

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.

No. A-267861

BRUNNER TESTIMONY LEAD (548A)

REPORTERS' DAILY TRANSCRIPT

Tuesday, August 17, 1971

VOLUME 35APPEARANCES:

For the People:

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

For Defendant Manson: IRVING A. KANAREK, Esq.

HARMON (SANDRA)
SHEA (MAGDALENE)

COPY

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HARMON, Sandra	5517	5548	5552	5553
SHEA, Magdalene Velma	5558			

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FOR IDENTIFICATION

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LOS ANGELES, CALIFORNIA, TUESDAY, AUGUST 17, 1971 10:14 A.M.

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THE COURT: The case of People vs. Manson.

Good morning, ladies and gentlemen.

("Good morning, your Honor," from the members
of the jury.)

THE COURT: I hope you all enjoyed that long weekend.
It's good to see you all. Every seat is filled.

Mr. Kanarek is present, and Mr. Manzella.

The record should show that the defendant is
present.

Mr. Manson, tuck in your shirt, please.

Would you help him, there?

Thank you.

Both sides are ready?

MR. MANZELLA: Yes, your Honor. The People are ready.

MR. KANAREK: Yes, your Honor.

DEFENDANT MANSON: Both sides?

THE COURT: You may proceed.

MR. MANZELLA: Your Honor, I have a certified copy of
a transcript of testimony of Mary Brunner, in the case of
People vs. Robert Beausoleil, and --

MR. KANAREK: Your Honor, there is just one point. I
wondered if --

THE COURT: I'll hear from you gentlemen, if you wish.

MR. KANAREK: Yes, your Honor. The --

THE COURT: Do you wish to approach the bench?

A-2

1 MR. KANAREK: May we?

2 Thank you.

3 (Whereupon, the following proceedings were had
4 at the bench among Court and counsel, outside the
5 hearing of the jury.)

6 MR. KANAREK: I will -- I know your Honor doesn't
7 want to prejudice anyone's rights. The thing is, the
8 reporters have not yet finished yesterday's transcript. Now,
9 I will accept Mr. Man -- and in fact, they need my copy, and
10 I have loaned my copy of the Beausoleil, the particular portion
11 there referring to Mary Brunner's testimony, that portion of
12 the Beausoleil transcript, to the reporters, because they
13 need it to make their transcript.

14 Now, I -- since the transcript isn't finished,
15 I will accept -- I will have to go on the good faith that
16 Mr. Manzella, in reading what the Court actually okayed --
17 what the Court decided yesterday.

18 And so, I mean, I won't interrupt; but I would
19 like to inform the Court that I am helpless in that sense,
20 that the transcript hasn't yet been finished.

21 So, with that proviso, that I might then -- but
22 I -- but some of that material is so prejudicial that I will
23 have to rely on -- because I don't purport to be a computer,
24 and I don't memorize.

25 I was going to rely on the transcript. So that's
26 the problem.

27 MR. MANZELLA: Why don't you -- your Honor, may I
28 suggest that Mr. Kanarek gets his copy of the transcript from

1 the reporter, while I am reading it?

2 MR. KANAREK: She tells me it isn't finished. They
3 haven't finished yesterday's transcript.

4 THE COURT: Well, you have your copy.

5 MR. KANAREK: I gave them my copy of the Beausoleil
6 transcript.

7 THE COURT: Well, we can let the reporter work on it
8 when you are able to return it. This will only last a half
9 hour or so.

10 Why don't you get your copy?

11 MR. KANAREK: You mean of the Beausoleil transcript?

12 THE COURT: Yes. Go get it, and --

13 MR. KANAREK: But, you see, there were notes in the
14 transcript itself as to what your Honor did, and certain
15 words your Honor allowed and didn't allow. And we have to
16 integrate --

17 THE COURT: I see. You are thinking about the
18 Reporters' Transcript?

19 MR. KANAREK: Yes, integrated with the --

20 THE COURT: You didn't edit your copy of the Beausoleil
21 transcript?

22 MR. KANAREK: I have, but --

23 THE COURT: Well, that's --

24 MR. KANAREK: But it's not as complete. I don't
25 have it the way that it should be, except by using the
26 transcript.

27 THE COURT: Well -- all right.

28 MR. KANAREK: What I am saying is that Mr. Manzella,

1 I would have to -- they haven't finished the transcript yet;
2 that's the point. And if Mr. Manzella wishes to read the
3 testimony, and your Honor wishes him to, on representation
4 by Mr. Manzella that he is only reading those portions that
5 your Honor -- because I don't want to interrupt. Well, I
6 don't want to interrupt anyway, but if he represents --

7 THE COURT: All right.

8 Go get it, and then you will be able to follow
9 it.

10 Then, come into the chambers door there. I will
11 see both of you in chambers, if you wish. I'll just take one
12 quick look at it before we proceed.

13 MR. KANAREK: Very well.

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

16 THE COURT: Ladies and gentlemen, we will be in recess
17 for about five minutes. You may stay in place. Don't
18 converse amongst yourselves or with anyone else. Don't form
19 or express any opinion during the course of this recess.

20 (Short recess.)
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1 fls.

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1 THE COURT: The defendant is present with his counsel.
2 We're ready to proceed.

3 Go ahead, Mr. Manzella.

4 MR. MANZELLA: Thank you, your Honor.

5 Your Honor, I'm reading the following questions
6 and answers from the certified copy of the transcript of
7 Mary Brunner's testimony at the trial of Robert Beausoleil.

8 THE COURT: What date?

9 MR. MANZELLA: Friday, April 10, 1970.

10 THE DEFENDANT: I don't see how the Court can justify
11 such a move.

12 MR. MANZELLA: "Q I want to --" strike that.

13 Question to Miss Brunner:

14 "I want to call your attention to the last
15 part of July, 1969 and ask you whether or not you went
16 to the house of Gary Hinman?

17 "A Yeah."

18 Question to Miss Brunner:

19 "And did you in fact go in the latter part
20 of July to Mr. Hinman's house with Mr. Beausoleil?" ①

21 Answer by Miss Brunner:

22 "Yes."

23 "Q Did you go there with anybody else? ②

24 "A With Sadie.

25 "Q And is she also known as Susan Atkins?

26 "A Yeah.

27 "Q And did somebody drive you there? ③

28 "A Yeah; Bruce.

1 Q And do you remember what day of the
2 week it was, Miss Brunner? (4)

3 A Friday.

4 Q And approximately what time was it
5 that you arrived at Mr. Hinman's house?

6 A Sometime around midnight.

7 Q And did Mr. Davis stay or leave at
8 that time? (5)

9 A He never went to the house.

10 Q Would you continue with the story?"

11 Answer by Miss Brunner:

12 "So, Sadie and I went up and talked to Gary.

13 Q Did Sadie leave the kitchen and go to
14 some other room?

15 A Yeah.

16 Q What room was that?

17 A The living room.

18 Q And shortly after that, did somebody else
19 arrive at the house?

20 A Bobby came up.

21 Q And tell us what happened?

22 A And then we talked for a while, and
23 then Bobby asked Gary for some money, and Gary said
24 he didn't have any, and Bobby said we weren't kidding,
25 and then he pulled out the gun, and then there was a
26 fight.

27 Q Mr. Beausoleil had a gun; is that
28 correct? (6)

1 "A. Right.

2 "Q. When did you first see that gun
3 that evening?

4 "A. After we got out of the car.

5 "Q. Out of the car that Bruce was driving?

6 "A. Uh-huh.

7 "Q. And what was he carrying it in?

8 "A. He had it in the holster.

9 "Q. And did something happen to that
10 holster before entering the house?

11 "A. He asked me to carry it, and I carried
12 the gun, and I put the holster in my purse."

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1 "Q Was Mr. Beausoleil carrying any
2 other kind of weapon? (7) (4)

3 "A His knife.

4 "Q And where was he carrying that?

5 "A In his belt.

6 "Q Was it contained in any type of --

7 "A In a sheath. (4) (8)

8 "Q In a sheath. Would you describe the
9 sheath to us?

10 "A It was just a leather sheath.

11 "Q Can you tell us what happened
12 immediately following Mr. Beausoleil pulling the
13 gun on Mr. Hinman?

14 "A They had a fight.

15 "Q And can you describe the fight to us?

16 "A Gary was pushing at Bobby, and Bobby
17 was hitting Gary with the gun.

18 "Q Did you see what part of the body that
19 Gary was being struck with the gun? (4) (9)

20 "A In the head.

21 "Q Was Mr. Hinman hit more than once over
22 the head?

23 "A Yeah.

24 "Q As a result of being hit over the head
25 with the gun, did you notice anything unusual about
26 Mr. Hinman's head?

27 "A His head was cut in several places.

28 "Q Was he bleeding?

1 "A Yeah.

2 "Q All right. And where did this
3 scuffle take place? What part of the house?

4 "A Kitchen.

5 "Q And were you in the kitchen at
6 that time?

7 "A Yeah.

8 "Q Where was Sadie?

9 "A In the kitchen.

10 "Q All right. And after the fight stopped,
11 what was said or done by any of the persons in the
12 house?

13 "A Bobby asked me to clean Gary up, and
14 then I started to do that, and then he gave Sadie
15 the gun; and then he went in the living room.

16 "Q And what did Sadie do with the gun?

17 "A She held it on Gary, but he took it
18 away from her.

19 "Q Were there any words that passed between
20 Gary Hinman and Sadie at the time she was holding the
21 gun?

22 "A Yeah. He asked her to quit being like
23 this and -- you know, give him the gun and quit it.

24 "Q And did Sadie say or do anything?

25 "A She just sort of backed off, and then he
26 reached out and took the gun away from her.

27 "Q And what happened? Where was Mr.
28 Beausoleil at this time?

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"A In the living room.

"Q All right. Did he return to the kitchen?

"A Yeah. Sadie said something about Gary getting the gun, and Bobby came back to the kitchen.

"Q What is the next thing that was said or done?

"A We had another fight.

"Q Now, this is a second fight?

"A Yeah.

"Q And during that fight, what happened?

"A Just -- we fought over -- you know, fought to get the gun back, and Bobby wound up with it.

"Q All right. In other words, Bobby got the gun again?

"A Yeah.

"Q And this occurred in the kitchen?

"A Yeah.

"Q Now, during one of these two struggles that you have described in the kitchen, did a gun discharge?

"A Yeah.

"Q And did you see where the bullet had traveled?

"A Yeah.

"Q And can you describe it to us, where it had struck the various surfaces?

1 "A It hit a drawer, a kitchen drawer,
2 and then it went under the sink.

3 "Q And to the best of your recollection,
4 this discharge of the weapon occurred during the
5 first struggle, where Mr. Hinman was hit over the
6 head with a gun?

7 "A Yeah.

8 "Q And was anybody struck by the bullet?

9 "A No.

10 "Q Now, can you describe what happened?
11 What's the next thing that happened?

12 "A And Bobby and Gary and I went to the
13 door, and Charlie and Bruce came in.

14 "Q And by 'Charlie,' who do you mean?

15 "A Charles Manson.

16 "Q And by 'Bruce,' who do you mean?

17 "A Bruce Davis.

18 "Q And what's the next thing that you
19 observed, or was done in your presence?

20 "A There was a -- there was sort of a --
21 just a rush fight, and -- way into the living room.

22 "Q Can you tell us in your own words what
23 happened?

24 "A They came in, and it was just -- you
25 know, everything; they just -- just wound up in the
26 living room, pushing, you know.

1 "Q Now, when you say Mr. Manson came
2 into the house, did he have anything with him?

3 "A He had a sword.

4 "Q Was this a long sword or a short sword
5 or what?

6 "A Fairly short.

7 "Q Okay. And then you say that a
8 struggle occurred in the living room?

9 "A Uhm-hmm.

10 "Q And is that -- your answer is yes?

11 "A Yeah.

12 "Q And Miss Brunner, where were you during
13 a portion of the struggle?

14 "A In the kitchen.

15 "Q And what is the next thing that you
16 remember seeing or doing?

17 "A Charlie came out to the kitchen with
18 his finger cut and asked me to bandage it up.

19 "Q All right. What is the next thing you
20 remember happening, Miss Brunner, after you bandaged
21 Mr. Manson's thumb -- or finger; excuse me.

22 "A When I was doing that, Sadie was
23 bandaging Gary's ear, and they went into the living
24 room and Charlie and Gary talked for a while.

25 "Q Did Mr. Hinman, up to that point, ever
26 ask any of you persons to leave the house?

27 "A He asked Sadie and Bobby and I to
28 leave.

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"Q Did he ask it more than once?

"A Yeah.

"Q Do you remember his words, Miss Brunner?

"A He asked us to go and just forget about the whole thing.

"Q And I take it you didn't go; is that correct?

"A That's right.

"Q All right. Did you later see Mr. Hinman's ear?

"A The next day.

"Q And can you describe the condition of his ear and face?

"A He had -- his ear was cut in two, and he had a cut running down his cheek.

"Q Do you remember which side of the face?

"A I think it was the left side.

"Q All right. And how long did Mr. Manson and Mr. Davis stay in the house?

"A I don't really know. It was -- it was still dark when they left. But I don't know how many, like, hours or what.

"Q Now, as I understand it, you came there near midnight on Friday, in the latter part of July; is that right?

"A Uh-huh."

MR. KANAREK: That -- counsel is not reading what that

(14)

1 states, your Honor. The transcript says u-h-m dash h-m-m,
2 which is not "uh-huh."

3 I so represent.

4 THE COURT: The Court does not have a copy of the
5 transcript before it. But read it as it is.

6 MR. MANZELLA: I'll spell the answer, your Honor.

7 THE COURT: All right.

8 MR. MANZELLA: U-h-m dash h-m-m.

9 THE COURT: Go ahead.

10 MR. MANZELLA: "Q And Mr. Manson appeared when
11 it was dark, that same evening, or the early morning
12 hours; is that correct?

13 "A. Yeah.

14 "Q And did he leave with Mr. Davis?

15 "A. Yeah.

16 "Q And can you tell us in what vehicles
17 they left?

18 "A. I don't know what they came in, but
19 when they left, they took the Fiat with them.

20 "Q Did anybody stay up during that night
21 to watch Gary?

22 "A. Somebody was awake all night long.

23 "Q And did anything unusual happen, say,
24 in the morning, during the daylight hours on
25 Saturday?

26 "A. Nothing much happened all day Saturday.

27 "Q And what was the condition of Mr. Hinman?

28 "A. He had that cut on his face; but other

1 "than that, he was pretty good.

2 "A But his ear had been severed; is
3 that right?

4 "A Right."
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"Q And what did Mr. Hinman do or say?

"A He just laid there most of the day, you know, slept quite a bit and talked once in a while.

"Q Did you stay Saturday night?

"A Yeah, right.

"Q Did you again sleep Saturday night at Mr. Hinman's house?

"A Yeah.

"Q And did Mr. Hinman sleep there, too?

"A Yeah.

"Q What was done about food?

"A I think there was enough through Saturday. I think Sadie went to the store Sunday.

"Q Incidentally, during this period of time, were any phone calls received at the house?

"A Yeah, a few; not too many. I don't know, two or three, maybe.

"Q Who answered the phone?

"A I answered it once, and Sadie did the other times.

"Q And was there anything unusual about her voice when Sadie answered the phone?

"A Sometimes she used an English accent."

MR. KANAREK: Your Honor, that's singular. The record reveals some time, t-i-m-e.

MR. MANZELLA: (Reading.)

"Q And did you hear what she said when she was talking on the phone?

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1 "A Said Gary had gone to Colorado because
2 one of his parents was sick and that he had said
3 that she could stay at the house but she wasn't to
4 have anybody else over.

5 "Q Did anybody look for property and things
6 of value in Mr. Hirman's house?

7 "A We looked in the living room.

8 "Q And where did you look in the living room?

9 "A There is a tin box there.

10 "Q Did you find anything in the tin box?

11 "A About 20 bucks and the pink slips to the
12 car.

13 "Q Now, with reference to the pink slips,
14 how many pink slips did you find?

15 "A Two pink slips and two white slips or
16 something like that.

17 "Q And was there anything done with the pink
18 slips and the white slips?

19 "A Gary signed them.

20 "Q And how did it come to pass that Gary
21 Hirman signed the pink slips?

22 "A Bobby asked him to.

23 "Q And was this after or before he had
24 been slashed across the face and had the injuries
25 to his head?

26 "A This was sometime Saturday or Sunday.

27 "Q So, this would have been after he
28 sustained those injuries?

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"A Yeah.

"Q And did you look for any other things of value in the house?

"A No, not really.

"Q Now, would you continue telling us what happened on Sunday at Mr. Hinman's house?

"A When?

"Q Let me ask you this: Did you have breakfast at Mr. Hinman's house.

"A Yeah.

"Q Now, did you have some dinner there?

"A Yeah.

"Q And who cooked dinner?

"A I did.

"Q And did you eat there?

"A Yeah.

"Q Where was Gary when you were eating?

"A In the living room.

"Q Now, what's the next thing that happened after dinner?

"A Then I was doing the dishes and Sadie was in the bathroom, and then we both heard this noise in the living room, and we ran in and Gary had been stabbed.

"Q And who was near Gary at that time?

"A Bobby.

"Q And did Bobby have an object in his hand?

"A His knife.

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1 "Q And how did you know that Mr. Hinman had
2 been stabbed when you rushed into the living room?

(19)

3 "A He was bleeding from the chest.

4 "Q What was the next thing that was said
5 or done?

6 "A He got up and went to the bathroom.

7 "Q By 'he,' who do you mean?

8 "A Gary.

9 "Q And did he walk unassisted to the bathroom?

3a fls.

10 "A Yeah.
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"Q And what's the next thing that happened?

"A We started cleaning the house.

"Q When you say 'cleaning the house,' what did you do in that connection?

"A Wiped fingerprints off and gathered up all the stuff together.

"Q And what did you use to clean the house of fingerprints?

"A Dishcloths and washrags.

"Q And who was doing this?

"A Sadie and I.

"Q You mentioned about cleaning the garbage up. What did you have reference to?

"A A lot of bandages and also the kitchen garbage from the last couple of days.

"Q And what was Mr. Hinman doing at that time?

"A He was back in the living room and laid down.

"Q Now, did Mr. Hinman ever chant in your presence?

"A Yeah, quite a bit the whole weekend.

"Q And when he returned from the bathroom to the living room area, did he chant?

"A Yeah.

"Q Did anybody ask him to chant?

"A Bobby asked him to chant sometime.

"Q And how was he laying on the floor? Was he on his back or was he on his stomach?

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"A On his back.

(21)

"Q And what is the next thing that happened after you cleaned up the house?

"A Well, by then Gary sort of, like, went into a coma or something. Went -- you know, he wasn't -- he was just laying there breathing but he had his eyes shut.

"And Bobby called the ranch" --

MR. KANAREK: Your Honor, I don't believe that that is -- I don't believe that your Honor allowed that.

THE COURT: Excuse me, just a moment.

Would you approach the bench?

MR. KANAREK: Yes, your Honor.

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

MR. KANAREK: I don't believe your Honor allowed that.

THE COURT: I don't think we did.

Is this your copy, Irv?

MR. KANAREK: Yes, your Honor.

THE COURT: As far as I can remember, Mr. Manzella, we did cut that, "And Bobby called the ranch..." that would be 1426, line --

MR. MANZELLA: It is lines 20 through 22.

THE COURT: At least, my recollection is it was cut or not mentioned.

MR. KANAREK: Would your Honor order that stricken to the jury, not to consider those words?

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1 MR. MANZELLA: Well, your Honor, if you are going to go
2 that far, I would like to check the transcript because I took
3 notes on it and struck out that portion with X's -- that
4 portion you struck, and I believe you left that in, that
5 whole answer.

6 THE COURT: Well, let's hear --

7 MR. MANZELLA: If you just want to drop it, drop it and
8 go on --

9 MR. KANAREK: Let's assume arguendo he did, the Court.
10 But if he did, obviously it is improper.

11 THE COURT: I think it should be stricken.

12 MR. MANZELLA: All right, I have no objection to striking
13 that.

14 MR. KANAREK: Thank you.

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

18 THE COURT: The last sentence Mr. Manzella uttered,
19 ladies and gentlemen, "And Bobby called the ranch," is
20 stricken.

21 Go ahead.

22 MR. MANZELLA: I'll read the question again.

23 "Q And what is the next thing that happened
24 after you cleaned up the house?

25 "A Well, by then Gary sort of, like, went
26 into a coma or something. Went -- you know, he
27 wasn't -- he was just laying there breathing but he
28 had his eyes shut.

1 "So he took everything and Sadie and I
2 went out into the tree room and then -- then Bobby
3 came out and said, 'It's all over. Let's go.'

4 "Q When Bobby came out, was the door closed?

5 "A Yeah, he shut it behind him.

6 "Q Now, did anything happen which caused
7 somebody to go back in to the house?

8 "A Gary started breathing real loud.

3b fls.

3b

1 "Q Well, can you describe the
2 breathing to us?

3 "A It was just a loud raspy breathing.

4 "Q What happened after that?

5 "A Bobby went back in through the kitchen
6 window.

7 "Q And was that kitchen window locked or
8 what?

9 "A No, it just swings open.

10 "Q And did you enter the house again?

11 "A Yeah.

12 "Q Did Sadie?

13 "A Yeah.

14 "Q And did you go into the living room?

15 "A Yeah.

16 "Q And who else was in the living room
17 besides yourself and Sadie?

18 "A Bobby and Gary.

19 "Q And where was Bobby in relation to
20 Gary?

21 "A Well, at some time I saw him put a
22 pillow over Gary's head.

23 "Q And about this same time were you
24 asked to do anything with the pillow?

25 "A Yeah. He asked me to hold the pillow.

26 "Q Who asked you?

27 "A Bobby.

28 "Q And did you do so?

22

1 "A. For a couple of minutes.
2 And then -- or for less, I don't know for how
3 long. And then he called me to come in the
4 kitchen.
5 "Q. And did you do something with the
6 pillow before you went into the kitchen?
7 "A. Gave it to Sadie."

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1 "Q All right. Now, how did you exit the
2 house?

3 "A Out the tree room and down the front
4 steps.

5 "Q All right. Did you have the gun with
6 you?

7 "A Yeah.

8 "Q Who had the gun?

9 "A I did.

10 "Q All right. And did you lock the house
11 again?

12 "A Yeah, I imagine.

13 "Q All right. And did you use some form
14 of transportation to get from Mr. Hinman's house to
15 the Spahn Ranch?
16

17 "A Gary's Volkswagen. (23)

18 "Q And can you describe that Volkswagen for
19 us?

20 "A It was red and white with an Eagle on
21 the side.

22 "Q And how did they start the vehicle? (24)

23 "A Hot-wired it.

24 "Q Who hot-wired it?

25 "A Bobby and I.

26 "Q I see. And thereafter, did you go back
27 to the Spahn Ranch in the Volkswagen microbus?"

28 MR. KANAREK: Your Honor, I believe your Honor did not
allow that, your Honor.

1 THE COURT: Would counsel approach the bench?

2 MR. KANAREK: Yes.

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

6 MR. KANAREK: Your Honor, that's the leading and
7 suggestive question.

8 THE COURT: We are talking about the question on 1433 --

9 MR. KANAREK: Yes, your Honor.

10 THE COURT: Well, strike that. Strike that.

11 MR. MANZELLA: 1433, Line 20.

12 MR. KANAREK: Yes, your Honor.

13 THE COURT: Well, there was some discussion between
14 Mr. Kanarek, Mr. Manzella and the Court this morning about
15 the questions concerning the Volkswagen, and it's from about
16 Line 17 --

17 MR. MANZELLA: What page is that, your Honor?

18 THE COURT: Page 1431.

19 MR. KANAREK: He's read that portion.

20 THE COURT: And you indicated that you wanted to raise
21 some objection to it, but the Court felt that the description
22 of "Gary's Volkswagen" was not an opinion as to ownership, but
23 simply a description, and the Court would leave that in,
24 and would leave in the other questions and answers, down to the
25 bottom of Page 1431.

26 Now, you are objecting to --

27 MR. KANAREK: Yes, your Honor. The leading and
28 suggestive question.

1 THE COURT: -- the question on 1433, "And thereafter,
2 did you go back to the Spahn Ranch in the Volkswagen microbus?"

3 MR. KANAREK: Yes, your Honor, That is the leading and
4 suggestive question, which I believe your Honor --

5 THE COURT: I think that I had overruled that, and
6 permitted that question to remain in. And the answer -- the
7 ruling would be the same.

8 MR. KANAREK: Of course, I don't have the benefit of the
9 transcript --

10 THE COURT: I think I recall this.

11 MR. KANAREK: Well, then, I would renew my objection,
12 on the basis of -- as far as -- I mean, all the other
13 objections, of course; but specifically, it is clearly leading
14 and suggestive.

15 THE COURT: Well, as I've said, we -- we are not
16 proceeding under 1291. At least, the Court doesn't believe
17 that the People are offering this under 1291, but they are
18 offering it as a prior inconsistent statement under 1235 and
19 770, and they might just as well have offered a statement of
20 Mary Brunner given to the police before she took the witness
21 stand in the case of People vs. Beausoleil. If they had it, it
22 could have been offered, if it is a prior inconsistent state-
23 ment. So --

24 MR. KANAREK: Well, it's our contention --

25 THE COURT: What we have attempted to do here is simply
26 weed out any unfairnesses, any ambiguities, and any gross
27 hearsay that might be misinterpreted.

28 And I think that it should be admissible, and I

1 think I so ruled yestorday. My ruling would be the same.

2 MR. KANAREK: Very well.

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

5 THE COURT: You may read the question and answer.

6 MR. MANZELLA: "Q I see. And thereafter, did
7 you go back to the Spahn Ranch in the Volkswagen
8 microbus?

9 "A Yes."

10 THE COURT: Anything further, gentlemen?

11 MR. KANAREK: Pardon?

12 THE COURT: Anything further --

13 MR. KANAREK: Yes, your Honor.

14 THE COURT: -- with respect to the reading?

15 MR. KANAREK: Yes, your Honor. I would like to read
16 from 1393, if I may. May I?

17 THE COURT: Yes.

18 MR. KANAREK: To get the foundation --

19 THE COURT: This is the same transcript, --

20 MR. KANAREK: Yes.

21 THE COURT: -- reading from the same transcript of the
22 testimony of the witness, Mary Brunner, in the case of
23 People vs. Beausoleil?

25

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1 MR. KANAREK: Yes, your Honor.

2 "Q I want to call your attention to the
3 last part of July, 1969, and ask you whether or
4 not you went to the house of Gary Hinman.

5 "A Yeah."

6 And at that point -- that is, that has been read
7 up to this point. The rest has not been read, and I -- may the
8 record reflect, now, the next question is:

9 "Q And before going there, did you have a
10 conversation with anybody about going to Mr. Hinman's
11 house?

12 "A Yeah."

13 I'm mistaken, your Honor. That last question and
14 answer was read by Mr. Manzella. But the following was not:

15 "Q And with whom --"

16 MR. MANZELLA: Your Honor, I object to that on the part
17 of Mr. Kanarek, and I ask to approach the bench.

18 THE COURT: All right. The Court will hear from you.

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

22 MR. MANZELLA: Yesterday, your Honor, you asked Kanarek
23 at this hearing if there was anything -- anything else he
24 wanted to read into the record and he said, "No."

25 Now, this morning in chambers you asked him if
26 there was anything he wanted to read into the record, and he
27 said, "No."

28 Now, he's -- last night, he gave us two things he

1 wanted read into the record, and I agreed -- one of which I
2 had already agreed to read into the record, and another of
3 which I had left out, and I read both of those things into the
4 record this morning.

5 I think it's improper for Mr. Kanarek to wait until
6 this morning, and then stand up and obviously make argu-
7 ment to the jury, that there were certain things that I left
8 out, when you had asked him yesterday if there was anything
9 else he wanted read into the record.

10 I think it's improper for Mr. Kanarek to do that,
11 especially the way he's doing it. I think it's obvious what
12 he's trying to do.

13 MR. KANAREK: Your Honor, if she were on the witness stand,
14 we would be allowed to show that -- wherein certain questions
15 and answers were made. We are certainly not deprived of that,
16 just because --

17 MR. MANZELLA: But Mr. Kanarek never gave me a chance to --

18 THE COURT: Give him a chance to finish his statement.

19 MR. KANAREK: He never read that, and we are entitled
20 to the same procedure as if she were in open court.

21 THE COURT: You were interrupted, Mr. Kanarek. You were
22 saying: If she were on the witness stand --

23 MR. KANAREK: Yes. If she were on the witness stand and
24 asked these questions and answers, after she had finished, a
25 lawyer on the other side would then be able to take the same
26 transcript and clear up matters that were gone into, when she's
27 on the stand.

28 And clearly, there's no reason why that can't be

1 done, if she's not present.

2 THE COURT: I'll permit it.

3 MR. KANAREK: Thank you.

4 MR. MANZELLA: Well, your Honor, I don't like to, but I
5 object to Mr. Kanarek's statements about things being read and
6 things not being read. It's obvious what he's trying to do,
7 and it's --

8 THE COURT: Well, it's --

9 MR. MANZELLA: -- improper, because I would have read
10 anything into the record that he asked me to read into the
11 record yesterday. And the Court knows that, because he asked
12 me to read two things into the record which I agreed to read in-
13 to the record, and did so this morning.

14 And it's improper for him to sandbag like that, and
15 wait until I've already read it, after we've spent a whole
16 day on the hearing, and then turn around and pull something
17 like this.

18 It's improper.

19 THE COURT: Well, Mr. Manzella, I have the impression,
20 from having observed Mr. Kanarek, and knowing the situation
21 that existed in respect to this transcript, that this is a
22 thought that he arrived at this morning; is that correct?

23 MR. KANAREK: That is correct, your Honor.

24 THE COURT: I don't think he had planned to do it. And
25 if -- if either of you have any solution, so that we can
26 explain to the jury that this is a situation wherein portions
27 of the transcript were read, fine.

28 But otherwise, we can -- we are just going to have

1 to let Mr. Kanarek proceed in this fashion.

2 MR. MANZELLA: I will be glad to read it to the jury
3 myself, as I would have been glad to read it today, had
4 Mr. Kanarek asked me.

5 MR. KANAREK: I think I have the right to read, as if
6 she were on the stand.

7 THE COURT: You may do so.

8 MR. KANAREK: Thank you.

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

11 THE COURT: You may read it, Mr. Kanarek.

1 MR. KANAREK: Thank you. Page 1393.

2 "Q And before going there, did you
3 have a conversation with anybody about going
4 to Mr. Hinman's house?

5 "A Yeah.

6 "Q And with whom -- and with whom?

7 "A Bobby asked me if I wanted to go
8 up there.

9 "Q And did he tell you what for at that
10 time?

11 "A Not right then.

12 "Q And when was it that he asked you
13 about going to Gary Hinman's house? Was it during
14 the morning or evening or afternoon of that day?

15 "A That night, shortly after dark when
16 I got home."

17 THE COURT: Anything further from the transcript,
18 gentlemen?

19 MR. MANZELLA: No, your Honor. Thank you.

20 MR. KANAREK: Thank you, your Honor.

21 THE COURT: Anything more, Mr. Kanarek?

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

23 MR. MANZELLA: The People call Sandra Harmon.

24 Your Honor, the People are going to begin
25 presenting witnesses with regard to the Shea murder at this
26 time.

27 MR. KANAREK: Your Honor, we would -- counsel has made
28 his opening statement, your Honor.

1 THE COURT: I didn't hear that.

2 MR. KANAREK: Counsel has made his opening statement
3 previously.

4 THE COURT: I didn't hear counsel, Mr. Kanarek.

5 MR. KANAREK: Oh, I'm sorry.

6 THE COURT: Mr. Manzella?

7 MR. MANZELLA: Yes, your Honor.

8 THE COURT: Yes?

9 MR. MANZELLA: I was saying: For the purpose of
10 clarification, the People are going to begin presenting
11 evidence on the count alleging the murder of Donald Shea.

12 THE COURT: Very well, Mr. Kanarek?

13 MR. KANAREK: Well, your Honor --

14 THE COURT: Anything from you?

15 MR. KANAREK: Yes, I would like to approach the bench,
16 if I may, very briefly.

17 THE COURT: Very well.

18 MR. KANAREK: Thank you.

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

22 MR. KANAREK: Your Honor, in line with this Mary
23 Brunner matter, may I ask -- may I ask whether -- you see, it's
24 our position -- it's our position that we should be allowed to
25 impeach Mary Brunner further, in view of what the prosecution
26 is doing.

27 THE COURT: Well, you can, of course, look at the Code
28 in connection with prior consistent statements and such matters.

1 And of course, if you -- if either of you -- I had indicated to
2 each of you that if the bench warrant is served, and she's
3 brought into custody, that you might wish to reopen.

4 I'll consider it at the time that you make the
5 motion to reopen, either on cross or direct. But the record
6 should show that we have not yet seen her here since the Court
7 issued a bench warrant.

8 MR. KANAREK: Well, it's our view that we should be able
9 to, at this time, read into the record those portions of the
10 penalty phase of the Tate-La Bianca case, where Mary Brunner
11 testified concerning the Gary Hinman matter.

12 That's my view. Because she testified --

13 THE COURT: All right. Let me hear from you in respect
14 to that. Look at the Evidence Code --

15 MR. KANAREK: All right.

16 THE COURT: -- in regard to such prior consistent state-
17 ments, --

18 MR. KANAREK: Very well.

19 THE COURT: -- and the Court will hear from you as to
20 whether or not that is permissible.

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

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

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

25 MR. MANZELLA: The People call Mrs. Sandra Harmon, your
26 Honor.

27 THE COURT: Yes. You may begin.

28 JUROR NO. 4: (Indicating).

1 THE COURT: Mr. Williams?

2 JUROR NO. 4: This gentleman that -- that she's going to
3 testify, what was the last name?

4 THE COURT: Let's use this microphone.

5 JUROR NO. 4: The lady -- the lady that -- that's going
6 to testify in the murder of this gentleman, his name was Donald
7 -- now, what?

8 THE COURT: Shea.

9 JUROR NO. 4: How do you spell the Shea?

10 THE COURT: S-h-e-a.

11 JUROR NO. 4: S-h-e-a. Thank you.

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

13 You do solemnly swear that the testimony you may
14 give in the cause now pending before this Court shall be the
15 truth, the whole truth, and nothing but the truth, so help you
16 God?

17 THE WITNESS: I do.

18

19 SANDRA HARMON,

20 called as witness by and on behalf of the People, being duly
21 sworn, was examined and testified as follows:

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

23 Would you state and spell your full name?

24 THE WITNESS: Sandra Harmon; S-a-n-d-r-a, H-a-r-m-o-n.

25

26

DIRECT EXAMINATION

27

BY MR. MANZELLA:

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Q Mrs. Harmon, where do you live now?

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A Defiance, Ohio.
Q Defiance, Ohio?
A Yes.

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1 Q Get as close to that microphone as you can, and
2 speak right into it so that it picks up.

3 Are you presently married?

4 A Yes, I am.

5 Q How many children do you have?

6 A I have four.

7 Q And did you know a man by the name of Donald
8 Jerome Shea?

9 A Yes, I did.

10 MR. KANAREK: Your Honor, I'll object to the words
11 "did you." I think that that is --

12 THE COURT: All right, sustained. The question is
13 stricken.

14 Q BY MR. MANZELLA: Have you ever known a man by
15 the name of Donald Jerome Shea?

16 A Yes.

17 Q And when did you first meet Donald Shea?

18 MR. KANAREK: That's irrelevant and immaterial.

19 THE COURT: Overruled.

20 A We met approximately 1965.

21 Q BY MR. MANZELLA: And when did you first meet
22 Mr. Shea?

23 A Oh, boy.

24 Q Let me ask you this, where did you meet Mr. Shea
25 the first time?

26 A It would have been '57. I'm sorry, I got my
27 ten years mixed up.

28 Q All right.

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You first met Mr. Shea in 1957?

A Yes.

Q Where did you meet him?

A At Spahn's Movie Ranch.

Q Is that Spahn's Movie Ranch in Chatsworth, California?

A Yes.

Q Now, at that time were you working at Spahn Ranch?

A Yes, I was.

Q And how were you working at Spahn Ranch?

A Well, I worked mostly on the weekends, you know, to help with the horses, and we rented out horses.

Q Now, did you take people horseback riding, as well, while you were working at Spahn Ranch?

A Well, yes, I worked as a guide, and, also, in the booth to collect the money.

Q Now, did you -- strike that.

With whom did you work when you worked at Spahn Ranch?

A George Spahn and Ruby Pearl.

Q Did you say "Ruby Pearl"?

A Yes.

Q Now, sometime after you met Donald Shea, did you marry him?

A Yes.

Q And in what year were you married to Donald Shea?

A '61.

5-3

1 Q And sometime thereafter were you divorced from
2 Donald Shea?

3 A Yes.

4 Q When were you divorced from him?

5 A April of '65.

6 Q April of '65?

7 A Yes.

8 Q And were there any children born of your marriage
9 with Donald Shea?

10 MR. KANAREK: That's irrelevant, your Honor.

11 THE COURT: Sustained.

12 MR. MANZELLA: May we approach the bench, your Honor?

13 THE COURT: Very well.

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

17 THE COURT: Does it have any probative value?

18 MR. MANZELLA: This witness is being offered as -- well,
19 most of the witnesses on the part -- on the corpus delicti,
20 as to whether or not Mr. Shea is dead or alive, and it is all
21 circumstantial evidence. We have no eyewitnesses to the
22 death.

23 THE COURT: What is the probative value in respect to
24 the children?

25 MR. MANZELLA: The probative value --

26 THE COURT: Did he visit them regularly and then stop?

27 MR. MANZELLA: He stopped seeing them in 1965. This
28 witness is being put on for negative evidence. That having

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1 been married to him she might have had -- be expected to have
2 some knowledge of his whereabouts. He stopped seeing her in
3 1965, after the divorce, and she will testify for the reason --
4 the reason that she stopped seeing him.

5 In other words, so that we may avoid the inference
6 we failed to check -- his previous wife to determine if
7 possibly she knew the whereabouts or location of Shorty Shea,
8 whether or not he was alive or dead. And that's what this
9 evidence is being offered for.

10 THE COURT: All right, you're going to show that he
11 stopped visiting his children and his wife --

12 MR. MANZELLA: In 1965, but that it was at her request
13 she stopped him. She asked him not to come back and she
14 didn't want any money from him and so on and so forth, to
15 avoid the negative inference that he didn't see her since
16 1965, therefore, you know, he wouldn't be expected to see
17 anybody and we're going to show why he hasn't seen her.

18 MR. KANAREK: Your Honor, it is our belief that is
19 irrelevant and immaterial. It is remote in time. He can
20 go through probably many, many people that Mr. Shea knew.

21 THE COURT: The Court doesn't believe it is remote.

22 MR. KANAREK: '65, your Honor.
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1 THE COURT: The Court doesn't believe it is too remote
2 with somebody who has a --

3 MR. KANAREK: That she hasn't seen him since '65, and
4 he didn't pay any attention to his children in '65. So,
5 therefore, you can't make any inference.

6 THE COURT: You can make an inference --

7 MR. KANAREK: She was --

8 THE COURT: If that's explained. It is a negative type
9 of thing. And if the Court understands what the People are
10 driving at -- and you do too, don't you?

11 MR. KANAREK: Yeah, but 1965 is so remote.

12 THE COURT: The Court doesn't believe it is remote.

13 MR. KANAREK: That would be some four --

14 THE COURT: So that's why you are asking about whether
15 he had children?

16 MR. MANZELLA: Right, because of the child support.

17 THE COURT: All right, I'll --

18 MR. KANAREK: Your Honor, we also haven't been furnished
19 with the transcripts that we were going to be furnished with.

20 THE COURT: What transcripts?

21 MR. KANAREK: The Shea part of the Grogan case, your
22 Honor.

23 THE COURT: The Court has not seen those. Mr. Denny
24 was going to have copies made. Have you contacted him?

25 MR. KANAREK: Yes, I have, your Honor.

26 THE COURT: Does he have them made?

27 MR. KANAREK: Mr. Denny has copies, I believe, in his
28 office.

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1 THE COURT: The Court would permit you to do that.
2 I asked George Denny to allow you to read his transcripts,
3 since you indicate that Mr. Manson does not wish to or doesn't
4 have the means to pay --

5 MR. KANAREK: Does not have the means.

6 THE COURT: -- to pay for such transcripts, and the
7 Court indicated that since Mr. Davis's trial is set in
8 November, that Mr. Denny, who has copies of the transcript,
9 should let you use those, since I had agreed that the County
10 would pay for those. And you have indicated to me that you
11 would get them back to Mr. Denny.

12 MR. KANAREK: Oh, certainly.

13 Then, if this lady may -- may I inquire, your
14 Honor, is she going to be available?

15 MR. MANZELLA: Not beyond today. She's going home.

16 THE COURT: You have called Mr. Denny?

17 MR. KANAREK: Yes, I have called Mr. Denny.

18 THE COURT: Get in contact with him during the recess
19 and see if you can get them.

20 MR. KANAREK: I believe Mr. Denny personally is in
21 Colorado. That is, he is on vacation in Colorado. The
22 transcripts are in his office. He told me they are in his
23 office. I spoke with him over the weekend.

24 THE COURT: Did he give you permission to go to his
25 office and get them?

26 MR. KANAREK: Yes, your Honor.

27 THE COURT: You may do that during the noon hour.

28 MR. KANAREK: Thank you.

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1 THE COURT: Go ahead.

2 (Whereupon, the following proceedings were had
3 in open court within the presence and hearing of the
4 jury:)

5 THE COURT: I will overrule the objection. You may
6 proceed.

7 BY MR. MANZELLA:

8 Q Mrs. Harmon, were any children born of your
9 marriage with Donald Shea?

10 A Yes.

11 Q How many children did you have?

12 A Three.

13 Q Now, Harmon is your married name now, is that
14 correct?

15 A That's right.

16 Q Now, after you and Donald Shea were married in
17 1961, where did you stay?

18 A Mostly at Spahn's Ranch.

19 Q And this is during the period of time 1961 to
20 1965?

21 A Yes.

22 Q Now, did you and Donald both work at Spahn Ranch
23 during that period of time?

24 A Yes.

25 Q What did you do for Spahn Ranch?

26 A Well, mostly because -- well, of course, I had
27 the children and I sat there and collected tickets mostly.

28 Q When you say "tickets," you're referring to

5a-4

1 tickets for horseback riding?

2 A Yes.

3 Q Now, Mrs. Harmon, if you can get that microphone
4 as close as possible and speak right into it so we can all
5 hear you.

6 Now, did you do anything else other than work
7 right on the Spahn Ranch property? Did you do any work for
8 George Spahn and Ruby Pearl that took you off of the Spahn
9 Ranch property?

10 A We used to take horses to Corriganville and a
11 couple of times to movie sets.

12 Q Now, you say you took horses to Corriganville?

13 A Yes.

14 Q Now, is Corriganville another movie ranch?

15 A Yes, it is.

16 Q Maybe I can spell that, if I may, (spelling)
17 C-o-r-r-i-g-a-n-v-i-l-l-e.

18 THE COURT: I see some signs of discomfort over there
19 in the jury box, and I realize I've been keeping you sitting
20 here for almost two hours, so we'll grant you a short recess
21 until -- oh, ten minutes.

22 During the recess you are admonished you are not to
23 converse amongst yourselves, nor with anyone else, nor permit
24 anyone to converse with you on any subject connected with this
25 matter, nor are you to form or express any opinion on this
26 matter until it has finally been submitted to you.

27 All right, we're in recess.

28 Mrs. Harmon, in ten minutes, come back.

(Short recess.)

6 fls.

6-1

1 THE COURT: The record will show the jurors are all
2 present. The defendant is present with his counsel.

3 You may proceed, Mr. Manzella.

4 Q BY MR. MANZELLA: All right.

5 Mrs. Harmon, where is Corriganville Movie Ranch?

6 A Simi Valley.

7 Q And approximately how far is that, if you know,
8 from the Spahn Ranch?

9 A It would have to be about four miles.

10 Q About four miles?

11 A (Indicating affirmatively.)

12 Q Now, for what purpose did you take the -- did you
13 and Donald take the horses from Spahn Ranch to Corriganville
14 Movie Ranch?

15 A The stunt men used them in shows. We had a stage
16 coach. People rented them -- the same as at Spahn's; and
17 pony rides and concession type thing.

18 Q Now, when you -- speaking of western shows, would
19 you describe what you mean by western shows?

20 A Well, where they do -- you know, a shootout in
21 the street, or -- or this type of thing.

22 Q And they used the horses in the western shows as
23 well, riding?

24 A Yes, they did.

25 Q Now, did your husband, Donald Shea, ever partici-
26 pate in any of these western shows?

27 A Yes, he did.

28 Q And when he participated in them, was that at

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1 Corriganville Movie Ranch?

2 A Yes.

3 Q Now, where did you and Donald live when you stayed
4 at the Spahn Ranch?

5 A Big Rock House, down below the main part of the
6 ranch.

7 Q Well, did you and Donald, during the time of your
8 marriage, ever live in any other state than California?

9 A Arizona, Texas, up in Boston.

10 Q And when you lived in Arizona -- well, strike that.
11 When did you live in Arizona? What year was
12 that?

13 A It would have had to have been '63.

14 Q And for how long did you live in Arizona?

15 A About a year.

16 Q And did Donald have a job when you lived in
17 Arizona?

18 A Yes, he did.

19 Q And what was that?

20 A Well, one job, he drove truck; and -- for the
21 stock yard, hauling stock back and forth.

22 Q All right. Now, were you divorced in 1965?

23 A Yes, I was.

24 Q And after your divorce, did Donald Shea come to
25 visit you?

26 A Yes.

27 Q And when was that?

28 A In June.

6-3

1 Q OF 1965?

2 A Yes.

3 Q And were you married at that time --

4 A Yes, I was.

5 Q Were you remarried at the time he came to visit you

6 in June of 1965?

7 A Yes.

8 Q And was that to your present husband?

9 A Yes, it was.

10 Q And that is Mr. Harmon; is that correct?

11 A Yes.

12 Can I switch?

13 Q Sure, go ahead.

14 Now, where were you living at that time, in June

15 of 1965?

16 A I was living at my own home in Simi Valley.

17 Q The Simi Valley. And who was -- who were you

18 living with besides Mr. Harmon, your present husband?

19 A My three children, from my first marriage.

20 Q Now, when Mr. Shea came to visit you, or when

21 Donald Shea came to visit you in June of 1965, did you have

22 a conversation with him with regard to his visiting you and

23 the children?

24 A Yes, I did.

25 Q And would you tell us what that conversation was?

26 MR. KANAREK: Your Honor, I must object on the grounds

27 of hearsay.

28 MR. MANZELLA: This is being offered for -- may we

6-4
1 argue at the bench, your Honor?

2 THE COURT: Yes, you may.

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

5 MR. MANZELLA: Your Honor, this evidence is being
6 offered under the state of mind exceptions of the hearsay
7 rule; and in particular, Mr. Donald Shea's state of mind.

8 We believe that Donald Shea's state of mind
9 is in issue, because --

10 THE COURT: What do you anticipate --

11 MR. MANZELLA: -- it bears on --

12 THE COURT: -- it will show?

13 MR. MANZELLA: It will show that he wanted to visit the
14 children, and send child support, and visit her; that he
15 attempted to -- that he wanted to send child support and visit
16 the children; and that she told him that now she had a new
17 life, and she felt it would be better for her and for the
18 children if he no longer visited them;

19 That she -- now that she was -- had remarried, she
20 did not want his child support.

21 We believe, your Honor, that it's -- that Mr.
22 Shea's state of mind is in issue, because his state of mind
23 is relevant as to whether or not he would have contacted the
24 people who will testify here as witnesses.

25 MR. KANAREK: If I may be heard on that, your Honor?
26
27
28

Ga. fls.

6a

1 THE COURT: Yes.

2 MR. KANAREK: He might -- Mr. Manzella, under this guise
3 of trying to clean up Mr. Shea, make him look like -- I can
4 understand his collateral-- well, his real reason; but his
5 reason is: He wants to make Mr. Shea a fine gentleman.

6 And the fact that he didn't pay child support,
7 didn't see his children, is because this woman said to him,
8 "Don't do it." Well, that is -- first of all, it's so remote in
9 time, your Honor, way back in 1965, that it has no probative
10 value -- even though, assuming arguendo it's state of mind --
11 in other words, you can't just put in state of mind; it has to
12 have some relevance, some materiality.

13 THE COURT: The Court believes that it would be
14 relevant, that it does have probative value.

15 MR. KANAREK: How would it show he's alive, your Honor,
16 that he -- I just can't see --

17 THE COURT: I think it's clear that, from what Mr.
18 Manzella has said, that what he intends to do is establish the
19 background of Mr. Shea, and to show the people who knew Mr.
20 Shea, and to bring it up to the -- bring the acquaintanceship
21 and the background up to the point where Mr. Shea presumably
22 disappeared.

23 MR. KANAREK: Yeah, but if it's --

24 MR. MANZELLA: That's right.

25 MR. KANAREK: If it's four years that he's going to do
26 that, your Honor -- it's just so remote --

27 THE COURT: The Court believes it's sufficiently
28 probative so that it should be allowed.

1 I'll overrule the objection.

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

4 THE COURT: You may proceed.

5 Q BY MR. MANZELLA: Mrs. Harmon, would you tell us
6 what that conversation was between you and Donald Shea?

7 A He wanted to -- for me to leave my first husband
8 (sic) and -- and the kids and I could come back to him.

9 THE COURT: Incidentally, any such conversation with
10 Mr. Shea is admitted, ladies and gentlemen, to establish --
11 if it does; or to show, if it does -- the state of mind of
12 Mr. Shea; and it is not admitted for any other reason.

7
1 Q BY MR. MANZELLA: And if you would, pull that
2 microphone right up close so that we can hear you. You speak
3 very softly.

4 Now, did you tell Mr. Shea anything with regard to
5 him visiting you or the children?

6 A I told him I didn't want him seeing them, and I
7 didn't want any support or any contact between us at all.

8 Q Now, did you tell him why?

9 MR. KANAREK: That's irrelevant and immaterial, her
10 state of mind.

11 THE COURT: Sustained.

12 Q BY MR. MANZELLA: All right. When you say "support,"
13 to what are you referring?

14 A To money. Any support in any manner.

15 Q And you told him you did not want support from him?

16 A Right.

17 Q And did you tell him anything with regard to
18 future visits?

19 A I told him I didn't want him to come around at all.

20 Q Now, what did -- did Mr. Shea say anything or do
21 anything when you told him that?

22 A He argued, and after he realized that was it, he
23 just sat down and cried.

24 Q Did he leave you, then?

25 A Yes, he did.

26 Q And did he say anything with regard to what you
27 had said to him?

28 A He said he'd do what I asked.

1 Q Now, sometime thereafter, did you move out of the
2 State of California?

3 A Yes, I did.

4 Q Where did you go when you moved?

5 A Defiance.

6 Q Defiance, Ohio?

7 A Yes.

8 Q And is that spelled D-e-f-i-a-n-c-e?

9 A Yes.

10 Q And when you moved out of California, did you go
11 with Mr. Harmon, your husband, and your three children?

12 A Yes, I did.

13 Q When did you move out of California?

14 A It would have been, uh, May of '66.

15 Q When was the last time that you saw or heard from
16 Donald Shea?

17 A June of '65.

18 Q Was that at the visit that you were telling us
19 about?

20 A Yes, it was.

21 Q Now, did you and Mr. -- and Donald Shea ever have a
22 discussion about the movies or acting?

23 A Quite -- quite often.

24 MR. KANAREK: Remote as to time, your Honor.

25 MR. MANZELLA: Your Honor, it is being offered for the
26 same purpose, your Honor.

27 THE COURT: The answer may remain. The objection is
28 overruled.

1 Q BY MR. MANZELLA: And was this during the time that
2 you were married to Donald Shea?

3 A Yes.

4 Q And would you tell us, did Mr. Shea tell you how
5 he felt about the movies and acting?

6 MR. KANAREK: May we have a foundation -- may we have a
7 continuing objection?

8 MR. MANZELLA: I'll withdraw that question.

9 Q When did Mr. Shea -- strike that.

10 After you first met Mr. Shea in 1957, when did he
11 first begin talking about the movies and about acting?

12 MR. KANAREK: Your Honor, may I have a continuing objec-
13 tion on relevancy and materiality and, also, remoteness?

14 That's 14 years ago, your Honor.

15 THE COURT: Sustained.

16 Q BY MR. MANZELLA: All right. Did you have conver-
17 sations with Donald Shea with regard to the movies and with
18 regard to acting during the time that you were married to him?

19 MR. KANAREK: That's remote and irrelevant and
20 immaterial as to time, your Honor.

21 THE COURT: I'll sustain it.

22 Q BY MR. MANZELLA: All right. Would you tell us,
23 did -- strike that.

24 Who was Ruby Pearl?

25 A The manager of Spahn's Ranch.

26 Q Was George Spahn the owner of Spahn Ranch?

27 A Yes.

28 Q And were both George Spahn and Ruby Pearl at

1 Spahn Ranch when you first started there in 1957, when you
2 first met Donald Shea there in 1957?

3 A Yes.

4 Q Did you visit with them and talk with them directly
5 during the time from 1957 to 1963?

6 A Yes.

7 MR. KANAREK: That's irrelevant and immaterial what she
8 did, your Honor.

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

11 Q BY MR. MANZELLA: When I say, "You did," I meant
12 you and Donald Shea.

13 A Yes.

14 Q Is that correct?

15 A Uh-huh.

16 Q And did Donald Shea ever talk about George Spahn and
17 Ruby Pearl and his feelings toward them?

18 MR. KANAREK: That's irrelevant and immaterial and remote
19 as to time, your Honor.

20 THE COURT: Sustained.

21 MR. MANZELLA: All right, your Honor, may we approach the
22 bench, please?

23 THE COURT: The objection is sustained. You may lay a
24 foundation.

7a

1 Q BY MR. MANZELLA: Was 1957, as far as you know,
2 when Donald Shea first came to the Spahn Ranch?

3 A Yes.

4 Q And he went to work at that time for George Spahn
5 and Ruby Pearl?

6 MR. KANAREK: Your Honor, that's remote as to time.
7 It is irrelevant and immaterial.

8 MR. MANZELLA: I'm laying a foundation, your Honor.

9 THE COURT: Overruled.

10 Q BY MR. MANZELLA: Now, after he went to work for
11 George Spahn and Ruby Pearl, did he sometime thereafter express
12 his attitude or feelings towards George Spahn and towards Ruby
13 Pearl?

14 MR. KANAREK: Your Honor, that's ambiguous as to time
15 and --

16 MR. MANZELLA: I can only ask one question at a time.
17 I'll ask when he did it, if she answers this question yes.

18 THE COURT: Sustained -- overruled. I'll allow you to
19 answer it.

20 THE WITNESS: Yes.

21 Q BY MR. MANZELLA: When did he first express his
22 attitude or feelings towards George Spahn and Ruby Pearl?

23 A From the time I first met him.

24 Q What did he say about them?

25 A They were like a second family.

26 Q Did he continue to express that attitude up until
27 the time that you last saw or heard from him?

28 MR. KANAREK: That's a conclusion solicited, your Honor.

1 THE COURT: Sustained.

2 Q BY MR. MANZELLA: All right, during the time that
3 you were married to Donald Shea, 1961 to 1965, while you were
4 living at Spahn Ranch, did Mr. Shea talk about his attitude or
5 feelings towards George Spahn and Ruby Pearl?

6 A Quite often.

7 Q And what did he say about them?

8 A Well, we were always going back to the ranch,
9 because like I said, it was like a second home to him. And, uh --

10 Q And did Mr. Shea express those feelings about
11 George Spahn and Ruby Pearl?

12 A Constantly.

13 MR. MANZELLA: Your Honor, I have here what appears to be
14 a photograph, black and white, of a male person.

15 May I have that marked People's 46 for identifi-
16 cation?

17 THE COURT: All right, so ordered.

18 MR. KANAREK: Mr. Manzella, may I see that for a second?

19 MR. MANZELLA: Sure.

20 MR. KANAREK: Thank you. Thank you.

21 THE COURT: All right, it is 12:00 o'clock. We'll take
22 a recess at this time.

23 Remember the admonishment, you are not to converse
24 amongst yourselves, nor with anyone else concerning this matter,
25 nor permit anyone to converse with you, nor are you to form or
26 express any opinion on the matter until it is finally submitted
27 to you.

28 2:00 o'clock, ladies and gentlemen. I'll see you

1 then, 2:00 o'clock come back.

2 (Whereupon, at 12:00 o'clock the jury retired
3 from the courtroom, and the following proceedings were had up
4 at the bench with Mr. Manzella, Mr. Kanarek and the Defendant
5 Manson being present:)

6 THE COURT: I just wanted to inform you, Mr. Kanarek, and
7 Mr. Manson, I have made one effort to get in touch with
8 Mr. Beckler, the attorney we talked about last week, and I was
9 unable to get him in one phone call and I didn't try over the
10 weekend. So what I'll do is give you the right to make two or
11 three phone calls to him, if you wish, and I'll give you his
12 name and address and leave it up to you, if you wish. Inform
13 the jailer, if you wish to.

14 THE DEFENDANT: Uh-huh.

15 THE COURT: That's about all.

16 I had something else that I wished to place on the
17 record, but I forgot what it was. Mr. Kanarek and I discussed
18 it. I can't remember.

19 MR. KANAREK: Well, I was asking your Honor -- I was
20 asking your Honor to do what your Honor could in the jail to
21 allow Mr. Manson to have visitation -- have his visitations --

22 THE COURT: Have his privileges restored?

23 THE DEFENDANT: There's no privileges.

24 THE COURT: Well, there are some, like visitations --

25 THE DEFENDANT: It is all punitive.

26 THE COURT: -- and have cigarettes.

27 THE DEFENDANT: It is all punitive.

28 THE COURT: There are some privileges that have been

1 removed, though, haven't they?

2 THE DEFENDANT: Actually, it is just a word.

3 THE COURT: In any event, I have just discussed that
4 with the jail, as I told you, with Captain Kennedy, who has
5 charge of the jail, and they're reluctant to do anything.
6 But the privileges have been removed, the removal of mail
7 privileges --

8 THE DEFENDANT: That's been a year ago, anything like
9 that.

10 THE COURT: Well, the Court --

11 THE DEFENDANT: You see, your Honor --

12 THE COURT: The Court has checked on that and finds
13 that that's not true.

14 THE DEFENDANT: Okay, I would lie to you, then?

15 THE COURT: Well, it depends on what we're saying about
16 mail. We're talking about mail privileges, but you have a right
17 to send out a letter, don't you, generally, unless you are
18 restricted?

19 THE DEFENDANT: I've sent them all out. They send them
20 back. And everything I send them out, they send them back.
21 And then, when I do get a letter, I've even had people outside
22 register the letters and get them together and initial them
23 and witness them and get them on the street corner and they
24 don't get them upstairs. Captain Cline has quite a hang-up
25 of fouling things up. There's not much truth in that either.

8-1

1 THE COURT: Captain Cline?

2 THE DEFENDANT: Cline. He's the one that put the hold
3 on the mail. And the hold has been on the mail since -- now,
4 they've transferred him, but the hold is still on the mail.

5 THE COURT: Well, the story I got from them was different
6 than yours, but -- and that was weeks ago, when we talked
7 about this in pre-trial.

8 Now, the Court will determine --

9 THE DEFENDANT: Well, there's not that much time anyway.
10 It really doesn't make that much difference.

11 THE COURT: The Court will determine what that situation
12 is in respect to that.

13 THE DEFENDANT: We are moving very fast.

14 THE COURT: At any event, I have told you, Mr. Kanarek,
15 what the response of the jail was, and they said that there
16 were certain infractions that Mr. Kanarek had -- that Mr.
17 Manson had committed; and that therefore, they were imposing
18 the loss of privileges.

19 THE DEFENDANT: Your Honor?

20 THE COURT: But I will follow through --

21 THE DEFENDANT: Your Honor, let me explain --

22 THE COURT: -- and determine whether or not there is
23 any room for discussion with the jail in regard to it.

24 THE DEFENDANT: That's not -- that's not really that
25 important.

26 THE COURT: I may make some orders in respect to it.

27 THE DEFENDANT: A lot of things -- a lot of things,
28 I get involved in that I don't wish to be involved in. But

8-2

1 there's many things that are moving. There's much --

2 THE COURT: Do you mean up in the jail?

3 THE DEFENDANT: Well, in the jail and everywhere that --
4 that things move, that -- that I have anything to do with,
5 or have ever had anything to do with.

6 There's a lot of things coming and moving, that
7 I don't have control over; see? And then I try to keep them
8 off (indicating) and control them as much as I can. But then,
9 in the jail, they keep me out of control of them. And I say,
10 "No, I want to do this," and someone says, "Oh, this would be
11 good for you." And I say, "No. I want to do that." And they
12 say, "We are going to do that anyway."

13 And then he wants to do this, and then he wants
14 to do that, and because there's a nice little shiny penny,
15 and because -- "Boy, whoever gets control of that, we can
16 just move."

17 And I say, "Hey, you know, that's not where it's
18 at."

19 But like -- you know, when take the control away
20 from me, of being able to make a phone call or get outside
21 communication going, you know, then I am subject to whatever
22 is -- what thoughts that decides that it wants to make up
23 something to do something with, you know -- like you have my
24 will; somebody else may want it, you know. And it goes through
25 a lot of other changes.

26 And then there's a lot of things moving behind
27 this that scares me sometimes.

28 THE COURT: Well, ordinarily, a prisoner doesn't have

8-3

1 the right to make phone calls, but -- and you know that. But--
2 unless there's a court order.

3 I will order that you be allowed to make these --
4 at least these two or three phone calls. If you should wish
5 to contact -- Mr. Kanarek, the Court will check through on the
6 mail situation.

7 MR. KANAREK: Yes, sir. And would the -- and would it
8 be -- if your Honor would check into and implement Mr. Manson
9 being allowed to visit -- the visits with people --

10 THE COURT: No, I wouldn't --

11 THE DEFENDANT: I don't care about that. The only
12 thing I care about --

13 THE COURT: I'm not sure I would do that. But I will --

14 THE DEFENDANT: Your Honor, the only thing --

15 THE COURT: -- pursue the matter of whether --

16 THE DEFENDANT: The only thing I care about --

17 THE COURT: Excuse me.

18 (Continuing.) -- if there's any good reason for
19 continuing this restriction.

20 THE DEFENDANT: It seems like everybody wants somebody
21 to say something to, and I seem to be the one that everybody
22 wants to say something to.

23 Everybody wants me to do something for them. They
24 want me to move them here, so when they see that I'll do that,
25 then they say, "Maybe I'll take one step, and why don't you
26 do that?" And then the guy will just be back and make some
27 off-the-wall remark, and they keep calling you up for --
28 they constantly call you, and they say, "You looking for

8-4

1 trouble? You want some trouble, huh?" And they keep calling
2 you up with this, and you keep looking at them and saying,
3 "Man, I passed that years ago. Don't keep calling me up for
4 this; you know?"

5 And -- and their fear is what I have to live in;
6 you know?

7 THE COURT: All right.

8 (Whereupon, at 12:10 o'clock p.m., an adjournment
9 was taken until 2:00 o'clock p.m. of the same day,
10 Tuesday, August 17, 1971.)
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LOS ANGELES, CALIFORNIA, TUESDAY, AUGUST 17, 1971 2:10 P.M.

- - - -

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

SANDRA HARMON,

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

DIRECT EXAMINATION (Continued)

BY MR. MANZELLA:

Q Mrs. Harmon, directing your attention to the exhibit which has been marked People's 46 for identification, do you recognize the person shown in that photograph?

A Yes, I do.

Q And who is that?

A Donald Shea.

Q All right. Mrs. Harmon, during the time that you were married to Donald Shea, did he talk to you about his feelings toward the movies and towards acting?

A Quite often.

Q When is the first time you recall him talking about his feelings towards the movies and towards acting?

A The first time I ever met him.

Q Is that 1957?

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A Yes.

Q And what did Donald Shea say about his feelings towards the movies and toward acting?

A That's what he wanted to be, a stuntman and to play in movies.

Q And did he talk about that often?

A All the time.

Q Did you know a man by the name of Bob Bickston?

A Yes, I do.

Q What was his -- strike that.

How did Donald Shea know Mr. Bickston?

A Exactly how he got to know him, I don't know, but it was to do with the movies.

Q Did you know Mr. Bickston as a producer of movies of some sort?

A Yes.

Q What was Mr. Bickston's relationship with Donald Shea?

A They were real good friends and he was trying to help him get into the movies.

Q Now, did Mr. -- did Donald Shea's attitude towards the movies and toward acting have anything to do with your divorce?

MR. KANAREK: Your Honor, that's irrelevant and immaterial.

THE COURT: Sustained.

Q BY MR. MANZELLA: How did you feel about Donald Shea's attitude towards the movies?

9-3

1 MR. KANAREK: That's irrelevant and immaterial.

2 THE COURT: Sustained.

3 Q BY MR. MANZELLA: Now, during the period 1961 to
4 1965, while you were married to Donald Shea, you said that
5 you spent the year 1963 in Arizona; is that right?

6 A Yes.

7 Q Did you also live in Texas during those years?

8 A Yes.

9 Q Approximately how long did you live in Texas?

10 A We lived in Texas a couple of different times,
11 No longer than a couple of months at a time.

12 Q And did you live anywhere else other than
13 California?

14 A Boston.

15 Q How long did you stay in Boston?

16 A We were up there close to a year.

17 Q And did you see any relative of Donald Shea's
18 while you were in Boston?

19 A All his immediate family.

20 Q Including his mother, Elizabeth Shea?

21 A Yes.

22 Q Now, other than the time you told us about while
23 you were in Arizona, Texas and in Boston with Donald Shea
24 during the time you were married, did you live at Spahn
25 Ranch?

26 A Yes.

27 Q Now, directing your attention to the years 1961
28 to 1965, while you were married to Donald Shea, did he continue

9-4

1 to talk in the same manner about the movies and about acting
2 and about being a stuntman?

3 A That was his big dream.

4 Q All right, thank you.

5 I have no further questions, your Honor.

6 THE COURT: Any questions?

7 MR. KANAREK: Yes, just if I may, thank you, your Honor.

8
9 CROSS-EXAMINATION

10 BY MR. KANAREK:

11 Q Good afternoon, Mrs. Harmon.

12 Mrs. Harmon, is it a fair statement that you have
13 not seen Mr. Shea since 1965?

14 A That's right.

15 Q Is it a fair statement you have not spoken with
16 Mr. Shea since 1965?

17 A That's right.

18 Q You have not been in Mr. Shea's presence since
19 1965?

20 A That's right.

21 Q And is it a fair statement that you have received
22 nothing in the way of child support from Mr. Shea at any
23 time?

24 A Since I refused.

25 Q Well, prior to the time -- well, I'll withdraw
26 that.

27 Since you left the California area, you've lived
28 in Defiance, Ohio?

9-5

1 A That's right.

2 Q Is that correct?

3 And in your last conversation with Mr. Shea, you
4 were located in what place, what city?

5 A Simi Valley.

6 Q And you told him of your intent to go to Defiance,
7 Ohio?

8 A No.

9 Q Where did you tell him your intent was that you
10 were going?

11 A I didn't tell him I was going anywhere.

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1 Q Well, at the last time that you spoke with him,
2 you were married to Mr. Harmon, --

3 A That's right.

4 Q -- is that correct?

5 And did you -- does Mr. Harmon have relatives in
6 Defiance, Ohio?

7 A In Ohio. Not Defiance.

8 Q Did you state that you were going to Ohio?

9 A No.

10 Q When you left -- well, let me -- I'll withdraw
11 that.

12 Now, in the years from 1965 to the present time,
13 you have corresponded with Mr. Shea's mother in Massachusetts;
14 is that correct?

15 A Infrequently, yes.

16 Q But you have?

17 A Yes.

18 Q And Mr. Shea's -- that is, you have written letters
19 to Boston, Massachusetts, to Mr. Shea's mother?

20 A Yes.

21 Q You have received in return letters from Mrs. Shea,
22 in Boston; is that correct?

23 A No letters. A couple of calls.

24 Q But you have -- in other words, you have communi-
25 cated in one way or another with this lady in Boston?

26 A Yes.

27 Q And have any court proceedings been -- well, let me
28 withdraw that.

1 Mr. Shea has not sent you any money --

2 A No.

3 Q -- for the support of the children, --

4 A No.

5 Q -- is that correct?

6 And Mr. Shea has not visited the children, anywhere,
7 since 1965; is that correct?

8 A Since June of 1965.

9 Q Pardon?

10 A Since June of 1965.

11 Q He has not visited the children?

12 A He didn't know where they were.

13 MR. KANAREK: Well, your Honor, may that be stricken as
14 a conclusion on the part of this lady?

15 THE COURT: The last statement is stricken, ladies and
16 gentlemen.

17 Q BY MR. KANAREK: Other than -- now, let me withdraw
18 that and ask you:

19 Have you spoken to any other relative of Mr. Shea's,
20 other than his mother in Boston?

21 A Yes.

22 Q What other relatives of his have you spoken to?

23 A His aunt.

24 Q And his aunt lives where?

25 A Boston.

26 Q And you spoke to his aunt at the time when you were
27 in Defiance, Ohio?

28 A Yes.

1 Q And that has been since 1965?

2 A Yes.

3 Q And the -- what is the name of the lady who is his
4 aunt?

5 A Huh! Now, you've got me. They call her Jean.
6 But her full name is -- I can't tell you.

7 Q And is she the sister of Mr. Shea's mother?

8 A That's correct.

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

10 THE COURT: You may step down.

11 MR. MANZELLA: Your Honor, I just have one or two
12 questions.

13 THE COURT: Excuse me. Just a minute.

14

15

REDIRECT EXAMINATION

16 BY MR. MANZELLA:

17 Q I just have a couple of more questions to ask you.

18 In June of 1965, when you had the conversation with
19 Donald at your house in Simi Valley, did you discuss child
20 support, and did you discuss Donald's visiting the children in
21 the future?

22 A Yes.

23 Q And what did you say with regard to his visiting
24 the children in the future, and what did you say with regard to
25 his giving the children -- or, giving you child support?

26 A I told him it was better for their second father to
27 take on full responsibility; leave the children alone; not to
28 give them any money or to see them, for their own good.

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

3
4 RECROSS-EXAMINATION

5 BY MR. KANAREK:

6 Q Mrs. Harmon, how old are your children?

7 A At present?

8 Q Yes.

9 A Seven, eight and nine.

10 Q Pardon?

11 A Seven, eight and nine.

12 Q They are seven, eight and nine. And do they carry
13 the name of Shea?

14 A No, sir.

15 Q Have they been adopted by their new father?

16 A Yes, sir.

17 Q And in connection with the adoption proceedings,
18 were papers delivered to Mr. Shea --

19 A No, they weren't.

20 Q Now, in connection with the adoption proceedings,
21 was a citation issued?

22 A It was published in the Los Angeles paper.

23 Q And in -- in publishing in the Los Angeles paper --
24 I'll withdraw that.

25 It was necessary to publish in the Los Angeles paper
26 because you couldn't get personal service on Mr. Shea; you
27 couldn't find him; is that correct?

28 A I didn't really want to.

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Q Pardon?

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A I didn't really want to.

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1 Q Well, you signed something under oath that you
2 couldn't find Mr. Shea; and therefore, it was necessary to serve
3 him by publication; is that correct?

4 A I said I did not know where he was; and I didn't.

5 Q And you -- you are telling us now that he had this
6 great love for the Spahn Ranch?

7 A Yes, sir.

8 Q But you signed a paper saying you didn't know where
9 Mr. Shea was; right?

10 A My lawyer --

11 Q Is that correct? Would you answer?

12 A I didn't sign a paper saying I didn't know where he
13 was.

14 Q Did you state that you knew where he was?

15 A I told my judge -- my lawyer that that's the only
16 place that I would be able to contact him.

17 Q And you told your lawyer about the Spahn Ranch?

18 A Yes.

19 Q In California, --

20 A Yes.

21 Q -- is that right?

22 And your lawyer is a person who is in defiance,
23 Ohio?

24 A Yes.

25 Q And what's the name of your lawyer?

26 A Clemens handled it.

27 Q What's the name?

28 A Clemens.

1 Q What's his full name?

2 A I don't know. It's been a couple of years.

3 Q How do you spell the name?

4 A C-l-e-m-e-n-s.

5 Q And he is a lawyer in Defiance, Ohio?

6 A Yes, he is.

7 Q And was the name of the action -- do you -- was it

8 In the Matter of the Adoption of certain children?

9 A Yes.

10 Q And what were the names of these children?

11 A Betty, Billy and Jerry. That simplifies it.

12 Q Betty Shea?

13 A Elizabeth Marie, William Jerome, Germaine Lorraine.

14 Q I see. And what year was that, that you served by

15 publication Mr. Shea?

16 A The lawyer said if he didn't pay any child support

17 for a solid --

18 Q Would you tell us the year? That's all I am asking

19 for.

20 A That's what I am trying to figure. It would be two

21 years -- it would be in the last part of '69, I believe.

22 Q The last part of '69 that you couldn't find Mr. Shea,

23 and served him by publication; is that correct?

24 A Didn't really look for him.

25 Q My question is: That is correct, though?

26 A That's when I got the adoption, yes.

27 Q And may I ask what county in Ohio is that?

28 A Defiance County.

1 MR. KANAREK: Thank you.

2 MR. MANZELLA: No further questions. Thank you.

3 May Mrs. Harmon be excused, your Honor?

4 THE COURT: You may be, Mrs. Harmon.

5 MR. KANAREK: Thank you, Mrs. Harmon.

6 MR. MANZELLA: The People's next witness is Mrs.
7 Magdalene Shea.

8 May I have a moment, your Honor?

9 THE COURT: Yes, you may.

10 (Pause in the proceedings while Mr. Manzella left
11 the courtroom.)

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

13 You do solemnly swear that the testimony you may
14 give in the cause now pending before this Court shall be the
15 truth, the whole truth, and nothing but the truth, so help you
16 God?

17 THE WITNESS: I do.

18
19 MAGDALENE VELMA SHEA.

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

22 THE CLERK: Please take the stand and be seated,

23 Please state and spell your full name.

24 THE WITNESS: Magdalene Velma Shea; M-a-g-d-a-l-e-n-e,
25 V-e-l-m-a; S-h-e-a.

26 MR. MANZELLA: Your Honor, may I have a moment to get a
27 group of exhibits out of here?

28 THE COURT: Yes, you may.

1 (Pause in the proceedings while Mr. Manzella entered
2 the exhibit room, returning shortly, whereupon the following
3 proceedings were had:)

4
5 DIRECT EXAMINATION

6 BY MR. MANZELLA:

7 Q Mrs. Shea, have you ever known a man by the name of
8 Donald Jerome Shea?

9 A Yes, I have.

10 Q And did you know him by any nickname?

11 A Shorty.

12 MR. MANZELLA: All right.
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1 Your Honor, I have here what is approximately a
2 3 X 5 photograph of a male person in color.

3 May I have that marked People's 47 for identifica-
4 tion?

47 Id.

5 THE COURT: So ordered.

6 BY MR. MANZELLA:

7 Q Mrs. Shea, directing your attention to these
8 two photographs,

9 MR. KANAREK: I haven't seen them, your Honor, if I
10 may.

11 MR. MANZELLA: Oh, I'm sorry.

12 BY MR. MANZELLA:

13 Q Directing your attention to the photograph which
14 has been marked People's 46 for identification, do you
15 recognize the person depicted in that photograph?

16 A Yes.

17 Q And who is that person?

18 A Donald Jerome Shea.

19 Q Directing your attention to the photograph which
20 has been marked People's 47 for identification.

21 Do you recognize the person depicted in that
22 photograph?

23 A Yes.

24 Q Who is that?

25 A Donald Jerome Shea.

26 Q Now, Mrs. Shea, where did you first meet Donald
27 Jerome Shea?

28 A Uh, err -- it was last -- it was in May of 1969.

11-2

- 1 Q And did you later marry Donald Shea?
- 2 A Yes, I did.
- 3 Q Now, in May of 1969, where were you when you met
- 4 Donald Shea?
- 5 A I was working at the Cab-Inn.
- 6 Q Where was that?
- 7 A Uh, in Carson on Avalon and Alondro.
- 8 Q And what was your employment at the Cab-Inn?
- 9 A I was a barmaid and topless dancer.
- 10 Q Now, in what connection did you meet Donald
- 11 Shea?
- 12 A He was the manager of the club.
- 13 Q All right.
- 14 Were you working there before he became the
- 15 manager?
- 16 A Yes, I was.
- 17 Q And he became the manager in May of 1969?
- 18 A Yes.
- 19 Q Now, sometime thereafter did Donald Shea leave
- 20 the Cab-Inn?
- 21 A Yes, he did.
- 22 Q And approximately when was that?
- 23 A The last of May or the first of June. I don't
- 24 know exactly.
- 25 Q That was in 1969?
- 26 A Yes.
- 27 Q Now, the Cab-Inn is in what city?
- 28 A Carson.

11-3

1 Q That's -- is that near Los Angeles?

2 A Uh, no, it is going towards San Pedro.

3 Q All right.

4 Now, where did Shorty go when he left the Cab-Inn?

5 MR. KANAREK: That's ambiguous. I don't -- it doesn't
6 mean on a specific occasion.

7 THE COURT: Sustained.

8 Q BY MR. MANZELLA: All right. In June -- in late
9 May or early June of 1969, did Shorty leave his employment
10 as manager of the Cab-Inn?

11 A Yes, he did.

12 Q Where did he go?

13 MR. KANAREK: Call for a conclusion, your Honor.

14 THE COURT: Sustained.

15 Do you know where he went?

16 THE WITNESS: Yes.

17 Q BY MR. MANZELLA: Where did he go?

18 A To Las Vegas.

19 Q Did you later join him in Las Vegas?

20 A Yes, I did.

21 Q When was that?

22 A First time I went was in June, and then I went
23 back in the first of July and married him.

24 Q Now, you joined him approximately how long after
25 he had left?

26 A Uh, about -- I don't recall. It wasn't a long
27 time.

28 Q Now, sometime after you joined Shorty in Las Vegas,

11-4

1 did you leave Las Vegas?

2 A Yes, I did.

3 Q And where did you go?

4 A I came back to, uh, to L. A. And I went up to
5 Tulare, California, to a funeral.

6 Q And was that for a death in your family?

7 A Yes.

8 Q Now, sometime after you met Shorty in May of
9 1969, did you meet some of Shorty's friends?

10 A Yes.

11 Q And who did you meet?

12 A I met the Babcocks. I met, uh, the Binders.

13 Q All right. Directing your attention now to your
14 meeting with the Binders. Was that a husband and wife?

15 A Yes.

16 Q Do you recall their names?

17 A Jerry and Miriam Binder.

18 Q Did they have any children?

19 A Yes, they have three.

20 Q What were the approximate ages of their children?

21 MR. KANAREK: I don't see any relevancy or materiality
22 of that, your Honor.

23 THE COURT: Sustained.

24 MR. MANZELLA: It is to show the --

25 Q BY MR. MANZELLA: All right, were they little
26 children or grown children?

27 A Uh, uh, they had one grown daughter, one in
28 between. She was 16. And a small one about four or five.

11-5

11a flm.

1 Q Where did you meet the Binders?
2 A On Hollywood Boulevard at their home.
3 Q Here in Los Angeles, is that correct?
4 A Yes.

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11-6

1 Q And were you with Donald when you met the
2 Binders?

3 A Yes.

4 Q And you went to their home, is that correct?

5 A Yes, Donald took me to their home.

6 Q Now, what did -- what did you and Donald do while
7 you were at the home of the Binders?

8 A We talked and he played with the kids, with the
9 baby a lot.

10 Q When you say "the baby," are you referring to
11 the four-year-old?

12 A Yes.

13 Q What was the relationship with Donald Shea with
14 the Binders?

15 A He was very close to them, like a brother-and-
16 sister type.

17 Q Now, when was that, if you recall, that you met
18 the Binders? What month of 1969 was it that you met the
19 Binders?

20 A May.

21 Q Now, did you return to Las Vegas after you met
22 the Binders?

23 A Yes.

24 Q And was it after that that you came back to Los
25 Angeles for the funeral?

26 A Yes, I came back -- err -- after that, with
27 Jerry Binder from Las Vegas. Him and I flew from Las Vegas
28 together.

11-7

1 Q And did you see the Binder family after you got
2 back to Los Angeles?

3 A Yes, Mirian picked Jerry Binder and myself up,
4 her and the four-year-old daughter picked us up at the
5 Burbanks Airport and I went to her house and stayed until I
6 could get a bus to Tulare, California.

7 Q That was where the funeral was, right?

8 A Yes.

9 Q All right.

10 Do you recall when it was that -- strike that.

11 After the funeral, did you return to Las Vegas?

12 A I worked here for a few days, and then I returned
13 to Las Vegas.

14 Q And do you remember approximately when it was that
15 you returned to Las Vegas?

16 A About a week.

17 Q Was it near the end of June of 1969?

18 A Yes.

19 Q Now, when you returned to Las Vegas, was it then
20 that you and Donald got married?

21 A Yes.

22 Q And do you recall the date on which you and he
23 got married?

24 A July 1st, 1969.

25 Q And did you have a best man and a bridesmaid
26 at the wedding?

27 A Yes, we did.

28 Q Who was the best man?

11-8

1 A Jerry Binder.

2 Q Who was the bridesmaid?

3 A Brenda Williams.

4 Q Now, sometime after you got married to Donald

5 on July 1st, 1969, did you leave Las Vegas?

6 A Yes.

7 Q And when was it that you left?

8 A Uh, it was the second -- the second or third week

9 in July I returned back to L. A.

10 Q And did you come back with Donald or without him?

11 A I came back without him. He followed a week

12 later.

13 Q And did you see Donald then here in Los Angeles

14 a week later?

15 A Yes, I did.

16 Q Now, why was it that Donald -- strike that.

17 When you left Las Vegas in the second or third

18 week in July, 1969, and returned to Los Angeles, was Donald

19 working in Las Vegas at that time?

20 A Yes, he was.

21 Q Where was he working?

22 A At a place called "Books and Things."

23 Q And who owned -- strike that.

24 And was that a store?

25 A It was a store.

26 Q And who owned that?

27 A Jerry Binder.

28 Q And what was Donald -- strike that.

11-9

1 In what capacity was Donald working at Binder's
2 store?

3 A Uh, he was a manager like. He overseen the money,
4 and that he did some stuff -- like you come into the store
5 and he had to keep track of the money and plus he sold books.

6 Q Now, before Donald returned to Los Angeles, did
7 he have to find a replacement for himself at Binder's
8 Bookstore?

9 A Yes, he did.

10 Q Now, after -- what part of July did Donald return
11 to Los Angeles?

12 A The last week or the week before the last week,
13 because he came one week after I left.

14 Q All right. All right. And where did you and
15 Donald stay, then, after he returned to Los Angeles?
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1 A When he first returned, we stayed at a friend's
2 house for two days. And then, we moved to the Wilcox Hotel.

3 Q Is that the Wilcox Hotel?

4 A Yes.

5 Q Spelled W-i-l-c-o-x?

6 A Yes.

7 Q And is that in Hollywood?

8 A Yes.

9 Q Now, how long did you stay at the Wilcox Hotel
10 with Donald?

11 A Until the 16th of August.

12 Q Of 1969?

13 A Yes.

14 Q Now, directing your attention to the day after
15 Donald had returned from Las Vegas, did he take you anywhere
16 to visit anybody?

17 A Yes, he did.

18 Q And who did he take you to visit?

19 A He took me to the Spahn's Ranch to visit Ruby
20 Pearl and George Spahn.

21 Q And did he, prior to that time, -- had he told
22 you anything about his feelings towards George Spahn and
23 Ruby Pearl?

24 A Yes.

25 MR. KANAREK: Your Honor, I'll object to that as a
26 statement of hearsay and conclusion.

27 THE COURT: Overruled.

28 It is admitted, however, ladies and gentlemen, as

1 the Court has advised you concerning any of Mr. Shea's
2 statements thus far, as indications if they -- if those
3 statements are indications, of Mr. Shea's state of mind only
4 and are received, if you receive them, or utilize them at
5 all, for that purpose.

6 Q BY MR. MANZELLA: Prior to the time that Donald
7 took you out to the Spahn Ranch, did he tell you anything about
8 his feelings for Ruby Pearl and George Spahn?

9 A Yes, he did.

10 Q What did he say?

11 A He looked upon George Spahn as a father and Ruby
12 Pearl as a mother. He said he had known them for a number
13 of years and they had been very good friends and he had lived
14 out there for quite sometime before I had ever met him.

15 Q Now, did you go out to the ranch?

16 A Yes, I did.

17 Q And did you meet George Spahn and Ruby Pearl?

18 A No, at the time we arrived, George Spahn and Ruby
19 Pearl had gone to dinner.

20 Q Now, did you meet anyone at Spahn Ranch while you
21 were out there?

22 A Yes, I did.

23 Q Who did you meet?

24 A Uh, Charlie Tuna, which I know now as Charles
25 Manson.

26 Q All right. Is that the defendant in this case,
27 Mr. Charles Manson?

28 A Yes, it is.

1 Q Did you meet anyone else out at Spahn Ranch?

2 A Not at that particular time.

3 Q Did you later return to Spahn Ranch?

4 A Yes, I did.

5 Q Do you recall the date on which you returned to
6 Spahn Ranch?

7 A August the 12th, of 1969.

8 Q And did you meet anyone at Spahn Ranch on August
9 12th?

10 A Yes, I did.

11 Q Who did you meet?

12 A I met Ruby Pearl, George Spahn, Tex Watson,
13 Squeaky, and quite a few other peoples.

14 Q And did you visit with George Spahn and Ruby
15 Pearl on that occasion?

16 A Yes, when they got back from downtown eating.

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1 Q And was Donald with you?

2 A Yes.

3 Q And how long did you visit with George Spahn and

4 Ruby Pearl?

5 A About an hour, 45 minutes to an hour.

6 Q All right. Now, did you ever meet anyone called

7 Babcock?

8 A Yes.

9 Q And was that the name of a husband and wife?

10 A Jim and Sharon Babcock.

11 Q Did Jim and Sharon Babcock have any children?

12 A Yes.

13 Q How many children did they have?

14 A At the time I met them, they had only one.

15 Q And do you recall when it was that you met the

16 Babcocks?

17 A August the 11th, 1969.

18 Q And that was before you met George Spahn and Ruby

19 Pearl?

20 A Yes.

21 Q Now, in what connection did you meet Jim Babcock and

22 his wife?

23 A Don took me out to their house in Topanga Canyon.

24 Q Were they friends of Donald's?

25 A Yes.

26 Q And what did you do while you visited with the

27 Babcocks?

28 A We slept, and we talked, and they told me about

1 things that Don had -- how long they had known him and every-
2 thing, and he played with their little baby.

3 Q And were you -- did you become aware of the
4 relationship between your husband, Donald Shea, and the Babcocks?

5 A Yes. It was very close.

6 Q Now, again, on August 11, 1969, did you and Donald
7 do anything, other than visit with the Babcocks?

8 A We went to Maurice Kosloff Studio, that was on
9 Wilshire and Robert -- Robert --

10 Q Can you spell that name, the name of the person?

11 A K-a-r-l-o-f-f.

12 Q And the first name was Maurice?

13 A Right.

14 Q And you and Don went there together?

15 A Yes, we did.

16 Q And this was before you went out to visit the
17 Babcocks?

18 A Yes.

19 Q Now, what did you and Donald do at this place?

20 A At the studio?

21 Q Right.

22 A We talked to Mr. Kosloff, and I read a script, and
23 Don read a script, for --

24 Q And what was this -- I'm sorry. Go ahead.

25 A For a picture that he was getting ready to produce,
26 sometime in the year of '69.

27 Q And both you and Donald read scripts?

28 A Yes.

1 Q And did anything happen before you left the studio
2 and went to visit the Babcocks?

3 A No. We talked to him, and he told Donald to --
4 that he had a part, when he got ready to do the picture, that
5 he would give him a part.

6 And I had -- and I would also work in the picture as
7 an extra.

8 Q And were any preparations made for that?

9 A Yes, it was.

10 Q And what was that?

11 A He took Donald -- the size of -- we signed no
12 contracts, but he took down the fitting for clothes, and where
13 we could be reached, to get in touch with, because Don had also
14 had to read for someone else.

15 Q He took down the sizes, your clothes size --

16 A Yes.

17 Q -- and the size of Donald's clothes?

18 A Yes.

19 Q Now, Donald, while you were in Las Vegas, had
20 Donald ever discussed with you the movies in general, or
21 acting in particular?

22 A Yes, he did.

23 Q And what did he say in that regard?

24 A He always wanted -- he told me about -- he showed
25 me some pictures, and -- that he had did, where he had did
26 small parts, and also some receipts, where he had worked for
27 Robert Bickston and made movies.

28 And he wanted to be an actor, very much.

1 Q Did he say anything at that same time, while you
2 were in Las Vegas, about any particular film or any particular
3 movie?

4 A Yes, about one in Arizona, that Robert Bickston was
5 making.

6 Q And was that one that had already been made, or was
7 it one in the future?

8 A It was one that was -- sometime in Arizona -- I
9 don't know exactly. But it was in the process of being made.

10 Q Now, while you were married to Donald, did you
11 become familiar with some of his possessions, his personal
12 possessions?

13 A Yes, I did.

14 Q Did Donald have any guns?

15 A Yes, he had two, a set, a matched set of Colt .45's.

12a

12a

1 Q And would you -- could you describe them any more
2 for us?

3 A Yes. They had -- they have a number on them.
4 They're about so long (indicating), and they have a -- a number
5 on each set. One is 22 and one is 21.

6 Q You are holding your fingers apart. Is that about --

7 A Yeah, they're about this long (indicating).

8 Q 10 or 11 inches, --

9 A Well --

10 Q -- would you say?

11 A I never measured them, but they're -- yeah,
12 approximately this long (indicating).

13 THE COURT: Indicating about nine or ten inches, the
14 Court believes.

15 MR. MANZELLA: All right.

16 Q And do you recall any more about them? Were they
17 revolvers or automatics? Do you know the difference?

18 A They were old antique -- they wasn't revolvers;
19 you had to pull the trigger back to shoot it.

20 Q You had to pull the hammer back to shoot it?

21 A Yeah.

22 Q Now, you said these were a matched set of guns?

23 A Yes.

24 Q Did Donald carry these in any special way?

25 A In an attache -- in a brown attache case, where,
26 in the bottom, it had a covered place where you could lay them,
27 like they was made to be fit in there. It was fitted.

28 Q I see. And was there any other -- were there any

1 markings on the outside of the attache case itself?

2 A Yes, it was. It had Reverend Donald Jerome Shea.

3 Q And did Donald carry anything else in this attache
4 case?

5 A He had a knife.

6 Q Could you describe the knife for us at all? How
7 long was the knife?

8 A It was approximately that long (indicating).

9 Q Is that about 10 inches?

10 A (Indicating.)

11 THE COURT: Indicating about 10 inches.

12 Q BY MR. MANZELLA: Now, you said something about some
13 numbers. What were the numbers on the guns?

14 A 21 and 22.

15 Q They were consecutive numbers?

16 A Yes, they was.

17 Q And were they part of the serial number?
18 Or do you just remember these numbers being on the guns?

19 A Well, they was at the -- at the top of the gun
20 (indicating), like right here; and one set was 2421, and the
21 other one was 2422.

22 Q All right. And had you seen these guns during the
23 time you were married to Donald?

24 A Yes.

25 Q On one occasion or more than one occasion?

26 A More than one occasion. Because that was -- like
27 those guns was his pride possession; like -- they were some-
28 thing like -- they was his, and he -- he treasured them very

1 much.

2 Q All right. Can you tell us some of the things,
3 if anything, that Donald did with those guns in your presence?

4 A Well, he did tricks with them. Sometimes, for me,
5 pulling them out of the holster and -- and doing fast draws
6 and spinning them around his fingers.

7 Q Did Donald use these guns in stunt work, if you
8 know?

9 A Yes.

13

13-1

1 Q Now, while you were in Los Angeles, did Donald ever
2 do anything with those two guns when you were present? Did he
3 ever take them anywhere?

4 A Yes, he pawned them.

5 Q He pawned them?

6 A Yes.

7 Q And were you present when he pawned the guns?

8 A Once I was.

9 Q Where was this that he pawned the guns?
10 What city was it in?

11 A Hollywood.

12 Q Now, did Donald say anything about his attitude
13 towards his guns and whether or not he would ever sell them?
14 Did he ever say anything about that?

15 A No, he would never sell his gun.

16 Q Did Donald say that?

17 A Yes, he did.

18 Q And did you talk about that when you went with him
19 to pawn the gun?

20 A Yes, once.

21 MR. KANAREK: Your Honor, that statement that Donald would
22 never sell his gun, that is a conclusion, which I ask be
23 stricken.

24 THE COURT: Well, it was followed by a statement in which
25 she stated that he said that, so the objection -- the motion to
26 strike is denied. The answer may remain in the record.

27 Q BY MR. MANZELLA: Did Donald tell you that about his
28 guns?

1 A Yes. Once I asked him -- he pawned a gun and I
2 asked him why he didn't get no more money than what he got,
3 and he told me that he pawned them for the amount of money that
4 he got because he didn't want to lose them and this way he
5 knew he'd be sure to get them out of the pawnshop.

6 THE COURT: Those statements are received to establish,
7 if they do establish, again, a state of mind, and only for that
8 purpose.

9 Q BY MR. MANZELLA: Now, directing your -- strike
10 that.

11 When was the last day that you saw or heard from
12 Shorty, Donald Shea, your husband?

13 A August 16, 1969.

14 Q And what, if anything, happened on that date?

15 A He went out to the Spahn's Ranch, and he called me
16 from there and told me he was going to stay out there for a
17 while because they had had a raid, an auto raid that morning,
18 and he was waiting for someone to return to the ranch.

19 Q They had had a raid at the Spahn Ranch that
20 morning?

21 A Yes.

22 Q Now, had anything happened between you and Donald
23 on -- during the early morning hours of that day?

24 A Yes, we had had an argument.

25 Q Was that argument the early morning hours of
26 August 16?

27 A Yes.

28 Q And can you tell us what the argument was about?

1 A I wanted to work, and he didn't want me to work.

2 Q Was it about anything else?

3 A Nothing special -- well, he drank a little bit and
4 I didn't like that.

5 Q Did any part of the argument have to do with money?

6 A Yes. That was the main part of the argument, because
7 I wanted to go to work and he didn't want to work. And at the
8 time he wasn't working enough, you know, -- like I felt like I
9 should help.

10 Q You felt like you should go out to work to earn
11 more money for the two of you?

12 A No, he was working, you know, like -- like -- not
13 steadily, because he had fell out of a tree and -- uh, it didn't
14 do any extensive damage, but then he got laid off.

15 Q And you wanted to go to work?

16 A Yes.

17 Q Part of your argument was over your wanting to go
18 out and work, is that correct?

19 A Yes.

20 Q Now, did that argument occur while you were at the
21 Wilcox Hotel, during the early morning hours of August 16?

22 A Yes.

23 Q And after that argument did -- or during that
24 argument did Donald go some place?

25 A Yes, he left.

26 Q He left you?

27 A Yes.

28 Q All right. Wednesday, after Donald left -- strike

that.

Approximately what part of the day is this on August 16th?

A This is early in the morning, about 7:00 -- about 6:00 -- about 7:00 o'clock, 6:30 or 7:00 o'clock.

Q And did you later on hear from Donald?

A Yes. It was late that afternoon, about 7:00 or 8:00 o'clock that night.

13a

13a-1

1 Q And how did you hear from him?

2 A By phone.

3 Q And did he call you on the phone?

4 A Yes, he did.

5 Q And he called you at the hotel?

6 A Yes, he called me at the hotel.

7 Q And did you have a conversation with him on the

8 phone?

9 A Yes.

10 Q What was said?

11 A He told me --

12 MR. KANAREK: Well, your Honor --

13 THE COURT: Now, again, the statements thus far attributed

14 to Mr. Shea in the so-called argument, his statement in a tele-

15 phone call from Spahn Ranch previously, those have been

16 received, the Court instructs you, for the same limited purpose,

17 to show state of mind.

18 The conversation here is likewise limited to

19 show state of mind, if it does, in fact, show state of mind.

20 Q BY MR. MANZELLA: And what did Donald say or what

21 was the conversation?

22 A He told me that -- he was at the Spahn's Ranch.

23 And he was waiting there for someone to come back because there

24 was no one there and there had been a raid for an auto theft

25 ring that Saturday morning.

26 MR. KANAREK: Well, your Honor --

27 Q BY MR. MANZELLA: Did Donald --

28 MR. KANAREK: Your Honor, I ask that that be stricken.

1 THE COURT: The statements, "There had been a raid for an
2 auto theft ring" may be stricken.

3 MR. MANZELLA: Your Honor, could the Court leave that
4 part about there being a raid? There will be --

5 THE COURT: The statement "for an auto theft ring" is
6 stricken. The other part of it may remain.

7 You are instructed, ladies and gentlemen, as I
8 previously told you, that anything stricken, you are to disregard
9 entirely.

10 Go ahead.

11 Q BY MR. MANZELLA: Did Donald say where he was going
12 to stay during that phone call?

13 A At the ranch.

14 Q And -- all right. Now, did you leave the hotel?

15 A Yes, I left the hotel.

16 Q Did you later return to your room at the hotel?

17 A Yes.

18 Q And when did you return?

19 A August 17.

20 Q And that's the next day?

21 A In the morning.

22 Q Of --

23 A After 12:00 o'clock.

24 Q After midnight?

25 A Yes.

26 Q And was anything gone after you returned to your
27 hotel room?

28 A His possessions.

1 Q Would you tell me what you mean by Donald's
2 possessions?

3 A Well, he had some luggage there and some clothes and
4 the luggage was gone. And he left me a letter and --

5 MR. KANAREK: Well, your Honor, "he left me a letter,"
6 that's a conclusion on her part.

7 THE COURT: Sustained.

8 Q BY MR. MANZELLA: All right, now, you say --

9 THE COURT: The Court will strike -- in the motion to
10 strike "he left me a letter," that is stricken without further
11 foundation.

12 Q BY MR. MANZELLA: Now, you say that Donald's
13 clothes were gone?

14 A Yes.

15 Q Was anything else of Donald's gone from the room
16 when you returned?

17 A Everything that was his in the room was gone.

18 Q Did Donald have any suitcases or pieces of luggage?

19 A Yes.

20 Q Would you describe those for us, please?

21 A He had a brown suitcase, uh -- err -- like, uh, a
22 large luggage. He had a -- a silver -- a blue one, blue-gray,
23 silver blue one that was smaller, more like a weekend case,
24 plus he had two foot lockers that --

25 Q Now -- I'm sorry.

26 The two suitcases, had he kept those in the room?

27 A In the room.

28 Q Now, these are two suitcases separate from the

1 attache case where he kept the gun?

2 A. Yes.

3 Q. The two foot lockers, where did Donald keep those?
4 Were those in the room or somewhere else?

5 A. In the trunk of the car.

6 Q. What car are you referring to?

7 A. A '63 white Comet.

8 Q. Is that a Mercury Comet?

9 A. Mercury.

13b

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13b-1

1 Q Now, the foot lockers, can you -- there were two
2 of them?

3 A Yes.

4 Q Can you describe them for us?

5 A Yes, they were green with red writing, "Donald
6 Jerome" on the top of them, stamped in red.

7 Q Was "Donald Jerome" on the top of both of them?

8 A Yes.

9 Q Now, do you -- strike that.
10 Were you married to Shorty when he acquired the
11 1963 Mercury Comet?

12 A Yes, I was.

13 Q And do you recall when he acquired that car?

14 A When we got back from Las Vegas.

15 Q And do you know -- were you present when Shorty got
16 the car?

17 A No, I wasn't with him.

18 Q Do you recall from whom he got the car?

19 A From John Enfield.

20 Q Is that spelled E-n-f-i-e-l-d?

21 A Yes.

22 Q Now, other than the phone call that you received
23 from Donald, did you receive any other communication from him?

24 A Only a letter that he had left in the mailbox at
25 the hotel for me.

26 Q Now, were you -- was that letter in writing?

27 A Yes.

28 Q Were you familiar with Donald's writing?

1 A Yes.

2 Q Had you seen it on prior occasions?

3 A Yes.

4 Q And did -- was Donald's writing on this letter?

5 A Yes, it was.

6 Q Now, when did you -- when did you first see the
7 letter?

8 A When I got back.

9 Q Is this on the morning of August 17?

10 A Yes.

11 Q Now, would you tell us what the -- what the letter
12 said?

13 MR. KANAREK: Well, your Honor, the best evidence rule --

14 THE COURT: Sustained.

15 Q BY MR. MANZELLA: Do you have the letter?

16 A No, I don't.

17 Q Do you know what's happened to the letter?

18 A I couldn't find it.

19 Q Have you been asked to look for the letter?

20 A Yes.

21 Q Have you been able to find it?

22 A No, I haven't been able to locate it.

23 MR. MANZELLA: The People would ask that it be received,
24 your Honor, on the grounds the original has been lost or
25 destroyed through no fault of either party.

26 THE COURT: Mr. Kanarek, any questions?

27 MR. KANAREK: No, your Honor.

28 THE COURT: When did you last see the letter?

1 THE WITNESS: August the 27th, when I, uh, uh, got in touch
2 with the Babcocks. I was trying to contact him.

3 THE COURT: And where was it when you last saw it?

4 THE WITNESS: It was at my house where I was staying. I
5 had a telephone number. He had left a number on there if I
6 wanted to get in touch with him.

7 THE COURT: At your house?

8 THE WITNESS: Yes.

9 THE COURT: And the other part of the answer is stricken.

10 MR. KANAREK: Your Honor, what was that?

11 THE COURT: The other part of the answer is stricken.

12 MR. KANAREK: About the telephone number?

13 THE COURT: Yes.

14 MR. KANAREK: I'm not asking that it be stricken, your
15 Honor.

16 THE COURT: It is not responsive to the Court's questions,
17 so the Court strikes it.

18 Q BY MR. MANZELLA: All right. Mrs. Shea, let me
19 ask you this, did you destroy the letter or did you -- or --
20 or anything of that nature? In other words, did you inten-
21 tionally destroy it?

22 A No, I lost it.

23 THE COURT: What efforts have you made to find it?

24 THE WITNESS: I've looked for it. I can't find it.
25 I told them in '69 when I came down that I had this letter and
26 I've looked for it ever since then, but you have papers around
27 and you -- you don't -- I couldn't find it.

28 MR. MANZELLA: All right, your Honor, the People would

1 ask that this secondary evidence be received on the grounds that
2 the original has been lost or destroyed through no fault of
3 either party or either of the parties.

4 THE COURT: What did you do to attempt to find it?

5 THE WITNESS: I looked through the papers that I had and
6 where I had had it at the particular time, but I couldn't find
7 it.

8 THE COURT: How long did you look for it? And have you
9 looked for it more than once?

10 THE WITNESS: I've looked for it more than once.

11 THE COURT: How long did you look for it?

12 THE WITNESS: I've looked for it for two years, because it
13 has been brought up to me. But I just don't have it.

14 THE COURT: All right, I'll permit her to testify to it.

15 However, it is received, again, ladies and
16 gentlemen, for the limited purpose for which the Court has
17 previously explained the other statements of Mr. Shea that
18 have been received, to show state of mind if, in fact, it does
19 show that.

20 Go ahead.

21 Q BY MR. MANZELLA: All right, Mr. Shea, would you
22 tell us what Shorty said in the letter?

23 A He told me that he was leaving and he didn't say
24 exactly where he was going. But he told me if I wanted to get
25 in touch with him, to call the Babcocks and they would know
26 where to reach him at all times.

27 Q And did he say anything in the letter to you about
28 the argument that you had had?

1 A Yes.

2 Q What did he say?

3 A That he hoped that I would forgive him for acting
4 the way that he did, but he still didn't want me to work.

5 Q And did he say anything about whether or not he
6 wanted the marriage to continue?

7 A Yes, he did want to continue.

8 Q What did he say?

9 A He wanted -- he said he hoped that maybe some day
10 that we could get back together and continue our marriage.

11 I can't remember everything, because it's been two
12 years ago.

13 Q Do you recall if he said anything about the
14 drinking that you had argued about, if you recall?

15 A He asked me to forgive him for being a poor fool
16 that liked to drink.

17 Q Are those the words that he used, "poor fool"?

18 A Yes.

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14-1

1 Q Now, did you attempt to contact Shorty?

2 A I attempted to contact him August the 27th, 1969.

3 Q And how did you go about that?

4 A I called the Babcocks, and asked them if they knew
5 where that I could get in touch with Donald; and --
6 and they told me that he was at the Spahn's Ranch, and gave me
7 a number to call out there.

8 Q And who did you talk to when you called the Babcocks?

9 MR. KANAREK: Well, your Honor, that statement is hearsay,
10 that he was at the Spahn Ranch; and that's inadmissible.

11 THE COURT: Would you read it back to me, Mr. Williams?

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

14 "Q And how did you go about that?

15 "A I called the Babcocks, and asked them
16 if they knew where that I could get in touch with
17 Donald; and -- and they told me that he was at the
18 Spahn's Ranch, and gave me a number to call out
19 there.")

20 MR. KANAREK: That's a hearsay statement, your Honor.

21 THE COURT: All right. Sustained. The Court will grant
22 the motion to strike as to what was said.

23 Q BY MR. MANZELLA: Who did you talk to when you
24 called the Babcocks?

25 A Sharon Babcock.

26 Q That was the wife of Jim Babcock?

27 A Yes.

28 Q Now, were you successful in locating Donald, as a

1 result of that telephone call?

2 A No. I called the Spahn's Ranch --

3 Q All right. Let me interrupt you.

4 You were not successful?

5 A No.

6 Q Now, as a result of talking to Mrs. Babcock, did
7 you then call some place else?

8 A I called the Spahn's Ranch.

9 Q And when was the first time that you called --
10 strike that.

11 How many times in all did you call Spahn Ranch after
12 that?

13 A Three times.

14 Q When was the first time that you called?

15 A August the 27th, 1969.

16 Q Was that the same day that you had called the
17 Babcocks?

18 A Yes.

19 Q And when you called Spahn Ranch, did somebody answer
20 the telephone?

21 A A female.

22 Q Did you recognize the voice?

23 A No, I didn't.

24 Q Did you have a conversation with the female who
25 answered the telephone?

26 A Yes. I asked to speak to Shorty Shea, and --

27 MR. KANAREK: Yes, your Honor. I'll object to any
28 further --

1 THE COURT: After she asked, the answer is stricken.

2 Q BY MR. MANZELLA: And would you tell us what the
3 conversation was?

4 A The voice told me that he wasn't there right now;
5 and to call back later.

6 And I told her that I would call back at 6:00
7 o'clock that afternoon.

8 Q All right. Did you call back -- did you call the
9 Spahn Ranch the second time?

10 A No. I called back the following day, August the
11 28th, about 9:00 o'clock.

12 Q 9:00 o'clock in the morning?

13 A Yes.

14 Q And when you called, did anybody answer the
15 telephone?

16 A A female.

17 Q Is this -- you called Spahn Ranch; is that
18 correct?

19 A Yes.

20 Q Now, when you called and spoke to the female that
21 morning, did you have a conversation with the person who answered
22 the phone?

23 A Yes.

24 Q And what was that conversation?

25 A That Donald had left, going to San Francisco.

26 Q And this was on the 28th of August?

27 A Yes.

28 Q Now, did you ever call Spahn Ranch -- strike that.

1 You said you called Spahn Ranch three times?

2 A Yes.

3 Q When was the third call?

4 A It was in September. I -- around the 1st of
5 September.

6 Q This was during -- sometime around the 1st of
7 September?

8 A Yes.

9 Q Would it have been in August, or was this in the
10 first week of September?

11 A It was not too many days after I had called in
12 August.

13 Q All right. And what happened when you called
14 around the 1st of September?

15 A I was still told that he was --

16 MR. KANAREK: Well, your Honor, that is not what he
17 said. "Around the 1st," that's assuming facts not in evidence,
18 your Honor, and it's ambiguous.

19 It solicits --

20 THE COURT: Sustained.

21 Q BY MR. MANZELLA: Did you call Spahn Ranch the third
22 time when you called?

23 A Yes.

24 Q And approximately when did you call?

25 A Around the 1st of September.

26 Q All right. Now, when you called around the 1st of
27 September, did somebody answer the telephone?

28 A Yes.

1 Q Did you recognize the person who answered the
2 telephone?

3 A No. It was a voice.

4 Q Male or female?

5 A Female.

6 Q Now, let me go back to the second call for a
7 minute.

8 Did you recognize the voice of the person who
9 answered the telephone the second time you called Spahn
10 Ranch?

11 A No, I didn't. All I know, it was a female.

12 Q All right. Now, did you have a conversation with
13 the person who answered the phone when you called her on the
14 1st of September?

15 A Yes.

16 Q And what was that?

17 A I was told Don had left, going to San Francisco.

18 MR. MANZELLA: All right, your Honor. Could we take a
19 recess at this time?

20 I would like the time to get all these exhibits
21 ready, anyway.

22 THE COURT: Yes. We have been going about an hour and
23 five minutes.

24 We'll take a recess, ladies and gentlemen.
25 You are admonished not to converse amongst yourselves nor with
26 anyone else, nor permit anyone else to converse with you on
27 any subject connected with this case, nor to form or express
28 an opinion on the matter until it is finally submitted to you.

1 Ten or 15 minutes.

2 You may step down, ma'am.

3 (Mid-afternoon recess.)

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1 THE COURT: The record will show the defendant to be
2 present with his counsel. All the jurors are in the box.

3 You may proceed.

4 BY MR. MANZELLA:

5 Q All right, Mrs. Shea, going back for a minute
6 to the footlockers that you have already described.

7 Where did -- did you know where Shorty kept
8 those?

9 A In the trunk of the car.

10 Q Is that the 1963 white Mercury Comet?

11 A Yes.

12 Q That you have described?

13 A Yes.

14 Q Now, did Shorty have any unusual markings or did
15 he have any markings on his body or any unusual physical
16 characteristics?

17 A Yes, he did.

18 Q Would you describe those for us, please?

19 A On his chest he had three -- three horses
20 tattooed. He had the father horse, the mare and the baby
21 horse.

22 And on the left side of his heart, he had a
23 heart tattooed with "I'll always love Niki."

24 On his --

25 Q Now, let me interrupt you for a minute.

26 Do you have a nickname?

27 A Yes.

28 Q What is your nickname?

15-2

1 A Niki.

2 Q Please continue with your description of his
3 markings and characteristics?

4 A On his arm he had a tattoo of a rose.

5 And on this arm --

6 Q You're talking about his right arm?

7 A The right arm.

8 He had another tattoo, but I don't recall exactly
9 now.

10 And on the left arm he had a smaller one -- err --
11 about down here (indicating).

12 Q You're talking about the -- near the wrist of his
13 left arm?

14 A Yes.

15 Q All right.

16 A It was below the elbow. It was below the elbow.

17 Q All right. And what, did he have a tattoo on
18 that part of his arm?

19 A Yes.

20 And his back, he had, like -- he had surgery at
21 the lower part of his spine that was like a hole.

22 And on both legs, the lower part -- err -- he
23 had had surgery.

24 And also his feet, they had been broken.

25 Q All right. Let me ask you this, the surgery on
26 the lower part of his legs, are you referring to somewhere
27 near -- on his calves or near his ankles?

28 A Uh, right up on the -- the bottom -- the back part.

15-3

1

Q Of his leg?

2

A Yes.

3

Q And did that leave some sort of marking or

4

some sort of physical characteristic?

5

A A scar.

6

Q All right. Now, would you describe his feet.

7

You started to describe something with regard to Shorty's

8

feet.

9

A They had been broken. And you could tell because,

10

like, the bones, they stick up higher than ordinarily your

11

feet would be.

12

Q Now, what bones are you referring to? Are you

13

referring to his ankles?

14

A Yes.

15

Q All right. And what was it about his ankles that

16

you noticed?

17

A You -- I can't describe it. They wasn't just

18

like my ankles and (shakes head) --

19

Q Did they appear different?

20

A Yeah.

21

Q From normally?

22

A Yes, they did.

23

Q What you would normally think of or picture of as

24

ankles?

25

A They was -- you could tell that it was something

26

wrong with them.

27

Q All right. And do you know what had happened

28

to Shorty's ankles?

15-4

A Well, I don't know. Uh, err, he told me that
they had got broken.

16 fls.

16-1

1 Q All right.

2 A And he also had gold (indicating) on the top of
3 his mouth; gold caps at the top of his mouth. And I think
4 the bottom, too, but -- but I know the top was filled with
5 gold caps.

6 Q All right. That's -- his teeth were capped --

7 A Yes.

8 Q -- with gold?

9 Now, do you recall any other physical characteris-
10 tics or markings that you remember?

11 A He had a scar -- the left eye (indicating); it
12 was like down across, all the way down. It wasn't -- unless
13 you looked real close, it wasn't real visible. But he said it
14 was broken open at some time before I met him.

15 Q All right. Now, did the scar run up and down?

16 A Yeah. All the way down his face (indicating).
17 Now, it came down like a cross -- you know, like this
18 (indicating).

19 Q It started over his --

20 A Yes.

21 Q -- over his left eye?

22 A Yes.

23 Q And it went down?

24 A All the way across. You could see the -- the
25 physical -- if you looked real close. But if not, you couldn't
26 see.

27 Q And it went down through the eyelid and down into
28 his left cheek?

16-2

1 A Yes, to his face.

2 Q All right. And do you recall any other physical
3 characteristics or markings?

4 A No.

5 Q Directing your attention, then, to the photograph
6 which has been marked People's 46 for identification, do you
7 recognize who is depicted in that photograph?

8 A Yes. That's Donald.

9 Q That's your husband, Donald Jerome Shea?

10 A That's my husband, Donald Jerome Shea.

11 Q All right. Directing your attention to the
12 photograph which has been marked People's 47 for identifica-
13 tion, do you recognize the person depicted in that photograph?

14 A Yes. That's my husband, Donald Jerome Shea.

15 MR. MANZELLA: Your Honor, I have here what appears to
16 be a certified copy of a marriage certificate. May I have
17 that marked People's 48 for identification?

18 THE COURT: So ordered.

19 MR. MANZELLA: And I have here what appears to be a --
20 it's a black and white photograph of two persons. May I have
21 that marked People's 48-A for identification?

22 THE COURT: Yes, you may have it so marked.

23 MR. MANZELLA: And I have here what appears to be a
24 photograph of -- a black and white photograph of four persons.
25 May I have that marked People's 48-B for identification?

26 THE COURT: So marked.

27 Q BY MR. MANZELLA: Mrs. Shea, directing your
28 attention to this -- to what appears to be a marriage

48 Id.

48-A Id.

48-B Id.

16-3

1 certificate, which has been marked People's 48 for identifica-
2 tion, do you recognize that document?

3 A Yes.

4 Q Can you identify it for us, please?

5 A This is the marriage license that -- when we
6 got married in Las Vegas.

7 Q On July 1st, 1969?

8 A Yes.

9 Q All right. Directing your attention to this
10 photograph showing two people, it's been marked People's
11 48-A for identification.

12 Do you recognize who is depicted in that photo-
13 graph?

14 A Yes.

15 Q And who is that?

16 A Donald Shea and myself.

17 Q And when was this photograph taken?

18 A At our wedding.

19 Q Directing your attention to this photograph,
20 showing four people, which has been marked People's 48-B,
21 for identification, do you recognize the people shown in
22 that photograph?

23 A Yes.

24 Q And who -- and when was this photograph taken?

25 A At our wedding.

26 Q And starting from the left of the photograph,
27 as you look at it, would you tell us who is shown in the
28 photograph?

16-4 1 A Brenda Williams, myself, Donald Jerome Shea, and
2 Jerry Binder.

3 Q Now, Mr. Binder is at the left, as you look at
4 the photograph; is that right?

5 A Yes.

6 Q And Brenda Williams is on the right?

7 A Yes.

8 Q And that's you and Donald in the middle?

9 A Yes.

10 MR. MANZELLA: Your Honor, I have here a black and
11 white -- what appears to be a black and white photograph
12 of a male person.

13 May I have that marked People's 49 for identifica-
14 tion?

15 THE COURT: So ordered.

16 MR. MANZELLA: And I have here what appears to be a
17 photograph of a male person, black and white. May I have
18 that marked People's 50 for identification?

19 THE COURT: So ordered.

20 MR. MANZELLA: And I have here what appears to be a
21 black and white photograph of a female person. May I have
22 that marked People's 51 for identification?

23 THE COURT: So ordered.

24 MR. MANZELLA: And I have here what appears to be a
25 black and white photograph of a female person. May I have
26 that marked People's 52 for identification?

27 THE COURT: So ordered.
28

17-1

1 MR. KANAREK: Your Honor, I haven't seen those
2 pictures.

3 MR. MANZELLA: I'm sorry.

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

5 THE COURT: You may.

6 (Whereupon, the following proceedings were had
7 at the bench among Court and counsel, outside the
8 hearing of the jury:)

9 MR. KANAREK: Your Honor, I am sure there are pictures
10 available -- you don't have to use these pictures for the
11 purpose of identification. These are blown-up mug shots,
12 your Honor, and they are horrible. I mean, it is not
13 necessary. Their prejudicial value far outweighs the
14 probative value. They look like -- I mean, they have been
15 deliberately chosen.

16 THE COURT: What is the purpose of involving this
17 picture of Mr. Manson?

18 MR. MANZELLA: These are the people she met out at the
19 ranch. I'll bring this out in further testimony.

20 THE COURT: Well, I will exclude this one of Mr.
21 Manson. It really does show him to be extremely dirty and
22 unkempt. There is no reason for it. She can be asked
23 whether she met the defendant without using the pictures.

24 MR. KANAREK: Same thing with Mr. Watson.

25 THE COURT: She may not have seen him in any other way.

26 MR. KANAREK: Well --

27 THE COURT: The Court will overrule an objection with
28 respect to the other pictures, but as to Mr. Manson, the Court

17-2

1 will sustain the objection.

2 Show Mr. Kanarek these photos you intend to show
3 to the witness before you go up there, so we don't have to --

4 MR. MANZELLA: Well, I think I have tried to do that.
5 I just forget once in a while.

6 THE COURT: Try not to forget.

7 MR. MANZELLA: Should I -- can I talk to your Clerk for
8 a minute? I want to talk to her about numbering.

9 THE COURT: Are you asking about that photo? Just
10 leave it in for identification, if you wish, or you may
11 withdraw it.

12 MR. MANZELLA: That's what I wanted to talk to her
13 about, which way would be easier for her.

14 THE COURT: All right, you may do so.

15 Off the record.

16 (Whereupon, a discussion ensued up at the bench
17 between the Court and Mr. Kanarek, which was not
18 reported:)

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

22 THE COURT: Let's proceed.

23 BY MR. MANZELLA:

24 Q Mrs. Shea, directing your attention to this
25 photograph which has been marked People's 50 for identifica-
26 tion.

27 Do you recognize the person depicted in that
28 photograph?

17-3

1 A Yes.

2 Q And how do you know that person?

3 A That's Charles Watson.

4 Q And when and where did you first meet Mr. Watson?

5 A August 12th, 1969, at the Spahn's Ranch.

6 Q Is that when you went out to visit George Spahn
7 and Ruby Pearl?

8 A Yes.

9 Q And directing your attention to this photograph
10 which has been marked People's 51 for identification.

11 Do you recognize the person depicted in that
12 photograph?

13 A Yes.

14 Q Do you know that person by any name?

15 A No, I don't.

16 Q And when and where did you first meet that
17 person?

18 A August 12th, 1969, at the Spahn's Ranch.

19 Q And is that at the same time when you went out
20 to visit George Spahn and Ruby Pearl?

21 A Yes.

22 Q All right. Directing your attention to the
23 photograph which has been marked People's 52 for identifica-
24 tion.

25 Do you recognize the person depicted in that
26 photograph?

27 A Yes.

28 Q And do you know that person by any name?

17-4

1 A Squeaky.

2 Q And when and where did you first meet Squeaky?

3 A August 12th, 1969, at George Spahn's, at the
4 ranch.

5 Q And is that when you and Donald went out there
6 to visit George Spahn and Ruby Pearl?

7 A Yes.

8 MR. MANZELLA: Your Honor, I have here a -- what
9 appears to be a Dakota .45 caliber revolver bearing serial
10 number 2421.

53-A Id.

11 May I have that marked People's 53-A for
12 identification?

13 THE COURT: So ordered.

14 MR. MANZELLA: I have here what appears to be a
15 Dakota .45 caliber revolver bearing serial number 2422, may
16 I have that revolver marked 53-B for identification?

18 fls.

17 THE COURT: So ordered.
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1 Q BY MR. MANZELLA: Mrs. Shea, directing your
2 attention to the exhibit which has been marked People's 53-A--
3 that's the revolver bearing serial number 2421 -- have you
4 ever seen that weapon before?

5 A Yes.

6 Q And directing your attention to the revolver
7 identified as People's 53-B, bearing serial number 2422, have
8 you seen that weapon before?

9 A Yes.

10 Q And would you identify those two guns for us?
11 Tell us when you've ever seen them before?

12 A Donald had them in his -- in his -- the case
13 that he carried them all the time in.

14 Q All right. Are those the two revolvers, the
15 matched revolvers, that you've already told us about?

16 A Yes.

17 Q All right. And how do you identify them? Would
18 you tell us that?

19 A By the serial numbers; by the numbers that he
20 showed me on them.

21 Q Did Donald point those two serial numbers out
22 to you?

23 A Yes, he did.

24 Q And are those serial numbers 2421 and 2422?

25 A Yes, they are.

26 Q Do you remember the condition that these
27 revolvers were in the last time that you saw them?

28 A Yes.

18-2

1 Q And are they in the same condition now as they
2 were when you last saw them?

3 A No.

4 Q Would you tell us what is different about their
5 condition?

6 A They're dirty. I don't know anything about guns,
7 but they're not as clean as they was. And the handles are
8 scratched up more than they were when he had them.

9 MR. MANZELLA: Your Honor, I have what appears to be
10 a brown attache case, across the top of which, in what
11 appears to be gold letters, appear the words "REV. Donald
12 Jerome Shea." And some items contained inside of the
13 briefcase.

14 May I have the case and its contents marked
15 People's 54 for identification?

16 THE COURT: So ordered.

17 (Pause in the proceedings while a discussion
18 off the record ensued between Mr. Manzella and the
19 Clerk.)

20 Q BY MR. MANZELLA: Mrs. Shea, directing your
21 attention to the exhibit which has been marked -- the exhibit
22 and its contents which have been marked People's 54 for
23 identification, could you look at that case for us and tell
24 us if you've ever seen that case before?

25 A Yes.

26 Q And when and where have you seen that case?

27 A In Donald's possession.

28 Q Is that the brown attache case that you've

54 Id.

18-3

1 already testified about?

2 A Yes, it is.

3 Q And what did Donald keep in that case, if
4 anything?

5 MR. KANAREK: Well, your Honor, --

6 THE WITNESS: Oh, he kept --

7 MR. KANAREK: -- calling for a conclusion on her part.

8 THE COURT: Sustained.

9 MR. KANAREK: And unless she has --

10 THE COURT: Sustained.

11 Q BY MR. MANZELLA: Did you see what Donald kept
12 in that case?

13 A Yes.

14 Q Would you tell us what Donald kept in that case?

15 A His guns.

16 Q Were those the two guns that you've already
17 testified, which have been identified by us as People's
18 53-A and 53-B?

19 A Yes.

20 Q And did Donald keep anything else inside that
21 case?

22 A He had a knife that -- that went with the set.

23 Q All right. Now, directing your attention to the
24 inside of the case -- strike that.

25 Do you recognize any of the markings on the case?

26 Here, I'll hold it up here.

27 Do you recognize any of the markings?

28 A "Reverend Donald Jerome Shea."

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Q And was that on the case when you last saw it?

A Yes, it was.

Q All right. Directing your attention to the interior of the case, the inside of the case, is there -- have you seen the inside of this case before?

A Yes, yes.

Q And I am referring to People's L. for identification.

Does its condition appear different now than when you last saw it?

A It's different, because the inside was -- it was green; the bottom had -- the bottom, it had -- it was green; and on the inside, you could lay one gun on this side, a knife there, and another gun on this side (indicating).

This (indicating) also has been put in. This was not there. It was green.

18a fls.

18a-1

1 THE COURT: When the witness said "this," she pointed
2 to an inside lining of some type of cloth, on the top of the
3 case.

4 MR. MANZELLA: Thank you, your Honor.

5 Q BY MR. MANZELLA: All right. Mrs. Shea, direct-
6 ing your attention to these items which I have removed from
7 the case itself, and which have also been marked People's 54
8 for identification, directing your attention first to this --
9 what appears to be a bottle of aspirin tablets, have you
10 ever seen that before?

11 A No.

12 MR. KANAREK: Well, your Honor, I will object to this
13 negative questioning on the basis that the prejudicial value
14 far outweighs the probative value. It's irrelevant; it's
15 immaterial, and there's no foundation for it.

16 THE COURT: It appears to be a bottle of Anacin,
17 A-n-a-c-i-n, rather than aspirin.

18 The Court sustains the objection.

19 MR. MANZELLA: Your Honor, may I be heard on that at
20 the bench briefly, your Honor?

21 THE COURT: Yes, you may.

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

25 THE COURT: I'll hear from you.

26 MR. MANZELLA: Your Honor, the purpose of our offering
27 this evidence is that this case was found sometime after
28 September 1st, 1969. And all of this --

18a-2

1 THE COURT: Wait a minute. Sometime after --

2 MR. MANZELLA: After September 1st, 1969.

3 THE COURT: So your representation is that it was in
4 the month of September that it was found?

5 MR. MANZELLA: Right. And that after -- and that when
6 it was found, it was found with these items that she's --
7 will testify that she's never seen before; it was found
8 with these items inside of it.

9 And the items that she used to see in the case--
10 that is, the guns and the knife and the insert which held
11 the guns and the knife -- was completely missing; and
12 instead, these items which she has never seen before.

13 THE COURT: Well, what are you talking about, an
14 Anacin bottle?

15 MR. MANZELLA: All the items. There's a bottle of
16 aspirin, there's some checks there; there's --

17 THE COURT: And you believe that she will not recog-
18 nize any of them?

19 MR. MANZELLA: That's right. That's right.

20 THE COURT: Just present -- instead of doing it one
21 by one, show her all these things and just ask her whether
22 or not she's ever seen them before.

23 MR. KANAREK: Well, your Honor --

24 THE COURT: I know that one Anacin bottle is like
25 another, and it's really a matter of weight.

26 MR. KANAREK: But, your Honor, even if it's a unique
27 item, absent -- let's say that it was the Star of India
28 jewel. The fact is, nevertheless, that it's a negative; and

18a-3

1 unless you can show that she had continuity of possession
2 herself, it's irrelevant and immaterial. There's no founda-
3 tion for it.

4 THE COURT: Well, it may be probative only in view of
5 the fact that she has testified that he ordinarily and
6 customarily kept the weapons and the knife in there, and
7 something else was found in there.

8 MR. KANAREK: But that has to be proved, not by the
9 negative, but by somebody else who actually found the --

10 THE COURT: Well, is it the People's representation that
11 they are going to establish that it was found with this other
12 stuff in it?

13 MR. MANZELLA: Right.

14 MR. KANAREK: Well, that can be done with that witness.
15 But for this witness to testify to the negative -- that, for
16 instance, there's a penny in there; there's a penny in the
17 bottom of that --

18 THE COURT: It's somewhat cumulative, in that she has
19 said that -- that customarily, the knife and guns were kept
20 in there. But the Court will allow her to testify to that.

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

23 Q BY MR. MANZELLA: Mrs. Shea, directing your
24 attention again to the case which has been marked People's
25 54 for identification, did you ever see Donald keep anything
26 other than the guns and the knife in that case?

27 A No.

28 Q All right. Now, directing your attention to the

18a-4

1 contents that I've removed from the case --

2 THE COURT: Well, the record will show --

3 MR. MANZELLA: -- does the Court want me to describe
4 the items, or --

5 THE COURT: For the record, the record will show that
6 you have put a bottle of Anacin in front of her; a group of
7 yellow checks, --

8 MR. MANZELLA: What appears to be a can of ink eraser,
9 your Honor.

10 What appears to be a checkbook containing checks,
11 bearing the imprint THE FIRST NATIONAL BANK OF OREGON.

12 The checks, the yellow checks I've already pulled
13 bear the imprint SPAHN'S MOVIE RANCH.

14 A packet of what appears to be cigarette paper.
15 And various envelopes, letters, a pad, a map and other
16 papers.

17 Q Mrs. Shea, directing your attention to all of
18 these items that I've removed from the case marked People's
19 54 for identification, have you examined these documents
20 prior to today? Have you looked at them before today?

21 A Yes.

19 fls.

19-1

1 Q All right. And looking at them now, do you
2 recognize any of these items as having seen them before?

3 A Yes.

4 Q Well, have you seen any of the items that I have
5 pulled out of People's 54 other than in a court proceeding?
6 Have you seen any of these items before?

7 A No.

8 Q And the only time you've seen these items that
9 I have taken out of the case was in a court proceeding while
10 you were testifying, is that right?

11 A Yes.

12 Q And did you ever see any of these items in the
13 case, People's 54, when the case was in Donald's possession?

14 A No.

15 MR. KANAREK: Well, your Honor, that part about Donald's
16 possession -- I ask that that be stricken. Object to the
17 question on the grounds there is no foundation. There is
18 no continuity that this lady -- this lady has not been with
19 that attache case every instant when Mr. Shea's been with it.

20 THE COURT: The objection is overruled. The answer
21 may remain in the record.

22 MR. MANZELLA: Your Honor, may the record reflect I
23 have returned all the items to the envelopes and returned
24 them to the attache case?

25 THE COURT: The record may so show.

26 MR. MANZELLA: Your Honor, I have here what appears to
27 be a pawn ticket bearing the number 40727, and certain
28 writing and printing thereon, including the words

19-2

1 "Revolver, Colt Dakota .45 caliber, serial number 2421."

2 May I have that document marked People's 11 --
3 I'm sorry, strike that -- People's No. 55-A for identifica-
4 tion.

55a, id.

5 THE COURT: So ordered.

6 MR. MANZELLA: I have here what appears to be a pawn
7 ticket bearing No. 40726, containing printing and writing
8 thereon, including the words "Revolver, Colt Dakota .45
9 caliber, serial number 2422."

10 May I have that marked People's 55-B for identifi-
11 cation?

55-B Id.

12 THE COURT: So ordered.

13 MR. MANZELLA: And I have here what appears to be a
14 pawn ticket bearing No. 40974, containing certain writing and
15 printing thereon, including the words "Portable tape recorder."

16 May I have that marked People's 55-C for
17 identification?

18 THE COURT: The pawn ticket again?

19 MR. MANZELLA: Yes, your Honor.

55-C Id.

20 THE COURT: So ordered.

21 Q BY MR. MANZELLA: All right, Mrs. Shea, directing
22 your attention to the exhibit which has been marked People's
23 55-A for identification, and in particular that portion on
24 the bottom line of that exhibit bearing the name "Donald" --
25 what appears to be the name "Donald Shea."

26 Do you recognize that signature?

27 A Yes.

28 Q Now, Mrs. Shea, are you familiar with the

19-3

1 handwriting -- were you familiar with the handwriting and
2 the signature of your husband, Donald Jerome Shea?

3 A Yes, I was.

4 Q And prior to the time you last saw and heard
5 from him on August 16th and 17th, 1969, had you seen it on
6 more than one occasion?

7 A Yes, I had.

8 Q All right. Directing your attention to that
9 signature appearing on -- what appears to be the bottom line
10 of People's 55-A for identification.

11 Does that signature appear familiar to you?

12 A Yes.

13 Q Whose signature does that appear to be?

14 A Donald Jerome Shea.

15 Q All right. Directing your attention to the same
16 exhibit, 55-A, a line beginning with a large X, and the word
17 "Signature." Directing your attention to the signature
18 appearing on that line, does that signature appear familiar
19 to you?

20 A Yes.

21 Q And whose signature does that appear to be?

22 A Donald Jerome Shea.

23 Q And when you say Donald Jerome Shea, are you
24 referring to -- does that appear to be your husband's
25 signature?

26 A Yes, my husband.

27 Q And the same thing with regard to that exhibit,
28 on the bottom line, when you say Donald Jerome Shea, are you

19-4

1 saying that that signature appears to be your husband's?

2 A Yes.

3 Q All right. Directing your attention to the
4 exhibit marked People's 35-B for identification, in
5 particular what appears to be the name "Donald Shea"
6 appearing on a line at about the middle of that document.

7 Does that signature appear familiar to you?

19a flx.

8 A Yes.
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1 Q And whose signature does that appear to be?

2 A Donald Jerome Shea.

3 Q And are you saying that that appears to be your
4 husband's signature?

5 A Yes.

6 Q Directing your attention to the bottom line of
7 that same exhibit. In particular, the name "Donald Shea."

8 Do you recognize that signature?

9 A Yes.

10 Q And whose signature does that appear to be?

11 A Donald Jerome Shea.

12 Q Does that appear to be your husband's signature?

13 A Yes.

14 Q All right. Directing your attention to a line
15 about the middle of People's 55-C for identification, and
16 the name "Donald Shea."

17 Do you recognize that signature?

18 A Yes.

19 Q Does that appear to be your husband's signature?

20 A Yes.

21 Q And directing -- when I'm referring to your
22 husband, I'm referring to Donald Jerome Shea.

23 A Yes.

24 Q Directing your attention to the bottom line of
25 that exhibit, People's 55-C for identification. And, in
26 particular, the name "Donald Shea."

27 Do you recognize that signature?

28 A Yes.

19a-2

1 Q Whose signature does that appear to be?

2 A My husband, Donald Jerome Shea.

3 MR. MANZELLA: Your Honor, I have here what appears to
4 be a pawnbroker's report bearing No. 40727, and certain
5 printing and writing thereon, including the words "Revolver,
6 Colt Dakota .45 caliber, serial number 2421."

7 May I have that marked People's 56-A for identifi-
8 cation?

56-A Id.

9 THE COURT: 56-A for identification, so ordered.

10 MR. MANZELLA: I have here what appears to be a
11 pawnbroker's report bearing No. 40726, containing certain
12 printing and writing thereon, including the words, "Revolver,
13 Colt Dakota, .45 caliber, serial number 2422."

14 May I have that marked People's 56-B for identifica-
15 tion?

56B Id.

16 THE COURT: So ordered.

17 MR. MANZELLA: And I have here what appears to be a
18 pawnbroker's report bearing No. 40974, and certain printing
19 and writing thereon, including the words "Portable tape
20 recorder."

21 May I have that marked People's 56-C for
22 identification?

56-C Id.

23 THE COURT: So ordered.

24 Q BY MR. MANZELLA: All right, Mrs. Shea, directing
25 your attention to the exhibit which has been marked People's
26 56-A for identification, and in particular that portion --
27 the bottom line of that document bearing the name "Donald
28 Shea."

19a-3

1 Does that signature appear familiar to you?

2 A Yes.

3 Q Whose signature does that appear to be?

4 A My husband's, Donald Jerome Shea.

5 Q Directing your attention to the exhibit marked
6 People's 56-B for identification, and in particular the
7 bottom line bearing the name "Donald Shea."

8 Do you recognize that signature?

9 A Yes.

10 Q And whose signature does that appear to be?

11 A My husband, Donald Jerome Shea.

12 Q Directing your attention to the document which
13 has been marked People's 56-C for identification, and in
14 particular the bottom line of that document bearing what
15 appears to be the name "Donald Shea."

16 Do you recognize that signature?

17 A Yes.

18 Q Whose signature does that appear to be?

19 A My husband, Donald Jerome Shea.

20 MR. MANZELLA: Your Honor, I have here what appears
21 to be a pawnbroker's report bearing No. 46467, and contain-
22 ing certain printing and writing thereon, including the
23 words "Revolver, Colt Dakota .45 caliber, serial number
24 2421."

25 May I have that marked People's 57-A for
26 identification?

27 THE COURT: So ordered.

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

57-A Id.

19a-4

1 pawnbroker's report bearing No. 46386, containing certain
2 printing and writing thereon, including the words, "Revolver,
3 Colt Dakota .45 caliber, serial number 2422."

4 May I have that marked People's 57-B for
5 identification?

6 THE COURT: So ordered.

7 MR. MANZELLA: I have here what appears to be a
8 pawn ticket bearing No. 46467, containing certain printing
9 and writing thereon, including the words "Revolver, Colt
10 Dakota .45 caliber, serial number 2421."

11 May I have that marked People's 57-C for identifi-
12 cation?

57-C Id³

13 THE COURT: So ordered.

14 This last one was a ticket?

15 MR. MANZELLA: Yes, your Honor.

19b Fla.

19b-1

1 THE COURT: And B was a report?

2 MR. MANZELLA: Yes, your Honor.

3 THE COURT: All right.

4 MR. MANZELLA: I have here what appears to be a pawn
5 ticket bearing the number 46386, containing certain printing
6 and writing thereon, including the words, "Revolver, Colt
7 Dakota .45 caliber, serial number 2422."

8 May I have that marked 57-D, as in "Dog" for
9 identification?

10 THE COURT: So ordered.

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

12 THE COURT: You may.

13 MR. KANAREK: Thank you.

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

17 THE COURT: Go ahead, what's your problem?

18 MR. KANAREK: Your Honor, I'm going to object to any
19 referral to these because unless they can be tied in --

20 THE COURT: Now, when you say "these" you're speaking--

21 MR. KANAREK: I'm referring to 57-B --

22 THE COURT: 57-B, C and D?

23 MR. KANAREK: Right, because by their dates they
24 purport to be -- they have September 2nd, 1969, dates.

25 Now, unless counsel can make an offer of proof
26 that this is to be tied in with Mr. Manson as some kind of
27 evidence showing --

28 THE COURT: What do you intend to show, that these were

57-D Id.

1 forgeries?

2 MR. MANZELLA: No, to show -- well, actually the name
3 "Shea" doesn't appear on the tickets bearing the dates
4 September 2nd and January 15, 1969, and part of our proof of the
5 corpus delicti is to show that somebody else redeemed these
6 guns after September 1st.

7 We also --

8 THE COURT: What are they, part of the records to be --

9 MR. MANZELLA: That's right, your Honor.

10 THE COURT: And you will put them on?

11 MR. MANZELLA: Yes, your Honor, and they will testify
12 that somebody else redeemed them. That Donald Shea did not
13 redeem them after September 1st.

14 THE COURT: And the purpose is to show --

15 MR. MANZELLA: That he's dead.

16 THE COURT: That Shea, who prized these guns, did not
17 pick them up and that he would ordinarily have picked them
18 up?

19 MR. MANZELLA: Yes, your Honor.

20 THE COURT: And there is some presumption he was not
21 available to pick them up?

22 MR. MANZELLA: Yes, your Honor. That's what we are
23 using them for, circumstantial evidence.

24 THE COURT: Some inference can be taken from the fact
25 he didn't pick them up. Sounds reasonable to me.

26 MR. KANAREK: Well, yes, your Honor, but the point
27 is, we would like -- well, I mean, I would object, first of
28 all, that the prejudicial value, as far as Mr. Manson is

19b-3

1 concerned, outweighs any probative value, and that there is
2 improper foundation, that they are not relevant or material
3 as far as this case is concerned.

4 But if your Honor is going to allow them to
5 go in, I would ask that all of these, -- that the Court --
6 the jury should be instructed this cannot be used against
7 Mr. Manson for any purpose, that it can only be used --

8 THE COURT: If it couldn't be used for any purpose,
9 there's no point in putting it in.

10 MR. KANAREK: Well, that's --

11 THE COURT: It is up to the jury to determine whether
12 or not it has any weight.

13 MR. KANAREK: Well, no, you see, the fact of the matter
14 is, it has to be limited -- it certainly is not conduct --

15 THE COURT: To what? To what purpose is it limited?

16 MR. KANAREK: To corpus delicti alone. It cannot be
17 shown. In other words, the corpus delicti --

18 THE COURT: You mean you want a limitation it cannot be --
19 an instruction to the effect it cannot be shown that Mr. Manson
20 was ever in possession of these guns?

21 MR. KANAREK: Well, in that it cannot be used to show
22 anything except -- because there could be a corpus delicti
23 and Mr. Manson might still not be guilty of the crime. So
24 it has to be limited, in any event.

25 THE COURT: All right.

26 MR. KANAREK: To only the proof, if it does --

27 THE COURT: All right.

28 MR. KANAREK: -- even if it does so prove, only to the

19b-4

20 fls.

1 proof of the death of Shorty Shea, if it does so prove.
2 But it can't be used for any purposes to connect Mr. Manson
3 with that death.
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1 THE COURT: Well, I think that's true. But isn't it
2 obvious enough so that you don't need an instruction on it?

3 MR. KANAREK: Oh, no, it isn't, your Honor.

4 MR. MANZELLA: Your Honor, if you can't use this against
5 Mr. Manson, you can't use it at all, because any evidence that
6 proves the corpus delicti is proof against Mr. Manson.

7 MR. KANAREK: No.

8 MR. MANZELLA: Because one of the elements of murder is
9 the death.

10 THE COURT: Well, that's true. That's what the Court has
11 said, in effect, to Mr. Kanarek previously, that it's utilizable
12 against Mr. Manson, certainly.

13 MR. MANZELLA: True.

14 THE COURT: But what Mr. Kanarek is referring to is its
15 limited purpose -- or, its limited application --

16 MR. KANAREK: Right. The only --

17 THE COURT: -- in regard to Mr. Manson.

18 MR. KANAREK: It would only be as to proving --

19 MR. MANZELLA: Well --

20 MR. KANAREK: -- that there is in fact a corpus delicti.

21 But you can have a corpus delicti, without having
22 this defendant be guilty of causing it.

23 THE COURT: In other words, you are expressing some fear
24 or trepidation that the jury might surmise that Mr. Manson sold
25 these guns?

26 MR. KANAREK: Yes, and that --

27 THE COURT: Something to that effect? Is that what you
28 are thinking?

1 MR. KANAREK: Yes. Or to prove that he had something to
2 do with the actual --

3 MR. MANZELLA: Your Honor, I object to that, for two
4 reasons: First of all, I think our evidence will show that it
5 was not Mr. Manson who redeemed these guns -- I'm not positive
6 of that, but I think our evidence will show that it's not he
7 who redeemed these guns.

8 MR. KANAREK: Well, your Honor --

9 MR. MANZELLA: And secondly --

10 MR. KANAREK: -- then it cannot be used --

11 MR. MANZELLA: -- that -- I see no reason to make an
12 exception in this case, for evidence which is being offered on
13 the corpus delicti.

14 The Court would not instruct the jury with regard to,
15 say, Mrs. Shea, who has no evidence against Mr. Manson. Her
16 testimony all goes to establishing the corpus delicti, and so the
17 Court would certainly not consider instructing the jury about
18 that.

19 THE COURT: Well, what is your specific point?

20 MR. KANAREK: I am asking specifically that your Honor
21 instruct that all testimony in connection with these exhibits
22 be used only -- if at all -- in connection with the prosecution's
23 attempt to prove the corpus delicti; but this -- but not --
24 because there -- after all, there is a conspiracy count as to
25 Hinman. And the jury -- there's a danger that the jury --

26 THE COURT: I think the purpose of these pawn tickets and
27 pawn broker's reports is so obvious that it need not be so
28 restricted, and the motion is denied.

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

3 THE COURT: I think we'll come back to 57-A, -B, -C, and
4 -D tomorrow.

5 MR. MANZELLA: All right.

6 THE COURT: Ladies and gentlemen, we will excuse you at
7 this time.

8 How about 9:45 tomorrow?

9 MR. KANAREK: Very well, your Honor.

10 THE COURT: 9:30 all right?

11 MR. KANAREK: 9:45, if it may be, your Honor.

12 THE COURT: All right. 9:45.

13 Be here at 9:40, you members of the jury, five
14 minutes early, if you would.

15 And remember the admonition. Don't converse amongst
16 yourselves nor with anyone else, nor permit anyone to converse
17 with you on any subject connected with the matter, nor form or
18 express any opinion on it until it's been submitted to you.

19 Remember the admonition, too, that I have hereto-
20 fore given you with respect to reading, seeing or hearing
21 publicity concerning any case involving Mr. Manson or this
22 case.

23 You are not in any way to expose yourself to such
24 publicity releases.

25 I will see you in the morning.

26 (Murmurs of "Good night" from members of the jury.)

27 THE COURT: And would you be here at 9:40 also, Mrs.
28 Shea?

1 THE WITNESS: Yes, sir.

2 THE COURT: All right. We are in recess.

3 (Whereupon, at 4:32 p.m., an adjournment was
4 taken until 9:45 a.m. of the following morning, Wednesday,
5 August 18, 1971.)
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