

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.

129

No. A-267861

HUMPHREY
WHITELEY
ARNESON
FARLEY

REPORTERS' DAILY TRANSCRIPT

Monday, August 9, 1971

VOLUME 29APPEARANCES:

For the People;

JOSEPH P. BUSCH, JR., District Attorney

BY: ANTHONY MANZELLA,

Deputy District Attorney

For Defendant Manson: IRVING A. KANAREK, Esq.

COPY

MARY LOU BRIANDI, C.S.R.
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Official Court Reporters

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

HUMPHREY, Forest Joe	4560			
WHITELEY, Paul J. (Cont'd)	4593 4691	4692		
ARNESON, Marcus John	4608 4674	4678		
FARLEY, Joan	4646	4653		

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

42 - Fiat stationwagon registration card	4583	
43 - 2 photos of trunk portion of Fiat wagon		

1 LOS ANGELES, CALIFORNIA, MONDAY, AUGUST 9, 1971 9:49 A.M.

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4 THE COURT: The case of People vs. Manson. The jury
5 may take their places. The defendant may be brought in.

6 Gentlemen, you may take your coats off, if you
7 wish.

8 (Proceedings had on an unrelated matter.)

9 DEFENDANT MANSON: Are you going to ask me something
10 this morning?

11 You may ask me.

12 THE COURT: Is Mr. Kanarek here?

13 THE CLERK: He was in, sir. I believe he stepped back
14 outside.

15 THE COURT: Good morning, ladies and gentlemen. I
16 hope you all had pleasant weekends.

17 I think Mr. Kanarek was in here just about ten
18 minutes ago. I saw him.

19 DEFENDANT MANSON: It's a pretty big business you've
20 got. I get sick of carrying it.

21 THE CLERK: I can't find him.

22 THE COURT: He is not out there?

23 (Whereupon a discussion off the record ensued
24 at the bench between the Court and the Clerk.)

25 DEFENDANT MANSON: I have been carrying it for 25
26 years.

27 THE COURT: We will wait until Mr. Kanarek gets here.

28 Mr. Manson may be placed in the back there until

1 Mr. Kanarek shows up.

2 THE BAILIFF: Yes, sir.

3 THE COURT: When you have done that, Mr. Kuczera,
4 maybe you can find the writing pads and pens for the jurors.
5 They're apparently eager to start taking notes this morning.

6 (Short recess.)

7 THE COURT: Mr. Kanarek and Mr. Manzella?

8 MR. MANZELLA: You want us at the bench, your Honor?

9 THE COURT: Please.

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

13 THE COURT: Mr. Kanarek, I don't know why you persist
14 in delaying this court. You were here at 20 minutes to 10:00,
15 when -- you were five minutes early. The Court was engaged
16 in other matters.

17 You left, and we have been waiting for you now
18 for approximately five to ten minutes. The jury is all in
19 the box, and you are the only one --

20 MR. KANAREK: Well, actually, your Honor --

21 THE COURT: Where did you go?

22 MR. KANAREK: Actually, I was here at 9:30. I was in
23 the reporter's room.

24 THE COURT: Where did you go?

25 MR. KANAREK: Right in the reporter's room.

26 THE COURT: You mean you have been there all the time?

27 MR. KANAREK: Yes, your Honor.

28 THE COURT: We couldn't find you. Let the Clerk know

1 where you are going to be, if we need to --

2 MR. KANAREK: As I say, I was here at 9:30, your Honor.

3 THE COURT: If we are going to have to look for you --
4 I saw you earlier, but then we have been sitting around
5 waiting for you.

6 MR. KANAREK: Well, that's where I normally go, to try
7 to do something useful while the court's in session.

8 THE COURT: Well, that's all right. The Court, I think,
9 indicated to you that that would be satisfactory with it, that
10 you be there. But somehow or other, we weren't able to find
11 you.

12 Let's have Mr. Manson out here.

13 THE BAILIFF: Yes, sir.

14 THE COURT: Now, Mr. Manson is here with Mr. Kanarek.
15 There's no use, particularly, in going through what we have
16 gone through in the last several days, and I know it's
17 difficult, but --

18 DEFENDANT MANSON: Why don't you say the last 24 years?

19 THE COURT: In the last few days of these sessions,
20 you have interrupted, and it's been necessary for the
21 Court to cause you to leave the courtroom. Now, if you'll
22 tell me that you will be quiet -- that is, conversing only
23 with your attorney, and not interrupting these proceedings --
24 the Court will allow you to remain in the courtroom.

25 DEFENDANT MANSON: And that's my right?

26 THE COURT: Certainly it is.

27 DEFENDANT MANSON: The only one I have?

28 THE COURT: No, there are many others that you have.

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DEFENDANT MANSON: I have been looking for them.

THE COURT: We are talking about this one, now.

DEFENDANT MANSON: I don't see any reassurance coming
from anybody.

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1 THE COURT: Can't you be quiet while we are here?

2 DEFENDANT MANSON: I can rise up on the stalk and do any-
3 thing I want, whenever I want to. I have been trying to wait
4 for you all to wake up to that.

5 THE COURT: Have you decided now that you are going to be
6 quiet, so that we can go ahead?

7 DEFENDANT MANSON: Brother, I don't think about you too
8 much. I don't think about you at all. I have been setting in
9 a cell for 24 years, looking at the wall. I set; I see the
10 wall, and I look at the wall.

11 THE COURT: We will start. Try to be quiet and not
12 interrupt the proceedings. I don't think it helps you in the
13 proceedings.

14 DEFENDANT MANSON: It helps me through.

15 THE COURT: It does?

16 DEFENDANT MANSON: It helps me. I am here to help you,
17 Mister.

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

19 Can't they find you a better shirt than that?

20 DEFENDANT MANSON: Well, I would have to get a court
21 order to get a change of clothing. I am not allowed a
22 mattress; I'm not allowed a change of clothes. I am not
23 allowed, I'm not allowed, I'm not allowed.

24 THE COURT: This is about a size 48, and you need about
25 a --

26 DEFENDANT MANSON: See, I am always treated as a child
27 by these fatherless idiots.

28 I have been doing this now for you for years and

1 years, and --

2 THE COURT: Mr. Kuczera, see whether or not they can get the
3 right size of shirt for him.

4 THE BAILIFF: Yes, sir.

5 DEFENDANT MANSON: Give me a court order to get some
6 clothes. You didn't like the other shirt, so I didn't wear
7 that.

8 THE COURT: Is there some necessity, Mr. Kanarek --

9 DEFENDANT MANSON: You said you didn't like the other
10 shirt; remember? I had a shirt, and you didn't like that.

11 THE COURT: You mean the black one with the Swastikas?

12 DEFENDANT MANSON: Yeah, that's the one. You said you
13 didn't like that, so I took it off. Haven't I always done
14 what you said?

15 THE COURT: Now, do you need a -- does the defendant
16 need some clothing?

17 MR. KANAREK: Oh, yes, your Honor.

18 THE COURT: All right. I'll make a court order that he
19 be given a change of clothes.

20 DEFENDANT MANSON: And something to eat, too. That
21 would be nice, so my teeth won't keep falling out.

22 THE COURT: Relay whatever the complaints are to
23 Mr. Kanarek, and he can --

24 Well, what are the complaints?

25 DEFENDANT MANSON: Brother, you know, everything's
26 perfect.

27 THE COURT: What are the complaints in connection with
28 the food?

1 DEFENDANT MANSON: Food? Well, they don't feed me very
2 well. They don't treat me very well. You know, because I
3 let 'em. I don't bust them in the eye, see? And the only
4 reason I don't bust them in the eye is because of you.

5 THE COURT: Well, if you have anything specific that you'll
6 tell me about, I will see whether it can be corrected, if there
7 is a situation --

8 DEFENDANT MANSON: Well, see, there's a lot of publicity
9 here.

10 THE COURT: -- that needs correcting.

11 DEFENDANT MANSON: So it's as much a challenge for ego;
12 everybody wants to have something to -- somebody says some-
13 thing to the guy that was in the newspaper. So, I have to
14 labor under all the misunderstandings that come into play up
15 there.

16 THE COURT: Well, of course, it's best to see that the
17 publicity is minimized.

18 DEFENDANT MANSON: It's too late for that. My image is
19 already in their mind.

20 THE COURT: Let's proceed, and see whether or not you
21 can be quiet today. As I say, I think it's to your prejudice,
22 Mr. Manson, for you to be interrupting the proceedings.

23 DEFENDANT MANSON: I can abide my own house, can I?

24 THE COURT: Let's go.
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(Whereupon, the following proceedings were had in open court within the presence and hearing of the jury:)

THE COURT: The record will show the defendant to be present with his counsel. Mr. Manzella for the People. All the jurors and alternates are in the box.

MR. MANZELLA: The People's first witness this morning, your Honor, Officer Forest Humphrey.

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

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

THE CLERK: You do solemnly swear the testimony you may give in the cause now pending before this court shall be the truth, the whole truth, nothing but the truth, so help you God?

THE WITNESS: I do.

THE CLERK: Please be seated.

Please state and spell your full name.

THE WITNESS: Forest Joe Humphrey, Forest, F-o-r-e-s-t, Joe, J-o-e, Humphrey, H-u-m-p-h-r-e-y.

DIRECT EXAMINATION

BY MR. MANZELLA:

Q Officer Humphrey, as you can tell there is a lot of noise outside the courtroom. Would you pull that microphone a bit closer to your mouth and try to speak into

1 it so we can all hear you.

2 Would you tell us your occupation, please?

3 A I am a state traffic officer.

4 Q Does that mean that you are employed by the
5 California Highway Patrol?

6 A Yes, sir.

7 Q And to what area are you assigned?

8 A The San Luis Obispo area.

9 Q How long have you been a state traffic officer?

10 A Six years.

11 Q Directing your attention to the date of August
12 6th, 1969.

13 On that date were you assigned to the San Luis
14 Obispo area?

15 A Yes, sir.

16 Q And on that date were you on duty?

17 A I was.

18 Q All right. Approximately what time did you begin
19 duty on that date?

20 A 7:00 a.m.

21 Q Would you tell us what you did?

22 A After reporting to duty at 7:00 a.m., we have
23 approximately a 15-minute briefing, go out in our patrol
24 cars, and go out to our assigned beats.

25 Q And what was your assigned patrol on that date?

26 A State Highway 101 through San Luis Obispo, north
27 on 101 north to the San Margarita overpass, approximately
28 nine miles north of San Luis Obispo.

1 Q All right. Now, on that date, shortly after you
2 began your patrol, did you notice anything which attracted
3 your attention?

4 A Yes, sir.

5 Q And where was that?

6 A It was approximately two to three miles north of
7 San Luis Obispo, on Highway 101.

8 Q And what was it that you observed?

9 A A white Fiat stationwagon was parked on the east
10 shoulder facing northbound two to three miles north of San
11 Luis Obispo on 101.

12 Q What time did you make that observation?

13 A I'm not real sure. I would estimate sometime
14 between 7:30 and 8:00 o'clock.

15 Q In the morning?

16 A Yes, sir.

17 Q Was anyone -- strike that.

18 Did you stop your patrol vehicle or did you
19 continue right on past the white Fiat?

20 A I drove right on past it.

21 Q Did you look in -- did you attempt to look into
22 the Fiat?

23 A I observed the vehicle. I didn't see anything
24 inside.

25 Q Was anyone visible inside the vehicle?

26 A No, sir.

27 Q Did you then continue on patrol for the rest of
28 the morning?

1 A Yes, sir.

2 Q Did you thereafter again observe the same
3 vehicle?

4 A Yes, sir.

5 Q Where did you observe it?

6 A At the same location I had seen it before.

7 Q Was it still parked?

8 A Yes, sir.

9 Q Approximately what time did you observe that
10 vehicle the second time?

11 A I believe it was about 11:50 a.m.

12 Q Ten minutes to noon?

13 A Yes, sir.

14 Q What did you do after you observed the vehicle
15 the second time?

16 A I pulled in behind the vehicle and stopped. Got
17 out of the patrol car and approached this vehicle.

18 Q Directing your attention to the white Fiat
19 stationwagon which is shown in People's 1 for identification.

20 Do you recognize the vehicle shown in those
21 photographs?

22 A Yes, sir.

23 Q What vehicle is that?

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

25 THE COURT: No, you may not.

26 MR. KANAREK: Then, I will object on the grounds that
27 this evidence that I contemplate that he is going to elicit
28 and is eliciting is irrelevant, immaterial, improper foundation,

1 denies equal protection and due process under the 14th
2 Amendment, denies a fair trial, and I would like to make
3 argument at the bench on that, your Honor.

4 THE COURT: The objection is overruled.

5 Would you read the question again?

6 (Whereupon, the record was read by the
7 reporter as follows:

8 "Q Directing your attention to the white
9 Fiat stationwagon which is shown in People's 1
10 for identification.

11 "Do you recognize the vehicle shown
12 in those photographs?

13 "A Yes, sir.

14 "Q What vehicle is that?"

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1 THE COURT: Thank you.

2 You may answer.

3 THE WITNESS: This is the same vehicle that I observed
4 parked alongside the highway.

5 Q BY MR. MANZELLA: Thank you.

6 Now, what did you observe, if anything, as you
7 approached the Fiat?

8 MR. KANAREK: Your Honor, may I have a continuing
9 objection on the previously stated grounds?

10 THE COURT: Concerning the Fiat?

11 MR. KANAREK: Well, concerning the Fiat and all the other
12 testimony that I contemplate is going to come out relative to
13 the Fiat and what he did in connection with whoever was in that
14 automobile. And I think I can -- if your Honor allows me to
15 approach the bench, I can make argument.

16 THE COURT: No, you may not approach the bench.

17 MR. KANAREK: May I have a continuing objection?

18 THE COURT: You may have a continuing objection in
19 respect to the Fiat.

20 MR. KANAREK: And the occupant as to --

21 THE COURT: And the occupant.

22 MR. KANAREK: And all the testimony connected thereto?

23 THE COURT: Well, not all the testimony connected thereto.
24 Anything inside -- dealing with anything inside the Fiat, deal-
25 ing with the Fiat, you may have a continuing objection. You
26 need not make the objection you just made.

27 MR. KANAREK: And the occupant, your Honor. There's
28 definite legal reason for it. That's why I would like to

1 approach the bench and make argument to the Court.

2 THE COURT: You need not approach the bench, and be
3 seated.

4 MR. KANAREK: And will it continue to the occupant?

5 THE COURT: The Court withdraws its permission that you
6 be allowed a standing objection.

7 MR. KANAREK: I just want it delineated, your Honor.

8 Does it include the occupant?

9 THE COURT: It withdraws its permission.

10 Q BY MR. MANZELLA: Officer Humphrey, do you
11 remember the question?

12 I'll withdraw it and rephrase it.

13 Officer Humphrey, what, if anything, did you
14 observe as you approached the Fiat?

15 A A man raised up out of the rear portion of the
16 vehicle.

17 Q Did you thereafter have a conversation with that
18 man?

19 A Yes, sir.

20 Q Was there anyone other than that man inside the
21 vehicle?

22 A No, sir.

23 MR. KANAREK: Then, your Honor, I ask all this testimony
24 be stricken on the grounds it denies Mr. Manson a fair trial,
25 equal protection under the Fourteenth Amendment, and it denies
26 him due process.

27 THE COURT: The objection is overruled.

28 MR. KANAREK: It is irrelevant -- may I finish?

1 THE COURT: The objection is overruled.

2 MR. KANAREK: I haven't finished the basis for the
3 objection.

4 THE COURT: Go ahead.

5 MR. KANAREK: Irrelevant, immaterial, and improper
6 foundation, your Honor.

7 THE COURT: The objection is overruled.

8 Q BY MR. MANZELLA: All right, Officer Humphrey,
9 directing your attention to the photographs which are marked
10 People's 37 for identification.

11 Do you recognize the -- let's strike that.
12 Is the person you saw in the Fiat pictured in any
13 of these five photographs?

14 A Yes, sir.

15 MR. KANAREK: Objection on the grounds of an improper
16 lineup.

17 THE COURT: The objection is overruled.

18 MR. KANAREK: And also on the basis of -- irrelevant,
19 immaterial, improper foundation.

20 THE COURT: The objection is overruled.

21 MR. KANAREK: I haven't finished.

22 If your Honor would give me a continuing objection,
23 I wouldn't have to do this.

24 THE COURT: You don't have to do it, Mr. Kanarek.

25 MR. KANAREK: I believe I do, because your Honor has
26 specifically stated I do not have a continuing objection.
27 Then, I must --

28 THE COURT: It is not necessary to object to every

1 question.

2 MR. KANAREK: Then, your Honor, what I'm saying is --

3 THE COURT: In your judgment -- the Court is not going to
4 argue in the presence of the jury. The Court is not going to
5 argue with you at all. State the objection.

6 MR. KANAREK: The objection is it denies Mr. Manson a
7 fair trial. And I must allege the United States --

8 THE COURT: Don't allege anything. State your objection.

9 MR. KANAREK: The objection is, it is denial of due
10 process and equal protection under the Fourteenth Amendment to
11 the United States Constitution, a denial under Bruton vs.
12 People of the United States, and People vs. Aranda, which is a
13 California case.

14 THE COURT: All right, the objection is overruled.

15 MR. KANAREK: Well, may I --

16 THE COURT: Just state the grounds for the objection.
17 Do not argue it.

18 MR. KANAREK: Then, if I may have a continuing objection,
19 I won't enunciate --

20 THE COURT: You need not object if, in good professional
21 judgment, there is no grounds for the objection, Mr. Kanarek,
22 at any time during the course of this trial. I believe you
23 have made it clear what your points are in respect to the
24 testimony regarding the Fiat, but you may not have a continuing
25 objection as broad as you have stated that you would like to
26 have it.

27 Now, be seated and wait for the next question.

28 MR. KANAREK: Very well, your Honor.

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1 Q BY MR. MANZELLA: Officer Humphrey, is the man
2 you saw in the Fiat depicted in any of these photographs
3 depicted in People's 37 for identification?

4 A Yes, sir.

5 Q Would you point that photograph out, please?

6 A (Witness complies.)

7 MR. KANAREK: I object on those grounds, your Honor.

8 THE COURT: Heretofore stated?

9 MR. KANAREK: Heretofore stated.

10 THE COURT: The objection is overruled.

11 Q BY MR. MANZELLA: Are you pointing to photograph
12 D, as in Dog?

13 A Yes, sir.

14 Q In People's 37 for identification?

15 A Yes, sir.

16 MR. KANAREK: Your Honor, I do make a motion for a voir
17 dire evidentiary hearing.

18 THE COURT: The motion --

19 MR. KANAREK: Out of the presence of the jury.

20 THE COURT: The motion is denied.

21 Q BY MR. MANZELLA: After you approached the
22 vehicle, did you have a conversation with the man you've
23 identified as a man in photograph D of People's 37?

24 MR. KANAREK: Same objections, your Honor.

25 THE COURT: Same ruling.

26 A Yes, sir.

27 Q BY MR. MANZELLA: All right. Would you tell us
28 what that conversation was?

1 MR. KANAREK: Object on grounds of hearsay, due process
2 and equal protection under the 14th Amendment, irrelevant,
3 immaterial, improper foundation, your Honor, and I would
4 welcome approaching the bench to make the arguments.

5 THE COURT: You may not approach the bench. Sit down.

6 The objection is sustained.

7 Q BY MR. MANZELLA: All right, Officer Humphrey,
8 were you alone or were you working with a partner on that
9 date?

10 A I was alone.

11 Q Was there anyone else present when you approached
12 the vehicle, other than you and the man in photograph D of
13 People's 37?

14 A No, sir.

15 Q Just the two of you?

16 A Yes, sir.

17 Q All right. Now, when you approached the vehicle,
18 did you have a conversation with that man?

19 MR. KANAREK: Asked and answered, on top of the other
20 objections, your Honor.

21 THE COURT: Overruled.

22 A Yes, I did.

23 MR. MANZELLA: All right, your Honor. At this point I
24 would like to approach the bench to make an offer of proof.

25 THE COURT: All right, the Court will hear your offer of
26 proof.

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

1 hearing of the jury:)

2 MR. KANAREK: Before we start, I would like to make an
3 allegation that the Court is biased and prejudiced.

4 THE COURT: You need not make any allegation, whatever.
5 We're here so the Court may hear Mr. Manzella.

6 MR. KANAREK: Very well, your Honor.

7 MR. MANZELLA: I have two points to make, your Honor.

8 The over-all point is the evidence is admissible
9 under the co-conspirators' exception to the hearsay rule set
10 forth in Section 1223 of the Evidence Code.

11 There are two points that I would like to make.
12 The first is that we would offer to show with this witness's
13 testimony that Robert Beausoleil had the pink slip to the Fiat
14 and the registration card to the Fiat and possession of the
15 Fiat.

16 THE COURT: Well --

17 MR. MANZELLA: I believe that that's -- well, the second
18 point is that --

19 THE COURT: You're going to show that Beausoleil at this
20 time produced the pink slip and registration card?

21 MR. MANZELLA: And had possession of the Fiat itself.

22 THE COURT: And was inside the Fiat, had the Fiat?

23 MR. MANZELLA: Right.

24 The second point is this: We're going to offer to
25 prove that during the conversation with regard to the ownership
26 of the Fiat, with this witness, Mr. Beausoleil said that he had
27 bought the car a week ago from a colored man for \$200.

28 Now, we will offer to prove by another witness that

1 Mr. Manson gave this other witness a -- the Volkswagen micro-
2 bus which was Gary Hinman's and at that time told him that
3 if anybody stopped him to tell him that he got the car from
4 a black man who was wearing a black beret and black jacket
5 and may have been a Black Panther.

6 My point in regard to both of those points is
7 this: That the -- strike that.

8 There's another -- a third point to my offer of
9 proof is, and that is we will prove that on approximately
10 August 1st Robert Beausoleil drove the Fiat stationwagon and
11 offered the Fiat stationwagon to yet another witness.

12 Now, my point regarding all of that is this:
13 That -- we are alleging that Beausoleil was the co-conspirator
14 and he was the one that actually dealt the fatal blow out of
15 all the injuries that Hinman sustained. He was the one that
16 actually dealt the fatal blow. We have to prove that.

17 Putting him in possession of the Fiat and the
18 statements he made with regard to the Fiat, help us to prove
19 that, that he was, in fact, involved.

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1 Now, in other words, point B, if we allege Manson
2 told Beausoleil to kill Hinman, and if we cannot prove that
3 Manson told Beausoleil to kill Hinman, we have failed in our
4 proof to prove that Manson is responsible for the murder, using
5 this proof that Beausoleil did, in fact, kill Hinman or, at
6 least, participated in the killing of Hinman.

7 MR. KANAREK: Well --

8 MR. MANZELLA: I'll be finished in a minute.

9 MR. KANAREK: Very well.

10 MR. MANZELLA: The second point, within three or four
11 days after the murder, Mr. Manson told another witness what to
12 say if he was stopped in one of Gary Hinman's vehicles.

13 It was, in my opinion, an attempt to place the
14 blame on someone else.

15 Beausoleil's statement that he had bought the car
16 from a colored man for \$200 and so on, his corroboration of
17 that statement of Manson's, and to my mind it shows the
18 common manner in which the property was being disposed of
19 and the attempt to place blame on persons other than the
20 Manson Family.

21 I include, also, the writing on the wall, the
22 "political piggy," and the paw print.

23 THE COURT: How do you think it comes in, under 1223,
24 being in the course of conspiracy or directed -- and directed
25 towards the objects and in the scope of the conspiracy?

26 MR. MANZELLA: I do that, your Honor.

27 And I also feel that it is circumstantial evidence
28 and corroboration of Manson's -- of the fact that Beausoleil

1 did do the killing and that Manson is -- had a particular
2 idea about how to shift blame for the killing.

3 THE COURT: You can't use Beausoleil's admission, how-
4 ever, as strong as it may be, or as weak as it may be, in its
5 probative force against Manson unless you can show that it is
6 part of the conspiracy. A statement made in the course of
7 the conspiracy and towards the furtherance of its objectives.
8 And here we have --

9 MR. MANZELLA: Well --

10 THE COURT: -- Beausoleil who is in this automobile on
11 August 6th, some considerable distance away from the site of
12 the crime. Although, his statements do coincide with what you
13 say you will be able to establish what Manson told him to say,
14 the Court does not believe that would be sufficient to permit
15 the statements to come in.

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1 MR. MANZELLA: Well, my point, your Honor --

2 THE COURT: Off the record.

3 MR. MANZELLA: Yes..

4 (Whereupon a discussion off the record ensued.)

5 THE COURT: On the record.

6 MR. KANAREK: Yes, your Honor.

7 THE COURT: On the record. Now, there is the case of
8 Dutton vs. Evans, a United States Supreme Court case, in
9 which the Supreme Court sustained a conviction, I believe, of
10 a Georgia court, where the Georgia court interpreted the
11 conspiracy as still being an ongoing thing, even though one
12 of the conspirators was in jail.

13 And the statements by one of the co-conspirators
14 to the effect that, "I would not be in this mess if it were
15 not for Evans" --

16 MR. KANAREK: But your Honor --

17 THE COURT: -- was allowed in. And the United States
18 Supreme Court, interpreting the -- I think a Georgia
19 statute --

20 MR. KANAREK: That's the point.

21 THE COURT: Which was similar to --

22 MR. KANAREK: No.

23 THE COURT: 1223, and in which a line of cases had gone
24 farther than the California line of cases has gone, and
25 finding that a conspiracy is an ongoing thing, even after the
26 objective has been obtained.

27 MR. KANAREK: Well, your Honor, the -- in that
28 decision, the Court made the point that, under the peculiar

2-2

1 and -- and I think they used the -- the United States
2 Supreme Court used the words, "Under the peculiar provisions
3 of Georgia law," or something to that effect.

4 But the fact is, that isn't -- that isn't the
5 entire story. We have furthermore a fact where Mr. Beausoleil
6 -- now, you've got to remember this, and that's why I
7 urge the Court to follow what I'm going to say.

8 THE COURT: Well, Mr. Kanarek --

9 MR. KANAREK: And that is that Mr. Beausoleil could have
10 been jointly indicted, tried and so forth, with Mr. Manson.

11 Now, the prosecution has gone ahead and gotten
12 Mr. Beausoleil convicted of first degree murder, wherein he
13 has the death sentence. Therefore --

14 THE COURT: Are you raising the point that, since he
15 is not charged, he cannot be regarded as a co-conspirator --

16 MR. KANAREK: No.

17 THE COURT: -- for the purpose of the evidence?

18 MR. KANAREK: No. I'm saying that due process and
19 equal protection of the 14th Amendment mean that bringing Mr.
20 Beausoleil into these proceedings, where he has been
21 convicted, and where he -- where he has been convicted of
22 this very crime -- deprives Mr. Manson of a fair trial.

23 That's over and above the -- the other reasons.

24 THE COURT: All right. That's certainly not a valid
25 reason.

26 MR. KANAREK: Because how --

27 THE COURT: Excuse me just a minute.

28 Do you have anything more to say, Mr. Manzella?

2-3

1 I'm not convinced, because of --

2 MR. MANZELLA: Well, your Honor --

3 THE COURT: -- my view of the law.

4 MR. MANZELLA: I'm sorry. I didn't hear you.

5 THE COURT: I am not convinced, because of my view
6 of the law, --

7 MR. MANZELLA: Okay.

8 THE COURT: -- that this statement would be admissible.

9 MR. MANZELLA: Well, there are two points, separate
10 points.

11 THE COURT: Not on the grounds that Mr. Kanarek has
12 stated, though.

13 MR. KANAREK: Well, your Honor, that is more or
14 less like adding -- like gravy; or, you might say, an
15 added point, your Honor. Because how can Mr. -- how can we--

16 THE COURT: Do you have anything more, Mr. Manzella?

17 MR. MANZELLA: Yes. I wanted to separate the two
18 points. One was the statement; the other was the fact that
19 he handed the officer the registration card and the owner-
20 ship certificate.

21 Now, in my mind, I can go into that, because
22 that's a continuing act. If he's in possession of --

23 THE COURT: The Court believes you can do that.

24 MR. KANAREK: But your Honor, it's an act of a co-
25 conspirator. The co-conspirator has been found guilty of
26 murder, of this very murder. It means that Mr. Manson is
27 denied a fair trial on the murder and conspiracy count in
28 this indictment.

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1 How else -- because it will ultimately come out --
2 it will ultimately come out that Mr. Beausoleil has been
3 convicted of these.

4 How can he possibly get a fair trial?

5 THE COURT: I can't see that that would be to the
6 prejudice of Mr. Manson, if that is the state of the record.

7 MR. KANAREK: Well, because of the act -- the act of the
8 murder purportedly occurred during the -- during the time of
9 the conspiracy.

10 And if you take -- and your Honor is going to
11 instruct the jury that the acts and declarations of a
12 co-conspirator can be used against the defendant, is going to
13 instruct them to that effect at the end of the trial.

2a fls.

2a

1 We might just as well -- it's -- it certainly
2 denies Mr. Manson a fair trial.

3 THE COURT: The Court has heard enough in respect to
4 that. The Court doesn't believe the statements are admissible, --

5 MR. KANAREK: Neither are the --

6 THE COURT: -- but the Court does believe that the
7 finding of the pink slip, the registration card, would be
8 permissible.

9 MR. KANAREK: May I say this?

10 MR. MANZELLA: Your Honor, I would like to make one more
11 there was one other statement that I forgot to mention to the
12 Court in my offer of proof, and that was that Beausoleil said
13 that the Fiat was his.

14 I wanted to offer that statement, on the theory
15 that -- or, on the ground that it proves that Beausoleil is in
16 possession of the Fiat; in other words, it's evidence that he
17 is in possession of the Fiat, when he said that it was his.

18 Now, the reason being that, again, this isn't an
19 act that's outside the scope of the conspiracy. It's evidence
20 being used to show that Robert Beausoleil was indeed part of
21 the conspiracy.

22 MR. KANAREK: He's answered his own argument, your
23 Honor. Because the acts or declarations of a co-conspirator
24 can only be used while the conspiracy is in progress.

25 The conspiracy is over, and that includes acts
26 other than conversation.

27 And the act of carrying this document is -- it is
28 prejudicial; it's irrelevant, and it's immaterial.

1 THE COURT: Well, he will be able to tie it in, he says,
2 by showing that -- that the pink slip, the registration slip,
3 were picked up in the course of the proceedings in -- in the
4 residence in Topanga Canyon.

5 MR. KANAREK: But your Honor --

6 THE COURT: And so --

7 MR. KANAREK: But your Honor, the point is --

8 THE COURT: -- it establishes the truth of the allegations
9 that -- part of the allegations at least, that the purpose of
10 the killing was to acquire the Fiat automobile, --

11 MR. KANAREK: But your Honor --

12 THE COURT: -- the pink slip and the --

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

14 THE COURT: -- and the registration card; and the fact
15 that one of the co-conspirators is found in possession of it
16 is not inadmissible.

17 MR. KANAREK: Yes, it is, because it --

18 THE COURT: Excuse me. I have overruled your objection.

19 MR. KANAREK: It's beyond the --

20 THE COURT: The Court will permit it.

21 MR. KANAREK: It's outside the crime of the conspiracy,
22 your Honor.

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

25 Q BY-MR. MANZELLA: Officer Humphrey, did you later
26 learn the true name of the person you've identified in photograph
27 D of People's 37 for identification?

28 MR. KANAREK: Object on the grounds of conclusion,

1 hearsay, irrelevant, immaterial; prejudicial value outweighs
2 the probative value; a denial of a fair -- due process and
3 equal protection under the Fourteenth Amendment, your Honor.

4 THE COURT: The objection's overruled.

5 THE WITNESS: Yes.

6 Q BY MR. MANZELLA: What was that name?

7 A Robert Kenneth Beausoleil.

8 MR. KANAREK: Your Honor, may I have a continuing
9 objection?

10 THE COURT: No, you may not.

11 MR. KANAREK: Then I ask that the last answer be
12 stricken on the grounds that it's --

13 THE COURT: Motion to strike is denied.

14 MR. KANAREK: -- irrelevant and immaterial. And he
15 answered it so fast, I didn't have a chance to enunciate my
16 objection, your Honor.

17 THE COURT: Motion is denied.

18 The answer may remain.

19 MR. KANAREK: And on the same grounds.

20 THE COURT: Objection overruled. Motion denied.

21 Q BY MR. MANZELLA: All right. While you were at the
22 vehicle, the Fiat station wagon, on Highway 101, did you ask
23 Mr. Beausoleil for anything?

24 MR. KANAREK: Objection on the grounds of hearsay;
25 irrelevant, immaterial; improper foundation.

26 THE COURT: Sustained.

27 Q BY MR. MANZELLA: Did Mr. Beausoleil -- strike that.
28 Did you ask Mr. Beausoleil for the registration and

1 ownership certificate of the Fiat automobile?

2 MR. KANAREK: Object, your Honor. Irrelevant,
3 immaterial; it's the same question; improper foundation.

4 THE COURT: Sustained.

5 Q BY MR. MANZELLA: All right. Officer Humphrey --

6 THE COURT: Did you obtain a pink slip and a certificate
7 of registration from Mr. Beausoleil?

8 MR. KANAREK: Objection, your Honor. Irrelevant,
9 immaterial; improper foundation; denies equal protection and
10 due process under the Fourteenth Amendment to Mr. Manson.

11 THE COURT: Overruled. You may answer.

12 THE WITNESS: Yes, I did.

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1 THE COURT: At that scene, where you approached the
2 white Fiat, two or three miles north of San Luis Obispo?

3 MR. KANAREK: Same objection, your Honor.

4 THE COURT: Same ruling.

5 THE WITNESS: Yes, sir.

6 MR. MANZELLA: Your Honor, I have here what appears to be
7 a registration card for a Fiat station wagon. May I have that
8 registration card marked People's 42 for identification?

9 THE COURT: So ordered.

10 Let's see. Is that the white or the pink?

11 MR. MANZELLA: The white, your Honor. It's the
12 registration card.

13 THE COURT: Thank you. Let's see, the pink slip has
14 heretofore been marked, has it not?

15 MR. MANZELLA: Yes, your Honor. People's 34 for
16 identification.

17 THE COURT: 34.

18 Q BY MR. MANZELLA: Officer Humphrey, directing
19 your attention to the pink slip, or the certificate of owner-
20 ship marked People's 34 for identification, would you look at
21 that document and tell us if you have ever seen that before?

22 MR. KANAREK: Object -- the same objections, your Honor.

23 THE COURT: The same ruling.

24 THE WITNESS: Yes, sir.

25 Q BY MR. MANZELLA: All right. Is that the pink
26 slip to the Fiat which you obtained from Robert Beausoleil?

27 MR. KANAREK: The same objections, your Honor.

28 THE COURT: Same ruling.

1 Q And that was on August 6th of 1969; is that
2 correct?

3 A Yes, sir.

4 Q All right. Directing your attention to the regis-
5 tration card --

6 MR. KANAREK: I haven't seen that, your Honor.

7 Q BY MR. MANZELLA: -- to the Fiat --

8 I apologize, your Honor. I forgot to show it to
9 Mr. Kanarek.

10 (Whereupon, the document referred to was exhibited
11 to Mr. Kanarek by Mr. Manzella.)

12 MR. KANAREK: The same -- your Honor, same objections.
13 Plus the added objection that the prejudicial value far out-
14 weighs the probative value, on a different issue; that the
15 registration card in a vehicle is always in the vehicle,
16 according to California law, anyway; and so therefore, it has
17 no probative value and is meaningless, because practically
18 every automobile in California --

19 THE COURT: Please just state your objection.

20 MR. KANAREK: Yes, your Honor.

21 THE COURT: What you are doing is arguing in front of the
22 jury. And the Court will have to, in order to make a proper
23 ruling outside of the presence of the jury, will have to call
24 you to the bench.

25 MR. KANAREK: Well, may I approach the bench?

26 THE COURT: Yes. But not to hear from you any more.
27 You have already made your argument. Just so the Court may
28 make a ruling.

1 (Whereupon, the following proceedings were had at
2 the bench among Court and counsel, outside the hearing of the
3 jury:)

4 MR. KANAREK: Your Honor --

5 THE COURT: You've already stated your grounds and
6 argued it.

7 The Court finds that the probative value outweighs
8 any prejudicial effect.

9 The Court finds that the objection should be
10 overruled, and does overrule it.

11 MR. KANAREK: Well, your Honor --

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

14 Q BY MR. MANZELLA: Officer Humphrey, directing your
15 attention to the registration card to the Fiat marked People's
16 42 for identification, do you -- have you ever seen that docu-
17 ment before?

18 A. Yes, sir.

19 Q Is that the registration card given to you by
20 Robert Beausoleil on August 6th, 1969?

21 MR. KANAREK: Same objections previously enunciated, your
22 Honor.

23 THE COURT: Overruled. You may answer.

24 THE WITNESS: Yes, sir.

25 Q BY MR. MANZELLA: All right. Officer Humphrey,
26 directing your attention to the back of the pink slip marked
27 People's 34 for identification, and in particular to the
28 top line, where appears the date 7-18-69, do you recall whether

1 that date was on the pink slip at the time it was given to you
2 by Robert Beausoleil?

3 MR. KANAREK: Object on the grounds of hearsay, your
4 Honor; and in addition to the other grounds, and specifically
5 as to this point, hearsay, improper foundation, irrelevant,
6 and immaterial.

7 THE COURT: The objection's overruled.

8 You may answer.

9 THE WITNESS: Yes, that date was on there.

2c

2c-1

1 Q BY MR. MANZELLA: All right. After having the
2 conversation with Robert Beausoleil, did you then run a check
3 on the registration and the license of the Fiat?

4 MR. KANAREK: Object on the grounds of improper founda-
5 tion; irrelevant, immaterial; conclusion and hearsay, your
6 Honor.

7 THE COURT: The objection is overruled.

8 THE WITNESS: On the license number only.

9 Q BY MR. MANZELLA: Did you run a check on that
10 license number?

11 A Yes, sir.

12 MR. KANAREK: Well, your Honor --

13 Q BY MR. MANZELLA: And after --

14 MR. KANAREK: -- may I object on the grounds of hearsay? And
15 I would like to make argument to the Court, on the grounds
16 that this means --

17 THE COURT: You needn't argue. The objection is over-
18 ruled.

19 Q BY MR. MANZELLA: And after running that check
20 on the license plate number, did you place Robert Beausoleil
21 under arrest?

22 MR. KANAREK: Object, on the grounds, your Honor -- the
23 same objections; also, the prejudicial value far outweighs
24 the probative value.

25 And I would like to approach the bench to make a
26 motion.

27 THE COURT: The objection is overruled.

28 MR. KANAREK: May I approach the bench?

2c-2

1 THE COURT: No, you may not.

2 THE WITNESS: I did arrest him.

3 Q BY MR. MANZELLA: And what did you do with the
4 Fiat stationwagon after you placed Robert Beausoleil under
5 arrest?

6 MR. KANAREK: Irrelevant and immaterial, your Honor.

7 THE COURT: Overruled.

8 THE WITNESS: I turned it over to another officer,
9 who came to the scene later.

10 Q All right. Officer Humphrey, please speak up,
11 so that we can all hear you.

12 What did you do with the Fiat after you placed
13 Robert Beausoleil under arrest?

14 A I turned it over to another officer who arrived
15 at the scene later.

16 Q Was that an officer that you had called for?

17 A The dispatcher out of my office had called for him.

18 Q And you put out a call for assistance?

19 A No. They came.

20 Q I see. All right. And it -- and was the Fiat
21 left in the custody of that other Highway Patrol officer?

22 A Yes, sir.

3 fls.

3-1

1 Q What did you do with Robert Beausoleil at that point?

2 MR. KANAREK: Irrelevant, immaterial, your Honor.

3 THE COURT: Sustained.

4 Q BY MR. MANZELLA: Did you take Robert Beausoleil
5 some place to be booked?

6 A Yes, sir.

7 MR. KANAREK: Irrelevant, immaterial, the prejudicial
8 value outweighs the probative value, your Honor.

9 THE COURT: The answer may remain. The objection is
10 overruled.

11 Q BY MR. MANZELLA: All right, one last question,
12 Officer Humphrey.

13 Was the Fiat station wagon you've identified as
14 People's 1 for identification, was that vehicle thereafter
15 impounded?

16 MR. KANAREK: Objection, your Honor, irrelevant,
17 immaterial, hearsay and conclusion.

18 THE COURT: The objection is overruled.

19 THE WITNESS: Yes, sir.

20 MR. MANZELLA: I have no further questions. Thank you,
21 your Honor.

22 THE COURT: Cross-examine.

23

24 CROSS-EXAMINATION

25 BY MR. KANAREK;

26 Q Officer, what's -- where are you stationed
27 presently?

28 A My permanent assignment is the San Luis Obispo area.

1 However, last week, and this week, I am assigned to Sacramento
2 for a two-week in-service training.

3 Q But San Luis Obispo is where you are normally
4 stationed?

5 A That's my permanent assignment, that's right.

6 Q Is that right?

7 And what was your assignment on the day that we
8 are speaking of here, August 6th?

9 A San Luis Obispo.

10 Q Was it August 6, 1969?

11 A Yes, sir.

12 Q Now, have you spoken with Officer Whiteley
13 concerning this case?

14 A Yes, sir.

15 Q On how many occasions?

16 A I'm not real sure. I would say four. Four times.

17 Q Have you spoken with Officer Guenther in connection
18 with this case?

19 A Yes, sir.

20 Q How many times did you speak to Officer Guenther?

21 A I would -- only about twice, I would say.

22 Q Have you spoken to any other police officers
23 concerning this case?

24 A I don't believe so.

25 Q You don't believe you have, but you may have;
26 is that it?

27 A I don't -- right, I may have. I don't recall
28 speaking to anybody else about it.

1 Q Excuse me just a moment.

2 (Whereupon, there was an off-the-record discussion
3 between counsel at the counsel table.)

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

5 THE COURT: You may.

6 Q BY MR. KANAREK: Were any of your conversations
7 tape recorded that you had with any of these police officers?

8 A No, sir, not that I know of.

9 Q Was there a court reporter like this lady here
10 at the time of any of your conversations with these police
11 officers?

12 A Not that I knew about.

13 Q Now, when --

14 THE COURT: Incidentally, ladies and gentlemen, the
15 fact that Robert Beausoleil was placed under arrest by
16 Officer Humphrey is admitted solely to establish, if it does
17 indeed establish, the circumstances under which the authorities
18 came into possession of the Fiat automobile. And it is not
19 to be considered for any other purpose.

20 Go ahead.

21 Q BY MR. KANAREK: Now, Officer, is it normal for a
22 registration to be in a California automobile?

23 MR. MANZELLA: Objection, your Honor, calls for legal
24 conclusion. It calls for speculation, I'm sorry.

25 THE COURT: Sustained.

26 Q BY MR. KANAREK: Well, you are familiar with
27 California law?

28 A Most --

1 MR. MANZELLA: Objection, it is not relevant, your Honor.

2 THE COURT: Sustained.

3 Q BY MR. KANAREK: Now, directing your attention, Offi-
4 cer, to this registration that we are speaking of here.

5 When you stopped -- I'll withdraw that.

6 When you stop an automobile on the highway, do you
7 normally ask for the registration, to see the registration?

8 A Yes, sir.

9 Q And so you stopped this automobile and saw the
10 registration?

11 A No, sir.

12 MR. MANZELLA: Objection, your Honor, assumes a fact not
13 in evidence.

14 THE COURT: Overruled.

15 Q BY MR. KANAREK: Did you stop this automobile?

16 A No, sir.

17 Q But when you came upon this automobile, did you see
18 the registration?

19 MR. MANZELLA: Objection, your Honor, it is vague as to
20 time. The officer testified there were two times when the
21 officer saw the vehicle.

22 THE COURT: Sustained.

23 MR. KANAREK: Very well, your Honor, thank you.

24 THE COURT: You may step down, Officer Humphrey.

25 MR. MANZELLA: May Officer Humphrey be excused, your
26 Honor?

27 THE COURT: Mr. Kanarek, any objection?

28 MR. KANAREK: Very well. Thank you, Officer.

3a-1

1 MR. MANZELLA: Your Honor, may I have a moment to find
2 an exhibit, your Honor?

3 THE COURT: Yes, you may.

4 (Whereupon, there was a pause in the proceedings.)

5 THE COURT: Off the record.

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

7 THE COURT: On the record.

8 MR. MANZELLA: Thank you, your Honor.

9 Your Honor, the People's next witness is
10 Sergeant Paul Whiteley.

11
12 PAUL J. WHITELEY,

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

16 THE CLERK: Would you state your name again for the
17 record?

18 THE WITNESS: Paul Whiteley, W-h-i-t-e-l-e-y.

19 MR. KANAREK: Your Honor, we'll object to Mr. Whiteley
20 testifying. He's been in the courtroom during all of the
21 proceedings and there's been a motion to exclude witnesses,
22 and we do object to his testimony.

23 THE COURT: Sergeant Whiteley is the investigative
24 officer, is he not?

25 MR. MANZELLA: That is correct, your Honor.

26 THE COURT: Very well, the objection is overruled.

27
28 DIRECT EXAMINATION

1 BY MR. MANZELLA:

2 Q All right, Officer Whiteley, did you receive a
3 call from the California Highway Patrol with regard to the
4 arrest of Robert Beausoleil?

5 MR. KANAREK: Object on the grounds of improper
6 foundation, hearsay and conclusion.

7 MR. MANZELLA: It is foundational, your Honor.

8 MR. KANAREK: That is still solicitation of hearsay
9 without foundation, and conclusion, and it is irrelevant
10 and immaterial.

11 Would you read the question to me, would you,
12 please?

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

15 Q All right, Officer Whiteley, did you
16 receive a call from the California Highway Patrol
17 with regard to the arrest of Robert Beausoleil?")

18 THE COURT: The objection is sustained.

19 Q BY MR. MANZELLA: Sergeant Whiteley, at some
20 point during the year 1969, did you go to the San Luis Obispo
21 area office of the California Highway Patrol?

22 A Yes, I did.

23 Q On what date did you go there?

24 A August 6th, 1969.

25 Q Was that in response to a call from the California
26 Highway Patrol?

27 MR. KANAREK: Conclusion, hearsay, irrelevant and
28

1 immaterial.

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

4 A Yes, I did.

5 Q BY MR. MANZELLA: Did you thereafter go to an
6 impound garage?

7 A Yes, I did.

8 Q Was that the California Highway Patrol Impound
9 Garage in San Luis Obispo?

10 A Yes, it is.

11 Q All right. Did you see and search a vehicle at
12 that impound garage?

13 A Yes --

14 MR. KANAREK: Object on the grounds of the 4th Amendment,
15 and ask for a hearing on the grounds of illegal search and
16 seizure, 4th Amendment to the Constitution, due process and
17 equal protection under the 14th Amendment.

18 THE COURT: The objection is overruled.

19 A Yes, I did.

20 THE COURT: And the motion for a hearing at this stage
21 is denied.

22 Q BY MR. MANZELLA: All right, what vehicle did
23 you search?

24 A I searched a Fiat stationwagon, a 1965.

25 Q All right, directing your attention to the Fiat
26 stationwagon shown in People's 1 for identification.

27 Do you recognize the vehicle shown in that
28 photograph?

1 A Yes, I do.

2 Q And would you identify that vehicle for us?

3 A This is the vehicle that I searched on August 6th,
4 1969, in San Luis Obispo at the impound garage.

5 Q All right. Did you find anything in the vehicle?

6 MR. KANAREK: Object, your Honor, on the grounds of
7 irrelevancy, immateriality, improper foundation, and I would
8 like to approach the bench, if I may, your Honor. This has
9 no connection with Mr. Manson.

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

11 A Yes, I did.

12 Q BY MR. MANZELLA: And what was that?

13 THE COURT: All right, the Court will hear from you at
14 the bench.

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

18 THE COURT: What do you think this August 6th search of
19 the vehicle will produce?

20 MR. MANZELLA: It will produce the knife which could
21 have been the murder weapon and it will produce the sheath
22 in which the knife was, when it was found.

23 THE COURT: Very well.

24 MR. MANZELLA: That's People's 18 and People's 18-A
25 for identification.

26 THE COURT: Very well.

27 MR. KANAREK: Well, first of all --

28 THE COURT: The Court will hear from you, Mr. Kanarek.

1 MR. KANAREK: I make a motion for a mistrial with the
2 injection of Mr. Bobby Beausoleil into this trial. It is
3 clearly -- it means that it is the end of the trial as far
4 as Mr. Manson is concerned, because of the provision that the
5 act or declaration of a co-conspirator inveighs against a
6 co-conspirator, and that's the end of the trial as far as Mr.
7 Manson is concerned. And the prejudicial value so contends,
8 and I make a motion for mistrial.

9 There is no way Mr. Manson can get a fair trial
10 if you bring Bobby Beausoleil into this trial in the way that
11 Mr. Manzella is doing it.

3b fls.

12 What's happened here so far --
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1 THE COURT: The objection is overruled.

2 MR. KANAREK: Your Honor, furthermore, I would like to
3 point out that this knife "could have been" the death weapon.
4 There are a million weapons in this world, and for that to be
5 brought before the jury just because a knife was found without
6 any kind of foundation --

7 THE COURT: There must be more than a million, and some
8 of them could and some of them could not be the source of the
9 wound.

10 MR. KANAREK: But --

11 THE COURT: And it depends on what weight, if any, the
12 jury gives to the possession of the knife by a man who was a
13 co-conspirator, Beausoleil, and the objection is overruled.
14 And you have your argument on the record. The Court doesn't
15 wish to hear any more on the point.

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

18 BY MR. MANZELLA:

19 Q Sergeant Whiteley, what did you find as a result of
20 your search of the vehicle?

21 MR. KANAREK: Irrelevant, immaterial, improper foundation.

22 THE COURT: You made your point at the bench in connection
23 with that and the Court has overruled it. And the Court does
24 now overrule it.

25 THE WITNESS: I found a knife in a soft leather sheath
26 in the trunk compartment of the vehicle, the tire well.

27 Q BY MR. MANZELLA: All right. Would you describe
28 the location of the knife and the sheath, please?

1 MR. KANAREK: Irrelevant, immaterial, improper foundation.

2 THE COURT: Overruled.

3 MR. KANAREK: May I have a continuing objection, your
4 Honor?

5 THE COURT: No, you may not.

6 The Court, however, would observe that you have
7 made your point in respect to this subject.

8 Q BY MR. MANZELLA: You may answer the question.

9 THE COURT: Yes, you may.

10 A Yes, I found the knife in a tire well which was
11 covered by a rubber mat and a small piece of fiberboard in the
12 rear portion of the station wagon.

13 Q BY MR. MANZELLA: Was the knife inside of the
14 sheath?

15 A Yes, it was.

16 Q Was it over or under the board that you have
17 described?

18 MR. KANAREK: Irrelevant, immaterial.

19 THE COURT: Sustained.

20 Q BY MR. MANZELLA: Was the knife visible from out-
21 side the vehicle?

22 MR. KANAREK: Irrelevant and immaterial.

23 THE COURT: Sustained.

24 Q BY MR. MANZELLA: Was the knife visible without
25 lifting the tire board which you described?

26 MR. KANAREK: Irrelevant and immaterial.

27 THE COURT: Sustained.

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1 MR. MANZELLA: Your Honor, I have here a photograph
2 which depicts what appears to be the trunk portion of the Fiat
3 station wagon, two photographs on a cardboard.

4 May I have them marked People's 43 for identifi-
5 cation?

6 THE COURT: So ordered.

7 We'll recess at this time.

8 During the recess you are admonished that you are
9 not to converse amongst yourselves, nor with anyone else, nor
10 permit anyone to converse with you on any subject connected
11 with this matter, nor are you to form or express any opinion
12 on this matter until it is finally submitted to you.

13 It will be 15 or 20 minutes.

14 The Court is going to have to handle a few other
15 matters. You are welcome back in the courtroom, however, with
16 the same admonishment I have given you on some other matters.

17 The courtroom, even though it is warm, is probably
18 better than the hallway. Poor choice today.

19 (Morning recess.)
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1 (Proceedings had on unrelated matters.)

2 THE COURT: People vs. Manson?

3 The record will show that the defendant is
4 present with his counsel; all the jurors and alternates are
5 present and in the box.

6 You may proceed.

7 Q BY MR. MANZELLA: Sergeant Whiteley, directing
8 your attention to the photographs marked People's 43 for
9 identification, do you recognize what is depicted in those
10 photographs?

11 A Yes, I do.

12 Q All right. Would you identify, starting with
13 photograph A, --

14 A Yes, that's the --

15 MR. KANAREK: The same objections, your Honor.

16 THE COURT: Let's hear your objection. What are the
17 grounds?

18 MR. KANAREK: The ground is, your Honor, that it's
19 irrelevant, immaterial; improper foundation.

20 THE COURT: Sustained.

21 Q BY MR. MANZELLA: Sergeant Whiteley, do the
22 photographs shown in People's 43 for identification accurately
23 depict the area in which you found the knife and the sheath?

24 A Yes.

25 MR. KANAREK: Irrelevant, immaterial -- would your
26 Honor ask Mr. Whiteley --

27 THE COURT: Excuse me just a minute.

28 MR. KANAREK: -- not to answer so speedily?

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1 THE COURT: The answer is stricken.

2 Are you making a motion to strike?

3 MR. KANAREK: Yes, your Honor.

4 THE COURT: The Court strikes the answer.

5 And I'll hear your objection.

6 MR. KANAREK: My objection is that it's irrelevant.

7 THE COURT: Sustained.

8 Q BY MR. MANZELLA: All right.

9 Sergeant Whiteley, do the photographs marked
10 A and B of People's 43 for identification accurately depict
11 the knife and sheath which you found in the Fiat stationwagon?

12 MR. KANAREK: Irrelevant, immaterial; calls for a
13 conclusion, your Honor.

14 THE COURT: The objection is sustained.

15 Q BY MR. MANZELLA: All right.

16 Sergeant Whiteley, directing your attention
17 to People's 18 for identification, the knife, do you
18 recognize that knife?

19 A Yes.

20 MR. KANAREK: Your Honor, would your Honor ask Mr.
21 Whiteley not to answer so speedily? It's almost automatic,
22 and I don't have time --

23 THE COURT: His answer did not appear to the Court
24 to be unusually quick.

25 MR. KANAREK: Well, your Honor, I make a motion to
26 strike.

27 THE COURT: The motion to strike is denied.

28 Q BY MR. MANZELLA: Is that the knife -- that is,

4-3
1 People's 18, is that the knife which you obtained as a result
2 of the search of the Fiat stationwagon on August 6th of 1969,
3 in San Luis Obispo?

4 MR. KANAREK: Irrelevant, immaterial; improper founda-
5 tion.

6 THE COURT: The objection's overruled.

7 THE WITNESS: Yes.

8 Q BY MR. MANZELLA: Directing your attention to
9 what appears to be a sheath, which has been marked People's
10 18-A for identification, do you recognize that exhibit?

11 MR. KANAREK: Irrelevant, immaterial; improper founda-
12 tion.

13 THE COURT: The objection's overruled.

14 THE WITNESS: Yes.

15 Q BY MR. MANZELLA: And is that the sheath in
16 which you found the knife, as a result of the search of the
17 Fiat stationwagon on August 6th, 1969, in San Luis Obispo?

18 MR. KANAREK: It assumes facts not in evidence;
19 irrelevant and immaterial; improper foundation.

20 THE COURT: The objection's overruled.

21 You may answer.

22 THE WITNESS: Yes.

23 Q BY MR. MANZELLA: All right. Directing your
24 attention to the photographs marked People's 43 for identifica-
25 tion, do these photographs accurately depict the knife and
26 the sheath which you found inside the tire well of the Fiat
27 stationwagon?

28 MR. KANAREK: Irrelevant, immaterial; improper

4-4

1 foundation; calling for a conclusion.

2 THE COURT: Sustained.

3 Q BY MR. MANZELLA: Now, what did you do with the
4 knife and the sheath, People's 18 and 18-A, after you found
5 them?

6 MR. KANAREK: Irrelevant, immaterial; improper founda-
7 tion.

8 THE COURT: Overruled. You may answer.

9 THE WITNESS: I transported them to the Los Angeles
10 County Criminalistics Laboratory.

11 Q And did you also take custody of Mr. Robert
12 Beausoleil and transport him to Los Angeles County?

13 MR. KANAREK: Irrelevant, immaterial; improper founda-
14 tion; the prejudicial value outweighs --

15 THE COURT: Sustained.

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1 Q BY MR. MANZELLA: Now, Sergeant Whiteley, you
2 testified during cross-examination by Mr. Kanarek that someone
3 else was prosecuted for the murder of Gary Hinman; is that
4 correct?

5 MR. KANAREK: Objection, your Honor.

6 MR. MANZELLA: That was Mr. Kanarek's cross-examination.

7 THE COURT: Overruled.

8 MR. KANAREK: Well, your Honor, if I may, may I approach
9 the bench?

10 THE COURT: No, you may not. Overruled.

11 THE WITNESS: Yes, that's correct.

12 MR. KANAREK: Then, may I make argument?

13 Q BY MR. MANZELLA: Who was that person?

14 MR. KANAREK: Objection, your Honor.

15 THE COURT: The objection is sustained.

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

17 MR. KANAREK: I have no further questions, your Honor.

18 THE COURT: You may step down.

19 MR. MANZELLA: The People call Mr. Marc Arneson.

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

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

25 THE WITNESS: I do.
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1 MARCUS JOHN ARNESON,
2 called as a witness by and on behalf of the People, having been
3 first duly sworn, was examined and testified as follows:

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

5 Please state and spell your full name.

6 THE WITNESS: Marcus John Arneson.

7 THE COURT: Mr. Arneson, pull that microphone over, and
8 lean forward so it's just about that far (indicating) from your
9 lips.

10 THE WITNESS: Marcus John Arneson; and it's A-r-n-e-s-o-n.

11
12 DIRECT EXAMINATION

13 BY MR. MANZELLA:

14 Q All right. Mr. Arneson, do you know the defendant
15 in this case, Mr. Charles Manson?

16 A Yes, I do.

17 Q When did you first meet Mr. Manson?

18 A Hmmm -- I guess it would be the summer of -- at
19 Hermosa Beach, about '67 or '68.

20 Q The summer of 1967?

21 A Yeah, approximately. I'm not sure of the date.

22 MR. KANAREK: Then I make a motion to strike, your Honor.
23 Irrelevant and immaterial.

24 THE COURT: Overruled.

25 Q BY MR. MANZELLA: Directing your attention to the
26 year of 1968, during that year, did you see Mr. Manson?

27 MR. KANAREK: Irrelevant, immaterial; improper foundation.

28 THE COURT: Overruled. You may answer the question.

1 THE WITNESS: What was it?

2 Q BY MR. MANZELLA: Did you see Mr. Manson during --
3 in 1968?

4 A Briefly, in Hermosa Beach.

5 Q Now, did you ever see Mr. Manson at a house in
6 Topanga Canyon?

7 MR. KANAREK: Irrelevant, immaterial; ambiguous, your
8 Honor.

9 THE COURT: The objection's overruled.

10 THE WITNESS: Uh -- yes. It was on Summit, I believe.
11 Summit.

12 Q BY MR. MANZELLA: Is that the name of the street in
13 Topanga Canyon?

14 A That's the name of the street that the house was
15 on.

16 Q Now, did you live at that house on Summit in
17 Topanga Canyon?

18 A Uh --

19 MR. KANAREK: Irrelevant, immaterial, and ambiguous,
20 your Honor, as to time.

21 MR. MANZELLA: I'll straighten --

22 THE COURT: Sustained.

23 MR. MANZELLA: -- it out, your Honor.

24 THE COURT: I'll sustain the objection.

25 Q BY MR. MANZELLA: During the year 1968, did you
26 live at a house on -- at the house on Summit in Topanga Canyon?

27 MR. KANAREK: Irrelevant and immaterial.

28 THE COURT: Overruled. You may answer.

1 THE WITNESS: Yes, It was about a week before I got
2 drafted, or -- it was May -- May 10th, I was supposed to be
3 drafted, and I was avoiding the draft and I guess it was about
4 a week before I got drafted I went up there.

5 And I think I stayed a month or two. I'm not sure.
6 Maybe a month and a half or so.

7 Q BY MR. MANZELLA: At the house on Summit in
8 Topanga Canyon?

9 A Yes.

10 Q All right.

4b-1

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

2 Q BY MR. MANZELLA: Now, Mr. Arneson --

3 MR. KANAREK: Pardon?

4 MR. KANAREK: May we approach the bench? In view of
5 the time -- this would appear to be so remote in time that
6 I --

7 THE COURT: Overruled.

8 Q BY MR. MANZELLA: Now, during what month --

9 THE COURT: Or, the motion is denied, rather.

10 I assume this is preliminary?

11 MR. MANZELLA: Yes, your Honor.

12 THE COURT: Very well.

13 Q BY MR. MANZELLA: Now, during the time -- strike
14 that.

15 During what months of 1968 were you living at the
16 house in Topanga Canyon?

17 MR. KANAREK: Irrelevant, immaterial, your Honor.

18 THE COURT: Would you approach the bench? I may want to
19 hear an offer of proof from you.

20 MR. MANZELLA: Yes, your Honor.

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

24 THE COURT: The activities of this man in 1968 -- or
25 those of Charles Manson -- what do they have to do with the
26 Hinman matter?

27 MR. MANZELLA: They establish that Manson knew or
28 believed that Hinman had money; and that -- that during 1968,

4b-2

1 Hinman came to the house where Manson and several other
2 members of his group were staying in Topanga.

3 Hinman was over at that house; the VW bus was over
4 at the house on Summit in Topanga Canyon;

5 And that Manson, as early as 1968, believed that
6 Gary Hinman had a lot of money, and that -- that that's our
7 motive for the killing of Gary Hinman.

8 THE COURT: Well, does it -- does your proposed testimony
9 relate to any statement of Mr. Manson?

10 MR. MANZELLA: Yes.

11 THE COURT: To the effect that he believed that Hinman --

12 MR. MANZELLA: Yes.

13 THE COURT: -- had money?

14 MR. MANZELLA: Yes.

15 MR. KANAREK: Your Honor, that is so remote as to time,
16 it's irrelevant and immaterial, and it's --

17 THE COURT: It's a matter of weight, I suppose. And
18 the Court believes it's admissible under the People's theory, --

19 MR. KANAREK: Well, your Honor --

20 THE COURT: -- and would permit it.

21 MR. KANAREK: But what I am saying is this: If it's
22 outside the time of the purported conspiracy, it cannot be an
23 admission. An admission can only take place during the --

24 THE COURT: Well, it can be.

25 MR. KANAREK: -- only a -- an admission can take place
26 only afterwards.

27 MR. MANZELLA: Certainly it could be an admission.

28 MR. KANAREK: It can't be an admission, your Honor.

4b-3

1 MR. MANZELLA: Certainly it can be.

2 MR. KANAREK: It's inadmissible.

3 MR. MANZELLA: Certainly, it can be shown to show a
4 state of mind of the defendant, in connection with what the
5 People later on hope to establish, as an entry into Hinman's
6 home with the idea in mind of procuring money from him.

7 MR. KANAREK: But your Honor, it -- if it's in 1968,
8 they haven't alleged the conspiracy as of then.

9 THE COURT: It does not necessarily have to be within
10 the time of the conspiracy, to show that Mr. Manson had that
11 state of mind.

12 All right. The Court would allow you to proceed
13 along these lines.

14 MR. KANAREK: Well, may we have the month, the founda-
15 tion?

16 THE COURT: I am sure that --

17 MR. MANZELLA: That was the question that I had asked,
18 that you had objected to.

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

21 Q BY MR. MANZELLA: All right, Mr. Arneson, do you
22 remember the months in 1968 during which you lived at the
23 house on Summit in Topanga Canyon?

24 MR. KANAREK: Your Honor, may I have a continuing
25 objection on relevancy and materiality?

26 THE COURT: Your record in respect to that has been
27 clear.

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

4b-4

1 THE COURT: You may answer that question. Do you
2 remember it?

3 THE WITNESS: May and part of June, I do believe.

4 Q BY MR. MANZELLA: Now, who else was living at the
5 house on Summit in Topanga Canyon during that period of time?

6 A The rest of the Family.

7 Q Was Mr. Manson living there?

8 A Yes.

9 Q All right. Do you know the names of any other
10 persons living at the house during that period of time?

11 A Well, there was Sadie --

12 Q Who is Sadie?

13 A Susan Atkins.

14 MR. KANAREK: Irrelevant and immaterial, your Honor.

15 THE COURT: Overruled.

16 THE WITNESS: Susan Atkins. And Lynne, I believe, was
17 there.

18 Q Is that Lynne Fromme?

19 A I guess. I'm not sure of the last name.

20 Uh -- I guess old Bruce was there.

21 Q Do you know old Bruce's last name?

22 A No, I don't. I didn't even know he was old Bruce
23 until new Bruce came.

24 Q Now, do you know a man by the name of --

25 MR. KANAREK: Well, may that comment be stricken, your
26 Honor, that last comment?

27 THE COURT: After "No, I don't," that's stricken.

28 THE WITNESS: Okay.

4b-5

1 Q BY MR. MANZELLA: Do you know a man by the name of
2 Bruce Davis?

3 A Yes.

4 MR. KANAREK: Irrelevant and immaterial.

5 THE COURT: Overruled.

6 Q BY MR. MANZELLA: Now, that is not the person you
7 are referring to as old Bruce; is that correct?

8 A That's correct.

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1 Q All right.

2 Now, was Mary Brunner living at the house on
3 Summit in Topanga Canyon in May and June of 1968?

4 A Yes.

5 MR. KANAREK: Irrelevant and immaterial, your Honor.

6 THE COURT: The answer may remain. The objection is
7 overruled.

8 Q BY MR. MANZELLA: Was Bobby Beausoleil living at the
9 house during that period of time?

10 MR. KANAREK: Irrelevant and immaterial, your Honor.

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

12 THE WITNESS: Bobby was coming and going. He was there,
13 I think -- he came once while I was there, and then he took
14 off again.

15 Q BY MR. MANZELLA: All right.

16 And Mr. Arneson, please use this hand-held micro-
17 phone so you can keep it close to your mouth.

18 Directing your attention to the five photographs
19 marked People's 37 for identification, do you recognize the
20 people shown in these photographs?

21 A Yes, all of them.

22 Q All right. Starting with photograph A, would you
23 point them out for us, please, and name them?

24 MR. KANAREK: That's irrelevant and immaterial, the
25 fact that he knows people, your Honor.

26 THE COURT: Overruled.

27 Q BY MR. MANZELLA: Who is shown in photograph A?

28 A Susan Atkins.

1 Q All right, please point the microphone at your --
2 A Susan Atkins.
3 Q Who is shown in photograph B?
4 A That's Charlie.
5 Q Charles Manson?
6 A Yes.
7 Q Who is shown in photograph C?
8 A Mary.
9 Q Is that Mary Brunner?
10 A Yes.
11 Q Who is shown in photograph D?
12 A Bobby.
13 MR. KANAREK: Your Honor --
14 Q BY MR. MANZELLA: Bobby Beausoleil?
15 A Bobby Beausoleil or Cupid or Jasper, I guess.
16 Q Are those the names he is known by?
17 A Yes.
18 Q And who is shown in photograph E?
19 A "New Bruce".
20 Q Do you know any other name for him other than
21 "New Bruce"?
22 MR. KANAREK: Your Honor, irrelevant and immaterial.
23 THE COURT: Overruled, the answer may remain.
24 Q BY MR. MANZELLA: Now, during the time that you
25 were living at the house -- well, strike that.
26 Were other people living at the house on Summit
27 in Topanga Canyon during that period of time, as well as the
28 people shown in the photograph you've identified?

1 A Yes, but I can't recall, you know, their names or
2 anything. But there were, oh, I suppose, 15 people all told,
3 maybe.

4 Q All right. Okay. Now, did Mr. Manson in your
5 presence ever refer to the group as a whole by some name or some
6 term?

7 MR. KANAREK: Irrelevant and immaterial, your Honor.

8 THE COURT: Overruled.

9 THE WITNESS: None, other than the Family, I guess.

10 Q BY MR. MANZELLA: The Family?

11 A The Family, yeah.

12 Q Now, during that period of time in 1968 -- now,
13 again, I'm referring to the months of May and June, when you
14 were seen at the house on Summit in Topanga Canyon, did you
15 meet a man by the name of Gary Hinman?

16 A I don't think I was actually introduced to him,
17 but I recall him coming up. He had, uh -- a little Nash
18 Metropolitan, something like that, a little American car.

19 Q When you say he come up, to what are you referring --
20 to where are you referring?

21 A He came up to the house on Summit.

22 Q All right.

23 All right, directing your attention to the man
24 shown in People's 4 for identification.

25 Do you recognize that person?

26 MR. KANAREK: Improper lineup, your Honor. Object to --

27 THE COURT: Objection overruled.

28 MR. KANAREK: -- due process and equal protection.

1 THE COURT: Objection overruled.

2 THE WITNESS: Not really.

3 Q BY MR. MANZELLA: All right.

4 Now, the Gary Hinman that you saw at the house on
5 Summit in Topanga Canyon, did you ever go to his house in
6 Topanga?

7 A I didn't realize it was his house, but I guess it
8 was. It was on Old Topanga. And the only thing I recall
9 about it, actually, you had to go up a lot of stairs to get to
10 it and it had a tree growing up through the living room.

11 Q All right.

12 MR. KANAREK: May that be stricken as not responsive,
13 your Honor?

14 THE COURT: Overruled. It may remain.

15 Q BY MR. MANZELLA: Now, was Gary -- now, the man
16 you knew as Gary Hinman, was he at the house at -- was that on
17 Old Topanga Canyon Road?

18 A Yes, it was.

19 Q Now, was the man you knew as Gary Hinman, was he
20 there when you went to the house?

21 A No, we went over there and there was no one home.

22 Q Now, directing your attention to the six photo-
23 graphs which have been marked People's 5 for identification.

24 In looking at those six photographs, can you tell
25 us whether or not you recognize the house shown in those
26 photographs?

27 A It looks like the house I went to, yes.

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5a-1

1 Q Now, during the time -- that is, the months of
2 May and June of 1968, while you were staying with the -- at
3 the house with Mr. Manson and the others, did you ever hear
4 Mr. Manson make any statements about Gary Hinman?

5 MR. KANAREK: Calling for a conclusion, hearsay and
6 improper foundation, irrelevant and immaterial.

7 THE COURT: Overruled.

8 A I recall him mentioning Gary Hinman was a
9 musician and a -- he was pretty well off financially, I
10 guess.

11 Q BY MR. MANZELLA: Now, do you remember anything
12 more specifically about what Mr. Manson said about -- using
13 your words "being pretty well off financially"?

14 MR. KANAREK: Leading and suggestive, argumentative,
15 improper foundation, irrelevant and immaterial.

16 THE COURT: Sustained. It is leading.

17 Q BY MR. MANZELLA: Can you be any more specific
18 about what Mr. Manson said?

19 MR. KANAREK: That's argumentative. I object to the
20 form of the question, your Honor. He's objecting to --

21 THE COURT: The objection is overruled.

22 A Actually, all I recall about Charlie talking about
23 Gary is -- was he was a musician and he had some money.

24 Q BY MR. MANZELLA: All right.

25 A You know, he was pretty well set. I guess he had
26 a school or taught in a school or something, I don't know.

27 THE DEFENDANT: I don't mind your telling the truth.

28 Q BY MR. MANZELLA: Now, 1968, and in particular

5a-2

1 directing your attention to the year 1969, did you live at a
2 place by the name of "Spahn Ranch" in Chatsworth, California?

3 A Yes, I did.

4 Q And approximately during what months did you --
5 in 1969, did you live at Spahn Ranch?

6 A Well, I stayed there while I was AWOL from the
7 Service. And that was -- well, I didn't go right up there
8 directly when I was AWOL. It was February through May.

9 Q 1969?

10 A Uh-huh.

11 Q And who was living at Spahn Ranch -- strike that.
12 Did you see some of the people who were living
13 at Spahn Ranch during that time?

14 A Yes, I did.

15 Q All right. Who was living at Spahn Ranch during
16 that period of time?

17 MR. KANAREK: Irrelevant, immaterial, improper foundation.
18 It is ambiguous, your Honor.

19 THE COURT: Objection is overruled. If you know. If
20 you know, you may answer that.

21 A Uh, so many names.

22 Sadie, Snake --

23 Q Who is Sadie?

24 A Susan Atkins.

25 Snake.

26 Q Is Snake -- who is Snake?

27 A Lynne Bluestein.

28 Q Dianne Bluestein?

5a-3

1 A Dianne Bluestein.

2 MR. KANAREK: Leading and suggestive, your Honor,
3 by Mr. Manzella. Ask that last statement be stricken.

4 THE COURT: The answer may remain. The objection is
5 overruled.

6 A Uh, Clem, Bruce, Mary, Patti, Sandy -- I don't
7 know, a few more people were coming and going.

8 Q BY MR. MANZELLA: All right. Was Mr. Manson at
9 the ranch?

10 A Yes, most of the time.

11 Q Now, directing your attention again to the
12 photographs I have already shown you, those photographs marked
13 People's 37 for identification, the photographs of the five
14 people.

15 Were these people living at the ranch from
16 February to May of 1969, living at Spahn Ranch?

17 MR. KANAREK: Improper foundation, irrelevant and
18 immaterial, and may I inquire on voir dire, your Honor?

19 THE COURT: The objection is overruled. The motion is
20 denied.

21 You may answer.

22 A All of them except Bobby, and like always, he was
23 coming and going.

24 Q When you say "Bobby," you're referring to
25 photograph D, Robert Beausoleil?

26 A Yes.

27 Q Now, after leaving the ranch -- strike that.
28 Did you leave the ranch in May of 1969?

5a-4

1 A Yes.

2 Q And did you thereafter return to Spahn Ranch
3 during the year 1969?

4 A Yes.

5 Q And when did you return?

6 A I'm not sure of the actual day or date, but it
7 was either late July or early August.

8 Q 1969?

9 A Yes.

10 Q All right. When you returned, were the same
11 people living there that had been living there when you left
12 in May of 1969?

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

2 THE COURT: Overruled. You may answer.

3 A Uh, I think so. But, like, you know, I didn't
4 go around and take a roll call or anything. Like I didn't
5 know who had left or who had come.

6 Q BY MR. MANZELLA: But you saw some of the same
7 faces as when you had left?

8 A Yes.

9 Q All right. Was Mr. Manson there?

10 A Yes.

11 Q Was Mr. Beausoleil there?

12 A Yes.

13 Q All right. Was a man by the name -- strike that.

14 Do you know a man by the name of Danny DeCarlo?

15 A Yes.

16 Q Was he there?

17 MR. KANAREK: Irrelevant and immaterial, your Honor.

18 THE COURT: Overruled.

19 A Danny was there, yes.

20 Q BY MR. MANZELLA: Now, was Danny DeCarlo there
21 any time during the period of February to May of 1969?

22 A Yes.

23 Q He was there when you returned in late July or
24 early August?

25 A Yes.

26 Q Now, did you go to the ranch alone or did you go
27 with someone else in this latter period, that is late July
28 or early August of 1969?

5b-2

1 A A friend of mine, Joe, came alone with me.

2 Q Now, while at the ranch in late July or early
3 August of 1969, did you have a conversation with Mr. Manson?

4 A Yes, we got there in the evening.

5 Q All right. Now, did the conversation take place
6 at this time, that is, late July or early August in 1969?

7 A Yes.

8 Q Where did the conversation take place?

9 A It was right out in front of the movie set thing
10 there by the saloon and undertaking office, I guess.

11 Q All right. Directing your attention to the
12 photographs which have been marked People's 36 for identifica-
13 tion.

14 Is the area at which the conversation took place
15 shown in any of these photographs?

16 A Yes, right here (indicating) by the saloon.

17 Q You're pointing to photograph E of People's 36?

18 A Yes, I am.

19 Q All right. Did it take place in front of any
20 building which is marked or designated in any photograph
21 itself?

22 A Yes, the saloon.

23 Q How is that building designated in the photograph?

24 A "F," I guess.

25 Q Well, is there a sign on the building itself?

26 A Oh, yes. It says "Saloon".

27 Q All right.

28 Who was present during the conversation that you

5b-3

1 had with Mr. Manson?

2 A Hmm, myself, and Charlie, and Bobby. I believe that
3 Joe had gone inside to talk to Danny. I don't think Joe was
4 right there. I'm not sure.

5 Q Now, by "Charlie," are you referring to Charlie
6 Manson?

7 A Yes, I am.

8 Q And by "Bobby," are you referring to Bobby
9 Beausoleil?

10 A Yes, I am.

11 Q And by "Danny," are you referring to Danny
12 DeCarlo?

13 A Yes.

14 Q Now, would you tell us what the conversation was
15 that you had with Mr. Manson in late July or early August of
16 1969?

17 MR. KANAREK: Well, your Honor, that's ambiguous as to
18 time and I must object on the grounds of improper foundation.

19 THE COURT: The objection is overruled.

20 MR. KANAREK: And, also, hearsay, irrelevant and
21 immateriality.

22 THE COURT: The objection is overruled.

23 A Uh, we got up there in the evening. And after the
24 greetings or whatever, uh, Charlie asked if I needed a bus.
25 And I was driving a car at the time. And Joe had a car.
26 And neither one of us really needed it, you know, for actual
27 transportation.

28 MR. KANAREK: Your Honor --

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THE DEFENDANT: The car you were driving, fellow.

A Uh --

THE DEFENDANT: The car you were driving.

(Whereupon, further inaudible comments were made
by the defendant.)

5b-5

1 THE COURT: Mr. Manson.

2 THE DEFENDANT: I don't know why --

3 THE COURT: Mr. Manson, you'll have to be quiet or you'll
4 have to leave.

5 MR. KANAREK: May that be stricken?

6 THE COURT: I didn't hear you.

7 MR. KANAREK: A portion there about giving some back-
8 ground he didn't need the car. That's not conversation. Was
9 that the actual conversation?

10 THE COURT: Read the answer to me, would you, please?

11 Part of it should be stricken.

12 THE WITNESS: The bus was offered --

13 THE COURT: Just a minute.

14 Read the answer to me.

15 (Whereupon, the answer was read by the reporter
16 as follows:

17 "A Uh, we got up there in the evening. And
18 after the greetings or whatever, uh, Charlie asked if
19 I needed a bus. And I was driving a car at the time.
20 And Joe had a car. And neither one of us really
21 needed it, you know, for actual transportation.")

22 THE COURT: The entire answer will be stricken.

23 Listen carefully to the question, and then answer
24 it, and then stop and listen for the next question.

25 Q BY MR. MANZELLA: Mr. Arneson, when did you
26 arrive at the Spahn Ranch during the day?

27 A Late afternoon or evening.

28 Q Was it the same day that you arrived that you had

5b-6

1 the conversation with Mr. Manson?

2 A Yes.

3 Q Now, would you tell us what Mr. Manson said to
4 you and what you said to him?

5 A He asked if I wanted a bus or if I needed the
6 bus.

7 And, uh, neither one of us actually needed it.
8 But between the two of us, Joe and I, we could put it to use,
9 so I accepted the offer.

10 MR. KANAREK: May that be stricken? Is that an actual
11 conversation?

12 THE COURT: The answer "I accepted," and thereafter is
13 stricken. And the other response, "Neither one of us needed
14 it."

15 MR. MANZELLA: Your Honor, may I ask him if that was the
16 actual --

17 THE COURT: Just relate the conversation.

18 Q BY MR. MANZELLA: All right, did you tell that to
19 Mr. Manson or is this something that's just going through your
20 own head at the time?

21 MR. KANAREK: Argumentative.

22 MR. MANZELLA: I'm trying to find out if that was a
23 conversation.

24 THE WITNESS: I can't remember if that was part of the
25 conversation or --

26 MR. KANAREK: May the witness be asked not to address --

27 THE COURT: Yes, don't talk while Mr. Kanarek is talking,
28 would you, please.

6 fls.

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1 MR. KANAREK: The word "that," your Honor, makes the
2 question ambiguous.

3 THE COURT: Mr. Kanarek's objection is overruled.

4 Now, would you restate your question?

5 MR. MANZELLA: I'm sorry.

6 THE COURT: I'll strike the answer. And start over
7 again.

8 MR. MANZELLA: Thank you, your Honor.

9 Q Now --

10 THE COURT: Now, wait until Mr. Kanarek's objection is
11 finished, and then you can answer, after I have ruled. That's
12 how the procedure is.

13 Q BY MR. MANZELLA: All right. Mr. Arneson, would
14 you tell us what Mr. Manson said to you, and what you said to
15 him?

16 A He asked if I'd like the bus.

17 Q All right.

18 A And I said, "Yes."

19 Q Did you ask him at that time anything about the
20 papers for the bus?

21 A I asked him if he had the registration, the
22 pink slip.

23 Q And did Mr. Manson reply to that when you asked him
24 that question?

25 A He said, "Yes."

26 Q Now, were you able to see the bus at the time you
27 had this part of the conversation with Mr. Manson?

28 A No.

1 Q Did you go some place else in order to see the
2 bus?

3 A Yes. We went out back to the ranch house.

4 Q And how did you get out back to the ranch house?

5 A In a little white station wagon?

6 Q Was it a Fiat?

7 A I believe so, yes.

8 Q All right. Who drive the Fiat?

9 A Bobby.

10 Q Bobby Beausoleil?

11 A Yes.

12 Q Was anyone else in the car besides you and Bobby
13 Beausoleil? If you recall?

14 A I don't actually recall, no.

15 Q All right. Directing your attention to the Fiat
16 station wagon shown in People's 1 for identification, do you
17 recognize the vehicle shown in those photographs?

18 A Yes. That's it.

19 Q And is that the Fiat station wagon in which you
20 drove to the back ranch house with Bobby Beausoleil?

21 A Yes, it is.

22 Q How do you recognize that Fiat?

23 A Well, mostly because of the radiator sticking out in
24 front. It had an engine in it that wasn't standard equipment.
25 It was a modified thing.

26 Q All right. Do you have some knowledge of automo-
27 biles and automobile

28 MR. KANAREK: Irrelevant and immaterial, your Honor.

1 THE COURT: Sustained.

2 Q BY MR. MANZELLA: All right. Did you ever do any
3 work on automobile engines for Mr. Manson?

4 MR. KANAREK: Irrelevant and immaterial.

5 THE COURT: Overruled.

6 THE WITNESS: Yes, a little.

7 Q BY MR. MANZELLA: And when was that?

8 MR. KANAREK: Irrelevant and immaterial, your Honor.

9 THE COURT: Sustained. The Court can't see the
10 materiality of this line of questioning.

11 Q BY MR. MANZELLA: Mr. Arneson, during the period
12 of February, 1969 to May, 1969, while you were living at
13 Spahn Ranch, did you work on automobiles and automobile
14 engines at the Spahn Ranch?

15 MR. KANAREK: Irrelevant, immaterial, your Honor.

16 THE COURT: Do you wish to approach the bench and make an
17 offer of proof?

18 MR. MANZELLA: Yes, your Honor.

19 (Whereupon, the following proceedings were had at
20 the bench, outside the hearing of the jury:)

21 THE COURT: Mr. Manzella, why are you asking about this?

22 MR. MANZELLA: Well, because he lived at Spahn Ranch.
23 And I am trying to get out of him what he did while at the
24 Spahn Ranch.

25 THE COURT: What difference does that make?
26 He might have gone fishing, might have --

27 MR. MANZELLA: Well, we could bring that out, too. The
28 point --

1 THE COURT: Why?

2 MR. MANZELLA: It's an offer to show that Manson was the
3 -- was -- at least, among the people who lived there, the kids
4 who lived there -- that Manson was the leader of the group that
5 lived at this ranch, at the Spahn Ranch; and Manson -- that he
6 did work on automobiles for Manson.

7 THE COURT: He might have collected string, might have
8 flown kites and done a number of things. But I don't see that
9 it's material to this.

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1 MR. MANZELLA: Well, the materiality is that he didn't
2 do those things. He worked on automobiles for Manson.

3 THE COURT: Well, ask him things which would indicate
4 that.

5 MR. MANZELLA: Well, I asked him. How much more direct
6 can I be?

7 THE COURT: The Court will sustain the objection --

8 MR. MANZELLA: All right.

9 THE COURT: -- to the question.

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

12 Q BY MR. MANZELLA: Did Mr. Beausoleil drive you to
13 the bus?

14 A Yes.

15 Q Directing your attention to the Volkswagen bus
16 appearing in People's 2 for identification, do you recognize
17 the vehicle shown in those photographs?

18 A That's the bus I took yes.

19 Q I'm sorry. I didn't hear you.

20 A That is the bus.

21 Q That's the bus you saw on the Spahn Ranch during
22 late July or early August of 1969?

23 A Yes, it is.

24 Q Now, did you notice anything unusual about the
25 ignition or the ignition switch of the Volkswagen bus, when
26 you saw it?

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

28 THE COURT: Overruled.

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THE WITNESS: Well, the ignition switch was bypassed.

Q What do you mean by that?

A Well, it was hot-wired.

Q And would you describe what you saw?

MR. KANAREK: Your Honor, I would ask that that be stricken on the basis of no foundation for such a statement.

THE COURT: Sustained.

MR. KANAREK: It would be a conclusion.

Q BY MR. MANZELLA: Mr. Arneson, have you ever worked on automobiles and automobile engines before?

MR. KANAREK: Objection, your Honor. Irrelevant and immaterial.

THE COURT: Overruled.

THE WITNESS: Yes.

Q BY MR. MANZELLA: And what experience have you had in that field?

A General repair work.

Q Have you ever worked as a mechanic?

A Not in an automobile dealership or anything. A motorcycle shop, yes.

Q You have worked in a motorcycle shop?

A Yes.

Q Have you ever worked as a mechanic on Spahn Ranch?

A Yes. I did mechanic work there. It wasn't actually my job, but --

Q For whom did you do that work?

MR. KANAREK: Immaterial, irrelevant.

THE COURT: Sustained.

6a-3

1 MR. KANAREK: Calling for a conclusion.

2 THE COURT: Sustained.

3 Q BY MR. MANZELLA: Now, describe what you saw with
4 regard to the wires of the ignition in the Volkswagen bus.

5 A They were hanging out from under the dash.

6 Q Now, at the time you saw the bus -- or during that
7 period of time when you were examining the bus -- was the bus
8 started? Was the engine started?

9 A Yes, it was.

10 Q And who started the engine?

11 A Uhhh -- I'm really not sure. I think Bobby went
12 back there with me and -- I know Bobby Beausoleil went back
13 there with me, but I'm not sure who else went.

14 But I know it was started when I was back there.

15 Q Did Mr. Manson go with you in the Fiat to see
16 the Volkswagen bus?

17 A I'm not certain.

18 Q All right.

19 Now, did somebody start the Volkswagen engine?

20 A It was started, yes.

21 Q And did you see how it was started?

22 A Yes, I did.

23 Q And how was that?

24 A Well, he twisted two wires together, and then he
25 shorted it out with a screwdriver.

26 MR. KANAREK: Your Honor, may that be stricken --

27 Q BY MR. MANZELLA: And did you --

28 MR. KANAREK: -- as a conclusion, about the "shorted out,"

1 and --

2 THE COURT: Well, the motion is denied.

3 The answer may remain.

4 Q BY MR. MANZELLA: And did you see a key in the
5 ignition switch?

6 A Yes.

7 Q Now, after you examined the Volkswagen bus, did
8 you go into the Fiat again?

9 A Uh -- no. The bus was driven back up front, up
10 to the main ranch.

6b fls.

6b-1

1 Q All right. Did you drive back to the main ranch?
2 A Yes.
3 Q And when we say the main ranch, are you referring to
4 the area depicted in the photographs you've already identified
5 in People's 36 for identification?
6 A Yes. The saloon area, you mean?
7 Q Yes.
8 A Right, yes.
9 Q Now, did you drive back in the VW bus?
10 A Yes, I drove the bus.
11 Q And did someone else drive the Fiat?
12 A Yes.
13 Q And who was that?
14 A I believe it was Bobby. But I'm not certain.
15 Q Now, after you returned to the main ranch buildings,
16 did you again have a conversation with Mr. Manson?
17 A Yes.
18 Q And who was present at that time?
19 A Myself, Charlie and Bobby, I believe.
20 Q Was anyone else present, if you recall?
21 A Uh. -- I think Joe had gone in to drink some beer
22 with Danny. I don't know.
23 There may have been a girl or two standing around,
24 but I'm not sure of who it was.
25 Q All right. Would you tell us what was said by
26 Mr. Manson at that time?
27 MR. KANAREK: Irrelevant, immaterial, your Honor.
28 THE COURT: Overruled.

1 THE WITNESS: Well, I asked for the pink slip, and
2 Charlie sent one of the girls to get it. And when the pink
3 slip got back, Charlie gave it to me and -- and when he gave it
4 to me, he asked me, if I ever got in a hassle over the regis-
5 tration, to say that I got it from Gary Hinman, who I -- I
6 was supposed to assume he was a Black Panther.

7 Q BY MR. MANZELLA: Did Mr. Manson hand you the pink
8 slip to the Volkswagen bus?

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

10 THE COURT: Overruled. You may answer.

11 THE WITNESS: I'm really not positive if it was Charlie
12 that handed it to me or one of the girls who he sent after it.
13 I'm not sure.

14 Q BY MR. MANZELLA: When the -- did one of the girls
15 return to where you were standing with Mr. Manson?

16 A Yes.

17 Q And was it after that that you received the pink
18 slip?

19 A Yes.

20 Q And was that the pink slip to the Volkswagen bus?

21 A Yes.

22 Q Now, was Mr. Manson there when you received the
23 pink slip to the Volkswagen bus?

24 A Yes, he was.

25 MR. MANZELLA: Your Honor, I have here what appears to be
26 a certified copy of a certificate of ownership to a Volkswagen.

27 May I have that marked People's 44 for identifi-
28 cation?

1 THE COURT: So ordered.

2 Q BY MR. MANZELLA: All right. Mr. Arneson, directing
3 your attention to the exhibit which has been marked People's 44
4 for identification, do you recognize that as a copy of a
5 document that you've seen before?

6 MR. KANAREK: I object on the best evidence rule, your
7 Honor. Irrelevant, incompetent; no foundation.

8 MR. MANZELLA: It's a certified copy.

9 MR. KANAREK: That's not the point, your Honor. There
10 has been no foundation laid.

11 THE COURT: May I see it?

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

14 THE COURT: It's 12:00 o'clock, ladies and gentlemen.

15 The Court will declare a recess until 2:00 o'clock
16 at this time -- 1:45 on those other matters, Mrs. Holt,

17 Try to get hold of Mr. Latiner and let him know
18 that the Court will call them before 2:00 o'clock.

19 During the recess, you are obliged not to converse
20 amongst yourselves nor with anyone else on any subject
21 connected with this matter, nor are you to form or express any
22 opinion on the matter until it is finally submitted to you.

23 I'll see you at 2:00. You may step down,
24 Mr. Arneson; you are also directed to return at 2:00 o'clock.

25 Now, would you gentlemen care to approach the bench?

26 MR. MANZELLA: Yes.

27 MR. KANAREK: Yes, your Honor.
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(Whereupon, the following proceedings were had at the bench, outside the hearing of the jury:)

MR. KANAREK: May I be heard, your Honor?

THE COURT: Yes.

MR. MANZELLA: May I be heard first? It's my exhibit.

MR. KANAREK: Well --

THE COURT: Yes.

MR. MANZELLA: Okay. The DMV won't give us the original. All they'll give us is a certified copy of the ownership certificate.

MR. KANAREK: Well, for this purpose, I cannot stipulate, your Honor.

MR. MANZELLA: I'm not asking for a stipulation. That is a certified copy. --

THE COURT: I don't think --

MR. MANZELLA: -- of an official record.

THE COURT: What is your objection?

MR. KANAREK: My objection is: This man dealt with an original. I cannot -- I will not -- it's not in the best interests of Mr. Manson to stipulate. He can subpoena the original.

If this -- we are dealing now -- we are dealing now with what actually is supposed to --

THE COURT: Why wouldn't this be admissible under 1506?

MR. KANAREK: Because it's not unavailable. This is for his own -- and I -- and it's interfering with right to effective counsel. Mr. Manson has a right to effective counsel.

I want the actual documents that supposedly he

6c-2

1 dealt with.

2 THE COURT: Well, maybe there have been notations --

3 MR. MANZELLA: The People don't have to --

4 MR. KANAREK: Well, I am objecting to the foundation.

5 This is very critical in this case, and there's no reason it
6 cannot be obtained.

7 It can be obtained, your Honor, if they really
8 want it.

9 MR. MANZELLA: Two points. First of all, it's a
10 certified copy of the document, as close as we can get to it
11 at this time, as he handled it. Because the document was
12 changed after he handled it.

13 MR. KANAREK: Well, that's -- that's the very reason
14 I am not willing to stipulate.

15 MR. MANZELLA: And he will testify to how it was changed.
16 Because he passed the document to somebody else.

17 And this is a certified copy of the document,
18 as it was when DMV finally got ahold of it.

19 MR. KANAREK: That's hearsay, and a conclusion, and I
20 can't stipulate to the conclusion.

21 MR. MANZELLA: He will testify to it. It's not hearsay.

22 MR. KANAREK: That doesn't mean that I am bound by his
23 testimony. We are entitled to the best evidence --

24 MR. MANZELLA: Idiot! Incredible.

25 THE COURT: Just a minute.

26 MR. MANZELLA: This is incredible.

27 MR. KANAREK: Well, if you can't see that --

28 THE COURT: Mr. Manzella, now, this sort of conduct on

6c-3

1 your part, referring to Mr. Kanarek --

2 MR. MANZELLA: Can we go off the record for this?

3 MR. KANAREK: No, I want it to be on the record.

4 THE COURT: (Continuing) -- is certainly uncalled for.

5 MR. MANZELLA: Well, I should say for the record --

6 THE COURT: Just a minute. And if you do it once more,
7 the Court will have to find you in contempt.

8 MR. MANZELLA: Well, I apologize. Yes, I apologize to
9 Mr. Kanarek. I did not realize we were on the record.

10 THE COURT: You should apologize to the Court for
11 conducting yourself in this manner.

12 MR. MANZELLA: And I apologize to the Court. I didn't
13 realize we were on the record.

14 THE COURT: Well, on or off the record, I expect you
15 gentlemen to conduct yourselves properly toward one another
16 during the course of this trial.

6d fls.

17 MR. MANZELLA: I think I have, up to this point.
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1 THE COURT: You have. The Court has found nothing of
2 that nature previously. And for that reason, I don't take any
3 steps against you at this moment.

4 The Court does not believe that your objection's
5 well taken. The Court will overrule the objection.

6 MR. KANAREK: Well, your Honor, may I be heard on it
7 further, just --

8 THE COURT: You mean you wish to say more?

9 MR. KANAREK: Well, yes, your Honor. I need the
10 original document. I am dealing with a man of questionable
11 credibility. And we can't --

12 THE COURT: Then subpoena it.

13 MR. KANAREK: Well, he's -- I have got to have the
14 evidence.

15 MR. MANZELLA: I've got the evidence right here, your
16 Honor. It's a certified copy of the document.

17 THE COURT: He's offering --

18 MR. KANAREK: Well, your Honor, that doesn't --

19 THE COURT: -- a certified copy. And under the Code,
20 the Evidence Code, it's admissible.

21 MR. KANAREK: It depends on what it's used for.

22 MR. MANZELLA: All right. We intend --

23 MR. KANAREK: It depends on what it's used for. But not
24 for the actual -- not when we're dealing with a vis-a-vis
25 transaction; and therefore --

26 THE COURT: All right. Let's --

27 MR. KANAREK: -- we are entitled to the actual document
28 in specie; not just a copy of it. This isn't just to prove

1 something that has to do with an automobile dealership, your
2 Honor.

3 THE COURT: You mean you believe you have not said that
4 before?

5 MR. KANAREK: Well, I believe --

6 THE COURT: You asked for permission to make additional
7 argument.

8 MR. KANAREK: Well, I'm hoping to convince the Court.
9 I am hoping to convince the Court of the importance of having
10 the actual document, not just something that's a photocopy,
11 especially in view of this -- as I say, this very questionable
12 credibility.

13 There's a credibility factor here, of great --

14 THE COURT: The Court's ruling is the same.

15 Incidentally, I have admitted -- the Court has
16 admitted some conversations which are quite possibly not in
17 the course of the -- not uttered in the course of the
18 conspiracy.

19 MR. MANZELLA: What conversations were those?

20 THE COURT: Well, the conversations that you have just
21 had this witness relate, Mr. Manson's conversations --

22 MR. MANZELLA: Oh, your Honor, they're admissions.

23 THE COURT: And they would be in the nature of
24 admissions.

25 MR. MANZELLA: Yes.

26 THE COURT: And they are admitted -- of course, subject
27 to the corpus delicti being proved. And of course, you have got
28 a corpus delicti.

1 MR. MANZELLA: Well, we've got a dead body.

2 THE COURT: A dead body. And you've got the Coroner's --

3 MR. MANZELLA: Testimony to the cause of death.

4 THE COURT: -- testimony as to the cause of death, correct.

5 MR. KANAREK: But, Judge, --

6 THE COURT: And you probably will have --

7 MR. KANAREK: Your Honor, if I may --

8 THE COURT: But in any event, the Court will give that
9 instruction which is required by the case of People vs.
10 Starr; and we'll also give the other instructions in respect
11 to 1223, the conversations occurring during the course of the
12 conspiracy.

13 MR. KANAREK: It's our position, your Honor, that these
14 statements are not admissible, because of the fact that --

15 THE COURT: Well, Counsel, the Court's already ruled on
16 it.

17 (Whereupon, at 12:05 p.m., an adjournment was
18 taken until 2:00 o'clock p.m. of the same day.)
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LOS ANGELES, CALIFORNIA, MONDAY, AUGUST 9, 1971

2:07 P.M.

THE COURT: In the case of People vs. Manson, the record will show -- are all the jurors present?

Would you come forward, please?

(Proceedings had on unrelated matters.)

THE COURT: All right. The record will show that everybody is in the jury box, the jurors and alternates.

Let's get -- is Mr. Kanarek over there?

THE BAILIFF: Yes, your Honor.

THE COURT: Do you want to give him a buzz?

Mr. Manzella, you may call your next witness.

Mr. Manson is present with Mr. Kanarek.

MR. MANZELLA: Your Honor, if I may, I would like to call -- I would like to interrupt Mr. Arneson's testimony to put on a witness, Miss Joan Farley, for her testimony --

THE COURT: Yes.

MR. MANZELLA: -- which I expect will only be about five minutes, your Honor.

THE COURT: That's true. Mr. Arneson was on.

The Court will permit you to do that.

MR. MANZELLA: The People call Miss Joan Farley.

THE COURT: Raise your right hand and face the Clerk, please, Miss Farley.

THE CLERK: You do solemnly swear that the testimony you may give in the cause now pending before this court shall be the truth, the whole truth, and nothing but the truth, so

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1 help you God?

2 THE WITNESS: I do.

3
4 JOAN FARLEY,

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

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

8 Please state and spell your full name.

9 THE WITNESS: Joan Farley; F-a-r-l-e-y.

10
11 DIRECT EXAMINATION

12 BY MR. MANZELLA:

13 Q All right.

14 Miss Farley, were you familiar with the signature
15 of Gary Hinman?

16 A Yes.

17 Q And how were you familiar with it?

18 A I had watched him sign his name on a number of
19 occasions.

20 Q And would you briefly describe for us the -- under
21 what circumstances you had observed that?

22 A All right.

23 Gary and I were both members of Nichiren Shoshu,
24 and like many organizations of this type, it had an extremely
25 aggressive newspaper and magazine sales campaign within the
26 group.

27 And usually, after the meetings, we'd sit and talk;
28 and at that time, the order blanks would be passed out, and

6e-3

1 everybody would sit down and fill them out, and at the bottom,
2 they would sign their names; so we were frequently together
3 at that time.

4 Q All right. And they were order blanks for what?

5 A Newspapers and magazines having to do with the
6 organization.

7 Q All right. Now, at my request, have you examined
8 certain documents -- and in particular, on those documents,
9 what purported to be the signature of Gary Hinman?

10 A Yes.

11 Q All right. Directing your attention to the
12 document marked People's 3 for identification --

13 MR. KANAREK: May I -- I haven't seen this, your Honor.
14 And I would like to inquire on voir dire, on foundational
15 matters.

16 THE COURT: People's 3?

17 MR. KANAREK: Pardon?

18 THE COURT: People's 3?

19 MR. KANAREK: Oh, I thought he -- oh, I'm sorry.

20 Then I would like to inquire on voir dire on her
21 ability and so forth concerning Mr. Hinman's signature.

22 THE COURT: Your motion --

23 MR. KANAREK: Because just because she sat around and --

24 THE COURT: Mr. Kanarek, please don't argue the motion.

25 MR. KANAREK: May I approach the bench?

26 THE COURT: No, you may not. Your request to examine on
27 voir dire is denied.

28 You may cross-examine.

1 MR. KANAREK: Well, then, I object as to further
2 testimony on relevancy, materiality and improper foundation.

3 And also, a failure to make discovery. I have
4 not been notified of this, your Honor.

5 THE COURT: The objections are overruled.

6 Q BY MR. MANZELLA: Miss Farley, directing your
7 attention to the document marked People's 3 for identification,
8 and in particular what purports to be the signature of Gary
9 A. Hinman, have you examined that document and that signature
10 for me?

11 A Yes, I have.

12 Q All right. Do you recognize that signature?

13 A Yes.

6f Flg.

6f-1

1 MR. KANAREK: Object on the grounds of improper
2 foundation, irrelevancy, immateriality; and also, on the failure
3 to make discovery.

4 THE COURT: Overruled.

5 Q BY MR. MANZELLA: And would you tell us whose
6 signature does that appear to be?

7 MR. KANAREK: Same objections, your Honor.

8 THE COURT: Same ruling.

9 THE WITNESS: It appears to be Gary Hinman's signature.

10 Q BY MR. MANZELLA: Now, directing your attention to
11 People's 14 for identification, and in particular -- strike
12 that.

13 Your Honor, I would like to withdraw the question
14 with regard to People's 14.

15 Directing your attention to the document marked
16 People's 27 for identification, and in particular to that
17 portion of the document which purports to be the signature of
18 Gary Hinman, have you examined that document and that
19 signature at my request?

20 A Yes.

21 Q And can you tell us -- strike that.

22 Does that appear familiar to you?

23 A Yes, it does.

24 MR. KANAREK: Objected to on the grounds --

25 THE WITNESS: Yes.

26 MR. KANAREK: -- irrelevant and immaterial, calling for
27 a conclusion, and failure to make discovery.

28 THE COURT: The objection's overruled.

1 Q BY MR. MANZELLA: And whose signature does that
2 appear to be?

3 A Gary Hinman.

4 MR. KANAREK: Same objection, your Honor.

5 THE COURT: Overruled. And the answer, "Gary Hinman,"
6 may remain.

7 Q BY MR. MANZELLA: Directing your attention to the
8 document marked People's 32 for identification, and in
9 particular that portion of the document which bears the
10 purported signature of Gary A. Hinman, have you examined that
11 document and the signature for me?

12 A Yes.

13 MR. KANAREK: Objected to on the ground -- your Honor,
14 may I -- the lady is answering so swiftly I can't --

15 THE COURT: The objection is overruled.

16 The answer may remain.

17 MR. KANAREK: And may it be deemed the same objections,
18 your Honor?

19 THE COURT: The answer may remain.

20 Q BY MR. MANZELLA: And does that signature appear
21 familiar to you?

22 MR. KANAREK: Same objection, your Honor.

23 THE WITNESS: Yes, it does.

24 THE COURT: Same ruling.

25 Q BY MR. MANZELLA: You may answer the question.

26 A It does.
27
28

7-1

1 Q Whose signature does that appear to be?

2 MR. KANAREK: Same objection.

3 THE COURT: Same ruling.

4 A Gary Hinman's.

5 Q BY MR. MANZELLA: All right, directing your
6 attention to the document marked People's 33 for identifica-
7 tion, and in particular that part of the document which
8 purports to bear the signature of Gary A. Hinman.

9 Have you examined that document and that signature
10 at my request?

11 A Yes, I have.

12 Q And does that signature appear familiar to you?

13 A Yes, --

14 MR. KANAREK: Your Honor, may I have a continuing
15 objection, so I don't have to interrupt counsel?

16 THE COURT: On the same grounds stated?

17 MR. KANAREK: Yes.

18 THE COURT: To her purported recognition of the signa-
19 tures?

20 MR. KANAREK: Yes.

21 THE COURT: Yes, you may.

22 MR. KANAREK: Thank you.

23 Q BY MR. MANZELLA: Have you examined People's 33,
24 and in particular that portion of the document which purports
25 to bear the signatures of Gary A. Hinman, at my request?

26 A Yes, I have.

27 Q Does that signature appear familiar to you?

28 A Yes, it does.

1 Q And whose signature does that appear to be?

2 A Gary Hinman's.

3 Q All right. Directing your attention to the
4 document which has been marked People's 34 for identification,
5 and in particular that portion of the document which purports
6 to bear the signature of Gary Allen Hinman.

7 Have you examined that document and that signature
8 at my request?

9 A Yes, I have.

10 Q Does that signature appear familiar to you?

11 A Yes, except that Gary usually signed his name
12 Gary A. Hinman or Gary Hinman, and this says Gary Allen
13 Hinman, which is unusual.

14 MR. KANAREK: I ask it be stricken. We're not talking
15 about script. We're not talking about any kind --

16 THE COURT: The objection is overruled.

17 MR. KANAREK: May I --

18 THE COURT: The motion is denied, rather.

19 Q BY MR. MR. MANZELLA: And whose signature does
20 that appear to be?

21 A Gary Hinman's.

22 Q All right. Directing your attention to the
23 exhibit marked People's 35 for identification, and in
24 particular that portion of the document which purports to
25 bear the signature of Gary A. Hinman.

26 Have you examined that document and that signature
27 at my request?

28 A Yes.

1 Q And does that signature appear familiar to you?

2 A Yes.

3 Q And whose signature does that appear to be?

4 A Gary Hinman's.

5 Q Directing your attention to the document marked
6 People's 44 for identification, and in particular that portion
7 of the document which purports to bear the signature of Gary
8 A. Hinman.

9 Have you examined that document and that signature
10 at my request?

11 A Yes.

12 Q Does that signature appear familiar to you?

13 A Yes.

14 Q And whose signature does that appear to be?

15 A Gary Hinman's.

16 MR. MANZELLA: Thank you, Miss Farley. I have no
17 further questions, your Honor.

18 THE COURT: Any cross?

19 MR. KANAREK: Yes, your Honor.

20

21 CROSS-EXAMINATION

22 BY MR. KANAREK:

23 Q Now, Miss Farley, whereabouts -- let me withdraw
24 that.

25 Do you live in the Los Angeles area?

26 A Yes, I do.

27 Q What is your address?

28 THE COURT: You needn't answer that.

1 MR. MANZELLA: Objection, irrelevant.

2 THE COURT: Sustained.

3 MR. KANAREK: Smith vs. Illinois.

4 THE COURT: Smith vs. Illinois does not stand for that
5 proposition. The Court knows the holding of Smith vs. Illinois,
6 and the ruling deals -- the ruling dealing with discovery --

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

8 THE COURT: The objection is overruled. The Court
9 agrees it is immaterial.

10 Q BY MR. KANAREK: Well, what kind of work do you do,
11 Miss Farley?

12 MR. MANZELLA: Your Honor, I think perhaps the jury is
13 having trouble hearing Mr. Kanarek.

14 MR. KANAREK: I'm sorry.

15 THE COURT: Perhaps you would use the microphone. I
16 believe they have had trouble hearing you.

17 MR. KANAREK: I apologize, your Honor. I'm sorry.

18 Q BY MR. KANAREK: What kind of work do you do,
19 Miss Farley?

20 A Advertising agency. I am an out-door writer.

21 Q By that, what does that mean? What do you do,
22 actually?

23 A I write advertising copy, buy media, and have
24 meetings, make policy decisions for clients and spend their
25 money.
26
27
28

7a fls.

7a-1

1 Q And you type these things up or --

2 A Yes.

3 Q And this is like advertising campaigns?

4 A Yes.

5 Q And are you, uh -- have you ever testified as a
6 handwriting expert?

7 A No, sir.

8 Q And concerning what you have just testified, when
9 did you first discuss it with anyone in law enforcement or in
10 the District Attorney's office?

11 A I testified --

12 Q No, I'm talking about the signatures.

13 A I identified his signatures at a Grand Jury hearing.

14 Q My question is --

15 Your Honor, may that be stricken?

16 THE DEFENDANT: Did you feel important when you did that?

17 THE WITNESS: Not particularly.

18 THE COURT: Mr. --

19 You needn't reply to Mr. Manson's questions.

20 Mr. Manson, be quiet.

21 MR. KANAREK: I ask that be stricken. I did not ask
22 about the Grand Jury. I asked about law enforcement or the
23 District Attorney's Office.

24 THE COURT: The motion is denied.

25 Well, would you read the question to me, I'm
26 sorry.

27 (Whereupon, the record was read by the reporter
28 as follows:

1 "Q And concerning what you have just
2 testified, when did you first discuss it with
3 anyone in law enforcement or in the District
4 Attorney's office?

5 "A I testified --

6 "Q No, I'm talking about the signatures.

7 "A I identified his signatures at a
8 Grand Jury hearing.")

9 THE COURT: The motion to strike is denied.

10 Q BY MR. KANAREK: Now, see this gentlemen (indicating),
11 Mr. Whiteley?

12 A Yes.

13 Q Do you know Mr. Whiteley?

14 A Yes.

15 Q When did you first, if at all, discuss Mr. Hinman's
16 handwriting with Mr. Whiteley?

17 A I never discussed it with Mr. Whiteley.

18 Q Did you discuss it, if at all, with any other
19 police officer?

20 A None.

21 Q Did you discuss it with any deputy District
22 Attorney before -- before this instant in time?

23 A Mr. -- when I appeared at the Grand Jury --

24 Q Could you just answer that yes or no?

25 A Do you want to know when I first talked to someone
26 about this?

27 Q Yes.

28 A I'll tell you, if you will give me a chance.

1 Q Could you tell me what date it was?

2 A It was in April of 1970.

3 Q What Deputy District Attorney did you speak to?

4 A Burton Katz.

5 Q And you spoke with him concerning Mr. Hinman's
6 handwriting?

7 A Yes.

8 Q Now, is that the first time that you ever spoke
9 with anyone in the District Attorney's office concerning
10 Mr. Hinman's handwriting?

11 A Yes.

12 Q All right. Now, subsequent to that time, would
13 you tell us any other Deputy District Attorney that you have
14 spoken with concerning Mr. Hinman's handwriting?

15 A None.

16 Q Did you speak to Mr. Manzella?

17 A Not until I showed here -- showed up here today?

18 Q That's all we're asking, Miss Farley, is when
19 this happened.

20 A About two minutes ago.

21 Q You spoke with Mr. Manzella?

22 A Yes.

23 Q Now, have you ever spoken with any investigator
24 in the District Attorney's office concerning Mr. Hinman's
25 handwriting?

26 A No.

27 Q Did you ever speak with Mr. -- with any Sheriff's
28 Detective or any Sheriff's personnel concerning Mr. Hinman's

1 handwriting?

2 A No.

3 Q Now, did you ever speak with any Los Angeles
4 police officer concerning Mr. Hinman's handwriting?

5 A No.

6 Q Now, in your -- how many people belong to this
7 organization?

8 A You mean internationally, nationally, local,
9 Southern California or what?

10 Q Well, let's say -- let's say the local that you
11 belong to.

12 A Well, I dropped out of the group over a year and a
13 half ago. So I have no idea of knowing how many people are in
14 it now. Several thousand at the time I belonged.

15 Q You dropped out at what time?

16 MR. MANZELLA: Objection, not relevant.

17 MR. KANAREK: It is most -- it goes --

18 THE COURT: Sustained.

19 MR. KANAREK: Well --

20 THE COURT: You needn't answer the question.

21 Q BY MR. KANAREK: Well, then, how many belonged to
22 the organization, the local, when you belonged to it?

7b-1

1 MR. MANZELLA: Objection, your Honor, it is not relevant.

2 MR. KANAREK: Your Honor, it goes to --

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

4 Q BY MR. KANAREK: How many belonged to it when you
5 belonged to it?

6 A Several thousand, sir. But I have no idea
7 precisely how many.

8 Q To that very local?

9 A To the group that Gary and I met with every week?

10 Q Yes.

11 A Oh, the meetings varied in size from 25 to maybe
12 as many as 100.

13 Q And what was your relationship to that organiza-
14 tion?

15 A I was a senior leader.

16 Q A senior leader?

17 A Yes.

18 Q Would you describe what does that -- what does
19 that mean?

20 MR. MANZELLA: Objection, your Honor.

21 MR. KANAREK: Your Honor, goes to the --

22 THE COURT: The objection is sustained.

23 Q BY MR. KANAREK: Well, in viewing Mr. Hinman's
24 signature, did you have to -- occasion to view it in
25 connection with his membership in the organization that you
26 have spoken of?

27 A Yes. Yes.

28 Q Now, what were your duties in that organization?

1 MR. MANZELLA: Objection, your Honor, it is not
2 relevant.

3 MR. KANAREK: It goes to the --

4 May I approach the bench, your Honor?

5 THE COURT: No, you may not.

6 What were your duties in the organization that
7 led to your examination of or observance of Mr. Hirman's
8 signature?

9 MR. KANAREK: I must object to the Court's question,
10 assuming facts not in evidence and assuming --

11 THE COURT: Any other duties would be immaterial.

12 MR. KANAREK: What's that, your Honor?

13 THE COURT: Any other duties would be immaterial.

14 MR. KANAREK: There's no showing she made any kind of
15 an observation with the intent of studying --

16 THE COURT: Well, --

17 MR. KANAREK: That's not my question.

18 THE COURT: The Court will strike its own question and
19 your question. The objection is sustained to your question.

20 Q BY MR. KANAREK: Now, prior to talking to Burton
21 Katz, Miss Farley, would you tell us on how many occasions in
22 your lifetime did you have to compare Mr. Hirman's signature
23 with an unknown signature that purported to be Mr. Hirman's?

24 A None of the occasions.

25 Q None. At no time in your lifetime did you ever
26 have occasion to make such a comparison?

27 A No.

28 Q Is that correct?

1 A That's correct.

2 Q Now, directing your attention, then, to your
3 comparison here today.

4 The comparison that you are making here today is
5 a comparison that is not based upon any specimen, is that
6 correct?

7 MR. MANZELLA: Objection, it is vague and ambiguous,
8 your Honor.

9 THE COURT: Sustained.

10 Q BY MR. KANAREK: In making your testimony here
11 today, you are merely testifying without making any comparison
12 to any particular signature or specimen signature, is that
13 correct?

14 MR. MANZELLA: Objection. It assumes facts not in
15 evidence, your Honor, and it is vague and ambiguous.

16 THE COURT: Sustained. It is vague and ambiguous.

17 Q BY MR. KANAREK: Did you ever compare -- I'll take
18 People's 3 for example.

19 May I approach the witness, your Honor?

20 THE COURT: Yes, you may.

21 Q BY MR. KANAREK: Miss Farley, taking People's 3,
22 you tell us -- will you tell us, have you ever compared that
23 signature with any other writing?

24 A No, I have not.

25 Q Directing your attention to --

26 A There wasn't one on there.

27 Q Pardon?

28 A There wasn't one on there.

1 THE COURT: Miss Farley, don't make any remarks unless
2 it is in response to a question. Wait until a question is
3 put to you, please.

4 MR. KANAREK: Since the words were uttered in court,
5 your Honor, I wondered if they might be in the record?

6 THE COURT: The Court didn't hear your last statement.

7 MR. KANAREK: I don't know whether the reporter got it
8 or not.

9 THE COURT: Did you hear her?

10 MR. KANAREK: Your Honor, the reporter is nodding yes.

11 THE COURT: Would you read it, please.
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8 Fla.

1 THE REPORTER: I understood her to say: "There wasn't
2 one."

3 THE COURT: Would you repeat that? Was that your answer?

4 THE WITNESS: That there isn't a signature on this piece
5 of paper.

6 Q BY MR. KANAREK: There is no -- no writing of any
7 -- of what purports to be a signature on People's 14; is that
8 what you are telling us?

9 THE COURT: That was her observation.

10 Q BY MR. KANAREK: That's your observation; right?

11 A Yes.

12 Q Now, directing your attention to People's 27, did
13 you ever compare that purported signature with any other
14 signature?

15 A No.

16 Q Directing your attention to People's 32, did you
17 ever compare that -- what appears to be in writing, "Gary
18 A. Hinman," did you ever compare that with any other writing?

19 A No.

20 THE COURT: Did you ever compare 33, 34, 35 or 44, the
21 other documents that you've looked at, with any other writing?

22 THE WITNESS: No, sir.

23 Q BY MR. KANAREK: Now, these -- on these occasions
24 when you met with Mr. Hinman, it was a social type of meeting;
25 is that correct, Miss Farley?

26 A What do you mean by "social"?

27 Q Well, you belonged to this organization, and your
28 meetings with him were -- were of a social nature; is that

1 correct?

2 A I guess.

3 Q All right. And did you have any reason for ever
4 studying Mr. Hinman's signature --

5 A No.

6 Q -- before Mr. Katz and you spoke?

7 A No.

8 Q And is it a fair statement that you are friendly --
9 that you have kind feelings toward Mr. Hinman?

10 A Yes.

11 Q And you -- you have testified for the prosecution
12 in connection with Mr. Hinman on how many different occasions?
13 On how many occasions have you testified in court for the
14 prosecution?

15 A Twice.

16 Q Twice before, --

17 A Yes.

18 Q -- is that correct?

19 A Yes.

20 Q And you testified also before the Grand Jury?

21 A That's one of the two.

22 Q That's one of the two times.

23 And is it a fair statement that at no time did you
24 have any reason to remember the signature of Gary Hinman?

25 MR. MANZELLA: Objection, your Honor. It calls for
26 speculation.

27 THE COURT: Sustained.

28 Q BY MR. KANAREK: Did you at any time -- did you at

1 any time prior to speaking with Mr. Katz have any reason to
2 focus your mind upon the signature of Gary Hinman?

3 A I only observed it in Gary's signing his name,
4 that his handwriting was indicative of his -- of his personality
5 type; that's all.

6 It's no big -- women just remember silly things
7 like that.

8 Q Women remember silly things like that.

9 Well, my question is: Did you, prior to speaking
10 with Mr. -- excuse me -- with Mr. Katz, did you have any
11 occasion to focus your mind particularly upon Mr. Hinman's
12 signature, and remember what it looked like?

13 MR. MANZELLA: Objection, your Honor. The witness has
14 answered that.

15 MR. KANAREK: No, she hasn't, your Honor.

16 THE COURT: I'll overrule the objection.

17 You may answer, Miss Farley.

18 THE WITNESS: I'd have remembered what Gary Hinman's
19 signature looked like.

20 Q BY MR. KANAREK: Pardon?

21 A I would have remembered what Gary's signature
22 looked like.

23 Q That wasn't my question. My question is:

24 Would you tell us on what occasion you had to
25 remember and focus upon his signature? What was the occasion?
26 Why did you do it?

27 THE COURT: Or occasions. There might be more than one.

28 Q BY MR. KANAREK: Yeah. Why did you?

1 A Well --

2 Q If you did.

3 A I really don't understand your question. I
4 watched him sign his name a number of times. I don't know how
5 many times. It was always the same.

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1 Q But you had no occasion to remember -- there was
2 no reason for remembering what it looked like --

3 A No.

4 Q -- when these occasions occurred; right?

5 A There was no particular reason to remember.

6 Q Right. And would you tell us -- tell us, then,
7 when is the last time you were in Gary Hinman's presence when
8 he wrote anything at all?

9 A Hm-mm-mm -- within a week or ten days before he died.

10 Q And that would be a couple of years ago, as of right
11 now; right?

12 A Yes.

13 Q And on that occasion, you had no reason to focus
14 any attention on his handwriting; is that correct?

15 A That's right.

16 MR. KANAREK: Thank you.

17 THE COURT: Any redirect?

18 MR. MANZELLA: No, your Honor.

19 Thank you, Miss Farley.

20 May Miss Farley be excused?

21 THE COURT: Thank you, Miss Farley. You may.

22 MR. KANAREK: Thank you, Miss Farley.

23 MR. MANZELLA: The People recall Mr. Marc Arneson, your
24 Honor.

25 THE WITNESS: Yes.

26 MR. MANZELLA: Come forward, Mr. Arneson.

27

28

MARCUS JOHN ARNESON,

1 having been previously duly sworn, resumed the stand and
2 testified further as follows:

3 THE COURT: Would you state your name for the record?

4 THE WITNESS: Marcus John Arneson.

5 THE COURT: You are still under oath.

6 THE WITNESS: Okay.

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

8 THE COURT: Yes, you may.

9 (Pause in the proceedings while a discussion off
10 the record ensued at the counsel table between Mr. Kanarek and
11 Mr. Manzella.)

12 MR. MANZELLA: Your Honor, may we approach the bench?

13 THE COURT: Yes, you may. Do you want the reporter?

14 MR. KANAREK: Yes, your Honor.

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

19 MR. MANZELLA: Mr. Kanarek has asked me a question, that
20 it will take me some time to answer. He asked me if there was a
21 statement from Marc Arneson.

22 And he showed me a copy of a homicide manual, that
23 we deposited with the court clerk, and showed me a page on
24 which there's a reference to Marc Arneson, and information that
25 he gave to the Sheriffs.

26 Now, I think that there was another statement
27 taken from Marc Arneson, but I would have to look in a --
28 in a copy of the statements that I deposited with Mrs. Holt, to

1 answer Mr. Kanarek's question.

2 And I don't know if you wanted me to do that now
3 or wait or what?

4 MR. KANAREK: I can't -- I can't represent that it isn't
5 there. I have looked for it, and I can't find it. Now, of
6 course, I don't claim to be infallible.

7 But I have not found any statement attributable to
8 Marc Arneson.

9 Now, as I say --

10 THE COURT: Now, do you think that there is one?

11 MR. MANZELLA: I think I saw one in there, your Honor,
12 but it's been -- there are so many statements. I haven't looked
13 at the statements themselves in months.

14 THE COURT: What is the "murder book"? Is that what
15 you are holding now, the "murder book"?

16 MR. MANZELLA: Homicide manual.

17 MR. KANAREK: I am holding this manual, which, if your
18 Honor plesses, has on it "Gary Hinman."

19 THE COURT: Is that the same thing that's been referred
20 to as the "murder book," I suppose?

21 MR. MANZELLA: Yes, your Honor, it is. It is.

22 THE COURT: Or the Homicide Manual, I guess is its correct
23 name.

24 MR. MANZELLA: Yes.

25 THE COURT: And what page is it?

26 MR. KANAREK: Page 92. But it's not a statement, your
27 Honor. And I don't --

28 THE COURT: What's on 93? That's a statement, isn't it?

1 MR. KANAREK: No, Ronnie Howard's. It goes on to Ronnie
2 Howard.

3 THE COURT: Now, does Page 92 refer to a statement by
4 this witness?

5 MR. KANAREK: No, Page ninety -- it's just in the
6 upper right-hand corner, in script, there's "92," and someone
7 just did that for convenience, to number these pages.

8b

8b-1

1 THE COURT: The page we are looking at -- or, you were
2 looking at -- is a page with the date 2-20-70 on it.

3 All I see is just one reference to --

4 MR. KANAREK: That's correct, your Honor.

5 THE COURT: -- Mr. Aaronson.

6 MR. KANAREK: Arneson.

7 THE COURT: And they spelled his name wrong.

8 Mark Aaronson; they have A-a-r-o-n-s-o-n.

9 Is that the same person as this witness, so far
10 as you know?

11 MR. MANZELLA: As far as I know, yes, your Honor.

12 Your Honor, Mr. Arneson did testify at the
13 Beausoleil trial, and so there is that statement of his; that
14 is, his testimony at the Beausoleil trial in Department 107.

15 THE COURT: Well, --

16 MR. KANAREK: And I haven't --

17 THE COURT: I don't see any reason to delay it. If,
18 before cross, you wish to have that -- such a statement, we'll
19 declare a recess and let Mr. Kanarek -- let Mr. Manzella look
20 for it.

21 MR. KANAREK: Very well. I just thought I would ask for
22 it, because we are entitled to it, and I -- and I have made
23 a search, and I can't seem to locate it.

24 THE COURT: All right. Well --

25 MR. KANAREK: In what would be the group of papers that
26 it would be in.

27 THE COURT: But neither you nor Mr. Manzella have such
28 a statement in your papers; is that correct?

8b-2

1 MR. MANZELLA: Well, it may be in the papers that I
2 deposited with Mrs. Holt, your Honor.

3 THE COURT: All right.

4 MR. MANZELLA: As far as this witness is concerned, I've
5 used the Beausoleil trial testimony as my reference to his
6 testimony, and not any other statement.

7 MR. KANAREK: That's the point.

8 THE COURT: All right. And that has not been made
9 available to you, has it?

10 MR. KANAREK: No, it hasn't, your Honor.

11 THE COURT: Isn't there any way of getting --

12 MR. KANAREK: Yes, your Honor. I have asked the Court
13 for the relief. I asked the Court previously if we could get
14 those, as well as --

15 THE COURT: This Court --

16 MR. KANAREK: As well as Grogan. And your Honor
17 indicated that something would be --

18 THE COURT: Well, the Court has indicated to you, on
19 the Grogan matter, that that transcript would be available
20 to you, providing you paid for it -- providing Mr. Manson
21 paid for it.

22 MR. KANAREK: Well, your Honor, that is --

23 THE COURT: Don't you recall that? That it would be
24 made available to you? There was some discussion about six
25 cents a page or something, and Mr. Denny was -- or Mr. George
26 Denny, who is representing Mr. Davis.

27 Now, Mr. Davis is indigent, and is represented
28 by Mr. George Denny, who is appointed under Section 987(2);

8b-3

1 and if the Court were to order it, it would be paid for.

2 MR. KANAREK: Well, Mr. Manson doesn't have the funds,
3 your Honor, to purchase that. This is --

4 THE COURT: Weren't you told that, --

5 MR. KANAREK: Just because I --

6 THE COURT: -- that Mr. Denny might make available --
7 well, this is aside from the subject at hand, and we really
8 shouldn't bother with it at this point.

9 But I wanted to get the record clear, that I did
10 indicate to you that, since Mr. Denny does have that record
11 available, that I would like to have him make it available
12 to you likewise.

13 MR. KANAREK: Well, Mr. Denny --

14 THE COURT: Now, this is the first time I've heard you
15 requesting anything in connection with the Beausoleil
16 transcript.

17 MR. KANAREK: Well, we spoke of this, your Honor.

18 THE COURT: At any event, we will let Mr. Manzella take
19 a look at his records and see whether or not he has a statement
20 by Mr. Arneson before you proceed on cross.

21 MR. KANAREK: Well, Mr. Manson is indigent, your Honor.

8c fls.

8c-1

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

THE COURT: You may proceed.

Q BY MR. MANZELLA: All right. Mr. Arneson, directing your attention to the document which has been marked People's 44 for identification, do you recognize that as a copy of a document that you have seen before?

A Yes.

Q And when and where did you see the original of that document, the first time?

MR. KANAREK: Objection, your Honor. Calling for a conclusion. And it's --

THE COURT: It's a conclusion as to where he saw the document the first time?

MR. KANAREK: Yes, your Honor.

THE COURT: Overruled.

MR. KANAREK: And also, as to the -- I would object to the foundation. This is not the document that -- this is a copy --

THE COURT: The objection is already overruled.

You've argued that at the bench.

Q BY MR. MANZELLA: When and where did you see that document -- that is, the original of the document marked People's 44 -- for the first time?

MR. KANAREK: Well, your Honor, that's ambiguous. There's more than one document in People's 44.

MR. MANZELLA: I will withdraw the question, your Honor.

Q Mr. Arneson, directing your attention to what

1 appears to be a copy of a certificate of ownership to a
2 Volkswagen, and which has been marked People's 44 for
3 identification, could you tell us when and where you saw the
4 original of that document the first time?

5 A At the Spahn Ranch, when I received the bus.

6 Q Please speak right into the microphone.

7 A At the Spahn Ranch, when I received the bus.

8 Q And from whom did you receive that document?

9 A Charlie (indicating).

10 Q Now, directing your attention to the reverse side
11 of that document, and in particular to the line which bears the
12 signature "Gary A. Hinman," and the date, were those lines
13 completed when you received the pink slip from Mr. Manson?

14 MR. KANAREK: Assuming facts not in evidence, your Honor.
15 And no -- improper foundation.

16 THE COURT: The objection's overruled.

17 THE WITNESS: The signature was there, and there was a
18 date there, but it wasn't this date.

19 Q BY MR. MANZELLA: Now --

20 THE COURT: I'm sorry. The signature was there, but
21 what?

22 THE WITNESS: The signature was here, but this date was
23 different when I received the pink slip.

24 THE COURT: Now, you dropped your voice. Would you keep
25 your mouth close to that microphone? I didn't hear the last
26 several words.

27 THE WITNESS: The date has been changed.

28 Q BY MR. MANZELLA: Now, was the signature

1 "Gary A. Hinman" there when you received the document?

2 A Yes, it was.

3 Q Do you recall the date that was on the pink slip
4 when you received it?

5 A No, I don't.

6 MR. KANAREK: Immaterial, your Honor.

7 THE COURT: The answer may remain. The objection's
8 overruled.

9 Q BY MR. MANZELLA: Now, does the date that appears
10 on there now, across from the signature "Gary A. Hinman," does
11 that date appear to be the same date that was on there when
12 you received it, or different?

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

14 THE COURT: The objection's overruled.

15 THE WITNESS: It is a different date.
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1 Q BY MR. MANZELLA: All right, after you received
2 People's 44 for identification, the pink slip to the Volks-
3 wagen bus, did you then take possession of the bus?

4 A Yes, I did.

5 Q Did you drive it off Spahn Ranch?

6 A Yes.

7 Q All right. Do you still own the bus?

8 A No, I sold --

9 MR. KANAREK: Calls for a conclusion, your Honor.

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

11 THE COURT: It is immaterial. The Court would sustain
12 its own objection to that. The answer is stricken, if there
13 was one.

14 Q BY MR. MANZELLA: Do you still have possession of
15 it?

16 A No.

17 Q Did you sell or give that bus away to someone?

18 A Yes, I did.

19 Q All right, when was that?

20 A Approximately a month after I had it.

21 Q Would that have been around the end of August or
22 the beginning of September of 1969?

23 A Approximately.

24 Q At that time did you sell the Volkswagen bus to
25 someone else?

26 A Yes, I did.

27 Q All right. And to whom did you sell it?

28 A John Puhak.

9-2

1 Q And is that spelled P-u-h-e-k?

2 A I believe so.

3 Q When you sold the bus to Mr. Puhek, did you give
4 him the original of the pink slip marked People's 44 for
5 identification?

6 A Yes, I did.

7 Q Did this name appear thereon at this time?

8 A Yes.

9 Q All right. Did you return to Spahn Ranch sometime
10 after you left with the Volkswagen bus?

11 A No, I don't think so.

12 MR. MANZELLA: All right, thank you, Mr. Arneson. I
13 have no further questions, your Honor.

14 THE COURT: Cross.

15 MR. KANAREK: Yes, your Honor.

16 May I approach the witness, your Honor, to obtain
17 the document?

18 THE COURT: Yes, you may.

19 MR. KANAREK: Thank you.

20
21 CROSS-EXAMINATION

22 BY MR. KANAREK:

23 Q Mr. Arneson, have you been granted immunity from
24 prosecution by the police, the Deputy District Attorneys or
25 law enforcement, the Sheriff's Department?

26 A No.

27 THE COURT: Mr. Kanarek, if you wish, we can take a
28 recess now and look for that matter that we're talking about.

1 MR. KANAREK: Well, I would like to proceed at this
2 point, if I may?

3 THE COURT: Yes, you may.

4 MR. KANAREK: Until, your Honor -- until a time when
5 we could --

6 THE COURT: All right, when the court takes a break,
7 then, we'll ask -- we'll determine what has occurred with
8 that.

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

10 Q BY MR. KANAREK: Now, in connection with this
11 document or the -- what has been termed this document by
12 Mr. Manzella, actually is not the document, is it, that you
13 had in your hands?

14 A No, it isn't.

15 Q And that -- this is the document you had in
16 your hands and gave to Mr. Puhek, right?

17 A A copy of that, yes.

18 Q Pardon?

19 A A copy of that document right there I turned over
20 to Mr. Puhek when I sold the bus.

21 Q Now, you were arrested in connection with some
22 matters in 1969?

23 A Yes.

24 Q And what were you arrested for?

25 A Uh, receiving and selling stolen property.

26 Q And --

27 A AWOL from the Army, possessing false identifica-
28 tion, uh, I think that's all.

1 Q And were those charges dismissed?

2 A No, it was turned over to the Army.

3 Q Pardon?

4 A It was turned over to the Army.

5 Q Well, what about the California charges?

6 A Uh, I guess the civilian authorities left it up
7 to the Army. I'm not sure.

8 Q You were not convict -- you were not prosecuted
9 by the civilian authorities, meaning the Los Angeles Sheriff's
10 Department or the District Attorney of Los Angeles County?

11 A No, I was put in the Army Stockade.

12 Q Now, directing your attention, then, to the
13 change you say that occurred, that was made.

14 Who made that change, if anyone, in your presence?

15 A Which change? The change of date on the pink
16 slip?

17 Q Yes. You've testified concerning a change.

18 A Well, that date was changed after I sold the
19 bus. The guy I sold a bus to didn't want to pay a penalty
20 for not reregistering it within a certain number of days,
21 so he changed the date so he might avoid that fine or whatever
22 it is.

9a fls.

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1 Q Well, now, when you got the bus, did you pay any-
2 body any money for that bus?

3 A No, I did not.

4 Q Not one penny, right?

5 A Not one penny.

6 Q When you sold that bus, you got some money?

7 A Sure.

8 Q Sure.

9 Is that correct? You're smiling, Right?

10 A Right.

11 Q And you got how much money when you sold the bus?

12 A \$350.

13 Q And directing your attention, then, to Mr. Puhek,

14 Were you and Mr. Puhek taken into custody together?

15 A Not together, no.

16 Q Were you in custody at the same time?

17 A I think they released John, and then they arrested
18 me.

19 Q When you arrested you, your state of mind was such
20 that you knew that Mr. Manson Puhek was arrested for murder?

21 A Yes.

22 Q You knew, your state of mind was that he was
23 arrested for the murder of Gary Hinman?

24 A Yes, that's right.

25 Q Is that correct?

26 A Yes.

27 Q And so it is a fair statement, then, that you
28 were in jail after Mr. Puhek?

??

1 A That's a fact.

2 Q Well, it is a truth?

3 A Yes.

4 Q That's what I mean by that's a fair statement.

5 If there's any question that I ask you that is
6 unclear, just let me know and I'll make it clear. I'll use
7 the language that you use, that is a fair -- that is the
8 truth?

9 A Yes.

10 MR. KANAREK: Well, yes, your Honor, if we can take a
11 recess at this time, it will be helpful.

12 THE COURT: We'll recess at this time for about 15
13 minutes.

14 During the recess you are admonished that you are
15 not to converse amongst yourselves, or 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 any opinion
18 on it until it is finally submitted to you.

19 I think I'll let you go at 4:00 o'clock, get on
20 the freeways a little early. This is awfully hot in here for
21 you.

22 THE WITNESS: Shall I stay here?

23 THE COURT: No, come back in ten minutes.

24 (Afternoon recess.)

25 THE COURT: All right, back to the case of People versus
26 Manson.

27 The record will show that the jurors and alternates
28 are all present. Mr. Kanarek is present. The defendant is

1 present.

2 You may proceed.

3 MR. MANZELLA: Your Honor, in connection with what --

4 MR. KANAREK: Yes, may we approach the bench?

5 THE COURT: Yes, you may approach the bench.

6 (Whereupon, the following proceedings were had at
7 the bench among Court and counsel, outside the hearing of the
8 jury:)

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10-1

1 THE COURT: I was apprised during the recess by you,
2 Mr. Manzella, that you have ascertained that there's no
3 report of the testimony of -- or expected testimony of
4 Mr. Arneson.

5 MR. MANZELLA: Let me say what there is, your Honor.
6 There is that report that Mr. Kanarek pointed out in the Homicide
7 Manual; there is the testimony that he gave before the jury in
8 the Robert Beausoleil case in Department 10--

9 MR. KANAREK: (Sneezing). Excuse me.

10 MR. MANZELLA: Bless you.

11 MR. KANAREK: (Sneezing). Excuse me.

12 MR. MANZELLA: And there is a tape recording of an
13 interview with Mr. Arneson that Sergeant Whiteley just told me
14 about. That tape recording is at the Homicide Bureau of the
15 Sheriff's Department.

16 Sergeant Whiteley informs me that, when Mr. Kanarek
17 and the -- Mr. Denny and Mr. Weedman were listening to tapes over
18 there, that was one of the tapes among the tapes; but, according
19 to Sergeant Whiteley's recollection, that tape was never --
20 they never got to that tape.

21 In other words, they listened to some tapes, but
22 never listened to all of the tapes. And one of the tapes they
23 have not listened to yet was a tape of an interview with
24 Marc Arneson, this witness.

25 That's where it stands right now.

26 THE COURT: Do you want to hear the tape?

27 MR. KANAREK: What's that?

28 THE COURT: Do you want to hear the tape?

1 MR. KANAREK: Oh, yes, I would.

2 THE COURT: This tape, you say --

3 MR. KANAREK: The thing is, I don't want to hold things
4 up.

5 THE COURT: It was, so far as you know, one of those that
6 was available?

7 MR. KANAREK: I can't represent to the Court -- I don't
8 have any --

9 THE COURT: Apparently it was?

10 MR. MANZELLA: I don't think he would know, your Honor.

11 MR. KANAREK: I have extensive notes of what I listened
12 to. But I don't recall this -- any statement. But I -- that
13 is, I certainly could be in error, but I know that there --

14 MR. MANZELLA: According to Officer Whiteley --

15 MR. KANAREK: -- that I have been furnished with no
16 transcript.

17 MR. MANZELLA: There's no transcript of the tape, your
18 Honor. There's just the tape.

19 THE COURT: How long a tape is it?

20 MR. MANZELLA: I would guess it's probably about a half
21 hour.

22 Can this witness ---

23 THE COURT: If you want to listen to it, I would order
24 the District Attorney's Office to make it available to you,
25 and then you can call this witness back, if you wish.

26 MR. KANAREK: All right. And the District Attorney will
27 furnish me --

28 MR. MANZELLA: Your Honor, I just want to make it

1 clear that we did take that as part of the discovery, and that
2 we have-- as far as we are concerned, that tape has been
3 available.

4 THE COURT: It has been available?

5 MR. MANZELLA: Yes, your Honor. Like I say, it was
6 set up between Mr. Kanarek, Mr. Weedman and Mr. Denny -- oh,
7 before the selection of the jury began, I think; and we, during
8 the selection of the jury, the first -- the first time, when
9 the cases were joined, and the three attorneys were periodically
10 going over to the Homicide Bureau and listening to tapes.

11 THE COURT: I recall that.

12 MR. MANZELLA: It's one of the tapes that they did not
13 get to, among several others that they never were able to
14 listen to. But it has been available. And it is -- it still is
15 available.

16 MR. KANAREK: Now, what I am saying is, if the District
17 Attorney will present Mr. Arneson to us upon, let's say, two
18 day's notice, then we could excuse him under that condition.

19 MR. MANZELLA: Your Honor, what I would like to do --
20 of course, we can do that. What I would like to do, though,
21 since -- well, I think the tape is only about a half hour long --
22 is to have Mr. Kanarek listen to it now, so that we don't have to
23 call Mr. Arneson back, for this reason:

24 He is an out-of-state witness, and we have a lot of
25 out-of-state witnesses, and we are expending a lot of money to
26 bring them in, and if there's any way that we could avoid --

27 THE COURT: Very well. We will --

28 MR. MANZELLA: -- putting him up in a hotel and having

1 more plane tickets, it might save some --

2 THE COURT: Well, that sounds reasonable.

10a

10a-1

1 MR. MANZELLA: Mr. Kanarek could listen to it this
2 afternoon or tonight -- well, not tonight. Tonight, he's
3 going to interview Miss Bailey.

4 MR. KANAREK: Ella Jo Bailey, right.

5 MR. MANZELLA: So he could do it right now, if he
6 wanted to.

7 MR. KANAREK: I wouldn't want to. It's not necessary
8 to interrupt the trial for it. I mean, I would be willing
9 to --

10 THE COURT: Off the record.

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

12 THE COURT: Back on the record. I think you should
13 make an effort to listen to the tape tonight, so this witness
14 won't have to be held inordinately long here in Los Angeles.
15 If you -- if you can do that, it might resolve the problem.

16 You might go and -- and have him testify tomorrow
17 morning; see if you could work it in.

18 MR. KANAREK: Well -- yes. Well, your Honor, the
19 point is -- well, then, what would your Honor prefer?

20 THE COURT: I would prefer that you get to both
21 matters tonight; to interview Ella Jo Bailey -- or whatever
22 her name is -- and hear the tape, too, if you can.

23 And I would urge Mr. Manzella and Sergeant
24 Whiteley --

25 MR. KANAREK: All right. Then may we excuse --

26 THE COURT: -- to make both Miss Bailey and the tape
27 available to you. And we'll ask this witness to return
28 tomorrow morning -- if you wish him to. If you wish to go

10a-2

1 on with the cross, fine.

2 MR. KANAREK: Well, no. I have no -- there's no --

3 THE COURT: Well, if you wish to at this time go on with
4 cross, you can. Take the cross now, whatever you can.

5 MR. KANAREK: Well, I've finished, absent anything I
6 might be able to --

7 MR. MANZELLA: Well, we have got a problem, then. I've
8 only got Sergeant Whiteley to testify to one thing as a
9 witness. I don't have any other witnesses. Sergeant Bill
10 Gleason of the Sheriff's Office will testify to about -- he
11 has about ten minutes worth of testimony, but he's over in
12 Department 52, and it would take some time for him to get
13 over here.

14 THE COURT: Well, let me again urge you to try to get
15 this lined up, your witnesses lined up, so you can move more
16 directly.

17 MR. MANZELLA: Well, it is lined up, your Honor. The
18 thing was, I fully expected Mr. Arneson to have taken up the
19 rest of the day.

20 THE COURT: Well, because Mr. Kanarek is sparing in
21 his cross-examination, we shouldn't be penalized by reason of
22 that fact, and having to wait for you to present --

23 MR. MANZELLA: Well, the thing is, your Honor, he --
24 he would have further cross-examination; I assumed he would
25 have more, and apparently I am right. So that I --

26 MR. KANAREK: Your Honor, not necessarily. Not
27 necessarily. I mean, I don't know what the -- it's hard to
28 say. There may not be anything further.

10a-3

1 THE COURT: Do you have anything further in your mind
2 that you want to cross-examine about?

3 MR. KANAREK: No. I don't -- on the subject matter
4 that's -- so far, I have none, no.

5 THE COURT: No cross.

6 MR. KANAREK: That's why I asked the Court to forestall
7 the previous -- or, what your Honor indicated earlier about
8 the recess.

9 THE COURT: All right.

10 MR. KANAREK: So that I would cover that subject matter--

11 THE COURT: All right. We'll recess now. We will
12 recess early. They probably won't mind. It's 3:30. They
13 will probably be delighted to.

14 MR. MANZELLA: I can put Sergeant Whiteley on now for
15 a few minutes.

16 THE COURT: All right. Let's do whatever you can on it.

17 MR. KANAREK: Okay.

18 MR. MANZELLA: Okay.

19 THE COURT: And let's let them go early.

20 MR. KANAREK: And then order this witness back?

21 THE COURT: And then we'll order this witness back,
22 and let you hear the tape this afternoon.

23 MR. MANZELLA: Fine.
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11 fls.

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

THE COURT: You may step down.

THE WITNESS: Am I all through?

THE COURT: Yes, except the Court would order you to return tomorrow morning at 9:30 to the same courtroom. You may stay in the courtroom if you wish for now.

THE WITNESS: I'd just as soon not.

THE COURT: All right, you may go, then, but you are ordered to return tomorrow morning at 9:30 without any further order or subpoena.

MR. MANZELLA: Your Honor, the People's next witness is Sergeant Paul Whiteley.

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

FURTHER DIRECT EXAMINATION

BY MR. MANZELLA:

Q All right, Sergeant Whiteley, would you state your name for the record, please?

A Paul Whiteley, W-h-i-t-e-l-e-y.

Q All right, Sergeant Whiteley, directing your attention to the document marked People's 25 for identification.

Have you ever seen that document before?

1 A Yes.

2 Q What is it?

3 A It is a fingerprint exemplar card.

4 Q Were you -- strike that.

5 Are there prints on that card now?

6 A Yes, there are.

7 Q Were you present when those prints were rolled
8 on that card?

9 A Yes.

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

11 THE COURT: The objection is overruled.

12 Q BY MR. MANZELLA: Where did that take place?

13 A It was at the Hall of Justice on August the 7th,
14 1969, in the early morning hours in the record bureau.

15 Q And who was present at that time?

16 A Robert Beausoleil, latent print Deputy Gordon
17 and myself.

18 Q All right. Whose prints were rolled on 25
19 for identification?

20 A Robert Kenneth Beausoleil.

21 MR. MANZELLA: I have no further questions, your Honor.

22 THE COURT: Any questions?

23 MR. KANAREK: Yes, your Honor, if I may.

24 May I have a moment, your Honor?

25 THE COURT: Yes.

26 (Pause.)

27
28 CROSS-EXAMINATION

1 BY MR. KANAREK:

2 Q Did you put your initials on this card anywhere,
3 Mr. Whiteley?

4 A Yes.

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

6 THE COURT: Yes, you may.

7 Q BY MR. KANAREK: Would you show me where?

8 A It is right on the back. In the corner
9 (indicating).

10 Q When you put your initials on there, Mr. Whiteley--
11 well, I'll withdraw that.

12 You recognize those initials, right? Those are
13 your initials, is that right?

14 A Yes, they are.

15 Q But you are not a handwriting expert?

16 A No, I am not.

17 Q And you don't roll prints or read prints?

18 A No, I do not.

19 MR. KANAREK: Thank you.

20 THE COURT: All right, nothing further?

21 MR. KANAREK: No, not at this time, although we do
22 object to Mr. Whiteley continually being in the courtroom,
23 and then being called to testify, your Honor. I think it is--
24 it is our position that this is manifestly unfair in view of
25 the Court's order to exclude witnesses.

26 THE COURT: The objection is overruled.

27 You may step down.

28 MR. MANZELLA: Your Honor, we have no further witnesses

1 present at this time.

2 THE COURT: All right, there is this business which
3 you can conduct on this case today which you have informed --
4 both counsel have informed the Court about?

5 MR. MANZELLA: Yes, your Honor.

6 THE COURT: Would you expedite that so that can be done
7 this afternoon?

8 MR. MANZELLA: Yes, your Honor. We'll do it right now.

9 THE COURT: Very well, then. I'll excuse you, then,
10 until 9:30.

11 9:30 satisfactory for tomorrow morning?

12 I'll attempt to get rid of the rest of my
13 calendar so perhaps we can start more or less on time.

14 Remember the admonition, then, not to converse
15 amongst yourselves, nor with anyone else, nor permit anyone
16 to converse with you on any subject connected with this
17 matter, nor are you to form or express any opinion on the
18 matter until it has finally been submitted to you.

19 Remember, too, the admonition that you are not to
20 see, hear or read anything in connection with this case,
21 the Grogan case I talked to you about, the Watson case, or
22 any other case that may be in the -- may be mentioned in the
23 press or the news media, concerning any aspects of this case
24 or Mr. Manson.

25 You are not to permit yourself to see, hear or
26 read any of such material.

27 Good night, ladies and gentlemen. 9:30 tomorrow
28 morning.

1 (Whereupon, at 3:30 o'clock p.m. the jury
2 retired from the courtroom and the following
3 proceedings were had:)

4 MR. KANAREK: Your Honor, may we have a matter with
5 the Court?

6 THE COURT: Yes, you may. You may approach the bench.
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1 (Whereupon, the following proceedings were had at
2 the bench among Court and counsel, outside the hearing of the
3 jury:)

4 MR. KANAREK: Your Honor --

5 THE COURT: Now, in connection with these tapes, you
6 have the recorder set up so Mr. Kanarek can hear that this
7 afternoon?

8 MR. MANZELLA: Yes.

9 THE COURT: Fine.

10 MR. KANAREK: Mr. Manson tells me he's in solitary
11 confinement, which in view of this trial going, he actually
12 being on trial, I would ask the assistance of the Court --

13 THE COURT: How is his status? How does it vary from
14 what it has been?

15 MR. KANAREK: Well, I gather he's in some kind of a
16 super -- super, super discipline for some -- and that's what it
17 is, and I ask your Honor to order the Sheriff not to -- they
18 have a kangaroo court up there.

19 THE COURT: How long has he been in solitary confinement,
20 do you know?

21 MR. KANAREK: Well, we'll find out.

22 THE COURT: Offhand?

23 MR. KANAREK: I'll find out.

24 MR. MANZELLA: Your Honor, I'm going to talk to Whiteley
25 for a minute, okay?

26 (Whereupon, the following proceedings were had in
27 open court, outside the hearing of the jury:)

28 THE COURT: All right, the record will show the jury has

1 left the room.

2 MR. KANAREK: Yes, your Honor.

3 THE COURT: What's the situation you wanted to bring to
4 my attention?

5 MR. KANAREK: Well, the custody that Mr. Manson is in,
6 is oppressive in this solitary confinement kind of situation
7 for an extended period of time, your Honor.

8 THE COURT: You mean he's --

9 MR. KANAREK: A year and a half.

10 THE COURT: You mean he's in the cell alone?

11 THE DEFENDANT: I am locked in the cell without a tooth
12 brush, without a mattress or a cup. I eat out of paper plates
13 and I get a salad and bread three times a day. I'm ready to
14 climb up on a few fellows up there or whatever it takes to --

15 THE COURT: Well, how does the situation differ from what
16 it was, say, two weeks ago when I went up to the jail and took a
17 look at the situation at your request, about two or three weeks
18 ago that I went. Three weeks ago. How does it differ, Mr.
19 Manson?

20 THE DEFENDANT: I'm locked in a cell all the time
21 in comunicado. I can't get a visit. I can't get a letter out.
22 I can't do anything that any other inmate can do.

23 THE COURT: That was not the Court's impression from the
24 Court's view of it about three weeks ago.

25 Now, what I observed, Mr. Kanarek, when I went up
26 there, I saw that there was a block of cells and that Mr.
27 Manson's cell was one of a block of cells that was situated just
28 south of the attorney room.

1 Is, he in that same block now?

2 MR. KANAREK: Yes.

3 THE DEFENDANT: Yes.

4 THE COURT: How has the situation been changed?

5 THE DEFENDANT: It hasn't been changed. It is the same.

6 THE COURT: Same as it was?

7 THE DEFENDANT: It is *incommunicado*. It is solitary
8 confinement, exactly what it's been for a year.

9 THE COURT: The Court doesn't consider that solitary
10 confinement. However, I'll ask whether or not --

11 THE DEFENDANT: In punitive segregation, I know what it
12 is. I've spent enough time to know what punitive means.

13 THE COURT: Mr. Kanarek, has there been any reason for
14 unusual discipline or anything of that sort last week?

15 MR. KANAREK: Certainly not.

16 THE COURT: No contraband found in his cell or anything
17 of that nature?

18 MR. KANAREK: No.

19 THE COURT: Mr. Kuczera?

20 THE BAILIFF: I understand a couple of knives were found
21 up there.

22 THE COURT: A couple of knives?

23 THE BAILIFF: Fashioned from spoons.

24 THE DEFENDANT: That was in the jail. That hasn't any-
25 thing to do with me.

26 THE BAILIFF: It is my understanding they were found in
27 the cell area of Mr. Manson.

28 THE DEFENDANT: They were found in the block.

1 THE COURT: All right, I'll find out what the information
2 is, and if there's no change in the circumstances, as I viewed
3 it, --

4 THE DEFENDANT: Your Honor, my mind is above spoons. I
5 graduated above spoons in reform school.

6 THE COURT: -- no change in the circumstances from three
7 weeks ago, I can't see there is any basis for the complaint.
8 If there is any change, and it does appear to be oppressive,
9 then, the Court will inquire about the reason for it, if any.

10 We're in recess then until tomorrow morning at 9:30,
11 and the Court would urge Sergeant Whiteley and Mr. Manzella
12 and Mr. Kanarek to get together to have that tape played that
13 you had not heard, Mr. Kanarek.

14 Also, the witness whose identity was withheld until
15 the other day, she's to be made available for Mr. Kanarek to
16 interview this afternoon, right?

17 MR. MANZELLA: Yes.

18 THE COURT: Anything further, gentlemen?

19 THE DEFENDANT: Can't I communicate with this Court in
20 any direction, any way possible?

21 THE COURT: That's all. The Court has understood what
22 you and your attorney has said and the Court will inquire.

23 All right, that's all.

24 (Whereupon, an adjournment was taken at 3:40 p.m.,
25 to reconvene at 9:30 a.m., Tuesday, August 10, 1971.)
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