did.

25 Q Where is that notation?

26 A That is in the patrol log at the fire station.

27 Q You don't have that with you here?

28 A No, I don't.

3b-3

1 Q And when you went to this location, did you make a
2 -- some kind of an indication as to where this automobile was
3 with respect to some particular landmark?

4 A Uh --

5 Q Like so many miles, 5th and Hill or so far from
6 Topanga --

7 A Yes, one-half mile west of the Spahn Ranch on the
8 old stage road.

9 Q And this location is not even on that picture?

10 A That's because it is a bad picture.

11 Q Whatever the reason, Mr. Walker, would you just
12 answer the question, please?

13 As a matter of fact, the location is not on that
14 picture; is that correct?

15 I might give you a picture of --

16 THE COURT: You've asked him the question.

17 Do you understand the question?

18 THE WITNESS: Yes, I do.

19 Q BY MR. KANAREK: And that picture does not depict
20 any area where you saw --

21 A The area is there, but it is covered by trees.

22 In other words, if the vehicle were there now, it
23 would be under those trees.

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

25 THE COURT: You may.

26 Q BY MR. KANAREK: Is this the marking (indicating)?

27 A The red marking.

28 Q The red marking is off the picture?

3b-4

1 A (Indicating.)

2 Q Right, there's red marking off the picture?

3 A That's just so that it shows up more legibly
4 where I have marked the picture. I marked it in the white,
5 also.

6 Q Well, now, is it a fact that you don't know --
7 you can't say for sure that this picture encompasses the area
8 where the car was?

9 A Oh, yes, I can, because after patrolling that area
10 for two years I could most definitely from an aerial photograph
11 pick that out.

12 Q Did you patrol the area from the air?

13 A I have at times, yes.

14 Q And you know that this particular clump of trees
15 is the -- just at the margin of this picture? That that's the
16 place where the automobile was?

17 A That's correct.

18 THE COURT: Turn it around so the jury can see what
19 you are pointing to.

20 Turn it so the witness and the jury can see it
21 when you're talking to --

22 Q BY MR. KANAREK: This is the area you're referring
23 to?

24 A That is correct. That is the area the vehicle was
25 in.

26 Q All right. Now, would you describe, as you go
27 along a road which is somewhat in the area that I have
28 indicated, would you describe what there is that you see as

3b-5

1 you go along that road?

2 A Yes, there's a steep bank on the left side,
3 and a creek running along, which you can see the creek goes
4 in this direction (indicating) because of the trees and the
5 foliage --

6 THE COURT: Indicating --

7 A -- being much fuller.

8 THE COURT: Indicating from right to left.

9 THE WITNESS: All right, this is a creek running down
10 behind the Spahn Ranch. It is on the left side of the road
11 as you are driving west.

4 fls.

4-1

1 BY MR. KANAREK:

2 Q I see. And going through or over this creek,
3 you have to go over the creek?

4 A No, you parallel it for a considerable distance,
5 and approximately -- oh, I'd say a hundred yards before you
6 get to the location where the vehicle was, you would cross
7 the creek one time.

8 Q You would cross the creek one time?

9 A Right.

10 Q And how do you cross the creek?

11 A There was an old bridge acrost it, which burnt
12 out in the fire, and it wasn't very safe; so you would have to
13 drive down south of the bridge and across the creek.

14 Q And the car --

15 A Through the sand.

16 Q And the car was west of the bridge; is that right?

17 A That's right.

18 Q Now, then, directing your attention to --

19 THE COURT: Which way is west on that picture?

20 Would you keep the picture turned so that
21 everybody can see it?

22 THE WITNESS: West would be on the far right-hand
23 side (indicating).

24 BY MR. KANAREK:

25 Q Now, as a matter of fact, you don't know yourself
26 where the bridge is in connection with this picture, do you?

27 A Yes, I do. But you can't see it because of the
28 trees.

4-2

1 Q Well, I mean, you recognize this particular clump
2 of trees (indicating)?

3 A No, sir.

4 THE COURT: Now, Mr. Kanarek, you are pointing to the
5 picture, and it doesn't help the jurors at all.

6 MR. KANAREK: Oh, I'm sorry. I apologize.

7 Q You mean you can look at that clump of trees
8 (indicating) and tell us in this picture where the bridge is;
9 is that right?

10 A That's right. Because -- like I say, I know the
11 area. I can also look at that and tell you where it's north,
12 and I can tell you where south is.

13 Because of knowing the area, I can tell you
14 exactly where that bridge is.

15 Q All right. Would you show us exactly where the
16 bridge is there?

17 A The bridge cannot be seen.

18 Q Would you show us? This is a plan view. Would you
19 mark where the bridge is?

20 A The bridge would be approximately (indicating).

21 Q Would you put a "B" there?

22 A (Witness complies.)

23 Q And the automobile was on the other side of that
24 bridge; is that right?

25 A Right.

26 Q All right. Now --

27 THE COURT: Excuse me, just a minute. Would you again
28 point that out? When you say, "The other side," you made a

1 motion with your finger, as to where it was.

2 BY MR. KANAREK:

3 Q West? West of the bridge (indicating)?

4 A Right.

5 Q Now, how many times have you spoken to Officer
6 Whiteley in connection with this case?

7 A I would say -- well, are you talking about
8 lately?

9 Q Oh, give us a total.

10 MR. MANZELLA: Objection, your Honor.

11 THE WITNESS: Two times within the last two years.

12 BY MR. KANAREK:

13 Q And did he tape record your conversation?

14 A I don't believe so.

15 Q Did he reduce it to writing by stenotype, as
16 Mr. -- as Ken here, Ken Williams is doing?

17 A At one time, it was recorded.

18 Q At one time your statement was recorded?

19 A Right.

20 Q I see. And do you have that statement with you?

21 Did you look at that statement before you came to court?

22 A No, I did not.

23 MR. KANAREK: Thank you. Thank you, your Honor.

24 THE COURT: All right. Thank you, Mr. Walker.

25 MR. MANZELLA: May Mr. Walker be excused?

26 THE COURT: You may stay or go as you wish.

27 MR. MANZELLA: Your Honor, our next witness will be

28 Deputy John Wilson. Your Honor, Sergeant Whiteley has called

1 him, and is looking in the hall for him now.

2 (Pause in the proceedings.)

3 MR. MANZELLA: Your Honor, our witnesses have not
4 arrived yet. May we have a short recess?

5 THE COURT: Well, again, Mr. Manzella, let me ask you
6 to -- not to delay this trial by having your witnesses unavail-
7 able.

8 MR. MANZELLA: Yes, your Honor. I apologize.

4a fls.

4a-1

1 THE COURT: Ladies and gentlemen, we are forced to take
2 a recess here again. And the Court gives you the same admon-
3 ishment as heretofore.

4 Do not talk with anyone about this case. Don't
5 permit anyone to talk with you about it. Don't form or express
6 any opinion -- strike that.

7 The Court will not take a recess at this time. I
8 want to ask you, as a group, has anyone of you in any way
9 departed from the order that you are not to read anything
10 concerning this case, or any other case concerning Mr. Manson,
11 since I've given you that order?

12 (No affirmative response.)

13 THE COURT: Has anyone heard anything, over the radio
14 or television, or seen anything in the press that -- concerning
15 Mr. Manson, this case or any other case involving Mr. Manson?

16 (No affirmative response.)

17 THE COURT: I see no affirmative response to any of
18 those questions.

19 Would counsel approach the bench?

20 (Whereupon, the following proceedings were had
21 at the bench among Court and counsel, outside the
22 hearing of the jury:)

23 THE COURT: Now, you made a motion to sequester the
24 jury. I don't think the inquiry that I made is sufficient.
25 There is also something on my mind, and that is the thought
26 that, in the Grogan case, there is a newspaper coverage of it
27 from time to time, and it concerns the murder of Jerome
28 "Shorty" Shea.

4a-2

1 I have in mind that we'd probably better tell
2 the jurors that they should avoid reading anything whatever
3 about the Grogan case.

4 MR. KANAREK: Well -- well, my point is this, your
5 Honor. Your Honor can state it, can instruct, can exhort,
6 but it's the fact of life, your Honor, that you can't --
7 the headlines every day have "Shorty" Shea.

8 THE COURT: Do you have any objection to the Court
9 making a statement of that nature?

10 MR. KANAREK: I think it's a useless act, your Honor.

11 I mean, it -- what I am saying, it's like --

12 THE COURT: Other than that, you have no objection to it?

13 MR. KANAREK: Well, yes. I think it pinpoints it. I
14 think it pinpoints it. These people are flesh and blood.

15 THE COURT: Now, you don't wish the Court to warn them
16 in connection with reading any --

17 MR. KANAREK: Well --

18 THE COURT: -- headlines or anything of that nature
19 concerning the Grogan case?

20 MR. KANAREK: Well, no. What I am saying is, your Honor,
21 it's useless. How can you warn somebody?

22 As a matter of fact, I have -- have here the --

23 THE COURT: I have in mind telling them that there's
24 currently on trial in the Superior Court, in another depart-
25 ment, a case entitled People vs. Grogan, about which occasional
26 news articles have been written.

27 MR. KANAREK: Which they already know, your Honor.

28 THE COURT: Pardon?

1 MR. KANAREK: What I mean is --

2 THE COURT: You say they already know?

3 MR. KANAREK: Oh, I have no doubt.

4 THE COURT: All right.

5 (Whereupon, the following proceedings were had in
6 open court, within the hearing of the jury:)

7 THE COURT: Ladies and gentlemen, there is on trial in
8 the Superior Court, in another department, the case of People
9 vs. Steven Grogan.

10 The Court has noted that there have been occasional
11 press releases in various newspapers concerning that case of
12 People vs. Grogan.

13 As you know, from the Court having read the
14 indictment, Steven Grogan -- Steven Grogan's name is mentioned
15 in the third Count of the indictment. And consequently, I
16 do not wish you to read anything in connection with that case
17 of People vs. Grogan that's going on in another department
18 during the course of the time that you are jurors in this
19 case.

20 And it's the Court's order that you are to avoid
21 reading any such news articles.

22 I previously informed you that you are not to read,
23 hear or see anything in connection with Mr. Manson, at all,
24 that appears in the news media. And I would assume that you
25 have followed that instruction, judging from your responses
26 to me -- or your lack of affirmative response to the questions
27 that I put to you this morning.

28 And I would like to know now whether any of you

1 have in any way heard, seen or read anything in connection
2 with that case of People vs. Grogan?

3 (No affirmative response.)

4 THE COURT: You have seen nothing, heard nothing
5 whatsoever in connection with those, anyone of you?

6 (No affirmative response.)

7 THE COURT: Has any of you read any articles?

8 (No affirmative response.)

9 THE COURT: The Court sees no affirmative response. And
10 consequently, we will instruct you that you are to avoid
11 reading anything whatever concerning that case during the course
12 of the trial, reading, hearing or seeing anything about that
13 case.

14 Are the People ready to proceed?

15 MR. MANZELLA: No, your Honor, not yet.

16 THE COURT: All right. Now, the Court will declare the
17 recess.

18 Don't converse amongst yourselves nor with anyone
19 else on any subject connected with this matter, nor form or
20 express any opinion on the matter until it is submitted to you.

21 We are in recess.

22 (Midmorning recess.)
23
24
25
26
27
28

5 fls.

5-1

1 THE COURT: The record will show that the defendant is
2 present with counsel. All jurors and alternates are present.

3 I spoke to you ladies and gentlemen about the case of
4 People versus Grogan, but there is another case in the
5 headlines or that you may see in the news which I do not wish
6 you to read about or hear about, and that's the case of People
7 versus Watson. That case is currently being tried in one of
8 the departments. And it may have -- it may have reports that
9 the Court does not wish to have you read. So you're going to
10 have to be very selective in your reading, of course, if you
11 are to follow the instructions of the Court, and the Court
12 expects that you will do that. If you really have an
13 interest in it, save the newspaper clippings or have somebody
14 do it for you and read them later. As I told you before,
15 observe caution with respect to all of your reading, all of
16 your television viewing or radio listening and, in particular,
17 avoid reading those cases that I have -- reading about those
18 cases that I have told you about and/or this case.

19 The next witness.

20 MR. MANZELLA: Yes, your Honor, the People call Sergeant
21 Robert Christansen.

22
23 ROBERT P. CHRISTANSEN,

24 having been called on behalf of the People, was duly sworn,
25 and testified as follows:

26 THE CLERK: You do solemnly swear the testimony you may
27 give in the cause now pending before this Court shall be the
28 truth, the whole truth, and nothing but the truth, so help you

5-2

1 God?

2 THE WITNESS: I do.

3 THE CLERK: Please take the stand and be seated.

4 Please state and spell your full name.

5 THE WITNESS: Robert P. Chirstiansen, C-h-r-i-s-t-a-n-
6 -s-e-n.

7
8 DIRECT EXAMINATION

9 BY MR. MANZELLA:

10 Q All right, Sergeant Christansen, would you tell
11 us your occupation, please?

12 A Deputy Sheriff, Los Angeles County. I am assigned
13 to the crime lab as a firearms identification examiner.

14 Q Would you tell us, please, your background, your
15 training and your experience in the field of firearms
16 examination?

17 A Yes, sir.

18 My training in the field of firearms examination
19 all took place in the crime lab. I was trained by the late
20 Clifford Crump, Sergeant James Montgomery. I have been
21 assigned there for approximately five years. I have read most
22 of the available books on the subject.

23 Q Have you ever testified as an expert in the courts
24 of the State of California as a firearms examiner?

25 A Yes, sir.

26 Q On how many occasions?

27 A More than one hundred.

28 Q And on those occasions, have you given your

1 opinion as to whether or not a given bullet was fired from a
2 given gun?

3 A I have.

4 Q All right. Would you tell us, please, is there
5 anything unique or how you go about -- strike that.

6 Would you tell us, please, how you go about
7 determining whether a particular bullet was fired from a
8 particular gun?

9 A Yes.

10 MR. KANAREK: Well, that's an improper question. Object
11 on the grounds of improper foundation, immaterial, irrelevant.
12 We have a precise case --

13 THE COURT: The objection is overruled. Go ahead.
14 You may answer.

15 A Yes, sir.

16 Normally, if we get a question bullet or if I get a
17 questioned bullet and a firearm that the bullet possibly
18 was fired in, I will test fire the weapon, recovering the
19 bullet, and make a microscopic comparison of the two bullets.

6 fls.

20

21

22

23

24

25

26

27

28

6-1

1 Q BY MR. MANZELLA: Now, does the barrel of the gun
2 through which a bullet passes, does that barrel, the interior
3 of the barrel, leave any type of unique characteristics on
4 the bullet which passes through that barrel?

5 A Yes. Each barrel has individual striations. These
6 are imperfections in the barrel. These cause small scratches
7 on the bullet that are unique to that weapon itself.

8 Q All right. Would you tell us, please, what causes
9 these -- or, what can cause these imperfections in the barrel
10 which leaves these markings on the bullet which passes through
11 the barrel?

12 A Yes. These imperfections can be caused during the
13 manufacture of the weapon, by a dull tool, when it is cutting
14 the steel of the barrel, cutting the lands and grooves into
15 the barrel.

16 It can be caused by abuse or neglect of the weapon,
17 and it can be caused by wear. Anything that would have an
18 effect on the interior of the barrel.

19 Q All right. Now, you used the term lands and
20 grooves. Would you explain what you mean by that phrase?

21 A Yes. When a barrel is rifled, lands and grooves
22 are cut into the barrel. This is a raised and lowered portion
23 of the barrel, in a twisting motion towards the muzzle of the
24 weapon.

25 These actually grasp the bullet, or the bullet
26 is seated into these, giving a twist or a turning motion to
27 the bullet as it leaves the weapon.

28 Q All right. Now, are you familiar with the weapon

6-2

1 which is called a 9 millimeter Radom, R-a-d-o-m?

2 A Yes, I am.

3 Q And would you explain the -- strike that.

4 Who manufactured that weapon? Where was it
5 manufactured?

6 A The weapon was manufactured in Poland, as a Polish
7 military weapon.

8 Q And to your knowledge, it is still being manufactured?

9 A No, it's not.

10 MR. MANZELLA: Your Honor, I have here what appears to be
11 a 9 millimeter Radom. May I have that marked People's 30 for
12 identification, please?

13 THE COURT: So ordered.

14 MR. MANZELLA: I have here a Manila envelope containing a
15 bullet. May I have this marked People's 31 for identification?

16 THE COURT: So ordered.

17 Q BY MR. MANZELLA: All right. Sergeant Christansen,
18 directing your attention to the exhibit which is marked People's
19 30 for identification, you may satisfy yourself, if you wish,
20 that the gun's not loaded.

21 Have you ever seen that exhibit before?

22 A Yes, I have.

23 Q And did you receive that weapon from someone in
24 the Sheriff's Office?

25 A Yes, I did.

26 Q And who is that?

27 A From Sergeant Whiteley.

28 Q Now, would you tell us what that weapon is?

30 ad

31 id.

1 A Yes, this is a 9 millimeter Radom semi-automatic
2 pistol.

3 Q All right. Now, directing your attention to the
4 date of January 8th of 1970, on that date did you go to the
5 location of 964 Old Topanga Canyon Road in Malibu?

6 A Yes, I did.

7 Q And what did you do there?

8 A I examined a bullet hole under the -- in the
9 cabinet, under the sink in the kitchen area, and recovered a
10 bullet from the exterior siding of the house at that location.

11 MR. KANAREK: Your Honor, may I have that last question
12 read back?

13 THE COURT: Question and answer?

14 MR. KANAREK: May I? It's really the answer.

15 THE COURT: Mr. Williams?

16 (Whereupon the record was read by the reporter
17 as follows:

18 "Q And what did you do there?

19 "A I examined a bullet hole under the -- in
20 the cabinet under the sink in the kitchen area, and
21 recovered a bullet from the exterior siding of the
22 house at that location.")

23 MR. KANAREK: Thank you.

24 Your Honor, may I inquire on voir dire?

25 THE COURT: No, you may not.

26 Q BY MR. MANZELLA: All right.

27 Sergeant Christansen, directing your attention to
28 the exhibit which is marked People's 31 for identification,

1 would you open that envelope and examine what is contained in
2 there? Would you tell us what that is, People's 31 for
3 identification?

4 MR. KANAREK: Object on the grounds that it's not --
5 there's no foundation, your Honor; irrelevant and immaterial.

6a fls. 6

THE COURT: The objection is overruled.

6a-1

1 THE WITNESS: This is the bullet that I recovered from
2 the wall of the house.

3 BY MR. MANZELLA:

4 Q At 964 Old Topanga Road?

5 A Yes, sir.

6 MR. KANAREK: Your Honor, Counsel has not shown me that
7 exhibit.

8 THE COURT: Let's see. Is that 31?

9 MR. MANZELLA: 31 for identification, your Honor.

10 (Pause in the proceedings while Mr. Kanarek
11 examined the exhibit.)

12 BY MR. MANZELLA:

13 Q All right. Sergeant Christansen, directing your
14 attention to the photographs which have been marked People's
15 10 for identification, do any of the photographs on People's
16 10 show an area which you examined at 964 Old Topanga Canyon
17 Road?

18 A Yes, sir. Photograph C (indicating).

19 Q Photograph C? All right. And are the areas
20 which you examined in any way marked on that photograph?

21 A Yes, sir.

22 Q How are they marked?

23 A They're marked with red circles.

24 Q And would you describe to us what those -- strike
25 that.

26 Will you describe to us what is shown within those
27 circles in Photograph C of People's 10 for identification?

28 A Yes. The circle on the drawer -- on the face of

6a-2

1 the drawer is the location of what appears to be a ricochet from
2 a bullet.

3 The circle on the framing at the bottom of the sink
4 appears to be a bullet hole.

5 Q All right.

6 MR. KANAREK: Your Honor, may I have a continuing objec-
7 tion to all of this, on the grounds of improper foundation;
8 not relevant or material?

9 Certainly, there's nothing here that --

10 THE COURT: The Court will sustain the objection -- or
11 the --

12 MR. KANAREK: Motion to strike.

13 THE COURT: There was no motion to strike. But the
14 Court will grant a motion to strike.

15 You do make one?

16 MR. KANAREK: Yes, your Honor.

17 THE COURT: The Court grants the motion to strike the
18 last answer, on the grounds of a lack of foundation.

19 BY MR. MANZELLA:

20 Q All right. Sergeant Christansen, would you tell
21 us, have you ever -- strike that.

22 On how many cases, approximately, have you
23 examined where you have been called in to investigate as a
24 firearms examiner for the Los Angeles County Sheriff's Office?

25 A Several thousand.

26 Q In any of those cases, have you been called upon
27 to examine, or have you found and examined markings such as
28 those you have found -- you pointed out in Photograph C,

1 People's 10 for identification?

2 A Yes, sir.

3 Q On approximately how many occasions?

4 A On approximately two hundred.

5 Q All right. And have you handled and fired firearms
6 yourself?

7 A I have.

8 Q Have you determined and examined the results of
9 bullets passing through material such as wood?

10 A I have.

11 Q And by the way, what was the material shown in
12 Photograph C, the circled portions of Photograph C? What was
13 that material?

14 MR. KANAREK: Objection on the grounds of relevance and
15 materiality; improper foundation, your Honor.

16 THE COURT: Your objection is overruled.

17 THE WITNESS: Wood.

18 Q BY MR. MANZELLA: Have you seen -- I don't know
19 if I've asked you this already or not.

20 Have you seen markings such as those circled in
21 Photograph C of People's 10? Have you seen markings such as
22 those before?

23 A Yes, sir.

24 Q And on approximately how many times?

25 A Several hundred times.

26 Q All right. And were those markings on the prior
27 occasions caused by the -- by bullets?

28 A Yes, sir.

1 Q Now, directing your attention then to the -- to those
2 markings shown in the circled portions of Photograph C of
3 People's 10 for identification, after examining those markings,
4 did you form an opinion as to what caused those markings?

5 A Yes, sir.

6 Q And what was that opinion?

7 MR. KANAREK: Object on the grounds of foundation; not
8 relevant or material, your Honor.

9 THE COURT: The objection is overruled.

10 THE WITNESS: In my opinion, the markings were caused by
11 a bullet, or bullets.

12 BY MR. MANZELLA:

13 Q All right. Now, would you describe the marking in
14 the circle within the circle in Photograph C? The circle on the
15 right, would you describe that marking, please? What would have
16 caused that, in your opinion?

17 A That appears to be a ricochet mark. That is, from
18 a bullet hitting at an angle.

19 Q All right. Now, directing your attention to the
20 circle on the left, in Photograph C of People's 10, did you form
21 an opinion as to what would have caused that mark?

22 A Yes, sir.

23 Q All right. And what was that opinion?

24 A In my opinion, that hole was caused by a bullet.
25
26
27
28

7 fls.

7-1

1 Q And did that pass through the wood at that point?

2 A It did.

3 Q All right. Now, if you would, by referring to
4 People's 7 for identification, which is the drawing of the
5 residence, one floor of the residence at 964 Old Topanga
6 Canyon Road, in particular the kitchen area; are there any
7 marks on that diagram at present which show the location of
8 the ricochet and show the location of the bullet holes shown
9 in Photograph C marked People's 10 for identification?

10 A Yes, there are.

11 Q Would you point those markings out, please?

12 A This is the approximate location of the ricochet
13 (indicating), and this would be the approximate location of the
14 bullet hole (indicating).

15 Q Now, you're referring to the kitchen area and the
16 markings next to which are the initials "PW," is that correct?

17 A Yes, sir.

18 Q Now, did you examine behind the front of that sink?

19 A Yes, I did.

20 Q And what did you find behind the sink of
21 significance?

22 MR. KANAREK: Your Honor, may I have a continuing objec-
23 tion to this on relevancy and materiality?

24 THE COURT: No, you may not. You have, however, raised
25 the objections, and they are of record. The objection is
26 overruled.

27 A Yes.

28 In the wall behind the sink or under the sink I

7-2

1 found two small holes, either of which could have -- appeared
2 to be a bullet hole.

3 Q BY MR. MANZELLA: And is -- are either -- strike
4 that.

5 Are either of the holes shown in People's 7 for
6 identification?

7 A Yes, the holes were only a few inches apart. And
8 they were in the approximate location of the circle here
9 (indicating).

10 Q That's also a circle behind the sink, now?

11 A Yes, sir.

12 Q People's 7, which is -- next to which are the
13 initials "PW"?

14 A Yes, sir.

15 Q Now, would you describe both holes for us, please?

16 A Yes.

17 One hole was clear through the plaster on the
18 inside and led through the siding to the outside of the house.

19 The other hole was through the plaster. Uh, it
20 was at the rear of this hole and the siding that I recovered
21 the bullet.

22 Q The hole -- and when you say -- strike that.

23 When you say you recovered the bullet, you're
24 referring to People's 31 for identification?

25 A Yes, sir.

26 Q All right. Now, did that hole pass through the
27 exterior wall of the house or was the bullet found within the
28 wall?

7-3

1 A No, it was found in the exterior wall of the house.

2 Q I see. The other hole, did that pass completely
3 through the exterior wall to the outside of the house?

4 A It did.

5 THE COURT: Mr. Williams, you raised your hand. Are
6 you having trouble hearing?

7 JUROR NO. 4: No, sir. I am wondering if they could have
8 the board moved kind of back toward the wall and kind of
9 toward the right. These people are kind of impairing --

10 THE COURT: Yes. Any time you people want a better
11 view, raise your hand and bring that up.

12 JUROR NO. 4: Thank you. Thank you.

13 THE COURT: Much obliged.

14 Can you all see it better now?

15 (Whereupon, the jurors indicated in the
16 affirmative.)

17 Q BY MR. MANZELLA: All right, Sergeant Christansen,
18 did the marking which in your opinion was caused by a ricochet,
19 and the holes in the cabinet, and the front of the sink, and
20 the wall behind the sink, appear to be on a straight line with
21 each other?

22 A They did.

23 MR. KANAREK: That's ambiguous, your Honor.

24 THE COURT: The objection is overruled. The answer may
25 remain.

26 Q BY MR. MANZELLA: Now, directing your attention
27 again to the bullet marked People's 31 for identification.
28 And I believe it is on the witness stand in front of you there.

1 Can you identify that bullet for us?

2 A Yes. The bullet is a 9 millimeter bullet. Probably
3 a foreign military manufacturer. Weighs approximately 126
4 grains.

5 Q And is that the bullet which you recovered from the
6 home at 964 Old Topanga Canyon Road?

7 A It is.

7a fls.

7a-1

1 Q All right. Now, did you conduct an examination
2 to determine whether or not People's 31, the bullet, was fired
3 from People's 30, the 9 millimeter Radom?

4 A I did.

5 Q All right, would you describe that examination,
6 please?

7 MR. KANAREK: Your Honor, may I take him on voir dire?

8 THE COURT: Would you read the last two questions, please?

9 (Whereupon, the record was read by the reporter as
10 follows:

11 "QUESTION: All right. Now, did you conduct
12 an examination to determine whether or not People's 31, the
13 bullet, was fired from People's 30, the 9 millimeter Radom?

14 "ANSWER: I did.

15 "QUESTION: All right, would you describe that
16 examination, please?"

17 THE COURT: No, you may not.

18 MR. KANAREK: Then, I object on the grounds it is
19 irrelevant and immaterial and improper foundation.

20 THE COURT: The objection is overruled.

21 A I'm sorry --

22 Q BY MR. MANZELLA: I'll rephrase the question.

23 THE COURT: Let Miss Briandi read it back.

24 (Whereupon, the record was read by the reporter
25 as follows:

26 "QUESTION: All right, would you describe that
27 examination, please?"

28 A Yes, I fired the Radom, recovered the bullet and

1 made a microscopic comparison of the bullet I had recovered
2 from the Radom and the bullet recovered from the wall of
3 964 Old Topanga Canyon Road.

4 Q Now, would you describe for us, please, how you go
5 about firing a weapon in order to recover a bullet to compare
6 with another bullet? How do you go about firing the weapon
7 and recovering the bullet?

8 THE COURT: Describe what you did in this case, not in
9 any other case.

10 A Yes, sir.

11 I fired the weapon into a water tank we have in the
12 firearms identification section of the laboratory.

13 The water tank is approximately ten feet deep.
14 It contains a metal basket at the bottom.

15 I raised the basket and retrieved the bullet from
16 the basket.

17 Q And, now, why do you use water?

18 A Water is the best medium for recovering bullets
19 in that it doesn't affect the striations, the fine lines on
20 the bullet. It doesn't impart any striations of its own.

21 Q Are you saying that water does not -- when a
22 bullet passes through water, water does not mark the bullet?

23 A Yes, sir.

24 Q Now, based upon your comparison, your microscopic
25 comparison of the bullet you recovered in the laboratory and
26 People's 31 for identification, were you able to reach a
27 positive conclusion as to whether or not People's 31 was fired
28 from People's 30 for identification?

1 MR. KANAREK: I'll object to the form of the question,
2 your Honor. The man can give an opinion. He cannot --

3 THE COURT: The objection is sustained on the form of the
4 question.

5 BY MR. MANZELLA:

6 Q All right, Mr. -- or Sergeant Christansen, based
7 upon your examination, a microscopic comparison between the
8 bullet you recovered in the laboratory and People's 31 for
9 identification, did you form an opinion as to whether or not
10 People's 31 was fired from the Radom which is People's 30?

11 MR. KANAREK: Object, improper foundation, improper
12 hypothetical question, irrelevant and immaterial.

13 THE COURT: The objection is overruled. You may answer
14 the question.

15 Did you form an opinion?

16 THE WITNESS: Yes, I did form an opinion.

17 BY MR. MANZELLA:

18 Q Would you tell us what that opinion was?

19 A Yes.

20 In my opinion the bullet in People's 31 could have
21 been fired from the Radom.

22 MR. KANAREK: Then, I ask that the answer be stricken as
23 conjecture, irrelevant and immaterial. There is no foundation
24 for it. The prejudicial value far outweighs any probative
25 value. The man has said it could have been.

26 THE DEFENDANT: Is the knife like the knife?

27 THE COURT: The objection is overruled.

28 Mr. Manson, you'll have to be quiet or leave the

1 courtroom.

2 THE DEFENDANT: Both these hands are alike.

3 THE COURT: Remove Mr. Manson, please.

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

1 Q BY MR. MANZELLA: Could that bullet, People's
2 31 for identification, have been fired by a gun other than one
3 of 9 millimeter caliber?

4 MR. KANAREK: Object on the grounds it is calling for a
5 conclusion, improper foundation, irrelevant, immaterial, preju-
6 dicial value far outweighs probative value, and it solicits
7 conjecture, your Honor.

8 THE COURT: Read it to me.

9 (Whereupon, as the defendant was being ushered
10 from the courtroom to the holding tank, the following statement
11 was made:)

12 THE DEFENDANT: Is the robe like the robe?

13 (Whereupon, the question was read by the
14 reporter as follows:

15 "QUESTION: Could that bullet, People's 31 for
16 identification, have been fired by a gun other than one of
17 9 millimeter caliber?")

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

19 Strike that.

20 MR. MANZELLA: Yes, your Honor, I'll withdraw --

21 THE COURT: I'll sustain the objection.

22 MR. MANZELLA: I'll withdraw the question.

23 THE COURT: I'll sustain the objection.

24 Q BY MR. MANZELLA: Sergeant Christansen, did you
25 form any opinion, do you have an opinion as to whether or not
26 People's 31 for identification could have been fired by a gun
27 other than 9 millimeter caliber?

28 MR. KANAREK: That's compound, also foundation,

1 irrelevant and immaterial.

2 THE COURT: Objection overruled.

3 Q BY MR. MANZELLA: Did you form an opinion, that's
4 the question.

5 A Yes, I did form an opinion.

6 Q All right, what is that opinion?

7 A In my opinion the bullet could not have been fired
8 by any weapon other than 9 millimeter caliber.

9 Q All right. Now, are you able to tell us that
10 People's 31 was fired from People's 30?

11 MR. KANAREK: Object to the form of the question.

12 THE COURT: The objection is sustained.

13 Q BY MR. MANZELLA: Sergeant Christansen, you stated
14 that People's 31 could have been fired from People's 30.

15 Approximately how many times have you -- strike
16 that.

17 Approximately how many times, on how many
18 occasions, have you compared one bullet with another bullet
19 that you've recovered in the laboratory?

20 MR. KANAREK: Immaterial.

21 Q BY MR. MANZELLA: Approximately how many times?

22 MR. KANAREK: Immaterial, irrelevant, improper foundation,
23 and prejudicial value far outweighs any probative value.

24 THE COURT: The objection is overruled.

25 A Many thousands of times.

26 Q BY MR. MANZELLA: All right. And were you able to
27 testify or were you able to form opinions in some of those
28 cases that a particular bullet was fired from a particular gun?

1 MR. KANAREK: Object, irrelevant, immaterial, improper
2 foundation, prejudicial value outweighs any probative value,
3 has nothing to do with this case.

4 THE COURT: Sustained.

5 Q BY MR. MANZELLA: All right, Sergeant Christansen,
6 you said that People's 31 could have been fired from People's
7 30 for identification.

8 Is there any reason why you are not able to say
9 that People's 31 was fired from People's 30 for identification?

7c fls.

1 MR. KANAREK: Immaterial, irrelevant, improper foundation,
2 prejudicial value far outweighs any probative value, your
3 Honor.

4 THE COURT: Objection overruled.

5 A Yes, sir.

6 Q BY MR. MANZELLA: And would you tell us that
7 reason?

8 MR. KANAREK: Object, your Honor, on the grounds improper
9 foundation, calling for conjecture, improper hypothetical
10 question without the proper foundation in the record,
11 irrelevant and immaterial.

12 THE COURT: The objection is overruled.

13 A Yes, the destroyed condition of the bearing surface
14 of the bullet. This is the surfaces that pick up the
15 striations and the fact that the Radom is in such poor condi-
16 tion.

17 Q Now, the bullet you're referring to is People's
18 31?

19 A Yes, sir.

20 Q Now, are you saying that the interior of the barrel
21 of People's 30 is in poor condition?

22 MR. KANAREK: Object, your Honor, to the form of the
23 question, and also I think it has been asked and answered.

24 THE COURT: Excuse me, ladies and gentlemen, the objec-
25 tion is overruled.

26 A Yes, sir, it is in poor condition.

27 Q BY MR. MANZELLA: Now, would you describe in a
28 little more detail what you mean by poor condition?

1 MR. KANAREK: Irrelevant, immaterial, improper foundation,
2 your Honor.

3 THE COURT: The objection is overruled.

4 A Yes, the lands and grooves in the barrel are badly
5 worn. The barrel itself is oversize. Probably from wear.

6 Q Now, directing your attention to the bullet,
7 People's 31 for identification, after examining the bullet --
8 strike that.

9 Did you receive People's 31 for identification,
10 the bullet, before you received People's 30 for identification,
11 the Radom pistol?

12 MR. KANAREK: It is assuming facts not in evidence.
13 Immaterial, irrelevant and improper foundation.

14 THE COURT: The objection is overruled.

15 A Yes, I did.

16 Q BY MR. MANZELLA: Now, did you examine People's
17 31 before you examined People's 30?

18 In other words, did you examine the bullet before
19 you examined the gun?

20 A Yes.

21 MR. KANAREK: Immaterial and irrelevant, your Honor.

22 THE COURT: The objection is overruled.

23 A Yes, I did.

24 Q BY MR. MANZELLA: All right. Were you able,
25 based upon your examination of the bullet, People's 31, alone,
26 did you form any opinion with regard to the condition of the
27 interior of the barrel of the gun that fired that bullet?

28 MR. KANAREK: That's ambiguous, your Honor. I object to

1 the form. There's no foundation for it. It is irrelevant and
2 immaterial and the prejudicial value far outweighs the probative
3 value.

4 THE COURT: The objection is overruled.

5 A Yes, I did form an opinion.
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

8fls.

8-1

1 Q BY MR. MANZELLA: And what was that opinion?

2 MR. KANAREK: Your Honor, that opinion is irrelevant.

3 THE COURT: The objection is overruled.

4 You may continue.

5 THE WITNESS: The opinion I formed was that the bullet
6 was fired with -- from a weapon with a barrel in very poor
7 condition.

8 MR. MANZELLA: All right. Thank you, Sergeant
9 Christansen. I have no further questions, your Honor.

10 THE COURT: Cross-examination?

11 MR. KANAREK: Yes, your Honor.

12
13 CROSS-EXAMINATION

14 BY MR. KANAREK:

15 Q Officer Christansen, you are a member of the Los
16 Angeles Sheriff's Office?

17 A I am.

18 Q And you are a friend of Mr. Whiteley?

19 A I am an acquaintance of Mr. Whiteley.

20 Q Well, you have an affection for him? You and he
21 are friends, certainly; right?

22 MR. MANZELLA: Objection, your Honor. The question's
23 compound; vague and ambiguous.

24 THE COURT: Sustained.

25 Q BY MR. KANAREK: Well, are you friendly to Mr.
26 Whiteley?

27 A Yes.

28 Q And he is a sergeant in the Los Angeles County

8-2

1 Sheriff's office?

2 THE COURT: You needn't answer that. That's been
3 determined.

4 Q BY MR. KANAREK: Now, how many times have you
5 spoken with Officer Whiteley concerning your testimony here
6 in court?

7 A I don't know the exact number. Perhaps a dozen
8 times.

9 Q And were any of those conversations tape recorded?

10 A No, sir.

11 Q Were any of them taken down with a stenotype,
12 such as Mr. Williams is using here?

13 A No, sir.

14 Q And have you spoken with Officer Guenther concern-
15 ing this case?

16 A Yes, I have.

17 Q And on how many occasions have you spoken with
18 Sergeant Guenther of the Los Angeles Sheriff's Department?

19 A I don't recall the exact number of times. Perhaps
20 two or three.

21 Q And were any of those conversations tape recorded?

22 A No, sir.

23 Q Were any of them taken down on a stenotype machine?

24 A No, sir.

25 Q Now, you first went to this house on January 8th,
26 1970, --

27 A Yes, sir.

28 Q -- is that correct?

8-3

1

A Yes, sir.

2

Q And you had never been there previously?

3

A No, sir.

4

Q And is that the only occasion you've ever been

5

there?

6

A Yes, sir.

7

Q And in whose company did you go to the home on

8

Old Topanga Road?

9

A Sergeant James Montgomery of the Crime Lab.

10

Q And in anybody else's company?

11

A No, sir.

12

Q Before you went there, had you spoken with

13

Officer Guenther concerning this matter?

14

A Yes, sir.

15

Q And before you went there, had you spoken with

16

Officer Whiteley concerning this matter?

17

A I don't recall.

18

Q Pardon?

19

A I don't recall.

20

Q But you had -- you had spoken with either officer

21

Guenther or Officer Whiteley before you went there; is that

22

correct?

23

A No. I know I had spoken with Officer Guenther.

24

I don't recall whether or not I had spoken with Sergeant

25

Whiteley prior to going there.

26

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

27

THE COURT: Yes, you may.

28

Q BY MR. KANAREK: Now -- oh, if I can use the

8-4

1 microphone --

2 A Here it is.

3 Q Oh, there it is.

4 Officer Christansen, referring to this gun
5 concerning which you have testified, you came into possession
6 of that gun when?

7 No. I mean, do you have an independent recollec-
8 tion of it, without looking at your notes?

9 A I do not.

10 Q Did you look over those notes before coming to
11 testify here today?

12 A I did.

13 Q May I see them?

14 A Certainly.

15 MR. KANAREK: Thank you. May they be marked for
16 identification, your Honor?

17 THE COURT: Yes, they may be so marked.

18 Q BY MR. KANAREK: Officer, do you need these --
19 is this an original, or is this a copy of an original that you
20 already have in your office?

21 A This is a copy of an original in the office.

F id

8a fls.

8a-1

1 Q And may we keep this, and mark -- would this
2 inconvenience the Sheriff, if we keep this and mark it for
3 identification?

4 A No.

5 Q You have an original?

6 A Yes, we do have an original.

7 MR. KANAREK: May I have a moment while I look at this,
8 your Honor?

9 THE COURT: No. You may proceed with your cross-
10 examination.

11 If you wish to call him back, you may.

12 (Pause in the proceedings while Mr. Kanarek
13 perused the exhibit.)

14 Q BY MR. KANAREK: Now, Officer, your notes here
15 indicate, "Bullets on file in this office with similar
16 characteristics to the recovered bullet include those fired
17 from Astra, Browning, Luger, Radom, Star and Walther
18 semi-automatic pistols."

19 Is that --

20 THE COURT: Excuse me. Have you finished the question?

21 MR. KANAREK: Yes.

22 THE COURT: The Court will raise its own objection to it.

23 MR. KANAREK: On what ground, your Honor?

24 THE COURT: It's hearsay.

25 MR. KANAREK: Well, this is cross-examination, your
26 Honor.

27 THE COURT: It's hearsay. That is, unless you wish to
28 introduce the notes in evidence.

8a-2

1 Do you wish to introduce the notes?

2 MR. KANAREK: No, your Honor, not the notes.

3 Q Directing your attention to this report, where it
4 says, "File No. 069-02378-1076-016," and then there's a
5 139744, and it's dated January 27th, 1970.

6 Officer, did you -- did you make that report?

7 A Yes, I did.

8 Q And directing your attention to this second
9 document, dated March 16th, 1970, with the same file number,
10 069 et cetera that I've just stated, 139744, and 144500 at the
11 top, did you make this report?

12 A Yes, I did.

13 Q Directing your attention to -- well, I'll withdraw
14 that and ask you: Could this bullet have been fired in an
15 Astra?

16 A Yes.

17 Q Could this bullet have been fired in a Browning?

18 A Yes.

19 Q Could this bullet have been fired in a Luger?

20 A Yes.

21 Q Could this bullet have been fired -- fired; I'm
22 sorry -- fired in a star?

23 A Yes.

24 Q And could this bullet have been fired -- fired in
25 a Walther semi-automatic pistol?

26 A Yes.

27 MR. KANAREK: Thank you. Thank you, your Honor.

28 THE COURT: Any further cross-examination?

8a-3

1 MR. KANAREK: Not at this time, your Honor.

2 I assume that Officer Christansen -- are you going
3 on vacation, sir?

4 THE WITNESS: Not for approximately two weeks.

5 THE COURT: You may step down, Officer.

6 MR. KANAREK: Well, in two weeks -- may I inquire, your
7 Honor, as to his --

8 THE COURT: No, you may not.

9 Step down, Officer Christansen.

10 MR. KANAREK: Thank you, Officer.

11 THE COURT: If you wish to have him back here, you may
12 subpoena him.

13 You are released, as far as the Court is concerned.

14 MR. KANAREK: Thank you, your Honor.

15 MR. MANZELLA: Your Honor, I have just a question or
16 two on redirect.

17 THE COURT: Oh. Go ahead.

18
19 REDIRECT EXAMINATION

20 BY MR. MANZELLA:

21 Q Sergeant Christansen --

22 THE COURT: I'm sorry.

23 Q -- you mentioned a number of weapons from which
24 People's 31 could have been fired.

25 Were those -- strike that. Those weapons that you
26 were referring to, were those all of 9 millimeter caliber?

27 A Yes, they were.

28 MR. MANZELLA: All right. Thank you. I have no further

8a-4

1 questions.

2 THE COURT: Now you may step down.

3 MR. KANAREK: Thank you, Officer.

4 THE COURT: And you are excused, if you wish to be.

8b fls.

5 THE WITNESS: Thank you.

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

8b-1

1 MR. MANZELLA: Your Honor, I'm sorry. I have one more
2 question to ask Sergeant Christansen.

3 THE COURT: Sergeant, stand right there.

4 Q BY MR. MANZELLA: Sergeant Christansen, when did
5 you form the -- in relation to when you received the bullet
6 and when you received the 9 millimeter Radom marked as People's
7 30, when did you form the opinion that the bullet could have
8 been fired from those other weapons?

9 MR. KANAREK: Object, your Honor. Immaterial, irrelevant;
10 improper foundation, and the prejudicial value far outweighs --

11 DEFENDANT MANSON: (Through the door of the detention
12 room) Payday is when he formed that opinion.

13 MR. KANAREK: -- far outweighs the probative value.

14 And furthermore, your Honor, it's beyond the scope
15 of cross.

16 THE COURT: The objection is sustained. The objection
17 is sustained. It would be immaterial as to when he formed it,
18 I believe.

19 MR. MANZELLA: All right. Thank you, Sergeant Christansen.
20 I have no further questions.

21 The People's next witness is Mr. James Fraser.

22 THE COURT: There is a sound system by which Mr. Manson,
23 who is in the cell in the back of the courtroom, can hear the
24 proceedings that are going on in court here.

25 The Court would tell Mr. Manson now that if he
26 continues to shout through the opening in the door, that that
27 opening will be closed.

28 Your next witness is who?

1 MR. MANZELLA: Mr. James Fraser, your Honor.

2 THE CLERK: Would you raise your right hand, please?

3 You do solemnly swear that the testimony you may
4 give in the cause now pending before this court shall be the
5 truth, the whole truth, and nothing but the truth, so help
6 you God?

7 THE WITNESS: I do.

8
9 JAMES K. FRASER,
10 called as a witness by and on behalf of the People, having been
11 first duly sworn, was examined and testified as follows:

12 THE CLERK: Please take the stand and be seated.

13 Please state and spell your full name.

14 THE WITNESS: James K. Fraser; F-r-a-s-e-r.

15 MR. MANZELLA: Your Honor, I have what appears to be a
16 temporary driver's license in the name of Gary Allen Hinman.

17 May I have that marked People's 32 for identifica-
18 tion?

19 THE COURT: So ordered.

20 MR. MANZELLA: I have here what appears to be a
21 purchase order bearing the name Gary A. Hinman. May I have
22 that marked People's 33 for identification?

23 THE COURT: So ordered.

24 MR. MANZELLA: I have what appears to a certificate of
25 ownership, in the name of Gary Allen Hinman, to a Fiat. May I
26 have that marked People's 34 for identification?

27 THE COURT: So ordered.

28 MR. MANZELLA: I have here what appears to be a notice

32 id.

33 id.

33 id.

1 of Vehicle Code violation, bearing the name Gary Allen Hinman.

2 May I have that marked People's 35 for identifica-
3 tion?

35 id.

4 THE COURT: It may be so marked.

5 MR. MANZELLA: I have here a -- strike that.

6 Thank you.

7
8 DIRECT EXAMINATION

9 BY MR. MANZELLA:

10 Q Sergeant Fraser, would you state your business or
11 occupation, please?

12 A Examiner of questioned documents for the Los
13 Angeles County Sheriff's Criminalistics Lab.

14 Q All right. Would you tell us, please, your back-
15 ground, your training and your experience in the field of
16 the examination of questioned documents?

17 A For almost four years, I have been engaged full-
18 time in the examination of questioned documents and handwriting
19 comparisons.

20 In addition to examining cases for the Sheriff's
21 Department, I also examine cases for approximately 37 other
22 police departments, the federal government, other County
23 agencies, and at the request of various local courts.

24 During this time, I have examined over 8,000 cases
25 involving over 65,000 documents. I have testified as an
26 expert in handwriting identification in Municipal, Superior
27 and federal court 66 times.

9 fls.

9-1

1 Q Sergeant Fraser, on those occasions did you give
2 your opinion as to whether or not the signatures which you
3 compared were made by one and the same person?

4 A Yes, sir, I did.

5 Q Sergeant Fraser, directing your attention to the
6 exhibit which is marked People's 31 for identification, the
7 driver's license.

8 Have you ever seen that exhibit before?

9 MR. KANAREK: Your Honor, it is improper foundation,
10 irrelevant and immaterial, and I would like to approach the
11 bench, if I may, your Honor?

12 THE COURT: This is in reference to People's 3?

13 MR. KANAREK: Yes, your Honor, in the series.

14 THE COURT: The --

15 MR. KANAREK: And the series of exhibits.

16 THE COURT: The objection is overruled. The motion to
17 approach the bench is denied.

18 Q BY MR. MANZELLA: Have you ever seen People's 3 for
19 identification before?

20 A Yes, I have.

21 Q Directing your attention to the document marked
22 People's 32 for identification, what appears to be the
23 temporary driver's license.

24 Have you ever seen that document before?

25 A Yes, sir, I have.

26 Q Directing your attention to what appears to be
27 a purchase order marked People's 33 for identification.

28 Have you ever seen that document before?

1 A Yes, I have.

2 Q And directing your attention to what appears
3 to be a certificate of ownership to a Fiat, marked People's
4 34 for identification; have you ever seen that document before?

5 A Yes, sir, I have.

6 Q And, finally, directing your attention to People's
7 35 for identification, that which appears to be a notice of
8 Vehicle Code violation or a traffic ticket.

9 Have you ever seen that document before?

10 A Yes, I have.

11 Q All right, Sergeant Fraser, does the signature
12 in the name of Gary Allen Hinman or Gary Hinman appear on each
13 one of those documents you've just identified?

14 MR. KANAREK: Object, your Honor, on the grounds hearsay,
15 improper foundation.

16 THE COURT: Sustained.

17 Q BY MR. MANZELLA: All right, Sergeant Fraser,
18 directing your attention to People's 3 for identification, and
19 in particular that portion of the document which purports to be
20 the signature of Gary A. Hinman;

21 And directing your attention to People's 32 for
22 identification, in particular that portion of the document
23 which bears the purported signature of Gary -- in the name of
24 Gary Hinman;

25 And directing your attention to People's 33 for
26 identification, and in particular that portion of the document
27 which bears the signature in the name of Gary A. Hinman;

28 And People's 34 for identification, the certificate

1 of ownership, and in particular, on the back of that document,
2 what purports to be the signature of Gary Allen Hinman;

3 And directing your attention finally to People's
4 35 for identification, the traffic ticket, and in particular
5 the -- what appears to be the signature of Gary A. Hinman,
6 purports to be the signature of Gary A. Hinman;

7 Did you examine each of those signatures?

8 A Yes, sir, I did.

9 Q And did you compare them with each other?

10 MR. KANAREK: Object, your Honor, on the grounds of
11 hearsay, conclusion. It is -- there's no foundation,
12 irrelevant and immaterial, prejudicial value outweighs any
13 probative value, and I would like to approach the bench, if
14 I may?

15 THE COURT: The objection is sustained. The motion to
16 approach the bench is denied.

17 MR. MANZELLA: Well, your Honor, the People would ask
18 permission to put on this evidence out of order, your Honor.

19 MR. KANAREK: I object. I don't know what order he's
20 talking about.

21 THE COURT: You may proceed, Mr. Manzella.

22 MR. MANZELLA: All right, your Honor, the People are
23 asking to present some evidence out of order. If we might
24 approach the bench at this time, I might make an offer of
25 proof that might be helpful.

26 THE COURT: Very well.

27 (Whereupon, the following proceedings were had at
28 the bench among Court and counsel, outside the hearing of the

9-4

9a fls.

1 jury:)

2 THE COURT: Off the record.

3 (Whereupon, a discussion ensued off the record.)

4 THE COURT: All right, on the record.

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

9a 1 MR. MANZELLA: I will have witnesses to call to establish
2 where the documents that he's examined came from. They all came
3 from the house at the Hinman residence at 964 Old Topanga Road
4 except for the Fiat certificate of ownership which I'll show
5 through another witness it came from a person Robert
6 Beausoleil when he was arrested.

7 THE COURT: Are you going to be able to establish that
8 you anticipate showing proof of the authenticity of any of the
9 signatures purporting to be those of Gary Hinman?

10 MR. MANZELLA: Well, the way that I was going to do it
11 was by circumstantial evidence, and that is that the signature
12 appears on the driver's license which bears his photograph.

13 Now, the photograph has already been identified
14 as that of Gary Allen Hinman.

15 THE COURT: The Court believes you would need more than
16 that to establish that that is the same signature of Gary Allen
17 Hinman unless you can establish that the driver's license
18 is a valid driver's license and show by the Department of
19 Motor Vehicle's records that it was a valid driver's license.

20 MR. MANZELLA: All right, may I look at the driver's
21 license for just a moment, your Honor?

22 THE COURT: Yes.

23 But you're asking at this moment to proceed out of
24 order to show these comparisons at this time and, later on,
25 tie in the documents and the signature; is that correct?

26 MR. MANZELLA: Right. The only question I have to ask
27 him is whether or not all of the signatures which he's
28 identified and examined were made by one and the same person.

1 MR. KANAREK: Your Honor, I object on the grounds -- to
2 any of this so-called testimony going in out of order. There
3 is no foundation. It is irrelevant and immaterial.

4 THE COURT: The Court -- I don't --

5 Go ahead, you may proceed.

6 MR. KANAREK: Yes, your Honor.

7 And I don't know what he means by "order."

8 The point of the matter is, it is illegal and it is
9 a denial of a fair trial of Mr. Manson with the posture of
10 Gary Hinman in this case for the prosecution to put on these
11 items without any kind of foundation, without the authentica-
12 tion that is necessary. You can't bootstrap yourself into the
13 situation.

14 THE COURT: All right, you needn't lecture the Court in
15 respect to that.

16 MR. KANAREK: I'm not lecturing.

17 THE COURT: Or the District Attorney. Just raise the
18 objection. If you wish to argue further on the point, I'll
19 hear from you at this time.

20 Why shouldn't the Court permit the alteration of
21 the order of proof? It has the power in the Evidence Code to
22 do so.

23 MR. KANAREK: Well, because --

24 THE COURT: It doesn't appear to me to be unreasonable.
25 This man is going to testify the signatures on these documents
26 are one and the very same.

27 MR. KANAREK: Because the very so-called authentication
28 may never come about.

1 THE COURT: The point is --

2 MR. KANAREK: I would like to make a point to the Court.

3 THE COURT: Don't interrupt me, Mr. Kanarek.

4 MR. KANAREK: I'm sorry, your Honor.

5 THE COURT: Go ahead.

6 MR. KANAREK: All right. The mere fact that there is an
7 official record, the hearsay rule still applies. You have to
8 still show that it is Gary Hinman and it is Gary Hinman's
9 signature. And you can't do it by merely bringing in some kind
10 of an official document that does not mean Gary Hinman signed
11 that document or that that's his signature.

12 THE COURT: The Court understands that. That's the
13 problem of the People. They may have to bring someone in who
14 is familiar with his signature to identify it.

15 MR. KANAREK: But that --

16 THE COURT: The Court assumes that it will later on be
17 connected. If it is not, then the Court strikes the testimony.

18 The Court will permit the People to proceed.

19 MR. KANAREK: May I make one more point?

20

21

22

23

24

25

26

27

28

9b fls.

9b-1

1 THE COURT: I don't think it is necessary.

2 Is it based on something you have not mentioned?

3 MR. KANAREK: Yes. It is this, he has -- sets his
4 offer of proof, the way he's going to prove it, is with a
5 Department of Motor Vehicle certificate --

6 THE COURT: He can show the certificate is a valid
7 certificate or show somebody who recognizes his signature
8 thereon, and I think that would be sufficient authentication.

9 MR. KANAREK: That doesn't prove it is Gary Hinman's
10 signature. It is still hearsay even though it is a public
11 document.

12 THE COURT: It is well recognized that someone who has
13 seen the signature can testify it is the signature of the
14 writer.

15 MR. KANAREK: We have no such person even projected in the
16 offer of proof.

17 THE COURT: The People indicate --

18 Do the People indicate that they're going to
19 establish that this -- one of these signatures is the signature
20 of Gary Allen Hinman?

21 MR. MANZELLA: By the testimony of a witness who
22 recognizes his signature?

23 THE COURT: In any way you can establish it, that's the
24 accepted -- by --

25 MR. MANZELLA: Yes, the People at this time -- I can't
26 represent at this time that I will. I'll try to, but I can't
27 represent that I can.

28 But my point was, I was going to do it by --

9b-2

1 THE COURT: Circumstantial evidence.

2 MR. MANZELLA: -- authenticating circumstantial evidence--

3 THE COURT: By authenticating circumstantial evidence.

4 MR. MANZELLA: By authenticating circumstantial evidence,
5 the photograph of Hinman is on it, using that as circumstantial
6 evidence that the signature is his. And then, authenticating
7 the -- there is another document.

8 THE COURT: You need to authenticate the driver's
9 license that it is valid. There are presumptions that would
10 assist you.

11 MR. MANZELLA: That is the point I am making when I say
12 circumstantial evidence.

13 THE COURT: That is circumstantial, but the Court will
14 permit you to proceed.

15 MR. MANZELLA: All right.

16 (Whereupon, the following proceedings were had
17 in open court within the presence and hearing of the
18 jury:)

19 BY MR. MANZELLA:

20 Q Sergeant Fraser, after examining and comparing the
21 signatures you've identified in People's 3, People's 32,
22 People's 33, People's 34 and People's 35 for identification,
23 did you form an opinion as to whether or not those signatures
24 which you've already identified for us, were made by one and
25 the same person?

26 MR. KANAREK: Hearsay, improper foundation, irrelevant
27 and immaterial.

28 THE COURT: Objection overruled.

9b-3

1 A Yes, I did.

2 Q BY MR. MANZELLA: And what was that opinion?

3 MR. KANAREK: Same objections, your Honor.

4 THE COURT: Same ruling. The objection is overruled.

5 A In my opinion the name Gary Hinman on the back --
6 the name signed on the back of People's 34 was signed by the
7 same person that signed the name Gary Hinman on all the other
8 documents, People's 3, People's 32, People's 33, and People's
9 35.

10 Q So, that are you saying that a signature which you
11 have identified for us was made by one and the same person;
12 is that correct?

13 A That's correct.

14 Q All right.

15 MR. KANAREK: Well, your Honor --

16 MR. MANZELLA: Thank you, I have no further questions.

17 MR. KANAREK: That's his opinion. The form of that
18 question I object to. He can only give the opinion. He can't
19 give the ultimate -- I ask that that be stricken. I object
20 to the question.

21 THE COURT: All right. Very well, the Court sustains
22 the objection and strikes the answer. You may --

23 Q BY MR. MANZELLA: Sergeant --

24 THE COURT: Go ahead.

25 Q -- Sergeant Fraser, are you saying that in your
26 opinion the signatures which you've identified for us on all
27 of the documents were made by one and the same person?

28 MR. KANAREK: Same objections previously enunciated.

9b-4

10 fls.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

THE COURT: The objection is overruled. You may answer.

A Yes, sir, that's correct.

10-1

1 MR. MANZELLA: All right. Thank you. I have no further
2 questions, your Honor.

3 THE COURT: Sergeant, does that include No. 3, the
4 driver's license with the picture on it?

5 THE WITNESS: Yes, your Honor.

6 THE COURT: That was one of those that you mentioned,
7 that were included in the comparison; is that correct?

8 THE WITNESS: Yes, your Honor.

9 THE COURT: Very well. Any questions?

10 MR. KANAREK: I have no questions.

11 THE COURT: You may step down.

12 We'll recess, ladies and gentlemen, until 2:00
13 o'clock.

14 You are admonished that during the recess you are
15 not converse amongst yourselves nor with anyone else, nor
16 permit anyone to converse with you on any subject connected
17 with this matter, nor are you to form or express an opinion
18 on it until it is finally submitted to you.

19 2:00 o'clock.

20 (Whereupon, at 12:05 o'clock p.m., an adjournment
21 was taken until 2:00 o'clock p.m. of the same day,
22 Friday, August 6, 1971.)
23
24
25
26
27
28

1 LOS ANGELES, CALIFORNIA, FRIDAY, AUGUST 6, 1971

2:05 P.M.

2
3 - - - -

4 THE COURT: All right, the record will show it is five
5 minutes after 2:00.

6 MR. KANAREK: Yes, your Honor.

7 THE COURT: Do you have any explanation as to why you
8 are late?

9 MR. KANAREK: Yes, your Honor.

10 THE COURT: I'll hear from you at the next recess.

11 MR. KANAREK: Yes, your Honor. I do apologize to the
12 Court and counsel and the jury for being late, your Honor.

13 MR. MANZELLA: Your Honor, I would like to approach
14 the bench with Mr. Kanarek and the court reporter. It will
15 be very brief.

16 THE COURT: All right.

17 The record will show that the jurors and alternates
18 are present, and we're ready to proceed.

19 (Whereupon, the following proceedings were had
20 at the bench among Court and counsel, outside the
21 hearing of the jury.)

22 MR. KANAREK: Oh, yes, your Honor, while we are at the
23 bench, I would have been on time but where I was, there was a
24 bank robbery.

25 THE COURT: The Court at this time believes there is
26 cause to believe you are in contempt. This has happened
27 innumerable times now. The Court will give you an opportunity
28 to explain it outside the presence of the jury.

1 MR. KANAREK: I was at Sunset --

2 THE COURT: I'm not going to take the Court's time now.
3 Let's proceed with the trial.

4 MR. MANZELLA: Your Honor, with regard to People's 3,
5 the driver's license which has been marked People's 3 for
6 identification, about which we had some discussion this
7 morning --

8 THE COURT: Yes.

9 MR. MANZELLA: -- I neglected to mention to the Court
10 that we're relying on this exhibit as an official document.
11 On the back of the document is a certificate of certification
12 and we're relying upon --

13 THE COURT: From the Department of --

14 MR. MANZELLA: Yes, your Honor. And I neglected to
15 mention that to the Court.

16 The imperfection is in the plastic, your Honor,
17 in which the document is.

18 THE COURT: Oh, I see. It is hardly discernible.

19 Well, it is hardly readable unless counsel is
20 prepared to stipulate that he understands it.

21 MR. KANAREK: No, your Honor, I can't enter into --

22 MR. MANZELLA: Your Honor, it is going to necessitate --

23 THE COURT: Bringing somebody from the Department of
24 Motor Vehicles or --

25 MR. MANZELLA: That's correct, your Honor.

26 There appears to be a -- very few words not
27 discernible, your Honor. It appears clear to me, your Honor.
28 It is a certification.

1 THE COURT: It is just a matter of course, I believe,
2 that the People would be able to present this, and it hardly
3 seems necessary to me, unless you have some serious doubt as
4 to the validity of the document?

5 MR. KANAREK: I have doubt.

6 THE COURT: As to the validity of the document?

7 MR. KANAREK: Well, maybe I can speak to Mr. Manzella
8 at a recess.

9 THE COURT: Off the record.

10 (Whereupon, a discussion off the record
11 ensued.)

12 THE COURT: On the record.

13 MR. KANAREK: I can represent to the Court there was what
14 I believe to be a bank robbery at Sunset and Vermont
15 where I was.

16 THE COURT: Well, I'll hear from you as to whether or not
17 I should find you in contempt.

18 MR. KANAREK: I was well aware of my duties here, but
19 for my own physical safety I had to take refuge.

20 THE COURT: All right, I'll hear from you, hear from you
21 in open court where you have a chance to explain it to me.

22 MR. KANAREK: Very well, your Honor.

23 (Whereupon, the following proceedings were had
24 in open court within the presence and hearing of the
25 jury:)

26 THE COURT: You may proceed, Mr. Manzella.

27 MR. MANZELLA: Your Honor, at this time the People would
28 like to state that they intend, on Tuesday, August 10, of next

1 week, to call a witness by the name of Ella, E-l-l-a, Jo
2 Bailey.

3 MR. KANAREK: Your Honor, can we do this at the bench?
4 I don't know about counsel is going to state. It is not
5 evidence. I think we should hear it at the bench.

6 MR. MANZELLA: That's all I am going to state, and spell
7 the name, Ella, E-l-l-a, Jo, J-o, last name spelled B-a-i-l-e-y.

8 THE COURT: Very well.

9 MR. MANZELLA: And I'm handing Mr. Kanarek a document
10 in connection with that witness' testimony.

11 THE COURT: Very well.

12 MR. KANAREK: Well, your Honor, may I approach the bench
13 for another reason in connection with this?

14 THE COURT: Not at this time.

15 MR. KANAREK: Very well, your Honor.

16 MR. MANZELLA: Your Honor, the People's next witness
17 is Deputy George Grap, G-r-a-p.

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

19 You do solemnly swear that the testimony you may
20 give in the cause now pending before this court shall be the
21 truth, the whole truth, and nothing but the truth, so help you
22 God?

23 THE WITNESS: I do.

24 THE CLERK: Please take the stand and be seated.

25 THE BAILIFF: Please state and spell your full name, sir.

26 THE WITNESS: George D. Grap, G-r-a-p.
27
28

1 GEORGE D. GRAP,
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. MANZELLA:

7 Q Mr. Grap, directing your attention to the date
8 of July 28, 1969.

9 What was your occupation?

10 A I was a deputy sheriff employed by Los Angeles
11 County, assigned to Malibu Station.

12 fls.

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

12-1

1 Q Are you still with the Sheriff's Department?

2 A No, I'm not, sir.

3 Q How long were you a Deputy Sheriff?

4 A Approximately eight years.

5 Q Now, directing your attention again to that day,
6 July 28th of 1969, on that date, did you go to the Spahn
7 Ranch in Chatsworth?

8 A Yes, I did.

9 Q Well, approximately what time did you arrive at the
10 Spahn Ranch?

11 A Shortly after 1:00 A. M.

12 Q Did you go there in your official capacity as
13 a Deputy Sheriff?

14 A Yes, I did.

15 Q Were you alone or were there other law
16 enforcement officers present with you when you arrived at
17 Spahn Ranch?

18 A There were other law enforcement officers with me.

19 Q All right. Approximately how many?

20 A I believe there were three other Sheriff's
21 deputies and two Highway Patrolman.

22 Q At approximately what time was it that you
23 arrived at the location?

24 A About 1:10, 1:15.

25 Q And is that on the morning of July 8th -- of
26 July 28th, 1969?

27 A That's correct.

28 Q All right. Deputy -- or Mr. Grap -- I'm sorry --

12-2

1 directing your attention to the Fiat station wagon which is
2 shown in People's 1 for identification, do you recognize that
3 Fiat station wagon as having seen it before?

4 A Yes, I do.

5 Q When and where have you seen it?

6 A Approximately 1:00 A. M. of the 20th of July,
7 1969. It was parked in front of the Long Branch Saloon at the
8 Spahn Ranch.

9 Q All right.

10 MR. KANAREK: Your Honor, may I -- I would like to approach
11 the bench on a motion.

12 THE COURT: The motion is denied.

13 The motion to approach the bench is denied.

14 MR. KANAREK: Well, then, I object on the grounds of
15 illegal search and seizure, the Fourth Amendment, the equal
16 protection clause and due process clause of the Fourteenth
17 Amendment; irrelevant, immaterial, and improper foundation.

18 THE COURT: The objection is overruled.

19 Q BY MR. MANZELLA: Did you do anything in connection
20 with the -- with that vehicle, the vehicle shown in People's
21 1 for identification?

22 A Yes. I ran a check on it for the registered owner
23 of the vehicle.

24 Q Is that a vehicle registration check?

25 A Yes, sir.

26 MR. MANZELLA: All right. May I have one moment, your
27 Honor?

28 THE COURT: Yes, you may.

(Pause in the proceedings.)

MR. MANZELLA: Your Honor, I have a cardboard containing 8 photographs, of what appears to be the -- a portion of the Spahn Ranch.

May I have this photograph -- or those photographs marked --

THE COURT: 36.

MR. MANZELLA: -- People's 36 for identification?

THE COURT: So ordered. How many photographs? Eight?

MR. MANZELLA: Eight color photographs, your Honor.

Q BY MR. MANZELLA: Mr. Grap, directing your attention to the photographs which have been marked People's 36 for identification, is the location at which you saw -- strike that.

Do you recognize what is depicted in these 8 photographs?

A Yes.

Q And what is that?

A It's -- it is the Spahn Ranch in Chatsworth.

Q Now, directing your attention to the photographs, do you recognize in them -- do any of them depict the location in which you saw the Fiat station wagon shown in People's 1 for identification?

A Yes, I believe E does.

Q Is that Photograph E on People's 36?

A That's correct.

Q All right. Now, what does Photograph E depict?

A It's a frontal shot of the main buildings that were

1 at the ranch at the time.

2 The Long Branch Saloon is one of them, this
3 building right here (indicating).

4 Q Now, is that -- would you take a close look at
5 Photograph E and tell us if the building that you've designated
6 is identified in any way in the photograph?

7 A Do you mean by sign?

8 Q Yes.

9 A There's a sign above the little roof down here,
10 that says "Long Branch Saloon."

11 Q And had you ever seen that -- the Fiat station
12 wagon shown in People's 1 for identification before July 28th,
13 1969?

14 A Yes, I had.

12 fls.

12a-1

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Q And where had you seen it?

A In Topanga Canyon, in the City of Topanga.

Q And can you be more specific as to a location where you saw it before?

A It was at the junction of Old Topanga Canyon and Topanga Canyon Boulevard, and the owner --

MR. KANAREK: Well, I object to that, your Honor, "the owner" as a statement of conclusion.

THE COURT: Sustained.

Q BY MR. MANZELLA: When you saw the vehicle, was it parked?

A Yes, it was.

Q Did you -- have you ever seen that vehicle, the Fiat stationwagon, in front of 964 Old Topanga Road?

MR. KANAREK: Leading --

THE WITNESS: Yes.

MR. KANAREK: -- and suggestive.

THE COURT: Overruled. The answer may remain.

MR. MANZELLA: Your Honor, I have here a cardboard containing five black and white photographs. May I have that marked People's 37 for identification?

THE COURT: So ordered.

MR. KANAREK: I would like to approach the bench in connection with this photograph, your Honor.

THE COURT: Motion to approach the bench is denied.

Let's proceed.

Q BY MR. MANZELLA: All right. Mr. Grap, did you run vehicle registration checks on other vehicles that you

37 Id.

12a-2

1 found at Spahn Ranch, or was it just the Fiat stationwagon
2 shown in People's 1 for identification?

3 MR. KANAREK: Object on the grounds -- first, it's
4 ambiguous; compound; improper foundation; solicitation of
5 hearsay; conclusion; irrelevant and immaterial, your Honor.

6 THE COURT: Sustained.

7 Q BY MR. MANZELLA: All right. Deputy -- Mr. Grap,
8 after you ran the vehicle registration check on the Fiat
9 shown in People's 1 for identification, did you interview any
10 of the -- any persons at the ranch, --

11 MR. KANAREK: Irrelevant and --

12 Q BY MR. MANZELLA: -- at the Spahn Ranch?

13 MR. KANAREK: -- immaterial; improper foundation.

14 THE COURT: The objection's overruled.

15 THE WITNESS: Yes, I did.

16 Q BY MR. MANZELLA: And was this still on the
17 morning of July 28th, 1969?

18 A It was.

19 Q Directing your attention to the five black and
20 white photographs which are marked People's 37 for identifica-
21 tion, do you recognize in this photograph any of the people
22 you saw at the Spahn Ranch on the morning of July 28th, 1969?

23 MR. KANAREK: Object, your Honor, on the grounds of
24 improper foundation; violation of due process and equal
25 protection clause of the 14th Amendment; immaterial, irrelevant,
26 and I -- and I make a motion to approach the bench.

27 THE COURT: The objection is overruled.

28 The motion to approach the bench is denied.

1 MR. KANAREK: I would like to make argument to the Court,
2 your Honor.

3 THE COURT: The Court doesn't wish to hear your argument.
4 You may answer the question.

5 THE WITNESS: Yes, I do recognize three of the people
6 in the picture.

7 Q BY MR. MANZELLA: All right.

8 Would you point the first person out that you
9 recognize?

10 MR. KANAREK: Immaterial, irrelevant; no showing of any
11 corpus delicti.

12 THE COURT: The objection is overruled.

13 MR. KANAREK: There's -- well, may I finish, your Honor?

14 THE COURT: No, you may not. Sit down.

15 THE WITNESS: This photograph here (indicating) --

16 Q BY MR. MANZELLA: Is that photograph B of
17 People's 37 for identification?

18 A Yes, it is, sir.

19 Q And do you recognize the person shown in
20 photograph B?

21 A Yes, sir.

22 Q Did you interview that person?

23 A I was present when he was interviewed, yes.

24 Q All right. Now, did you -- during the course of
25 that interview, did the person shown in photograph B give his
26 name?

27 MR. KANAREK: Object, your Honor. Irrelevant,
28 immaterial; improper foundation. And I would most earnestly

1 like to approach the bench so I could make argument outside of
2 the presence of the jury.

3 It's a denial of a fair trial and equal protection
4 and due process under the 14th Amendment.

5 THE COURT: The objection is overruled.

6 You may answer the question.

7 THE WITNESS: Yes. He gave the name of --

8 THE COURT: Wait a minute. Just answer that question yes
9 or no.

10 THE WITNESS: Yes. Yes, sir.

11 Q BY MR. MANZELLA: All right. Was it in answer
12 to a question asked by someone?

13 MR. KANAREK: Object, your Honor, on the grounds of
14 improper foundation; irrelevant, immaterial.

15 THE COURT: Objection overruled.

16 THE WITNESS: Yes, it was.

17 Q BY MR. MANZELLA: And who was that who asked the
18 question?

19 A A fellow deputy.

13 fls.

13-1

1 Q Now, what name was given by the person shown in
2 Photograph D for identification?

3 MR. KANAREK: Object on the grounds --

4 THE COURT: Sustained.

5 Q BY MR. MANZELLA: Directing your attention to the
6 second person who you saw at the location, would you point
7 that person out, please?

8 MR. KANAREK: Object, your Honor, on the grounds --

9 THE COURT: Overruled.

10 MR. KANAREK: -- same --

11 THE COURT: Same grounds, same ruling.

12 A Photograph D.

13 Q BY MR. MANZELLA: Now, was the person shown in
14 Photograph D of People's 37 for identification interviewed by
15 any of the deputies at Spahn Ranch on the morning of July 28,
16 1969?

17 MR. KANAREK: Same objections, your Honor. Conclusion
18 is added to the other objections.

19 THE COURT: Same ruling. You may answer the question.

20 A Yes, he was.

21 Q BY MR. MANZELLA: And were you present when he was
22 interviewed?

23 A Yes.

24 Q Was the person shown in Photograph D for
25 identification asked his name?

26 MR. KANAREK: Object, same objections, your Honor.
27 Irrelevant, immaterial, no foundation.

28 THE COURT: Same ruling. You may answer.

13-2

1 A Yes, he was.

2 Q BY MR. MANZELLA: Did you hear him respond to that
3 question, the person shown in Photograph D?

4 A Yes.

5 Q What name did the person give -- strike that.

6 With regard to the person shown in Photograph D of
7 People's 37 for identification, what name did he give?

8 MR. KANAREK: Object, your Honor, on the grounds of
9 irrelevance and immateriality.

10 THE COURT: The objection is sustained.

11 MR. MANZELLA: All right, your Honor, may I approach the
12 bench and make an offer of proof?

13 THE COURT: Yes, you may.

14 (Whereupon, the following proceedings were had at
15 the bench among Court and counsel, outside the hearing of the
16 jury:)

17 MR. KANAREK: Your Honor, may the record reflect that
18 that exhibit with those pictures that counsel has been
19 interrogating over my objection -- I wanted to approach the
20 bench -- has been given full -- that the jury had full view of
21 that exhibit during the last -- during the time that Officer
22 Grap was on the stand.

23 Is that a fair statement, your Honor?

24 THE COURT: Why did you want to approach the bench,
25 Mr. Manzella?

26 MR. MANZELLA: I wanted to state, your Honor, that what I
27 intended to prove, that the names given by Robert Beausoleil,
28 who is shown in Photograph D --

1 THE COURT: In D?

2 MR. MANZELLA: D as in dog -- and the name given by Bruce
3 Davis, who is shown in Photograph E of People's 37 for identifi-
4 cation were not their real names.

5 That Robert Beausoleil gave the name Jason Lee
6 Daniels.

7 And that Bruce Davis gave the name Jack Paul
8 McMillian, and that's spelled M-c-M-i-l-l-i-a-n.

9 And subsequent to July --

10 THE COURT: Now, how would that have a bearing on
11 Mr. Manson's case?

12 MR. MANZELLA: Subsequent to July 25, 1969, on July 14,
13 1969, the 9 millimeter Radom pistol which has been marked for
14 identification I think as People's 30, was purchased by a
15 person giving a name of Jack Paul McMillian.

16 That thereafter --
17
18
19
20
21
22
23
24
25
26
27
28

13a fls.

1 THE COURT: You see, that actually is Bruce Davis.

2 MR. MANZELLA: Yes.

3 THE COURT: And this would be offered on the theory that
4 Bruce Davis, as one of the co-conspirators -- what is your
5 theory?

6 MR. MANZELLA: That Bruce Davis, as one of the co-
7 conspirators, was one of the persons that purchased the Radom
8 that was taken by Robert Beausoleil to the Hinman home and was
9 fired at the Hinman home.

10 MR. KANAREK: Well, may I respond, your Honor?

11 MR. MANZELLA: With regard to Robert Beausoleil, he gave
12 the name Jason Lee Daniels. He gave that name or the name
13 Jaspas Lee Daniels at the time of his arrest in San Luis
14 Obispo on August 6th of 1969 when he was arrested by Officer
15 Forest Humphrey of the California Highway Patrol who will also
16 be a witness in the case on Monday.

17 THE COURT: Now, this --

18 MR. MANZELLA: At that time, Mr. Beausoleil was in
19 possession of the Fiat station wagon.

20 THE COURT: Under what theory is this admissible against
21 Mr. Manson?

22 MR. MANZELLA: On the theory --

23 THE COURT: Any of this?

24 MR. MANZELLA: That Mr. Beausoleil was the person who
25 actually killed Mr. Hinman and, as such, he is a co-conspirator.
26 And that Mr. Davis is the one who purchased the gun who drove
27 Mr. Beausoleil and Miss Atkins and Miss Brunner to the Hinman
28 residence. And Mr. Davis is the one who drove Mr. Manson to

1 the Hinman residence at the time Mr. Manson slashed Hinman's
2 ear and face with the sword.

3 Now --

4 THE COURT: Now, what you are offering is a statement
5 by Beausoleil, a statement by Davis, in which they gave false
6 names?

7 MR. MANZELLA: That's correct, your Honor.

8 THE COURT: Is it after the killing?

9 MR. MANZELLA: Yes, it is, your Honor.

10 THE COURT: And does it come in, then, under Section --
11 what is it, 1223 -- a statement made by a co-conspirator which
12 is binding on a fellow co-conspirator?

13b fls.

13b-1

1 MR. MANZELLA: I'm offering it on the theory, your
2 Honor, it is not a statement that's been offered to prove the
3 truth of the matter contained therein, obviously, because I
4 do not contend that Jason Lee Daniels or Jack Paul McMillian
5 are their real names.

6 THE COURT: You're offering it as an admission?

7 MR. MANZELLA: An act --

8 THE COURT: You're offering an admission by Mr. Beauso-
9 leil and Mr. Davis, but is it admissible against Manson?

10 MR. MANZELLA: Yes, it is, your Honor.

11 THE COURT: How?

12 MR. MANZELLA: On the theory of co-conspirators, in --

13 THE COURT: Not every admission, every statement, though
14 it be an admission of a co-conspirator, is admissible unless
15 it is uttered in the course of the conspiracy and directed
16 towards the objectives of the conspiracy.

17 MR. MANZELLA: The other point I wanted to make is, first
18 of all, it is not hearsay, because it is not being offered for
19 the truth of the matter contained in the statement.

20 As I said, we're not offering it to prove that
21 Robert Beausoleil is, in fact, Jason Lee Daniels. It is not
22 being offered for the truth of the matter.

23 One of the first requirements of hearsay is that
24 the statement be offered for the truth of the matter contained
25 therein.

26 THE COURT: If it is an admission against Beausoleil,
27 I can't see how it would be material. I cannot see how it
28 would be material in a case against Charles Manson, unless it

1 falls within Section 1023.

2 MR. MANZELLA: Well, your Honor, my point is that first
3 of all it is not hearsay. It does not have to be an
4 admission against interest or come within any hearsay rule.
5 It is not hearsay. It is not being offered for the truth of
6 the matter contained therein. That's one of the primary
7 requirements of hearsay, the statement be offered for the
8 truth of the matter contained there. We're not offering it
9 for that purpose.

10 Secondly, we are offering it to connect a
11 circumstantial evidence connecting Mr. Davis with the gun
12 which we contend was used during the course of the murder,
13 and to connect Mr. Beausoleil with the Fiat, because he
14 identified himself to the Highway Patrol officer who arrested
15 him as Jasper Lee Daniels or Jason Lee Daniels.

16 In other words, we're offering it as circumstan-
17 tial evidence and not as hearsay.

18 And it is being offered not really as part of
19 the co-conspirators exception to the hearsay rule, because
20 it is not hearsay. We're offering it as circumstantial
21 evidence that Beausoleil -- that it was Beausoleil who was
22 arrested in the Fiat and that it was Bruce Davis who purchased
23 the 9 millimeter Radom.

24 THE COURT: All right, off the record.

25 (Whereupon, a discussion ensued off the record.)

26 THE COURT: Excuse me, on the record.

27 What is your objection to it?

28 MR. KANAREK: The objection is, your Honor, that

1 Code Section is not limited to hearsay, any acts, declaration
2 or whatever, hearsay or not hearsay.

3 THE COURT: What Code Section are you talking about,
4 1223?

5 MR. KANAREK: I think it is 1223, right.

6 Now, the fact of the matter is whether 1223
7 applies or doesn't apply. The fact of the matter is that it
8 is irrelevant, immaterial as to Mr. Manson. It is -- the
9 prejudicial value far outweighs any probative value. It has
10 no relevancy, no materiality, because by the counsel's own
11 statement the purpose of the conspiracy has ended and the
12 declaration or act of a co-conspirator cannot be used against
13 a fellow co-conspirator when the conspiracy -- the fruits
14 of it has ended and they've reached a place of refuge.

15 THE COURT: Thank you very much.

16 Do you have any other point to make in connec-
17 tion with that?

18 MR. KANAREK: Well, my point is that this -- whatever
19 is being used -- actually, it is being used to connect Mr.
20 Beausoleil by virtue of a statement made after the conspiracy
21 had come to fruition, after the objects of the conspiracy had
22 occurred and, therefore, it cannot be used against Mr. Manson
23 by reason of a joint trial -- pardon me, by a separate trial.
24 One of the very basic -- Bruton and Aranda --

25 THE COURT: Off the record.

26 (Whereupon, a discussion ensued off the record.)
27
28

14 fls.

14-1

(Whereupon, the following proceedings were had in open court, within the hearing of the jury:)

THE COURT: The objection to the questions concerning the conversation has heretofore been sustained by the Court.

The Court would continue to sustain such objection.

MR. MANZELLA: Thank you, your Honor.

Q BY MR. MANZELLA: Mr. Grap, just a few more questions.

Would you -- you testified already that three of the people shown in the photographs on People's 37 for identification were present at the ranch; is that correct?

A That's correct.

Q Was that on the morning of July 28th, 1969?

A Yes, it was.

Q All right.

Would you point those three people out for us, please?

MR. KANAREK: Improper foundation.

THE COURT: Can you hear, Mrs. Heller? Can you hear Mr. Manzella?

ALTERNATE JUROR HELLER: Yes.

MR. KANAREK: Improper foundation, --

THE COURT: The objection is --

MR. KANAREK: -- immaterial and irrelevant -- may I finish my objection?

THE COURT: I thought you had. Go ahead.

MR. KANAREK: Irrelevant, immaterial; improper foundation;

14-2

1 and denial of equal protection and due process under the 14th
2 Amendment of the United States Constitution; denial of a fair
3 trial.

4 THE COURT: Objection overruled.

5 Go ahead.

6 THE WITNESS: These are the three people I recognized.
7 They are in photograph B, photograph D and photograph E
8 (indicating).

9 Q BY MR. MANZELLA: That's photographs B, D and E?

10 A B, D and E.

11 Q Are those the three males shown in the photographs?

12 A Yes, it is.

13 MR. MANZELLA: Your Honor, I have no further questions at
14 this time. If I may, I would like to reserve further direct
15 examination for a later time, if I might.

16 THE COURT: Very well. Would you --

17 MR. MANZELLA: But I believe Mr. Kanarek might like to--

18 THE COURT: Oh. Mr. Kanarek, would you mind -- do you
19 have cross-examination at this time?

20 MR. KANAREK: No, I don't, your Honor. Thank you.

21 THE COURT: Would you wait, then? You will be called
22 back later on this afternoon by the People.

23 THE WITNESS: Yes, I will.

24 THE COURT: All right. And you may remain in the
25 courtroom, if you wish.

26 The People may call their next witness.

27 MR. MANZELLA: The People call Mr. Nat Stanoff, your
28 Honor. S-t-a-n-o-f-f.

14-3

1 THE CLERK: Would you raise your right hand, please?

2 You do solemnly swear that the testimony you may
3 give in the cause now pending before this court shall be the
4 truth, the whole truth, and nothing but the truth, so help you
5 God?

6 THE WITNESS: I do.

7
8 NAT STANOFF,

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

11 THE CLERK: Take the stand and be seated.

12 THE BAILIFF: State and spell your full name, sir.

13 THE WITNESS: My name is Nat Stanoff; last name is
14 spelled S-t-a-n-o-double f.

15
16 DIRECT EXAMINATION

17 BY MR. MANZELLA:

18 Q Mr. Stanoff, would you tell us your occupation,
19 please?

20 A I am the proprietor of the establishment called
21 Surplus Distributors in Van Nuys, California.

22 Q And what business are you in at Surplus
23 Distributors?

24 A Well, we are a retail store, and we carry clothing,
25 camping equipment, sporting equipment, and guns and ammunition.

26 Q Now, directing your attention to the 9 millimeter
27 Radom which has been marked People's 30 for identification --
28 and you may assure yourself that it's unloaded, if you wish --

14-4

1 do you recognize that exhibit?

2 MR. KANAREK: May I inquire on voir dire, your Honor?

3 THE COURT: No, you may not.

4 You might open the breech there, Mr. Stanoff.

5 THE WITNESS: Yes, sir.

6 THE COURT: Leave it open.

7 THE WITNESS: Yes. This is a Radom, 9 millimeter, made
8 in Poland.

14a Fls.

14a-1

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Q BY MR. MANZELLA: All right. Let me ask you --

At this time, your Honor, I have here a form, 4473, entitled "Firearms Transaction Record," consisting of two pages. It appears to be a copy of Form 4473.

May I have that marked People's 38 for identification?

THE COURT: So ordered.

What did you call it?

MR. MANZELLA: A Firearms Transaction Record, your Honor.

And I have here what appears to be a -- what appears to be a copy of a Temporary Driver's License, in the name of Jack Paul McMillian, spelled M-c-M-i-l-l-i-a-n.

May I have that marked People's 39 for identification?

THE COURT: So ordered.

MR. MANZELLA: And I have here documents consisting of three pages, eight and a half by eleven, all bearing the -- strike that.

May I have those three documents marked collectively People's 40 for identification?

THE COURT: The ones you now hold in your hand?

MR. MANZELLA: Yes, your Honor.

THE COURT: Would you just generally describe them?

MR. MANZELLA: Yes, your Honor.

They consist of three pages. The first page shows a copy of a receipt, which is entitled "Surplus Distributors" --

THE COURT: That's sufficient.

38 ID

39 ID

1 MR. MANZELLA: And the second page shows a copy of a
2 receipt entitled "Surplus Distributors," and a document
3 entitled "Dealer's Record of Sale of Revolver or Pistol."

4 THE COURT: Yes, that may be so marked. That's 40 --
5 those three pages may be marked 40 for identification.

6 Q BY MR. MANZELLA: All right.

7 Mr. Stanoff, when you sell a firearm, are there any
8 records which, by law, you are required to complete and main-
9 tain?

10 A Yes, there are.

11 Q And would you tell us what those records are,
12 please?

13 MR. KANAREK: Immaterial, irrelevant, your Honor. He can
14 go ahead and do -- I object on those grounds.

15 THE COURT: Sustained.

16 Q BY MR. MANZELLA: All right. Mr. Stanoff, I want
17 you to direct your attention now to the date of July 14th of
18 1969.

19 (Pause in the proceedings while a discussion off
20 the record ensued at the counsel table between Mr. Manzella
21 and Mr. Kanarek.)

22 Q BY MR. MANZELLA: And I want to direct your atten-
23 tion to this exhibit which is marked People's 38 for identifica-
24 tion, entitled "Form 4473."

25 Do you recognize that exhibit?

26 MR. KANAREK: That's ambiguous, your Honor.

27 THE COURT: Overruled.

28 Q BY MR. MANZELLA: Do you recognize that exhibit?

14a-3

1 THE COURT: You may answer that -- I'm sorry. You may
2 answer that.

3 THE WITNESS: Yes, I do, sir.

4 I recognize that. That's our federal form.

5 MR. KANAREK: May that be stricken, that comment?
6 The answer calls for a yes or no answer, your Honor.

7 THE COURT: The objection's overruled.

8 The motion to strike is denied.

9 Q BY MR. MANZELLA: Mr. Stanoff, would you try to get
10 a little closer to the microphone, so your voice picks up?

11 A Yes.

12 Q All right. Now, is that exhibit -- that is,
13 People's 38 for identification -- a copy of a completed Form
14 4473?

15 A Yes, sir.

16 MR. KANAREK: Immaterial and irrelevant, your Honor.

17 THE COURT: I'm sorry. I didn't hear it.

18 Would you read it to me, Mr. Williams?

19 (Whereupon, the record was read by the reporter
20 as follows:

21 "QUESTION: All right. Now, is that exhibit --
22 that is, People's 38 for identification -- a copy of a completed
23 Form 4473?"

24 MR. KANAREK: And also calling for a conclusion, your
25 Honor.

26 THE COURT: The objection is overruled.
27
28

14b fls.

14b-1

1 Q BY MR. MANZELLA: You may answer the question,
2 Mr. Stanoff.

3 A Yes. This is a -- this is the completed form.

4 Q All right. Now, did you at any time have the
5 original of that document which is now marked People's 38
6 for identification?

7 A Yes, we had the original.

8 Q And examining People's 38 for identification,
9 can you tell me if that is a true and accurate copy of the
10 original?

11 MR. KANAREK: I object, your Honor, on the grounds
12 of improper foundation. That's calling for a conclusion on
13 his part, to make this comparison.

14 There has to be some showing that --

15 THE COURT: You may be quiet, Mr. Kanarek. I've heard
16 your objection.

17 MR. MANZELLA: Your Honor, if I may --

18 THE COURT: The objection will be sustained.

19 MR. MANZELLA: All right. I'll withdraw the question at
20 this time.

21 Q And ask you, Mr. Stanoff, where are the original--
22 where is the original People's 38 for identification?

23 A The original of People's 38 for identification
24 is with the U. S. District Attorney's Office, I believe.

25 Q Is that the United States Attorney's Office?

26 A Yes, the United States Attorney's Office.

27 Q Was that document subpoenaed by the United States
28 Attorney's Office?

14b-2

1 MR. KANAREK: Calling for a conclusion, a legal
2 conclusion; irrelevant and immaterial.

3 THE COURT: Sustained.

4 Q BY MR. MANZELLA: All right.

5 Did you turn that document over to the United
6 States Attorney's Office?

7 A Yes, I did.

8 Q And was that voluntarily, or in answer to an
9 order to do so?

10 MR. KANAREK: Immaterial; calling for a conclusion;
11 irrelevant.

12 THE COURT: Sustained.

13 Q BY MR. MANZELLA: Is the original of People's
14 38 for identification in your possession now?

15 A It is not in my possession now.

16 Q Now, can you tell us whether or not People's 38
17 for identification is a true and accurate copy of People's --
18 strike that.

19 (Continuing) -- of the original?

20 MR. KANAREK: Calling for a conclusion; irrelevant,
21 immaterial, and improper foundation.

22 THE COURT: The objection is overruled.

23 Q BY MR. MANZELLA: You may answer the question,
24 Mr. Stanoff.

25 A Yes.

26 Q Now, does -- would you tell us the purpose for
27 which you completed Form 4473 as shown in People's 38 for
28 identification?

14b-3

1 MR. KANAREK: Immaterial, irrelevant; calling for a
2 conclusion; and also hearsay, your Honor.

3 THE COURT: The objection is sustained.

4 Q BY MR. MANZELLA: Does People's 38 for identifica-
5 tion apply to a transaction regarding the sale of a weapon?

6 MR. KANAREK: Immaterial, your Honor. Irrelevant,
7 conclusion and hearsay. If it adds some --

8 THE COURT: The objection is sustained.

9 This Form 4473, a copy of which you have in your
10 hand, you state that the original is in the hands of the
11 U. S. Attorney; is that correct?

12 THE WITNESS: Yes, sir.

13 THE COURT: When did you deliver it to the U. S.
14 Attorney?

15 THE WITNESS: I believe it was early in February of
16 this year, sir.

17 THE COURT: And that was in response to some process
18 or other; is that correct?

19 THE WITNESS: Yes, correct, sir.

20 THE COURT: All right. Would the People care to approach
21 the bench? Come around, Mr. Manzella and Mr. Kanarek.

22 (Whereupon, the following proceedings were had
23 at the bench among Court and counsel, outside the
24 hearing of the jury:)

25 THE COURT: Off the record.

26 (Whereupon, a discussion ensued which was
27 not reported.)
28

15 fls.

15-1

1 THE COURT: On the record.

2 The Court believes that after having conversed
3 with counsel here that this record is probably in the hands of
4 the U. S. Attorney and that the District Attorney has not made
5 efforts to procure the original of this Form 4473, but
6 Mr. Kanarek in the last minute or two has indicated to the
7 Court that he would have no objection to the lack of founda-
8 tion.

9 MR. KANAREK: As to that one aspect.

10 THE COURT: As to that one aspect of it, and that the
11 original need not be produced.

12 MR. KANAREK: And that we can go -- and that this not be
13 conveyed to the jury.

14 THE COURT: It is not conveyed to the jury. You need not
15 convey it to the jury.

16 MR. KANAREK: Yes, but that's my purpose --

17 THE COURT: If you have objections on other grounds, of
18 course, state them.

19 The Court thanks both of you for engaging in any
20 stipulations toward saving time. In other words, if we have to
21 take the necessary recess to -- but you waive that --

22 MR. MANZELLA: The problem is the same with regards to
23 People's 39 and People's 40. The documents which have been
24 marked are copies of the original documents which are in the
25 hands of the United States Attorney's Office.

26 MR. KANAREK: Well, if Counsel can make that representation
27 as to each of these, we, of course, would enter into the same --
28 as long as we can proceed smoothly in the presence of the jury,

15-2

1 and the jury doesn't hear anything about the stipulation, it
2 is my feeling that being lay people they may misinterpret.
3 In any event, whatever the reason may be, that's our
4 arrangement.

5 THE COURT: All right. Very well. Let me urge both
6 of you, as I said, to try to work these things out, as I
7 said, and they are matters of substance. I'm inclined to
8 agree with Mr. Kanarek. They can't be made the subject of
9 stipulation very often. But if they are matters of this
10 nature, the Court appreciates both of you working on it.

11 MR. KANAREK: May the record reflect, your Honor, that
12 prior to a few moments ago, right here in open court, I did
13 not even know that the District Attorney wished such a
14 stipulation.

15 THE COURT: Yes, the Court knows that. And you had not
16 been approached on it. And you are not at fault in that
17 respect. The Court did not mean to imply that. I think both
18 of you should work together in smoothing out whatever problems
19 may seem to be coming forth in the trial. If you can resolve
20 them before you get to them.

21 All right, very well, I'll take a short recess at
22 this time. I'll take -- give you five minutes, and then I'll
23 hear from you in court.

24 MR. KANAREK: Your Honor, what I was going to ask --

25 THE COURT: I'll excuse the jury and find out what your
26 problem is and why you were late.

27 MR. KANAREK: I wanted to be excused to go to Division

28 40.

15-3

1 THE COURT: Absolutely not.

2 MR. KANAREK: There's a matter up there --

3 THE COURT: We had to wait for you 15 minutes when the
4 Court excused you before. No, by no means. You're going to
5 have to get somebody to handle the calendar.

6 MR. KANAREK: What I meant, your Honor usually takes a
7 10-minute recess and I can handle it.

8 THE COURT: No more than 10 minutes. If you are later
9 than that -- I'll give you a 10-minute recess. I don't care
10 what you do in 10 minutes.

11 MR. KANAREK: May it be until 3:15?

12 THE COURT: If you are not back by 3:15 you compound your
13 problems.

14 MR. KANAREK: Yes, your Honor.

15 THE COURT: Ladies and gentlemen, we'll recess at this
16 time for approximately -- well, in your case you need not be
17 back in these seats for 15 minutes. If you can find you a
18 cool place, stay out of the courtroom for a few minutes, if
19 you would. I want to conduct some business concerning this
20 case outside of your hearing. So I'll see you in about 15
21 minutes.

22 During the recess remember the admonishment that I
23 must give you, and that is -- you can leave your coats there
24 on the rack, if you wish.

25 The admonishment is to the effect that you are not
26 to converse amongst yourselves, nor with anyone else, nor
27 allow anyone to converse with you on any subject connected with
28 this matter, nor are you to form or express any opinion on the

15-4

~~15a fls.~~
15a fls.

1 matter until it has finally been submitted to you.

2 You may step down and be back in 15 minutes.

3 (Afternoon recess.)
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

15a-1

1 THE COURT: All right, the record will show that the
2 jurors are out of the courtroom. The alternates and jurors
3 are out of the courtroom.

4 MR. KANAREK: Yes, your Honor.

5 THE COURT: That Mr. Kanarek is present.

6 Mr. Kanarek, the Court ordered you to return at
7 2:00 o'clock this afternoon. This afternoon at 2:00 o'clock
8 the Court was on the bench and you arrived in court five
9 minutes late.

10 MR. KANAREK: Yes, your Honor.

11 THE COURT: It seems to me you are in contempt of court,
12 and the Court told you it would hold a hearing to determine
13 whether or not in fact you are and would give you an opportunity
14 to reply.

15 MR. KANAREK: Yes, your Honor, thank you.

16 THE COURT: I should note that this is not the first time
17 that this has happened. I would say the second or third time
18 that it has happened.

19 Tell me why you were late.

20 MR. KANAREK: Well, your Honor, if I was late -- I was
21 very conscious of time, but assuming arguendo --

22 THE COURT: By the Court's clock you were five minutes
23 late and that clock and my watch --

24 MR. KANAREK: Very well.

25 THE COURT: -- are exactly the same.

26 MR. KANAREK: Very well.

27 THE COURT: As to the time, there's no doubt in this
28 Court's mind that you were late.

15a-2

1 MR. KANAREK: I do apologize to the Court.

2 THE COURT: Tell me why you were late.

3 MR. KANAREK: I shall. I was at Sunset and Vermont at
4 the California Bank conducting business there. All of a
5 sudden -- I believe it was a robbery. Your Honor can check
6 it independently if your Honor wishes. All of a sudden
7 police officers appeared with shotguns and so I had to find a
8 place of refuge. I didn't know -- and my car was parked
9 outside, and I thought if I went hurriedly to -- although,
10 I would have, I believe -- I would have been here in ample
11 time. I spent some time just not moving and staying in that
12 general area so I wouldn't be late. -- pardon me, so I wouldn't
13 be in danger of being shot. I don't know what it is. I think
14 your Honor can verify it by calling the United California Bank.
15 There were shots and there were officers.

16 THE COURT: What time was this?

17 MR. KANAREK: Oh, this was -- this was probably 18 to
18 20 minutes before 1:00 o'clock -- uh, 2:00 o'clock.

19 THE COURT: And this occurred, and you simply stayed
20 in the same building?

21 MR. KANAREK: Well, in an area adjacent to the bank,
22 if your Honor is familiar with that. That's the California
23 Federal and Savings -- uh, bank.

24 THE COURT: You stayed in the bank?

25 MR. KANAREK: In an area immediately adjacent to the
26 bank.

27 THE COURT: Stayed --

28 MR. KANAREK: And also in my automobile, when I did get

1 to my automobile.

2 THE COURT: And the reason you stayed in that area was
3 because you felt if you left in a hurry that somebody might
4 shoot at you?

5 MR. KANAREK: That's correct. Your Honor can verify
6 that. I -- I --

7 THE COURT: It doesn't sound reasonable to me, but I
8 wasn't in the situation.

9 MR. KANAREK: There was a multitude --

10 THE COURT: I will accept your word for it that it was
11 a situation in which you couldn't extricate yourself.

12 What time did you actually leave the bank building?

13 MR. KANAREK: The bank building I left, as I say,
14 before a quarter to 1:00 -- before a quarter to 2:00.

15 THE COURT: All right, I won't dwell on it. I'll simply
16 tell you that you are skirting right near the edge of a
17 contempt, but I'll accept your story.

18 MR. KANAREK: Well, it's not a story. I would welcome
19 the Court calling United California Bank at Sunset and Vermont.

20 THE COURT: I doubt your necessity of having to remain
21 there under the circumstances, but that was a matter of
22 judgment, perhaps, in that respect, and I'm giving you the
23 benefit of the doubt. I don't know that your judgment was
24 accurately employed or utilized at all in that case, but
25 perhaps someone else of a similar turn of mind might have
26 done the same thing.

27 All right, I'll absolve you of any contempt,
28 purge you of any contempt. The Court decided that you were in

1 contempt, but the Court purges you of contempt or finds that
2 you are not in contempt. It was not a willful action on your
3 part in being late.

4 MR.KANAREK: Thank you, your Honor. Thank you, your
5 Honor.

16 fls.

16-1

1 THE COURT: All right. Bring the jury in, then.

2 MR. MANZELLA: Your Honor, before Mr. Kuczera brings
3 the jury in, I wanted -- Mr. Grap, a previous witness, is
4 still here. And I wanted to ask the Court -- and make an
5 offer of proof with regard to testimony -- I wanted to recall
6 him and have him testify to a particular piece of evidence.

7 I wanted to make the offer of proof now, so that
8 I could either release him or call him --

9 THE COURT: All right. The Court will hear from you.
10 Go ahead.

11 MR. MANZELLA: Your Honor, it's the People's position
12 that Mr. Grap would testify that on July 28th of 1969, when
13 he interviewed -- or, was present when Mr. Charles Manson was
14 interviewed at Spahn Ranch, as the person he recognizes in
15 Photograph B of People's 37 for identification, that he would
16 testify when Manson was interviewed, he was asked his name,
17 and Mr. Manson said -- replied his name was Charles Miles
18 Summers.

19 And it's the People's position that that evidence
20 is admissible, because Mr. Manson is a defendant in this case,
21 and the giving of a false name -- an alias -- one day after
22 the murder of Gary Hinman allegedly occurred is some evidence
23 of his guilt and participation in that murder.

24 MR. KANAREK: May I respond to that, your Honor?

25 THE COURT: Is that all?

26 MR. MANZELLA: The People also --

27 DEFENDANT MANSON: (Unintelligible utterance from behind
28 the door of the detention room.)

16-2

1 MR. MANZELLA: The People are also asking that
2 Mr. Grap be permitted to testify that Mr. Beausoleil gave the name
3 Jason Lee Daniels, and Mr. Davis gave the name Jack Paul
4 McMillian, for the reasons previously stated, and on the grounds
5 that it is within the conspiracy to commit the murder and
6 robbery of Gary Hinman.

7 THE COURT: Under what theory could it be said that the
8 co-conspirators' statements given at that time, after the
9 killing of Hinman, could be said to be continuing?

10 MR. MANZELLA: We would urge that the conspiracy
11 continued, your Honor, because of various things. In the
12 first place, that the property taken from the Hinman home had
13 not yet been disposed of;

14 Secondly, the instrument --

15 THE COURT: Explain that to me, would you?

16 MR. MANZELLA: Well, the Fiat and the Volkswagen bus
17 were still on the Spahn Ranch, by the testimony of Melvin
18 Walker, the fireman, who was on the ranch, and by the
19 testimony of Mr. Grap, who saw the Fiat station wagon parked
20 in front of the ranch buildings on July 28th of 1969; that
21 Mr. Hinman's property was still on the ranch; and that there-
22 after, it was disposed of;

23 And that the three people we allege were --
24 that the three people we allege were involved in the killing
25 of Mr. Hinman -- that is, Mr. Manson, Mr. Beausoleil and
26 Mr. Davis -- all gave false names to the Sheriffs, the day
27 after we alleged that the murder of Gary Hinman occurred,
28

THE COURT: Oh. This is alleged to have occurred on

16-3

1 August --

2 MR. MANZELLA: Sunday, July 27th.

3 THE COURT: July 27th?

4 MR. MANZELLA: Yes, your Honor.

5 MR. KANAREK: I think Counsel misspoke. I don't think
6 he meant that. I think it's the 28th. At least, his witness
7 testified to the 28th.

8 MR. MANZELLA: Right. The 28th was the date --

9 MR. KANAREK: Yes.

10 MR. MANZELLA: -- on which the interviews were
11 conducted; and the 27th is the day that we allege that the
12 murder occurred.

13 I have some cases to cite, if the Court wants me
14 to cite them.

15 THE COURT: Tell me the cases that you are relying on.

16 MR. MANZELLA: People versus Tinnin, T-i-n-n-i-n.

17 Q What was the holding -- what were the factual
18 circumstances there?

19 MR. MANZELLA: Well, the first thing I would like to
20 state, that's not a California Supreme Court case; it's a
21 California Appellate Court case.

16a fls.

16a-1

1 In that case, the Court found that the facts
2 were that certain people conspired to and did murder a woman;
3 that they thereafter took steps to make the killing look like
4 an automobile traffic accident, an automobile accident.

5 The Court held that statements made and acts
6 done during that time, the time which the Court characterized
7 as the attempt to conceal the commission and the nature of
8 the crime, were admissible against all conspirators.

9 THE COURT: It's your theory that -- that the defendants,
10 in giving false names the day after the killing, were
11 attempting to conceal, and that the conspiracy was still an
12 ongoing thing?

13 MR. MANZELLA: Yes, your Honor, it is.

14 THE COURT: What about your allegations in your
15 information?

16 They do cover through the 28th of July, 1969,
17 the Court sees, in the Count alleging the conspiracy --
18 although I'm not sure that that would be particularly
19 important.

20 The Court's aware that there are a number of
21 California cases -- and also United States cases, which say
22 that, even though efforts of concealment of a conspiracy may
23 go on for long periods of time, that simply because those
24 efforts are being made does not mean that the conspiracy
25 itself is still in existence.

26 MR. MANZELLA: Might I cite one --

27 THE COURT: The case of U. S. vs. Krulowitz, and U. S.
28 vs. Grunewald, those are cases that come to my mind.

16a-2

1 MR. MANZELLA: Might I cite one other case?

2 THE COURT: You may.

3 MR. MANZELLA: That is the case of People vs. Wells,
4 another California Appellate Court case, 187 Cal. App. 2d
5 324. And I wanted to cite the language in that case, which
6 is as follows:

7 "The common design of the conspiracy
8 "may extend in point of time beyond the actual
9 commission of the act constituting the crime for
10 which the accused is being tried, such as for
11 the purpose of concealing the crime, securing the
12 proceeds thereof, or bribing or influencing witnesses..."

13 THE COURT: All right. The Court realizes that, and
14 the Court is familiar with the dictum and the ruling in that
15 case.

16 But in this case, you contend that the -- the
17 automobiles involved were not yet disposed of?

18 MR. MANZELLA: That's correct, your Honor.

19 THE COURT: And that therefore, the conspiracy was an
20 ongoing thing?

21 MR. MANZELLA: Yes, your Honor. And that the weapon
22 was not yet disposed of, that People's 30, the 9 millimeter
23 Radom. That had not yet been disposed of.

24 We will have -- as an offer of proof, we have
25 the testimony of a witness by the name of Michael Hendricks,
26 who testified that he received the 9 millimeter Radom from
27 Mr. Manson, who in his presence received it from Mr. Davis,
28 while they were at the Spahn Ranch, on about August 1st of

16a-3

1 1969.

2 THE COURT: Wouldn't the efforts, though, to dispose of
3 the vehicle and the pistol, simply be further efforts at
4 concealment?

5 MR. MANZELLA: That's my position, your Honor, that they
6 are efforts of concealment; and that they show that the --
7 the efforts at concealment, the attempt to conceal the commis-
8 sion of the crime and the identity of the perpetrators, was
9 part of the conspiracy.

10 Because all three persons gave false names.
11 Mr. Manson and Mr. Davis participated jointly in giving -- in
12 disposing of the weapon, the 9 millimeter Radom, and --

13 THE COURT: Were they in each other's presence at the
14 time that -- do the People contend they were in each other's
15 presences at the times the false names were given?

16 MR. MANZELLA: Yes, your Honor.

17 MR. KANAREK: May the record reflect that the witness
18 who is in the court -- that Mr. Whiteley nodded his head
19 affirmatively to the witness, and the witness nodded
20 affirmatively back to Mr. Whiteley? For whatever -- I
21 represent to the Court I saw that, those actions between those
22 two people, your Honor.

23 MR. MANZELLA: Your Honor, I might say that I based my
24 answer on the conversation with Mr. Grap. He tells me that he
25 testified that they were seven to ten feet apart when these
26 interviews took place.

16b Fls.

16b-1

1 MR. KANAREK: And characteristically, when officers
2 interview people, they separate them and speak to them
3 individually, out of the hearing of each other; and that's --

4 THE COURT: That's not important, Mr. Kanarek.

5 MR. KANAREK: Well, but I think it --

6 THE COURT: In this case, the officers apparently did
7 that, however, and there's no dispute. So apparently there was
8 no adopting of the conversation of the one defendant by the
9 others.

10 MR. MANZELLA: But I wanted to make it clear to your
11 Honor that we ask -- there are two parts to the argument. The
12 first is that we ask that Deputy Grap -- or that Mr. Grap be
13 allowed to testify to the name given by Mr. Manson; and that
14 is separate and apart from our --

15 THE COURT: The Court believes that would be admissible, --

16 MR. KANAREK: But your Honor --

17 THE COURT: -- but the question lingers in the Court's
18 mind as to whether or not the conspiracy could be said to be
19 ongoing the day following the murder, the alleged murder,
20 simply because the Fiat automobile -- or rather, the automobiles
21 had not been disposed of, and the gun had not been disposed
22 of.

23 MR. MANZELLA: Well, your Honor, as I've said,
24 Mr. -- my offer of proof, in part, is that Mr. Hendricks,
25 H-e-n-d-r-i-c-k-s, would testify that he was given the 9
26 millimeter Radom gun by Mr. Manson, and Mr. Manson in his
27 presence got the 9 millimeter Radom from Mr. Davis.

28 In other words, the witness --

16b-2

1 THE COURT: At some later day?

2 MR. MANZELLA: On August 1st of 1969. In other words,
3 these -- this disposition of the property, the instruments
4 of the crime and the property, the proceeds of the crime --

5 THE COURT: What is the offer of proof respecting the
6 vehicles?

7 MR. MANZELLA: We will offer to prove that, on August
8 6th of 1969 -- well, strike that. Let me go back.

9 That the vehicles, as the testimony has already
10 shown, were on the Spahn Ranch on July 28th of 1969 and
11 July 31st of 1969. Both vehicles, the Fiat and the station
12 wagon -- and the Volkswagen microbus.

13 That on August 1st of 1969, that Mr. Arneson,
14 Mark Arneson, was given the Volkswagen microbus by Mr. Manson,
15 either in late July -- he would testify in late July, 1969,
16 or August 1st of 1969.

17 He was given the Volkswagen microbus by Mr. Manson;
18 that at that time, Mr. Beausoleil drove him to the Volkswagen
19 microbus which was parked on the ranch in the Fiat station
20 wagon; and that these vehicles were being used on the ranch at
21 that time.

22 THE COURT: All right. The Court believes that you
23 haven't shown me sufficient to establish in my mind that the
24 conspiracy was still ongoing, to the extent that the Court
25 should allow the statements of Davis or Beausoleil to be
26 admitted against Mr. Manson, as part of -- as part of an on-
27 going conspiracy, or statements made in the course of an
28 ongoing conspiracy, or towards the objectives of the

16b-3

1 conspiracy.

2 Under 1223, if the statement is made by a
3 declarant while participating in a conspiracy, and in further-
4 ance of the object of that conspiracy, it would be admissible.

5 If it was made prior to or during the time the
6 party was participating in the conspiracy, the Court could
7 admit it.

8 But the Court believes that your officer of proof
9 would be insufficient.

10 Let's proceed. Do you want to bring the jury in?

11 MR. KANAREK: Well, I have -- before the jury's brought
12 in, your Honor, I have one point as to the purported statement
13 by Mr. Manson.

14 It's our belief that it is inadmissible also, be-
15 cause of the harassment that Mr. Manson has undergone.

16 And we would like to have a hearing outside the
17 presence of the jury, to show the constant harassment --

18 THE COURT: Do you think --

19 MR. KANAREK: In other words, Mr. Manson's name --

16c fls.

20

21

22

23

24

25

26

27

28

16c-1

1 THE COURT: Let me see whether or not I understand you.

2 MR. KANAREK: Yes.

3 THE COURT: On July -- 29th, is it?

4 MR. KANAREK: 28th, allegedly.

5 THE COURT: Of 1969, you believe that Mr. Manson's
6 statement to the effect that his name was Charles Miles
7 Summers, was made as a result of his being harassed?

8 MR. KANAREK: Constantly.

9 THE COURT: And therefore, was not free and voluntary?

10 MR. KANAREK: No, no.

11 THE COURT: Then what --

12 MR. KANAREK: Because of the constant police influx,
13 the constant police activity, and the name Charles Manson
14 being a name which meant immediate harassment, search, and
15 all of that, that is the reason we believe there's no probative
16 value as to this particular matter. It just doesn't have any
17 probative value, and the prejudicial value far outweighs --

18 THE COURT: Your request for a hearing, an evidentiary
19 hearing in that respect, is denied.

20 The Court believes that that would be a matter
21 of weight for you to argue to the jury, as to what Mr. Manson
22 meant, if he meant anything whatsoever -- or why he acted
23 as he did, when he gave the name Charles Miles Summers, rather
24 than his true name.

25 Bring the jury back in.

26 MR. KANAREK: And also, if your Honor please, there's
27 no corpus delicti been shown, really.

28 (The following proceedings were had as the members

16c-2

of the jury were filing into the courtroom.)

THE COURT: The Court believes --

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

THE COURT: The Court has a right to control the order of proof, and the Court denies the objection on that ground.

MR. MANZELLA: All right. The People call Mr. Grap, your Honor.

THE COURT: The record will show the jurors are all present.

GEORGE D. GRAP,
having been previously duly sworn, resumed the stand and testified further as follows:

THE CLERK: Sir, would you state your name again for the record?

THE WITNESS: George D. Grap; G-r-a-p.

FURTHER DIRECT EXAMINATION

BY MR. MANZELLA:

Q All right.

Mr. Grap, directing your attention to the man you've identified in photograph B of People's 37 for identification (indicating), were you present when that person was interviewed at the Spahn Ranch on the morning of July 28th, 1969?

MR. KANAREK: Improper foundation, your Honor --

THE COURT: The objection is overruled.

MR. KANAREK: -- and irrelevant and immaterial.

THE WITNESS: Yes, I was.

17 fls.

17-1

...

1 Q BY MR. MANZELLA: Was the person shown in
2 Photograph B of People's 37 for identification asked his name?

3 MR. KANAREK: May we have a foundation as to who was
4 present?

5 MR. MANZELLA: Yes, I'll withdraw the question.

6 Q Deputy Grap, would you tell us who was present at
7 the time the man shown in Photograph B was being interviewed?

8 A Yes. There was myself, Deputy Richards, and
9 Deputy Loobey, and a Deputy Wilson.

10 Q Who was asking the questions?

11 MR. KANAREK: That's assuming that only one person was,
12 your Honor.

13 THE COURT: The objection is overruled. If that's an
14 objection.

15 A I believe it was Mr. Loobey.

16 Q BY MR. MANZELLA: Would you spell that name,
17 please?

18 A Yes. It is L-o-o-b-e-y.

19 Q All right. Now, was the man shown in Photograph
20 B of People's 37 asked his name?

21 A Yes, he was.

22 Q What name did he give?

23 MR. KANAREK: Irrelevant and immaterial, improper
24 foundation.

25 THE COURT: The objection is overruled.

26 A He said his name was Charles Miles Summers.

27 MR. MANZELLA: All right, thank you.

28 Your Honor, I have no further questions.

1 THE COURT: Any cross?

2 MR. KANAREK: I have no questions, your Honor.

3 THE COURT: You may step down.

4 THE WITNESS: Thank you.

5 MR. MANZELLA: People will call Mr. Nat Stanoff, your
6 Honor.

7 THE COURT: May Mr. Grap be excused?

8 MR. MANZELLA: No objection by the People, your Honor.

9 THE COURT: All right, you may stay or go as you wish.

10 MR. KANAREK: Thank you, Mr. Grap.

11 MR. GRAP: Thank you, Mr. Kanarek.

12
13 NAT STANOFF,

14 having been previously duly sworn, was examined and testified
15 further as follows:

16 THE CLERK: Sir, would you state your name again for
17 the record?

18 THE WITNESS: I am Nat Stanoff.

19
20 FURTHER DIRECT EXAMINATION

21 BY MR. MANZELLA:

22 Q All right, Mr. Stanoff, are you the sole owner
23 of the company called Surplus Distributors?

24 A Yes, I am.

25 Q All right. Now, are you familiar with the weapon,
26 the 9 millimeter Radom?

27 A Yes, I am.

28 Q Have you ever had any weapons, any 9 millimeter

1 Radoms in your stock at Surplus Distributors?

2 A Yes, I have.

3 Q How long have you been the owner of Surplus
4 Distributors?

5 A I've been the owner of Surplus Distributors --
6 the sole owner of Surplus Distributors for the past three
7 years -- four years -- three to four years.

8 Q During that time how many 9 millimeter Radoms have
9 you had in stock?

10 A I've had two.

11 Q How many do you have in stock now?

12 A I have one.

13 Q Is that one one of the original two that you had
14 in stock?

15 A Yes.

16 Q So you've -- what happened to the other one?

17 MR. KANAREK: Immaterial, irrelevant, your Honor.

18 THE COURT: Sustained.

19 Q BY MR. MANZELLA: Now, Mr. Stanoff, directing your
20 attention to the 9 millimeter Radom which is marked People's
21 30 for identification.

22 Would you look at that weapon and tell us if that
23 was one of the two 9 millimeter Radoms that you had in stock?

24 A This is my weapon.

17a fls.

17a-1

1 MR. KANAREK: Well, that's not responsive to the
2 question, your Honor.

3 THE COURT: Would you read it?

4 Q BY MR. MANZELLA: Is that --

5 I'll withdraw the question and rephrase it, your
6 Honor.

7 Is that one of the 9 millimeter Radoms which you
8 had in stock?

9 A Yes.

10 MR. KANAREK: Calling for a conclusion. I would like
11 to inquire on voir dire, if I may.

12 THE COURT: The objection is overruled. The motion is
13 denied. The answer may remain.

14 Q BY MR. MANZELLA: Now, Mr. Stanoff, directing
15 your attention to the date of July 19 -- strike that --
16 July 14, of 1969.

17 On that date did you sell a 9 millimeter -- the
18 9 millimeter Radon which you are holding in your hand,
19 People's 30 for identification?

20 MR. KANAREK: Calling for a conclusion, leading and
21 suggestive, immaterial, irrelevant and improper foundation,
22 your Honor.

23 THE COURT: The objection is overruled. You may
24 answer.

25 A Yes, I sold this particular weapon that day.

26 Q Did you personally participate in the sale?

27 A I did.

28 Q Now, the person to whom you sold the weapon,

17a-2

1 was it a male or female?

2 A A male.

3 Q Had you ever seen that person before?

4 A Yes, I have.

5 Q On how many occasions?

6 A Several, I would say.

7 Q And under what circumstances have you seen that
8 person before?

9 MR. KANAREK: Irrelevant and immaterial.

10 THE COURT: Overruled. You may answer.

11 A The person had purchased a rifle from me previously
12 and returned it to purchase -- for credit to purchase this
13 weapon.

14 Q BY MR. MANZELLA: When you say "this weapon," are
15 you referring to the 9 millimeter Radom marked People's 30?

16 A Yes, this particular weapon.

17 Q Now, do you have certain forms that you are
18 required to fill out with regard to a firearms sale?

19 A Yes.

20 Q And as part of the completion of those forms,
21 are you required to ask for and obtain the name of the person
22 to whom you are selling the weapon?

23 A Yes.

24 Q And did you ask the person to whom you are selling
25 People's 30 -- did you ask him for his name?

26 A Yes.

27 Q What name did he give?

28 A He gave the name of Jack Paul McMillian.

1 Q Would you spell McMillian, please?

2 A M-c-M-i-l-l-i-a-n.

3 MR. MANZELLA: Your Honor, I have here a photograph of
4 what appears to be a male person. May I have that marked
5 People's 41 for identification?

6 THE COURT: So ordered.

7 Q BY MR. MANZELLA: All right, Mr. Stanoff, directing
8 your attention to the photograph which is marked People's 41
9 for identification.

10 Do you recognize the person depicted in that
11 photograph?

12 MR. KANAREK: Object, your Honor.

13 A Yes, I do.

14 MR. KANAREK: If I may, I would like to approach the
15 bench.

16 THE COURT: The objection is overruled. The motion is
17 denied.

18 MR. KANAREK: Well, your Honor, then may I enunciate
19 my objection?

20 THE COURT: State your grounds.

21 MR. KANAREK: My grounds are -- is that it is an
22 improper lineup showing this witness this picture of all
23 the pictures that there may be, is leading and suggestive,
24 and it is an improper lineup, and it constitutes a violation
25 of equal protection and due process under the 14th Amendment
26 for this kind of an in-court supposed identification of one
27 picture standing alone.

28 THE COURT: The objection is overruled.

1 MR. KANAREK: It is irrelevant and immaterial, and no
2 foundation.

3 THE COURT: The objection is overruled.

4 Q BY MR. MANZELLA: Mr. Stanoff, do you recognize
5 the person shown in People's 41 for identification?

6 A Yes, I do.

7 MR. KANAREK: Calling for a conclusion, immaterial,
8 irrelevant, and improper foundation, a violation of the
9 equal protection and due process clause of the 14th Amendment.

10 THE COURT: Are you through?

11 MR. KANAREK: Yes, your Honor.

12 THE COURT: Your objection is overruled.

13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
17b fls.

1 Q BY MR. MANZELLA: Mr. Stanoff, you may answer the
2 question.

3 A Yes, this is the man that purchased this weapon
4 from me.

5 Q All right. And is the man that gave the name
6 Jack Paul McMillian?

7 A Yes, it is.

8 MR. KANAREK: Leading and suggestive, as well as the
9 other objections, your Honor.

10 THE COURT: Overruled. The answer may remain.

11 Q Now, Mr. Stanoff, directing your attention again
12 to the 9 millimeter Radom marked People's 30 for identification.

13 Was that pistol in the condition it appears to be
14 in when you sold it on July 14th, 1969?

15 A No, sir.

16 Q Would you tell us what is different about its
17 condition now?

18 A The weapon we sold originally had grips on it.
19 It was in clean condition. The weapon I'm holding in my
20 hand is the same weapon without the handgrips. It is not in
21 clean condition.

22 Q Now, would you hold the exhibit up so the jury
23 can see it and point to that portion of the weapon which
24 is missing?

25 A The handgrips on both sides of the weapon are
26 removed. The condition of the barrel itself is not as clean
27 as when we originally offered it for sale.

28 Q All right. Thank you.

I have no further questions, your Honor.

MR. KANAREK: Yes, I do.

May I approach the witness, your Honor?

THE COURT: Yes, you may.

CROSS-EXAMINATION

BY MR. KANAREK:

Q Now, Mr. Stanoff, I show you in -- if I may, in People's 37, there is a name at the bottom that says Fabu --

A No, no, that first letter is the initial. That's his last name. Ahumada.

Q What?

A Ahumada. Ahumada.

Q Who is that?

A That's my manager.

Q And he is noted here as the transferor of the weapon, is that correct?

A That's correct.

Q So you did not transfer this weapon?

A Shall I answer your question, sir?

Q No, did you --

A Did you want me to answer the question?

Q Would you just answer yes or no, if you can.

A Yes.

Q Did you transfer the weapon or did this gentleman who has that somewhat unpronounceable name?

A I personally transferred the weapon.

1 Q And this person is the -- is noted here as the
2 manager, is that correct?

3 A That's exactly as it says.

4 Q I see. So, in fact, this gentleman did transfer
5 the weapon, is that correct?

6 A No, not necessarily. There are more than one
7 form, sir, to transfer a weapon. You're not -- you want the
8 answer?

9 Q Mr. Manzella will be able to speak to you, Mr.
10 Stanoff.

11 A Well, I'm not to answer your question and tell you
12 a half truth now.

13 Q You mean, if the Court orders you to answer the
14 question you won't answer it?

15 MR. MANZELLA: I object to the question. It is
16 immaterial.

17 THE COURT: Sustained.

18 Mr. Kanarek, if he wishes to explain an answer,
19 let him explain it.

20 MR. KANAREK: Well, yes.

21 THE COURT: Mr. Stanoff, answer yes or no if you can.
22 If you wish to explain the yes or no answer, you may.

23 MR. KANAREK: Well, your Honor, if I may --

24 THE COURT: Proceed with your next question.

25 MR. KANAREK: Yes, thank you.

26 Q BY MR. KANAREK: This document says "transferor's
27 signature," is that correct?

28 A That is correct.

1 Q And the transferor's title is there as manager,
2 is that correct?

3 A That is correct, sir.

4 Q All right. Now, then, directing your attention
5 to Mr. McMillian, Jack Paul McMillian.

6 This person was in your presence in this -- in
7 your store, is that correct?

8 A That is correct.

9 Q And you sold this weapon for money?

10 A Yes.

11 Q Correct?

12 A Correct.

13 Q And, really, all that you are interested in is
14 getting your money for the weapon? You're in the business
15 of selling these deadly weapons to anyone who walks off the
16 street?

17 A You are wrong, sir.

18 Q I see.

19 A You know nothing about the laws of selling a
20 handgun.

21 May I explain?

22 Q Mr. Stanoff, I am not professing to know anything
23 about the laws of selling handguns. If you will, just answer
24 my questions.

25 THE COURT: Mr. Kanarek, you are not testifying now.
26 Just put a question to the --

27 MR. KANAREK: I am. I am trying to.

28 Mr. Stanoff is trying to go beyond the questions,

1 your Honor, and I would like the protection of the Court.

2 THE COURT: Just go on to your next question.

3 MR. KANAREK: Yes.

4 Q Now, directing your attention to your state of
5 mind when this weapon was sold.

6 Your purpose was to sell this weapon for profit
7 to make money; that is the reason, is that correct?

17c fls.

8 A That is just one of the main reasons.
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

17c-1

1 Q Pardon?

2 A That is one of the main reasons of selling anything.

3 Q That is the only reason that you sold this weapon,

4 is to make money? Would you answer that?

5 A No.

6 Q That's untrue?

7 A Of course, it is untrue.

8 Q I see. You had other reasons other than to make

9 money for selling this deadly weapon to a person that walked

10 off the street; is that correct? Just answer yes or no.

11 MR. MANZELLA: Objection, the question is argumentative.

12 THE WITNESS: The laws -- I could never answer a

13 question that way. You don't know the laws of handling a

14 weapon or selling a weapon.

15 THE COURT: Mr. Stanoff.

16 THE WITNESS: Yes.

17 THE COURT: Just wait for the next question. You needn't

18 answer that question, the last one. The line of inquiry is

19 immaterial, in any event.

20 Q BY MR. KANAREK: All right, so --

21 May I have the other exhibits, Counsel?

22 MR. MANZELLA: Sure.

23 MR. KANAREK: Thank you.

24 MR. MANZELLA: You're welcome.

25 Q BY MR. KANAREK: Now, Mr. Stanoff, when you sold

26 this weapon, you spoke to someone who represented themselves

27 as Jack McMillian, you're telling us, is that correct?

28 A I spoke to the individual that identified himself

1 as Mr. Jack Paul McMillian.

2 Q Well, then, the answer to that question is yes?

3 A Is yes.

4 Q Now, would you tell us, Mr. Stanoff, what did you
5 rely upon as substantiating the identity of this person Jack
6 Paul McMillian?

7 A By law we have to --

8 Q Mr. Stanoff, would you just answer the question.
9 What object, what piece of paper, what did you
10 rely on, if you would please tell us, to authenticate that
11 this person was Jack Paul McMillian?

12 A We used his driver's license.

13 Q All right. Do you see that in front of you?

14 A I do, sir.

15 Q All right, which exhibit is it?

16 A That's Exhibit 39 it says in the corner.

17 Q Pardon?

18 A Is that 39?

19 Q Yes.

20 A That's one of the identifications he had.

21 Q I see. So you relied upon what you call this
22 exact object, is that correct?

23 Would you look at it so we don't have any
24 question about what you are saying here?

25 A That is correct.

26 THE COURT: Actually, it was a copy, was it not, of what
27 you see here?

28 THE WITNESS: This is a photostatic copy of the -- uh,

1 of the -- uh, of the original license or temporary license
2 that Mr. Paul McMillian had.

3 Q BY MR. KANAREK: Mr. Jack --

4 A Or Mr. Jack Paul McMillian had.

5 Q Jack Paul McMillian had?

6 A Right.

7 Q And so he came to you on a certain day and stated
8 that he wished to purchase this gun, is that correct?

9 A No, it is a longer story than that.

10 Q Pardon?

11 A It is a much more involved story than that.

12 Q Well, did you have negotiations with him before he
13 purchased the gun?

14 A Yes. Yes, I did.

15 Q And you had previously sold him another gun?

16 A Previously -- not a gun, a weapon. It was a
17 rifle.

18 Q A rifle.

19 And he traded that rifle in for this handgun?

20 A That is correct, sir.

21 Q And your purpose in engaging in this transaction
22 was for money, right?

23 A That is correct.

24 Q Now, on the date -- on how many different days
25 did you see Mr. McMillian in connection with the gun, this
26 9 millimeter Radom?

27 A Several times.

28 Q You negotiated with him on several different

1 occasions, is that correct?

2 A He's been on our premises more than one time.

3 Q I'm talking about the negotiations in connection
4 with this gun?

5 A Just that one day or -- no, two times, two separate
6 times for this particular weapon.

7 Q All right. On the first -- the first time he
8 appeared in connection with this particular weapon was on
9 what date?

10 A The date of the purchase of the weapon was July
11 14, I believe, of 1969.

17d fls.

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

17a

1 Q What -- was he in your premises on more than one
2 occasion?

3 A Yes, I have so stated.

4 Q Well, what was the first date he was there?

5 A I don't know the exact first date, but he had
6 purchased a rifle previously.

7 Q But, my question is directed toward negotiations
8 involved on this particular gun, this 9 --

9 A It was July 14, 1969.

10 Q That was one day that you and he negotiated this
11 gun?

12 A That's right.

13 Q Now, was there another day that you also
14 negotiated in connection with that gun?

15 A There was no other negotiation with that gun.

16 Q So he appeared, and on the same day he appeared,
17 he got the gun?

18 A Not at all.

19 Q Then, you had more than one day's negotiation with
20 him, is that correct?

21 A To negotiate a sale -- can I explain this?

22 Q No, would you just answer the question.

23 THE COURT: You may -- let him answer this --

24 A Would you please understand that a gun has to be
25 held five days in your premises before it is cleared up by the
26 police department. So, therefore, after the gun has been paid
27 for and the records all sent out, one record sent to the Van
28 Nuys Police Department, one record sent to the Bureau of

1 Identification and Criminal Investigation in Sacramento, so it
2 takes five working days for the weapon to clear. Then, the
3 person who has made the purchase can then bring in a clearance
4 from the police department which he must give to us before he
5 can pick up the weapon. So you understand that there's more
6 to just selling a gun right over the counter.

7 Q Well, you did, then, on two days you did have
8 negotiations with him; the first time he appeared and, at
9 least, five days thereafter?

10 A And several days prior, when he purchased other
11 items.

12 Q I'm speaking about the weapon.

13 A There are two negotiations on any handgun, the
14 day of purchase and the time of pickup.

15 Q And so as to this weapon he was in your store
16 twice?

17 A On this gun at least twice.

18 Q Was he in your store more than one -- more than
19 twice?

20 A Yes, previously when he purchased other weapons.

21 Q I'm talking about in connection with this gun?

22 A For this particular gun, he only made two trips.

23 Q All right, only two trips, right?

24 A Yes.

25 Q Now, can you tell us, do you have an independent
26 recollection of what the day was that he was there the first
27 day? Do you know what it is without looking at these papers?

28 A The first day -- you mean before he purchased

1 this particular weapon?

2 Q No, when you first negotiated with him, when he
3 purchased that particular weapon?

4 A July 14th, 1969.

5 Q Is the first day he was there?

6 A Is the day he was there to transact the purchase
7 of this weapon.

8 Q Now, do you have a memory of that or is that -- are
9 you stating --

10 A No, it is in my records. We have records of
11 everything, sir.

12 Q If you would bear with me, Mr. Stanoff,

13 THE COURT: Excuse me, just a minute.

14 Now, do you need to be up there by the witness?

15 THE WITNESS: That's okay -- oh, excuse me.

16 THE COURT: That's not bothering you, Mr. Stanoff?

17 THE WITNESS: No, not at all.

18 THE COURT: You may stay there, then.

19 I didn't know whether you were going to sit in the
20 chair or not, Mr. Kanarek.

21 (Laughter.)

22 MR. KANAREK: Maybe he'll invite me, your Honor.

23 THE COURT: Go ahead.

24 Q BY MR. KANAREK: Now, Mr. Stanoff, if you would,
25 just answer the question.

26 A Okay.

27 Q Absent looking at these documents.

28 A Right.

1 Q Do you know what day it was?

2 A Yes, I do, sir.

3 Q You remember that?

4 A Yes.

5 Q In other words, without looking at these
6 documents?

7 A Take the documents.

8 Q You can tell us that it was July 14th, is that
9 correct?

10 A Yeah, sure.

11 Q Then, would you tell us what makes you remember
12 that it was July 14th?

13 A Well, let me -- explain now?

14 Q Yes. Why do you know it was July 14? Are you
15 French? Because that's Bastille Day.

16 A No, I was married July 4, you see.

17 Q You mean July 14th?

18 A July 4 was my wedding, and ten days after my
19 anniversary -- ten days I had to sell a hand weapon, so that's
20 why I remember the date. And plus two years ago I was in
21 Canada on a vacation and all these things happened on account
22 of this weapon, so I've never forgotten July 14th.

18 fls.

23

24

25

26

27

28

18-1

1 Q In other words, you remember that it was ten
2 days after July the 4th?

3 A That's right.

4 Q And you remember --

5 A July 4th is my wedding anniversary. I have been
6 married now -- do you want to know exactly how long?

7 Q Go ahead. Tell us.

8 A Exactly 27 years.

9 Q And you remember -- and you chose to remember that, --

10 A Yes.

11 Q -- ten days after July the 4th --

12 A Just exactly.

13 Q Would you allow me to finish?

14 A I'm sorry. I thought we were having a conversa-
15 tion. I'm sorry. I'm sorry.

16 Q You are telling us that ten days after July the
17 4th, you remembered that that was July the 14th, and you
18 pinpointed that it was ten days; is that right?

19 A Ten days, right.

20 Q Is there some reason that you pinpointed ten
21 days, instead of nine days, eleven days, or fifteen days?

22 MR. MANZELLA: Objection, your Honor. The question has
23 been asked and answered.

24 MR. KANAREK: I don't think so, your Honor. The man is
25 giving us a statement as to the basis of his memory, and I
26 think I have a right to interrogate him.

27 THE COURT: The objection is overruled.

28 You may answer.

18-2

1 THE WITNESS: Ten days is an easy number to remember.

2 Q BY MR. KANAREK: And you've remembered that --
3 you didn't remember it was nine days or eleven days?

4 THE COURT: The question has been asked and answered.

5 MR. KANAREK: I see.

6 THE COURT: Let's proceed.

7 Q BY MR. KANAREK: And so you remember that, because
8 it's written down here that it's July 14th, you remember it
9 because of this arithmetic you have just told us about?

10 A That's right.

11 MR. MANZELLA: Objection, your Honor. The question has
12 been asked and answered.

13 MR. KANAREK: Yes, your Honor.

14 THE COURT: Sustained, Mr. Kanarek.

15 MR. KANAREK: Yes, your Honor.

16 Q Now, when Mr. McMillian came to you, would you
17 tell us, what was he wearing? Can you tell us what he was
18 wearing?

19 A Yes. He had long hair. He was quite unkempt,
20 and was wearing jeans, I believe. This is to the best of
21 my memory at the time. This is almost two years ago.

22 If I'm not mistaken, I think he wore sandals,
23 and he wore a light shirt. That was about all the clothing
24 the man had.

25 Q Do you remember what -- what color his clothing --

26 A Well, the jeans were blue; I think the shirt was
27 light. I can't say exactly as to color.

28 Q And that's -- you have told us all the --

18-3

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

A As far as wearing apparel is concerned, yeah.

Q Now, directing your attention to this driver's license, was there any picture of the person upon the driver's license?

A No. As I recall, the driver's license was a temporary license.

18a1 fls.

18a-1

1 Q And --

2 A It had no picture.

3 Q And looking at your state of mind concerning a
4 temporary license, that had no significance -- or, did that
5 cause you to pause about selling this gun?

6 A It caused me to pause --

7 THE COURT: That question -- very well. Go ahead.

8 Q BY MR. KANAREK: And you accepted -- you accepted
9 this person's driver's license at face value; is that right?

10 A That is correct, sir.

11 Q And did you do anything, as far as discussing with
12 this person the use of this gun?

13 MR. MANZELLA: Objection, your Honor. That's not
14 relevant.

15 THE COURT: Sustained.

16 MR. KANAREK: May we approach the bench, on that, your
17 Honor?

18 THE COURT: No, you may not.

19 Q BY MR. KANAREK: Now, you'll notice -- you see here
20 where it says "Confidential Report"? Mr. Stanoff?

21 A Um-hum.

22 Q Section 1808 VC?

23 A I see that. I can see that.

24 Q Yeah. You see that?

25 A Yeah.

26 Q Did you see that when you had the driver's license
27 in front of you?

28 MR. MANZELLA: Objection, your Honor. It's not relevant.

18a-2

1 MR. KANAREK: Well, I think it's most relevant. Counsel
2 is offering this exhibit, your Honor, for identification.

3 MR. MANZELLA: No, I'm not. I am not, your Honor. I am
4 not offering that.

5 MR. KANAREK: He interrogated, using this exhibit.

6 MR. MANZELLA: I don't believe I did, your Honor.

7 THE COURT: Mr. Kanarek, will you wait for the Court's
8 ruling before you argue?

9 MR. KANAREK: I'm sorry, your Honor.

10 THE COURT: I've asked you to do that a number of times
11 now.

12 The objection is overruled.

13 You may answer the question, if you remember what
14 it was, Mr. Stanoff.

15 THE WITNESS: May I just make a statement?

16 THE COURT: Do you wish to have it read back to you?

17 THE WITNESS: No.

18 THE COURT: Please answer the question.

19 THE WITNESS: This is not the proper identification that
20 was given -- this is a copy. However, what we were given was
21 a temporary license, as I recall.

22 This looks like a photostatic copy, but -- of a
23 license that's been issued.

24 If I recall the exact circumstances, ours was a
25 temporary license that Mr. Jack Paul McMillian had given to
26 us.

27 Q BY MR. KANAREK: So you weren't given People's
28 38 by Mr. McMillian?

18a-3

1 A We were given a copy of a temporary license, a
2 temporary California driver's license by Mr. Jack Paul
3 McMillian, and it was so noted in our records.

4 Q Now, I show you this People's 38 -- this is your
5 form; you notice this language?

6 "The transferer of the firearm is responsible
7 for determining the lawfulness of the transfer and for keeping
8 proper records to record the transaction."

9 Do you understand that?

10 A I think so, sir.

11 Q All right. Did you -- did you discuss with this
12 person what he was going to use this gun for?

13 MR. MANZELLA: Objection, your Honor. That's not
14 relevant.

15 THE COURT: The objection is sustained.

16 MR. KANAREK: Well, may I --

17 THE COURT: You needn't -- you may not approach the
18 bench, no, if that is what you are going to ask.

19 MR. KANAREK: Yes, your Honor, it was.

20 Q BY MR. KANAREK: Now, Mr. Stanoff, directing your
21 attention -- would you hold up that gun for us?

22 Now, you say that -- and I'm -- that an unkempt
23 person came in, ill-dressed, to --

24 THE COURT: You may --

25 Q BY MR. KANAREK: -- your house -- I mean --

26 THE COURT: -- put it down.

27 Q BY MR. KANAREK: Pardon me.

28 (Continuing) -- to your store, to buy that gun;

18a-4

1 right?

2 A Would you rephrase the question again?

3 Q Surely. You described this person as ill-kempt,
4 ill-dressed, and he came to buy this gun; right?

5 A I didn't say unkempt and ill-dressed. I said that
6 he was -- he had long hair; he may have been unkempt. He did
7 wear jeans or dungarees. He had a light looking colored shirt;
8 may have worn sandals, I'm not positive.

9 It is two years ago. However, there's a lot of
10 people that fit that description today.

18b fls.

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

18b-1

1 Q And -- well, a lot of people fitted that
2 description in -- two years ago, too, right?

3 MR. MANZELLA: Objection, your Honor. It's not
4 relevant, and it's argumentative.

5 THE COURT: Sustained.

6 Q BY MR. KANAREK: Now, directing your attention
7 to this picture -- to this picture -- do you see this picture
8 that counsel showed you, that said --

9 A I see it. I can see it.

10 Q Right. Now, other than this picture -- and now,
11 referring to this particular person -- have you seen a series
12 of pictures, where different people were depicted, and you
13 were asked to choose one?

14 A Are you talking about in the past, or talking
15 about at present?

16 MR. MANZELLA: Your Honor, I'm going to object to the
17 question, your Honor, on the grounds that, as stated, it's
18 vague and ambiguous and does not appear to be relevant.

19 THE COURT: The answer may remain.

20 The answer reflects that it is ambiguous.

21 You may rephrase your question.

22 MR. KANAREK: Yes. Thank you.

23 Q Now, you have picked this particular person
24 (indicating); right?

25 A That is correct, sir.

26 Q Your state of mind is, you have been subpoenaed
27 by the prosecution; right?

28 A That's right.

18b-2

1 MR. MANZELLA: Objection, your Honor. That question
2 is irrelevant and ambiguous.

3 THE COURT: Sustained. The answer is stricken. It's
4 irrelevant and immaterial and argumentative.

5 Proceed.

6 Q BY MR. KANAREK: Have you spoken to Officer
7 Whiteley concerning this matter previously?

8 A Who, sir?

9 Q Do you see this gentleman (indicating) to my
10 left?

11 A Oh, yes. I've seen him.

12 Q Well, on how many occasions have you spoken to
13 him?

14 A Uh -- in the past, I've spoken to him.

15 Q On how many different occasions?

16 A Maybe once.

17 Q Have you spoken to other police officers in
18 connection with this matter?

19 A Uh -- when you say police officers, like --
20 would you classify any of the District Attorneys, et cetera,
21 and so on?

22 Q Yes, yes.

23 A Well, I was on a case and -- in February --

24 Q Well, just tell us how many different people
25 you've spoken to.

26 A Two.

27 Q Two Deputies District Attorney?

28 A Yes.

18b-3

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Q And what are their names?

A Oh, I think one is Mr. Michaels. He's an investigator for the -- an FBI investigator.

Q All right. And you've spoken to Mr. Whiteley here?

A Possibly in the past. That's about all I can --

Q Well, how many other police officers have you spoken to in connection with this case?

A None whatsoever.

Q All right. Now, have you ever been asked to choose a picture from a group of pictures --

A Yes.

Q -- as the person who -- as the person who purchased the gun?

A Yes, I have.

Q All right. Will you produce those pictures for us? Do you have those pictures?

A No, I don't have them. I don't keep pictures in my possession.

Q They didn't -- they didn't allow you to keep the pictures, did they?

A No.

MR. MANZELLA: Objection. That's irrelevant, your Honor.

THE COURT: The objection is sustained.

The answer is stricken, if there is an answer.

Q BY MR. KANAREK: Who was the police officer or person that presented to you these pictures?

18b-4

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

A Mr. Michaels. He was --

Q A Mr. Michaels --

A Yes.

Q -- presented those pictures to you originally?

A Yes, sir.

Q I see. Now -- and when was that, Mr. Stanoff?

A August of 1969.

18c file

18c-1

- 1 Q August of 1969?
- 2 A That's right.
- 3 Q And directing your attention to this picture, that
- 4 you say is the person that you've seen here in court today,
- 5 have you seen this picture before? Before today?
- 6 A I believe I have.
- 7 Q Pardon?
- 8 A I said: I believe I have.
- 9 Q You believe you have, or you know you have?
- 10 A I believe -- I know I have.
- 11 Q And this picture was shown to you, standing alone,
- 12 before you came to court today; right?
- 13 A Alone? Of many pictures.
- 14 Q Pardon?
- 15 A Of many pictures. Of many pictures.
- 16 Q It was one of many pictures?
- 17 A Yes.
- 18 Q And at the time that you were interrogated by
- 19 the person who showed you these pictures, did he take a
- 20 tape recording of your conversation?
- 21 A Well, he -- I believe he had his witnesses with
- 22 him, and I had to sign the particular pictures.
- 23 Q You say he had a witness? Who were the witnesses
- 24 that he had?
- 25 A Another sergeant -- or, another officer, with --
- 26 another plainclothes officer.
- 27 Q Another sergeant, or another officer?
- 28 A I don't know if he was a sergeant, but another

18c-2

1 officer, another plainclothes man, you see.

2 Q I see.

3 A They weren't in uniform.

4 Q But they were police officers?

5 A Yes.

6 Q And they conducted this -- this interrogation with
7 you for some period of time, as to these pictures; right?

8 A That's correct.

9 Q And was -- my question is: Was a tape recording
10 taken? Was there a word for word take-down of everything you
11 said and everything the police officers said?

12 MR. MANZELLA: Objection, your Honor. It's not
13 relevant.

14 MR. KANAREK: It's material and relevant on the issues --

15 THE COURT: Sustained.

16 MR. KANAREK: -- on the issue of identification, your
17 Honor.

18 THE COURT: The objection is sustained.

19 Q BY MR. KANAREK: Now, was there a man or a lady,
20 like Mr. Williams here, who was taking down all the words that
21 were uttered between yourself and these people?

22 MR. MANZELLA: Objection, your Honor. It's not
23 relevant.

24 THE COURT: The objection is sustained.

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

26 THE COURT: No, you may not.

27 Q BY MR. KANAREK: Well, actually, Mr. Stanoff,
28 this picture was chosen by you as a result of a suggestion to

18c-3 1 you by at least three police officers; right?

2 A No, you're wrong.

3 Q Four, five?

4 THE COURT: The Court will raise its own objection. It
5 assumes a fact not in evidence, that it was a suggestion at
6 all.

7 You may explain your answer, if you wish, Mr.
8 Stanoff.

9 THE WITNESS: Mr. Michaels, when he first approached,
10 in August -- I flew in from Canada to see what the matter was
11 about, and he had a bunch of pictures, and he wanted me to
12 go through them and pick out one picture of the individual
13 that bought the weapon.

14 After I did, he turned it over, and he made me
15 sign my initials to it, and date it. He wrote -- he had
16 another gentleman with him, who wrote down and made me sign
17 to all particulars that we had discussed. And I had to take
18 an oath (indicating).

19 And then of course, I was called another time
20 at court here, and I had to identify a whole series of
21 pictures in court, and had to point out the individual that
22 purchased the weapon.

23 And I believe the attorney was -- or, the
24 Assistant District Attorney was Mr. Katz, if I'm not mistaken.

25 This is last year, probably.

26 Q I see. And you took an oath as to the identifica-
27 tion; right?

28 A That is correct.

18c-4

1 Q And you wouldn't want your testimony at this time
2 to appear different than it was last time, would you?

3 MR. MANZELLA: Objection, your Honor. That's argumenta-
4 tive and irrelevant.

5 THE COURT: Sustained.

18d Els.

6 MR. MANZELLA: Thank you, Mr. Stanoff.
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

18d-1

1 MR. MANZELLA: I have no questions, sir.

2 Thank you, Mr. Stanoff.

3 Your Honor, the People's next witness is Deputy
4 John Wilson.

5 THE COURT: Very well.

6 Mr. Stanoff, you may stay or go, as you wish.

7 THE WITNESS: I'll go, sir. Thank you.

8 MR. KANAREK: Thank you, Mr. Stanoff.

9 THE CLERK: Would you raise your right hand, please?

10 You do solemnly swear that the testimony you may
11 give in the cause now pending before this court shall be the
12 truth, the whole truth, and nothing but the truth, so help
13 you God?

14 THE WITNESS: I do.

15
16 JOHN DAVID WILSON,
17 called as a witness by and on behalf of the People, having
18 been first duly sworn, was examined and testified as follows:

19 THE CLERK: Please take the stand and be seated.

20 THE BAILIFF: Would you state and spell your full name,
21 sir?

22 THE WITNESS: John David Wilson; W-i-l-s-o-n.

23
24 DIRECT EXAMINATION

25 BY MR. MANZELLA:

26 Q Deputy Wilson, would you state your occupation
27 and assignment, please?

28 A Yes. I'm a deputy sheriff, Los Angeles County,

1 presently assigned to the Bailiff's Bureau.

2 Q Directing your attention to -- strike that.

3 How long have you been employed by the Los
4 Angeles County Sheriff's Office?

5 A Four years.

6 Q Directing your attention to the date of --
7 directing your attention to the date of July 28th, 1969,
8 on that date, where were you assigned?

9 A I was assigned to Malibu Station.

10 Q On that date, did you have occasion to go to
11 the Spahn Ranch, in Chatsworth?

12 A Yes, I did.

13 Q And was that in your official capacity as a
14 deputy sheriff?

15 A Yes, it was.

16 Q Approximately what time did you arrive at Spahn
17 Ranch?

18 A It was in the early morning hours.

19 Q Of July 28th?

20 A Yes, it was. It was -- it's been a long time ago.
21 But I would say around about 2:00 o'clock; 1:00 or 2:00
22 o'clock in the morning.

23 Q All right. Did you go alone, or did you go with
24 other deputy sheriffs?

25 A I went -- I had a partner, in the same radio
26 car.

19 fls.

27
28

19-1

1 Q What was his name?

2 A Earl Loobey.

3 Q Were there any other Sheriffs or deputies that went
4 to the location?

5 A Yes, there was. There was one other unit, two-
6 man unit.

7 Q Were there any other officers present other than
8 deputy sheriffs?

9 A Yes, there was.

10 Q What agency were they with?

11 A Uh, there was two units in the CHP.

12 Q Is that the California Highway Patrol?

13 A Yes.

14 Q Any other agency represented there that morning?

15 A At the ranch?

16 Q Yes.

17 A No, there wasn't.

18 Q Now, directing your attention to the Fiat station
19 wagon shown in the photographs marked People's 1 for identifica-
20 tion.

21 Have you ever seen that vehicle before?

22 A Yes, I have.

23 Q When and where did you first see it?

24 A The first time I saw this vehicle was July 28th,
25 1969, the same night that -- in the early morning hours, at
26 Spahn Ranch.

27 Q Was the vehicle parked at that time, at the time
28 you saw it?

19-2

1 A Yes, it was.

2 Q Would you tell us where it was parked?

3 A It was parked right in front of the ranch. There
4 was a line of buildings at the ranch and there was an area
5 there and it was parked right in front.

6 MR. KANAREK: Your Honor, was it on the private property --
7 may we -- that's ambiguous.

8 THE COURT: Objection -- Mr. Kanarek's remark is stricken.

9 Q BY MR. MANZELLA: Directing your --

10 THE COURT: -- ladies and gentlemen. If it is an
11 objection, it is overruled.

12 Q BY MR. MANZELLA: Directing your attention to the
13 photographs marked People's 36 for identification, do you
14 recognize in these photographs -- strike that.

15 Is the location at which you saw the Fiat, is that
16 location shown in any of these photographs?

17 A Yes, it is.

18 Q Would you point the photograph out, please?

19 MR. KANAREK: Well, your Honor --

20 Q BY MR. MANZELLA: Is that Photograph E of 36 for
21 identification?

22 A Yes, it is.

23 MR. KANAREK: I object on the grounds of the Fourth
24 Amendment, search and seizure, and equal protection and due
25 process under the Fourteenth Amendment of the Constitution,
26 irrelevant, immaterial and improper foundation.

27 THE COURT: Objection is overruled.

28 Q BY MR. MANZELLA: All right. Anything in the photo-
29 graph, Photograph E of People's 36 which shows the

19-3

1 approximate location of the Fiat station wagon when you saw it
2 on July 28th, 1969?

3 A Yes. I recognize the buildings there and I
4 recognize the one that's approximately in the middle with the
5 gable roof and the station wagon was located approximately
6 right where the -- shows a red truck in this picture
7 (indicating).

8 Q There is a red pickup truck shown in Photograph
9 E?

10 A Yes.

11 Q And was the Fiat station wagon approximately at
12 that location on the morning of July 28?

13 A Yes, it was.

14 Q All right. Would you take a marking pencil and
15 mark -- just write the word "Fiat" with an arrow drawn to
16 the vehicle, the red pickup truck that you have described.

17 A (Witness complied.)

18 Q Would you write your initials, please, near the
19 word "Fiat" and underline your initials?

20 A (Witness complied.)

21 MR. MANZELLA: Your Honor, may the record reflect the
22 witness has complied?

23 THE COURT: Yes, the record may so show.

24 MR. MANZELLA: All right, thank you, Deputy Wilson. I
25 have no further questions, your Honor.

26 THE COURT: Any questions?

27 MR. KANAREK: No -- did --

28 THE COURT: You may --

1 MR. KANAREK: Yes, I do have.

2
3 CROSS EXAMINATION

4 BY MR. KANAREK:

5 Q Did anyone give you permission to go on that
6 property?

7 MR. MANZELLA: Objection, it is not relevant.

8 MR. KANAREK: I think --

9 THE COURT: Sustained.

10 MR. KANAREK: Your Honor is sustaining that?

11 THE COURT: Yes, the objection is sustained.

12 MR. KANAREK: Thank you, Officer.

13 THE COURT: You may be excused, Officer.

14 THE WITNESS: Thank you.

15 MR. KANAREK: Thank you.

16 THE COURT: All right, ladies and gentlemen, it is
17 4:30, so we'll recess at this time until 9:45 on Monday
18 morning. Be here at 9:40, if you would be here five minutes
19 ahead of time, and come right into the courtroom.

20
21 Incidentally, the instruction -- if you have not
22 heard it before, it does prevail that anything that you might
23 hear involving other matters is not to be utilized by you or
24 relied upon by you in arriving at any decision in this case.
25 There are other matters that you may hear while the Court is
26 calling them preparatory to calling this case, have nothing to
27 do with this case, of course, and I'm sure you realize that.

28 Have a pleasant weekend. See you at 9:45 on Monday.

29 (Whereupon, the jury retired from the courtroom
at 4:30, and the following proceedings were had:)

19a-1

(Whereupon, the Defendant Manson was brought out into the courtroom, and the following proceedings were had:)

THE COURT: Mr. Manson, on consecutive days now, for two or three days, you've interrupted the proceedings, and the Court doesn't wish to do a useless act by allowing you to come back in here every day. If you can't promise me that you will be quiet --

THE DEFENDANT: Yes.

THE COURT: I think you are prejudicing yourself and you do disrupt the proceedings to act as you do.

Now, I have no objection to your being here. I'd rather have you here than behind here in this room, separated from the courtroom.

Do you think if I allow you to come back in here on Monday that you can conduct yourself --

THE DEFENDANT: I don't think.

THE COURT: You don't think you can conduct yourself --

THE DEFENDANT: I don't think. What's tomorrow is another day.

THE COURT: All right, we'll inquire of you Monday morning before the jury comes in whether or not you believe you can conduct yourself properly. By now you should know that the consequences of shouting out or speaking out as you have, that you'll have to leave the courtroom and I just don't want to consume the time and have you prejudice yourself any further than is necessary.

THE DEFENDANT: Each window has two ways to look through

19a-2

1 it.

2 THE COURT: All right, that's all for now.

3 (Whereupon, the Defendant Manson was removed
4 from the courtroom to the holding tank, and the
5 following proceedings were had:)

6 THE COURT: Mr. Kanarek, I have in my possession a
7 newspaper article from the Los Angeles Herald-Examiner,
8 August 5th. You referred to two items --

9 MR. KANAREK: May I approach the bench, your Honor?

10 THE COURT: No, you need not.

11 MR. KANAREK: If your Honor has -- I wanted to delineate
12 with particularity. Those are just some for instances, your
13 Honor. It is not to show --

14 THE COURT: I see only two items.

15 MR. KANAREK: Well, your Honor, that's why I was going
16 to show the Court with particularity. It is in each of these
17 papers and --

18 THE COURT: Well, would you come forward, will you, and
19 indicate -- an item I've marked with an arrow, two items.

20 MR. KANAREK: This is the one, this is dated August --
21 the reason I have more than one for the same day, your Honor,
22 is because it shows how the city is saturated. In other words,
23 it is just not in one edition, it is in every edition.

24 THE COURT: Well, without prolonging it, you simply
25 want the Court to mark how many sheets are here?

26 MR. KANAREK: This sheet.

27 THE COURT: How many articles?

28 MR. KANAREK: This sheet is Thursday, August 5th, 1971,

19a-3

1 page A-5.

2 Your Honor has the Starlight edition of August 5th,
3 1971, also.

4 The Sunset edition of August the 5th -- is that
5 right, your Honor?

6 THE COURT: August 5th.

7 MR. KANAREK: Sunset edition also.

8 The night final edition of August 5th, 1971,
9 the Herald-Examiner.

10 And the latest news edition -- it is called the
11 Latest News-Sports, of August 5th, 1971.

19b fls.

1 These are not meant to be complete by any means.
2 They are merely meant to be illustrative of the publicity
3 that is out in the community, and that's why we request
4 a hearing so that the TV people as well as the newspaper
5 people could be here and your Honor could -- we ask your
6 Honor to take evidence, because it is our belief it is
7 physically impossible for this jury not to see such items
8 as, for instance --

9 THE COURT: Well, you needn't recount them. They are
10 a part of the record.

11 The request for a hearing, an evidentiary hearing
12 is denied. The Court is convinced that the jury has followed
13 the Court's instructions and that the jury is not reading
14 anything in connection with Mr. Manson and is avoiding
15 publicity in connection with the Hirman -- that is, this case,
16 and the Shea case, and will avoid -- will continue to avoid
17 items of publicity concerning Mr. Manson, Mr. Grogan or Mr.
18 Davis.

19 MR. KANAREK: And Mr. Watson is also on trial, as your
20 Honor knows.

21 THE COURT: Yes, and the Court believes the jury will
22 follow its instructions, the Court's instructions in respect
23 to news items concerning Mr. Watson as well.

24 MR. KANAREK: We respectfully --

25 THE COURT: And the request to sequester the jury each
26 day is denied.

27 MR. KANAREK: May we respectfully object to the Court's --
28 if it purports to be a finding, in that there can be no finding.

1 the Court is not taking -- the only evidence is really what
2 we have submitted by way of exhibits.

3 THE COURT: The Court is satisfied from what it has
4 heard and what it sees that there is no prejudice to Mr.
5 Manson by allowing the jury to remain unsequestered.

6 MR. MANZELLA: I would like to make one point before
7 the Court recesses, that the witness's name that was disclosed,
8 where there was a motion to delay disclosure, that that
9 witness would be available at the Homicide Bureau of the
10 headquarters, Sheriff's Department tomorrow for interview
11 by Mr. Kanarek.

20 fls.

20-1
1 MR. KANAREK: What's that? What is that? That's Saturday?
2 Your Honor, I am entitled to --

3 THE COURT: At what hour?

4 MR. MANZELLA: At hours mutually convenient to the
5 Sheriff and Mr. Kanarek.

6 MR. KANAREK: Well --

7 THE COURT: The Court believes that that is reasonable,
8 if Mr. Kanarek wishes to interview that witness.

9 MR. KANAREK: Well, your Honor --

10 THE COURT: That witness should be made available to
11 him tomorrow.

12 MR. KANAREK: Well, if your Honor pleases --

13 MR. MANZELLA: Fine, your Honor. She will be --

14 MR. KANAREK: Well, she's -- I see no reason why she --
15 why she cannot be -- he's going to put her on on Tuesday; is
16 that correct?

17 THE COURT: Do you wish to interview her on Monday?

18 MR. KANAREK: Yes. That would be much more convenient,
19 your Honor.

20 THE COURT: What hour do you want?

21 MR. KANAREK: Well, may I tell that to them on Monday?

22 THE COURT: At 5:00 o'clock?

23 MR. MANZELLA: We can have her available at 5:00 P. M. on
24 Monday.

25 THE COURT: Is that satisfactory?

26 MR. KANAREK: Yes, your Honor.

27 THE COURT: The Court so orders.

28 Thank you for reminding me of that.

20-2 1 The Court supposed that that was the witness whose
2 identity the Court ordered withheld until --

3 MR. MANZELLA: Three days prior to the time we intended
4 to call her as a witness, your Honor.

5 THE COURT: Yes. All right.

6 MR. KANAREK: Have a good weekend, your Honor,

7 THE COURT: Likewise, gentlemen.

8 MR. MANZELLA: Good night.

9 THE COURT: Thank you.

10 THE CLERK: Is this a defense exhibit, this newspaper
11 clipping?

12 THE COURT: Those are defense exhibits, special exhibits,
13 whatever they may be, rather than trial exhibits.

14 THE CLERK: Well --

15 THE COURT: The Court would order that the newspaper
16 articles referred to, bearing the dates of -- that
17 Mr. Kanarek referred to, and concerning the publicity in the
18 Grogan, Manson and Watson cases, and submitted to the Court in
19 connection with a motion to sequester the jury and the motion
20 for an evidentiary hearing with respect to publicity, those
21 will be marked as Defendant's special exhibits next in order.

22 And I do not recall what special exhibit it might
23 be, but --

24 THE CLERK: It would be Defendant's Special Exhibit I,
25 I believe.

26 THE COURT: Yes, I believe it would be I.

27 I'll order it so marked.

28 (Whereupon, at 4:43 P. M., an adjournment was taken
29 until 9:45 A. M. on Monday, August 9, 1971.)