

## 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.

137

No. A-267861

REPORTERS' DAILY TRANSCRIPT

Thursday, August 19, 1971

VOLUME 37APPEARANCES:

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

For Defendant Manson: IRVING A. KANAREK, Esq.

SHEA (MAGDALENE)

BARCOCK (JAMES)

BARCOCK (JAMES)

COPY

MARY LOU BRIANDI, C.S.R.  
ROGER K. WILLIAMS, C.S.R.  
Official Court Reporters

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

SHEA, Magdalene Velma (Cont'd)		5784	5791	5803
BABCOCK, Sharon	5806			
BABCOCK, Jimmie Ray	5818			

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

66 - Copy of telephone bill	5814	
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1-k

LOS ANGELES, CALIFORNIA, THURSDAY, AUGUST 19, 1971

10:14 A.M.

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THE COURT: The case of People versus Manson.

The record will show that the jurors are all present.

Good morning, ladies and gentlemen.

(Murmurs of "Good morning" from the members of the jury.)

THE COURT: And that Mr. Kanarek is present with the defendant; Mr. Manzella for the People.

Mr. Kanarek, you may proceed.

MAGDALENE VELMA SHEA,  
having been previously duly sworn, resumed the stand and testified further as follows:

CROSS-EXAMINATION (CONTINUED)

BY MR. KANAREK:

Q Good morning, Miss Shea.

A Good morning.

Q Miss Shea, did you state to any law enforcement officers that Mr. Shea had been attacked?

A Yes.

Q Would you tell us what you stated concerning Mr. Shea being attacked by -- by bikies or bikers?

A Yes.

Q Would you tell us about that?

A He told me that he used to wear some cowboy boots,

1 fancy; and he had bought them. And some bikies wanted him to  
2 take them off, and they attacked him, and they busted his eye  
3 open.

4 Q Were his injuries -- did he have injuries other  
5 than the eye, according to what he told you?

6 A I don't remember. But I know he has a scar -- he  
7 has a scar over the left eye showing the results from the  
8 attack.

9 Q Did you state to law enforcement personnel that,  
10 prior to meeting Mr. Shea, he had been attacked in the street  
11 by a person or persons he described as, quote, "bikies," and  
12 quote, at which time he had been struck in the face, which  
13 caused him to enter Sawtelle Hospital for a possible skull  
14 fracture?

15 A No, I didn't state that to the officers.

16 Q You didn't mention about a skull fracture?

17 A Not that I can recall.

18 MR. KANAREK: Well, your Honor, may I approach the  
19 witness with this report, which purportedly she made?

20 THE COURT: You have -- no, read her the parts that you  
21 believe purport to be her statement.

22 MR. KANAREK: Right. But it's possible that, by reading  
23 the -- the material before and after --

24 THE COURT: Well, just --

25 MR. KANAREK: -- it may refresh her recollection.

26 I am reading from a precise point, and I would like  
27 to attempt to refresh this lady's recollection by letting her  
28 read --

1 THE COURT: Let me see what you intend to show her.

2 MR. KANAREK: Certainly, your Honor.

3 (Whereupon, Mr. Kanarek approached the bench,  
4 handed a document to the Court, at which time the Court and  
5 Mr. Kanarek engaged in a discussion which was not reported.)

6 THE COURT: Counsel has shown the Court a missing persons  
7 report.

8 And you wish to show her the report, in order to  
9 refresh her recollection?

10 MR. KANAREK: To attempt to. Perhaps by reading what --  
11 all of what she's stated to the law enforcement people, it  
12 may refresh her recollection.

13 THE COURT: In respect to what point?

14 MR. KANAREK: In respect to the point about the skull  
15 fracture which the lady now says --

16 THE COURT: All right. You may show her. You may show  
17 her what you now have in your hand.

18 MR. KANAREK: Thank you.

19 Q BY MR. KANAREK: Mrs. Shea, feel free to read  
20 over this report.

21 THE COURT: Don't read the whole report, Mrs. Shea.  
22 It consists of two or three pages.

23 Point out to her the part that you wish her to  
24 read, and that you have referred to, and about which you think  
25 this may refresh her memory.

26 MR. KANAREK: I am referring to page -- to the third  
27 paragraph on Page 2 of this report, which is headed  
28 069-29544-2010-400.

1           Would you read the paragraph before that  
2 paragraph and the fourth paragraph?

3           THE COURT: You needn't do that, Mrs. Shea. The Court  
4 has read that, and there's only one sentence that refers to a  
5 skull fracture.

6           Point out to her the sentence that's involved.

7           Q       BY MR. KANAREK: Yes. There's the sentence  
8 (indicating), but perhaps your recollection can be refreshed  
9 by reading all of that (indicating).

10          THE COURT: Well, her recollection need not -- you  
11 haven't shown a proper background, that there's a need for  
12 refreshment of recollection.

13          MR. KANAREK: She states she doesn't remember about the  
14 skull fracture.

15          THE COURT: All right. The Court is permitting you to  
16 allow her to refer to that.

17                 Have you read that now, Mrs. Shea?

18          THE WITNESS: Yes.

19          THE COURT: What is your next question?

20          MR. KANAREK: My next question is;

21          Q       Does that refresh your recollection, Mrs. Shea,  
22 concerning your conversing with law enforcement officers, to  
23 the effect that Mr. Shea received a possible skull fracture  
24 in this altercation, before you met him?

25          A       Yes.

1-1

1 Q Now, did Mr. Shea tell you what the reason was for  
2 the attack upon him when he received a possible skull fracture  
3 and the eye injury that you have told us about?

4 MR. MANZELLA: Objection, your Honor, on two grounds.

5 No. 1, it is vague and ambiguous as to what Mr.  
6 Kanarek means by a possible skull fracture and, secondly, it  
7 is not relevant.

8 MR. KANAREK: It is relevant on his state of mind as  
9 to somebody trying to kill him, your Honor.

10 THE COURT: It is -- the objection is sustained on other  
11 grounds. It is asked and answered or it's been answered.

12 MR. KANAREK: I -- well --

13 THE COURT: Was this the altercation you told us about  
14 with the boots?

15 THE WITNESS: Yes.

16 THE COURT: Go ahead. Go ahead with something else.  
17 BY MR. KANAREK:

18 Q Now, when -- the last time you saw Mr. Shea on  
19 that August 16th, Mrs. Shea, on that date Mr. Shea still had  
20 those boots?

21 A Yes.

22 Q That -- and those boots were the subject matter  
23 of the attack he told you about prior to the time that he had  
24 met you, right?

25 A Yes.

26 THE COURT: What was the word you used, "bikies,"  
27 "Bikies had attacked him"?

28 THE WITNESS: Yes.

1-2

1 THE COURT: What did you mean by that?

2 THE WITNESS: Well, he meant by that a group of motor-  
3 cycles. That's what he called them, "bikies."

4 Q BY MR. KANAREK: And, Mrs. Shea, directing your  
5 attention to Mr. Danny DeCarlo. Do you know him?

6 A No, I don't.

7 Q Have you ever heard the -- Mr. Shea use or speak  
8 and discuss the name "Danny DeCarlo"?

9 A No, never with me.

10 Q But you have heard the name elsewhere, is that  
11 correct?

12 A In court.

13 Q About Danny DeCarlo?

14 A In court.

15 Q In court.

16 And directing your attention --

17 Your Honor, are the guns available?

18 THE COURT: No, all of the exhibits are in another  
19 department this morning.

20 Q BY MR. KANAREK: Well, I'll -- in order to  
21 expedite it, you remember the guns that we are speaking of  
22 here, Mrs. Shea?

23 A Yes.

24 THE COURT: 52-A and B, was it?

25 MR. MANZELLA: I believe it was 53-A and B.

26 THE COURT: Yes, gentlemen.

27 Was that -- you were referring to 53-A and B,  
28 Mr. Kanarek?



1-3

1 MR.KANAREK: Yes, your Honor.

2 THE COURT: Yes, the pistols.

3 MR. KANAREK: Yes, your Honor.

4 THE COURT: Go ahead.

5 Q BY MR. KANAREK: Yes, your Honor.

6 THE COURT: Go ahead.

7 Q BY MR. KANAREK: Now, Mrs. Shea, did Danny DeCarlo,  
8 a biker, a person that you know to be a biker, take those guns  
9 out of the pawnshop?

10 A I don't know.

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

13 MR. KANAREK: I'm asking.

14 THE COURT: Sustained.

15 Q BY MR. KANAREK: To your knowledge, Mrs. Shea, did  
16 Danny DeCarlo, a person whom you know to be a biker, in fact  
17 take those guns out of the pawnshop after the last time you  
18 had seen Shorty Shea?

19 MR. MANZELLA: Objection, your Honor. Again, it assumes  
20 a fact not in evidence.

21 THE COURT: The objection is sustained.

22 Q BY MR. KANAREK: Mrs. Shea, did you come to the  
23 police in connection with this missing person's report after  
24 you had read and heard in the news media concerning -- matters  
25 concerning Mr. Shea?

26 MR. MANZELLA: Your Honor, I'm going to object to that  
27 on the grounds it is vague and ambiguous.

28 MR. KANAREK: It shows the motive and --

THE COURT: Sustained. You may rephrase it.

1a-1

Q1 Q BY MR. KANAREK: Did you state to law enforcement  
2 people that because of what you had read and heard in the news  
3 media, you were making this report?

4 A I read about a Shorty Shea which was my husband --  
5 my husband went by the name of Shorty Shea. That's when I  
6 made a missing report. I heard that thing on the news about  
7 Shorty Shea. I read it in the Times.

8 Q Well, don't you consider the Times to be a news  
9 media source?

10 MR. MANZELLA: Objection, your Honor, that's argumentative.

11 THE COURT: Sustained.

12 Q BY MR. KANAREK: Did you -- but it was the  
13 Los Angeles Times?

14 A Yes, it was.

15 Q And did you make this report, Mrs. Shea, on  
16 December 12, 1969, your initial missing persons report?

17 THE COURT: This is the one you referred to by number?

18 MR. KANAREK: Yes.

19 THE WITNESS: It could have been in December.

20 Q BY MR. KANAREK: December of '69?

21 A When I read the paper.

22 MR. KANAREK: Thank you, Mrs. Shea.

23 THE COURT: Anything further?

24 People?

25 MR. MANZELLA: Oh, yes. Thank you, your Honor.

26

27

REDIRECT EXAMINATION

28

BY MR. MANZELLA:

1 Q Mrs. Shea, you testified that you have been  
2 convicted of a felony, armed robbery.

3 When were you convicted of that felony?

4 A When I was 18 years old.

5 Q What year was that, do you recall?

6 A '61 or '62.

7 Q Now, you testified with regard to the foot lockers,  
8 the two foot lockers that are here in court, that is People's  
9 65-F and 65-G, with regard to a tray or trays.

10 Would you tell us what you meant by that?

11 A It was two trays. It was a tray in each foot  
12 locker. They was about -- well, they was about that deep  
13 (indicating).

14 Q About three inches deep?

15 A And about -- as long as the foot lockers, yes.

16 Q And they covered the whole foot locker?

17 A Yes.

18 Q And each foot locker had one tray in it?

19 A Yes, it did.

20 Q Are those trays in the foot lockers, were those  
21 trays in the foot lockers when you saw them yesterday?

22 A No.

23 Q Mrs. Shea, in one or a few of the questions  
24 Mr. Manson's attorney asked you, he referred to the Warwick  
25 Hotel.

26 Is the Warwick Hotel another hotel you stayed at  
27 or should that reference have been to the Wilcox Hotel?

28 A Should have been the Wilcox Hotel.

1 Q All right. Now, the fight over Donald's boots that  
2 Donald told you about, did that occur before you met Donald?

3 A No. His drinking --

4 Q The fight over the boots, where you said somebody  
5 cut his eye open --

6 A Over the boots, yes. That occurred before I met him  
7 and he told me about it.

8 Q Now, did you ever know anyone, Mrs. Shea, who  
9 lived at 8350 Collegio, C-o-l-l-e-g-i-o, Drive in Los Angeles?

10 A Not that I can recall.

11 Q Now, you testified with regard to certain phone  
12 calls that you made to Mrs. Babcock.

13 When was the first day -- the first time that you  
14 called the Babcocks?

15 A August 27.

16 Q And where did you get the telephone number for the  
17 Babcocks?

18 A From the letter that Donald had left me.

19 Q That's the letter that you told us about before?

20 A Yes. And I can't find.

21 Q Now, when you called the Babcocks on August 27,  
22 who did you talk to?

23 A Sharon Babcocks.

24 Q And is that Jim Babcock's wife?

25 A Yes.  
26  
27  
28

2-1

1 Q And when you called -- after you called and  
2 talked to Sharon Babcock, did you make a -- another telephone  
3 call to some place else?

4 A Yes. I called the Spahn's Ranch.

5 Q And where did you get the number for the Spahn's  
6 Ranch?

7 A From Sharon Babcocks.

8 Q Now, when -- strike that.

9 Did you call Spahn Ranch on the same day that you  
10 called Mrs. Babcock?

11 A Yes, I did.

12 Q And when you called Spahn Ranch, did anyone answer?

13 A A lady.

14 Q Did you recognize the voice?

15 A No, I didn't.

16 Q Did you have a conversation with the lady who  
17 answered the phone?

18 A Yes. I asked to speak to Shorty Shea, and she  
19 told me that he wasn't there right now, but to call back  
20 later, and he would be there.

21 So I told her I would call back.

22 MR. KANAREK: Well, your Honor, this is all hearsay,  
23 your Honor, and --

24 THE COURT: All right. The objection is sustained.

25 Q BY MR. MANZELLA: All right. Did you make a  
26 second phone call to Spahn Ranch?

27 A Yes, I did.

28 Q And when did you make the second phone call?

1 A The next day.

2 Q And did someone answer the telephone?

3 A A female.

4 Q Did you recognize that voice?

5 A No, I didn't.

6 Q And at that time, did you have a conversation with  
7 the female who answered the phone?

8 A I was told that Don had left, going to San Francisco --  
9 MR. KANAREK: Your Honor, that's hearsay.

10 THE COURT: The answer thus far is stricken.

11 You may answer yes or no, as to whether or not  
12 you had a conversation with the female at Spahn Ranch.

13 THE WITNESS: Yes.

14 MR. MANZELLA: May we approach the bench at this time,  
15 your Honor?

16 THE COURT: Yes, you may.

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

20 MR. MANZELLA: Your Honor, Mr. Kanarek has brought out  
21 that she did not make a missing persons report until November  
22 or December of 1969.

23 What I am attempting to show, through this re-  
24 direct examination, is her motivation in not making a missing  
25 person's report until then, in that she thought Shea was in  
26 San Francisco.

27 The conversation she had the second time she  
28 called the ranch, the female who answered the phone told her

1 that Shea had gone to San Francisco.

2 THE COURT: And you wish it to be admissible --

3 MR. MANZELLA: As to her motivation.

4 THE COURT: -- to show her motivation, if it does show  
5 it?

6 MR. MANZELLA: Right. In not filing a missing person's  
7 report until --

8 THE COURT: Will --

9 MR. MANZELLA: -- November or December.

10 THE COURT: Will you also be able to establish that she  
11 believed that, and thus acted upon it? Or leave us to  
12 speculate that?

13 MR. MANZELLA: No, she will testify to that.

14 MR. KANAREK: May I respond, your Honor?

15 THE COURT: Yes.

16 MR. KANAREK: First --

17 THE COURT: We don't know who it is, who answered, but  
18 it --

19 MR. KANAREK: First, there are --

20 THE COURT: -- it does show -- it does give some reason  
21 for the motivation, --

22 MR. KANAREK: Right, but --

23 THE COURT: -- without it being admitted as to the truth.

24 MR. MANZELLA: It's not hearsay, because it's not being  
25 admitted for the truth of the matter.

26 MR. KANAREK: But your Honor, Mr. Witkin makes the  
27 point about how you lay a foundation for a phone call. And  
28 assuming, arguendo, that it is not -- just for the moment,

1 that it's not hearsay, it's still -- it still deprives the  
2 defendant of the right to effective counsel under the Sixth  
3 Amendment, in that if you don't know who the people are, there  
4 isn't the foundation, so that we can get those people in here.

5 Then, on balance, the Court must eliminate that  
6 evidence, because of the constitutional guarantee to a fair  
7 trial. And this is -- this is -- this opens the door for all  
8 kinds of -- of improper activity, shall we say -- quote,  
9 unquote -- as far as the witness is concerned, to allow them  
10 to say it's an unknown person -- an unknown person on the  
11 other end.

12 And it's -- it's irrelevant; it's immaterial, and  
13 it deprives the defendant of a fair trial.

2a



2a-1

1 THE COURT: The Court believes it's admissible for that  
2 purpose, for the limited purpose for which the People wish to  
3 introduce it.

4 The Court would overrule the objection.

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

7 Q BY MR. MANZELLA: Mrs. Shea, we are talking now  
8 about the second telephone call. Did you have a conversation  
9 with the female who answered the telephone?

10 A Yes.

11 Q And would you tell us what the conversation was?

12 A I asked to speak to Donald, and the female told  
13 me that he wasn't there; that he had left, going to San  
14 Francisco.

15 THE COURT: That statement by the person, the female,  
16 the unknown female, over the telephone is admitted not to  
17 prove the truth of the statement, but is admitted to establish,  
18 if it does in any way, the state of mind of Mrs. Shea, in  
19 response to that statement.

20 In other words, ladies and gentlemen, it's admitted  
21 not to prove -- it's not admitted to prove the truth of the  
22 statement.

23 Q BY MR. MANZELLA: Mrs. Shea, did you make a third  
24 telephone call to the Spahn Ranch?

25 A Yes.

26 Q And when did you make that telephone call?

27 A September; sometime in September.

28 Q Can you tell us whether it was near the beginning

2a-2

1 of September --

2 A The end.

3 Q -- or the end of September?

4 I'm sorry. I didn't hear that.

5 A The end.

6 Q And did someone answer the telephone when you  
7 called the Spahn Ranch near the end of September?

8 A Yes.

9 Q And was it a male or a female?

10 A It was a female.

11 Q And did you recognize the voice?

12 A No, I didn't.

13 Q And did you have another conversation with this  
14 female with regard to -- strike that.

15 Did you have a conversation with this female with  
16 regard to Donald Shea?

17 A Yes.

18 Q All right. Would you tell us what that conversa-  
19 tion was?

20 MR. KANAREK: The same objections enunciated at the  
21 bench.

22 MR. MANZELLA: It's being offered for the same purpose.

23 THE COURT: The same ruling.

24 THE WITNESS: I asked to speak to Donald, and I was  
25 told the same thing, that he was in San Francisco.

26 THE COURT: Again, ladies and gentlemen, that statement  
27 is admitted by the Court, but it is not admitted to establish  
28 the truth of the statement.

2a-3

1 Q BY MR. MANZELLA: Now, do you recall when it was  
2 that you first made the missing persons' report?

3 A It was in November or December; I'm not sure.

4 Q All right. Of 1969; is that right?

5 A Of 1969.

6 Q Why did you wait until November or December, 1969  
7 to make the missing person's report?

8 A Because I didn't think that he was missing. I  
9 didn't know that any -- I just thought that he was out there,  
10 and -- some place; but eventually, he would get in touch with  
11 me.

12 Q Did that -- did your feelings have anything to do  
13 with the telephone calls to Spahn Ranch?

14 A Yes.

15 Q All right. And what was your state of mind in  
16 that regard?

17 A I wanted to see him, and I wanted to talk to him.

18 Q Well, I mean with regard to the whereabouts of  
19 Donald? What was your state of mind, after calling the Spahn  
20 Ranch?

21 A I didn't think that he was in San Francisco, --

22 Q All right.

23 A -- but I didn't know exactly where he was.

24 I thought that maybe he might have been out in  
25 the Valley some place, and I kept trying to locate him through  
26 the Babcocks.

27 Q All right.

28 A Because he told me -- he hadn't told them that he

2a-4

1 was leaving, and he had promised me faithfully, in the letter,  
2 that if he left and went any place, he would get in touch with  
3 them, for them to let me know where he was.

4 And he hadn't told them.

5 MR. MANZELLA: All right. Thank you.

6 THE COURT: The statements of the person who responded  
7 in the phone call each time are stricken, ladies and gentle-  
8 men. They're stricken. You are to treat that statement as  
9 if it had never been uttered, or those statements as if they  
10 had never been uttered.

11 MR. MANZELLA: All right. Your Honor, I have -- the  
12 only thing I had left was with reference to the exhibits,  
13 your Honor.

2b fls.

2b-1

1 THE COURT: And we don't have the exhibits here, and  
2 probably won't have them until 11:00 o'clock.

3 Is it agreeable with counsel that we simply  
4 allow Mrs. Shea to get down from the stand now and call her  
5 back later?

6 MR. KANAREK: Well, yes. We don't wish to inconvenience  
7 Mrs. Shea.

8 THE COURT: Any further recross?

9 MR. KANAREK: No, your Honor.

10 MR. MANZELLA: Your Honor, I might be able to ask her  
11 the question based on her previous examination of the exhibit.

12 THE COURT: Very well. Go ahead.

13 Q BY MR. MANZELLA: All right. Mrs. Shea, I want  
14 to direct your attention to the contents of one of the two  
15 footlockers that you examined yesterday, either People's 65-F  
16 or 65-G; I don't remember which footlocker it was.

17 You stated that there were -- you had seen books,  
18 you had identified books in one of the photographs of the  
19 contents of the footlockers.

20 Do you recall that?

21 A Yes.

22 Q And do you recall the type of book that you  
23 identified in the photograph?

24 A That was an astrology cookbook; and there was  
25 another one in there that -- it wasn't in those, but it was  
26 an album of 69 --

27 Q Let me interrupt. Was this an astrology cookbook  
28 in one of the photographs that you identified?

1 A Yes.

2 Q Had you examined the contents of the footlocker  
3 on a previous occasion in court?

4 A In court.

5 Q And had you seen the -- that cookbook in one of  
6 those two footlockers on the previous occasion in court?

7 A Yes.

8 MR. MANZELLA: All right. Thank you, Mrs. Shea.

9 THE COURT: Anything further?

10 MR. KANAREK: No. Thank you, Mrs. Shea.

11 THE COURT: All right.

12 Mrs. Shea, you may --

13 MR. KANAREK: May I just ask this?

14

15

RECROSS-EXAMINATION

16 BY MR. KANAREK:

17 Q All that you know, as far as the placement of those  
18 items, books, clothing and so forth is what the police showed  
19 you; right?

20 You looked at what the police showed you and saw  
21 what was given to you to look at; right?

22 A I don't understand.

23 Q Well, we are talking about the footlockers and  
24 the suitcase and the items in each of those.

25 You looked at them, but when they were presented  
26 to you, whatever was in each of those containers was already  
27 there.

28 A (No response.)

1 THE COURT: Do you understand the question?

2 I'm not sure the question is clear.

3 Q BY MR. KANAREK: At a certain time, you went to --

4 THE COURT: Did you have anything to do with the  
5 placement of the various articles in the various footlockers  
6 or suitcases?

7 THE WITNESS: No.

8 Q BY MR. KANAREK: They were just shown to you by  
9 police officers, and you looked at them; right?

10 A I know my husband's clothes.

11 Q Could you just answer that question for us, please,  
12 Mrs. Shea?

13 You were shown certain items --

14 THE COURT: I think that's been established.

15 Q BY MR. KANAREK: -- by police officers; is that  
16 correct?

17 A No, I picked up -- picked the clothes up out of  
18 the footlocker and separated them.

19 Q But the footlocker and its contents were presented  
20 to you by police officers?

21 A In court, yes.

22 Q Right?

23 A Yes.

24 MR. KANAREK: Right. Thank you.

25 THE COURT: Thank you, Mrs. Shea. You may step down.  
26 You may be excused.

27 You may stay or go as you wish.

28 Can we proceed now, or --

1 MR. MANZELLA: Your Honor, if the exhibits are going to  
2 be brought over about 11:00 o'clock, I would like to ask Mrs.  
3 Shea just to wait for about another half hour, to see if --

4 THE COURT: All right. Then the Court will ask you to  
5 wait, Mrs. Shea. Presumably, we'll have the remainder of the  
6 exhibits at 11:00 o'clock.

7 Can you proceed now with another witness?

8 MR. MANZELLA: Yes, your Honor.

2c fls.

9 The People call Mrs. Sharon Babcock.  
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2c-1

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

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

6 THE WITNESS: I do.

7  
8 SHARON BABCOCK,  
9 called as a witness by and on behalf of the People, having  
10 been first duly sworn, was examined and testified as follows:

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

12 Please state and spell your full name.

13 THE WITNESS: Sharon Babcock; B-a-b-c-o-c-k.

14  
15 DIRECT EXAMINATION

16 BY MR. MANZELLA:

17 Q Mrs. Babcock, are you married?

18 A Yes, I am.

19 Q And what is your husband's name?

20 A Jim Babcock.

21 Q Did you know a man by the name of Donald Shea?

22 A Yes, I did.

23 MR. KANAREK: Well, I -- I object to the word "did,"  
24 your Honor, and ask that that be stricken.

25 THE COURT: All right. Sustained.

26 Q BY MR. MANZELLA: Have you known a man by the  
27 name of Donald Shea?

28 A Yes.

1 Q And --

2 THE COURT: The first answer -- I'm sorry. I didn't  
3 rule on the motion properly.

4 The motion to strike that first answer is granted,  
5 and the second answer may remain in.

6 Go ahead.

7 Q BY MR. MANZELLA: All right. Now, you knew  
8 Donald Shea; is that correct?

9 A Yes.

10 Q Directing your attention to the month of August  
11 of 1969, sometime during that month did you receive a  
12 telephone call from Magdalene Shea?

13 A Yes.

14 MR. KANAREK: We will object on the grounds of founda-  
15 tion, your Honor, unless there's a showing that this lady  
16 knows the voice of Magdalene.

17 I ask that that last answer --

18 MR. MANZELLA: All right. I'll withdraw that last  
19 question.

20 Q Mrs. Babcock, did you know Magdalene Shea, the  
21 previous witness in this case?

22 A Yes.

23 Q And had she visited at your home with Donald?

24 A Yes.

25 Q As of July and August of 1969, how many children  
26 did you have?

27 A We had one.

28 Q Was that a boy or a girl?

- 1 A Girl.
- 2 Q About how old was the girl?
- 3 A She was two.
- 4 Q Two years old?
- 5 A (Indicating affirmatively.)
- 6 Q Now, were you familiar with Mrs. Shea's voice?
- 7 A Yes.
- 8 Q And sometime in August of 1969, did you receive a  
9 telephone call from her?
- 10 A Yes.
- 11 Q Do you recall the date in August that you received  
12 the telephone call?
- 13 A It was August 27.
- 14 Q And what was the subject of conversation that you  
15 had with Mrs. Shea?
- 16 A She wondered if we had heard from Don.
- 17 Q Now, did you give her any information, during that  
18 telephone call?
- 19 A No. She said she knew he was out there, and hadn't  
20 heard from him, because they had an arrangement -- he would  
21 leave a phone number with her -- with us, so she could get  
22 ahold of him.
- 23 Q All right. Now, did you give her some information  
24 during that telephone call?
- 25 A I -- I had called out there to see if he was out  
26 there, and I told her the answer the people had told me, and  
27 gave her the number out there.
- 28 Q So you gave her the telephone number of Spahn Ranch;

1 is that correct?

2 A Yes, I did.

3 Q And had Mr. Shea given you the telephone number  
4 of --

5 A No.

6 Q -- Spahn Ranch?

7 And had Mr. Shea told you where he was going to be?

8 A Yes.

9 Q And he told you he was going to be at Spahn Ranch?

10 A Yes.

11 Q Now, did you call Spahn Ranch yourself, with  
12 regard to locating Donald Shea?

13 A Yes, I did.

14 Q And approximately how many times did you call  
15 Spahn Ranch?

16 A I called three times.

17 Q Now, when was the first time that you called?

18 A I called August 27th.

19 Q And did someone answer the telephone?

20 A Yes, a female.

21 Q And did you have a conversation with this female  
22 with regard to the whereabouts of Donald Shea?

23 A Yeah.

24 MR. KANAREK: Well, your Honor, I'll object to that on  
25 the grounds of hearsay, conclusion, irrelevant and immaterial;  
26 this person --

27 THE COURT: The answer's stricken. The objection is  
28 sustained.

1 Q BY MR. MANZELLA: Did you make that phone call  
2 in an attempt to locate Donald Shea?

3 MR. KANAREK: That's irrelevant and immaterial, your  
4 Honor.

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

6 THE COURT: Yes, you may.  
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2d fls.

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

4 MR. MANZELLA: The People's position, your Honor, is  
5 that since Mr. Shea, his body has not been recovered, we have  
6 to use circumstantial evidence to show that none of his  
7 friends, relatives or business associates, if any, have had  
8 any contact with him since a certain period of time.

9 Our allegation is between August 16th and September  
10 1st of 1969. And I think it's part of our proof to show  
11 that these people -- friends, relatives and business  
12 acquaintances -- have attempted to locate him, and have been  
13 unable to locate him.

14 And this is what the questioning of this witness  
15 is designed to elicit.

16 THE COURT: Do you purport to be able to show that she  
17 made some reference to trying to locate him?

18 MR. MANZELLA: That's right.

19 MR. KANAREK: Your Honor, that is prejudicial. It has  
20 no probative value whatsoever. It's irrelevant and immaterial.  
21 There can be someone who can come up and -- from Skid Row,  
22 and start looking for Shorty Shea, --

23 MR. MANZELLA: Well, this witness --

24 MR. KANAREK: -- or can come in -- someone who knows  
25 him could go around and, quote, make evidence, close quote.  
26 This is absolutely prejudicial to Mr. Manson, to attempt this  
27 -- this kind of method to convict someone of murder.

28 MR. MANZELLA: The validity of my position is shown by

1 Mr. Kanarek's argument; and that is that this is not a  
2 person from Skid Row; this is a friend of Mr. Shea's, who has  
3 made an attempt to locate him.

4 THE COURT: And you wish to offer the conversation --

5 MR. MANZELLA: No, not the conversation.

6 THE COURT: -- at this time?

7 MR. MANZELLA: No, not the conversation. But that she  
8 was unable to locate Mr. Shea as a result of the phone call.

9 MR. KANAREK: That is absolutely without any relevance  
10 or materiality, your Honor. Any more than Mr. Whiteley -- if  
11 they can put in that kind of evidence, they can hire a  
12 battery of police officers to call up various places in  
13 Billings, Montana, or Fargo, North Dakota, and then attempt  
14 to put in evidence that they called up various places and  
15 nothing happened.

16 MR. MANZELLA: Again, we --

17 MR. KANAREK: This is absolutely -- absolutely -- the  
18 fact that this woman -- there's no showing that this woman  
19 had any kind of a day-by-day relationship with Mr. Shea.

20 There's nothing except that they were just  
21 casual friends. Now, to attempt to use that to put on --  
22 to convict someone of first degree murder is reprehensible,  
23 your Honor, and it has nothing but prejudicial value in the  
24 eyes of a lay jury.

25 MR. MANZELLA: The People --

26 THE COURT: The Court would permit it.

27 MR. MANZELLA: All right.  
28

3-1

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

BY MR. MANZELLA:

Q Mrs. Babcock, is the result -- strike that.

Did you have a conversation with the female who answered the telephone the first time you called Spahn Ranch?

A Yes.

Q As a result of that conversation the first time, were you successful in locating Donald Shea?

A No.

Q When was the second time -- strike that.

Did you call collect or did you call direct when you called Spahn Ranch on August 7th?

A The first time was direct.

Q Was that call billed to you as a phone call?

A Yes.

Q And did you bring a -- your telephone bill for that month here to court today?

A Yes.

Q And is that call shown on that telephone bill?

A Yes.

Q Would you show us or point out to us the number that appears on the original of your telephone bill that shows the number that you called?

A It is 341-9026.

Q Is that number shown on the original?

A Yes.

Q Did you also bring a copy in to the witness stand



1 with you, a copy of your telephone bill?

2 A Yes.

3 Q And is that copy a true and accurate copy of the  
4 telephone bill?

5 A Yes.

6 Q May I see both of them, please?

7 MR. MANZELLA: Your Honor, I have a copy of a telephone  
8 bill of the General Telephone Company of California in the  
9 name of Sharon Babcock, dated September 25, 1969.

10 May I have the copy of the telephone bill marked  
11 People's 66 for identification?

12 THE COURT: All right. So ordered.

13 MR. MANZELLA: And I've spoken to Mr. Kanarek, and I  
14 would ask that a stipulation that the -- if the exhibit is  
15 received in evidence, that the copy be received rather than  
16 the original.

17 MR. KANAREK: We have no objection to the copy being  
18 marked.

19 THE COURT: Very well.

20 MR. KANAREK: For identification.

21 THE COURT: Very well, 66 for identification. For  
22 identification only.

23 MR. KANAREK: That's out of courtesy to Mrs. Babcock.  
24 I gather she prefers it that way, is that correct?

25 THE WITNESS: Yes.

26 MR. MANZELLA: Yes. I so advised Mr. Kanarek she would  
27 like to keep the original for her records.

28 Q BY MR. MANZELLA: Now, when you called the second

NCX

1 and third times, Mrs. Babcock, did you call direct or did you  
2 call collect to Spahn Ranch?

3 A. I called collect.

4 Q. And those calls, then, were not billed to your  
5 telephone bill?

6 A. No.

7 Q. Now, when you called this -- strike that.  
8 Would you tell us when it was you called the  
9 second time?

10 A. It was a couple days later.

11 Q. After the first telephone call?

12 A. Uh-huh.

13 Q. Did a male or female answer the telephone?

14 A. Female.

15 Q. Did you recognize her voice?

16 A. It was the same voice I talked to before.

17 Q. But you did not recognize the voice other than  
18 that, is that correct?

19 A. No.

20 Q. Now, did you have a conversation with the female  
21 who answered the voice -- strike that.

22 Did you have a conversation with the female who  
23 answered the telephone on the second occasion?

24 A. Yes.

25 Q. And as a result of that conversation, were you  
26 successful in locating Donald Shea?

27 A. No. They told me they didn't know where he was.

28 Q. Did you make a third telephone call?

1 A Yes, I did.

2 Q When was the third telephone call?

3 A It was a couple of days after that.

4 Q And did someone answer the telephone?

5 A A female.

6 Q And did you recognize that voice?

7 A Same voice I talked to two times before.

8 Q But other than that, you did not recognize the  
9 voice?

10 A No.

11 Q Did you have a conversation with the female who  
12 answered the telephone on the third occasion?

13 A The same as before. They said that -- this time  
14 they told me he went to San Francisco.

15 Q All right. Thank you.

16 I have no further questions, your Honor.

17 MR. KANAREK: No questions. Thank you, Mrs. Babcock.

18 THE COURT: You may step down.

19 MR. MANZELLA: People call Mr. Jimmy Babcock, your  
20 Honor.

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

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

25 THE WITNESS: I do.

26  
27 JIMMY RAY BABCOCK,

28 called as a witness by the People, testified as follows:

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

2 Please state and spell your full name.

3 THE WITNESS: Jimmy Ray Babcock.

4 THE CLERK: Would you spell that?

5 THE WITNESS: Babcock?

6 THE CLERK: The full name, please.

7 THE WITNESS: Jimmy, J-i-m-m-y, Ray, R-a-y, Babcock,  
8 B-a-b-c-o-c-k.

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## DIRECT EXAMINATION

BY MR. MANZELLA:

Q Mr. Babcock, is your wife, Sharon Babcock, the previous witness in this case?

A Yes, she is.

Q What is your occupation, Mr. Babcock?

A I'm self-employed, truck driver.

Q You own your own rig?

A Yes, I do.

Q Now, did you know a man by the name of Donald Shea?

A Yes, I did.

Q How did you know him?

A We used to do stunt work together.

Q Was he a friend of yours?

A Yes, he was.

Q When did you first meet Donald Shea?

A Uh, approximately 1959.

Q Where were you when you met Mr. Shea?

A Corriganville Movie Ranch.

Q Is that Corriganville?

A Yes.

Q That's spelled C-o-r-r-i-g-a-n-v-i-l-l-e, is that correct?

A I believe so.

Q Where is Corriganville Movie Ranch?

A In Simi Valley, Ventura County.

Q What were you doing there at the time you met Donald Shea?

1 A Just stunt work.

2 Q Would you describe a little bit of what you mean  
3 by "stunt work"?

4 A There was live personal appearances on Saturdays  
5 and Sundays.

6 Q And were these audiences that paid admissions to  
7 see you perform?

8 A Yes, there was.

9 Q What kind of live shows did you perform? What did  
10 you do in the shows?

11 A Myself?

12 Q Yes.

13 A Stunt work. Mainly high falls, fist fights and  
14 worked off of horses.

15 Q Were these shows of a Western atmosphere?

16 A Yes, they were.

17 Q Now, were you at Corriganville before you met  
18 Donald Shea or was he there before you were?

19 A Don was there before I was.

20 Q When you met Donald at Corriganville, what was he  
21 doing?

22 A He was doing the same thing. He was doing stunt  
23 work.

24 Q Did you both get paid for the work you did at  
25 Corriganville?

26 A Yes, we did.

27 Q Now, did you later do any other work at Corrigan-  
28 ville?

1 A. Yes, we did some commercials, documentaries.

2 Q. Did you also get some instructions in stunt work?

3 A. Yes, I did.

4 Q. Now, did you know a man by the name of Lance  
5 Victor?

6 A. Yes.

7 Q. And did you know a man by the name of Bob Bickston?

8 A. Yes, I did.

9 Q. How did you know them?

10 A. I knew them from Corriganville.

11 Q. All right. And what were they doing in Corriganville  
12 when you met them?

13 A. Also stunt work.

14 Q. Now, approximately when did you meet them?

15 A. Uh, Bob Bickston was approximately '59, and Lance  
16 Victor was somewhat after that. Probably -- don't know  
17 exactly. Probably in the vicinity of '61 or '62.

18 Q. All right. Now, how long did you remain in  
19 Corriganville?

20 A. Six years.

21 Q. You were there until 1965, then?

22 A. Yes, I was.

23 Q. And during the time you were at Corriganville,  
24 did you continue to do the stunt work?

25 A. Yes, I did.

26 Q. And did you continue to put on the live Western  
27 shows for the audiences?

28 A. Yes.

1 Q Now, how long, if you noted it, did Donald Shea  
2 remain at Corriganville Movie Ranch?

3 A He left some time before I did. I couldn't really  
4 tell you when it was that he left.

5 Q Do you have any idea as to the number of years that  
6 that might have been before you left?

7 A Before I left? Uh, I imagine he probably left  
8 somewhere around three years before I did. Maybe four.

9 Q Then, from 1959, until the time that Donald left  
10 Corriganville, did he also do stunt work and perform in these  
11 live Western shows?

12 A Yes, he did.

13 Q Now, do you know the Spahn Movie Ranch?

14 A Yes.

15 Q And have you ever been there?

16 A Yes, I have.

17 Q And did you ever -- were you ever there when Donald  
18 Shea was there?

19 A I don't think I was, no.

20 Q Did you ever see Donald Shea at the Spahn Movie  
21 Ranch?

22 MR. KANAREK: It has been asked and answered, if he's  
23 never been there by definition.

24 THE COURT: Sustained.

25 Q BY MR. MANZELLA: Am I correct, then, that you've  
26 never seen Donald Shea at the Spahn Movie Ranch, is that  
27 right?

28 A Hmmm, not that I remember.



1 Q All right. Now, after Donald left Corriganville,  
2 did you see him very often?

3 A Uh, on occasion, but --

4 Q Did there come a time sometime thereafter when you  
5 began to see him frequently?

6 A Yes, there was.

7 Q More and more often?

8 A Yes, there was.

9 Q What year was that?

10 A I don't remember the year. He came back down here  
11 from the salt mines in Vallejo with Vance. I don't remember  
12 exactly what year that was, though.

13 Q Now, do you recall the name of the salt mines?

14 A Hmmm, no, I don't.

15 Q This was in Vallejo?

16 A Uh, either Vallejo or somewhere in that vicinity.

17 Q Did you one time know the name of the salt mines  
18 that you are referring to?

19 A I've heard it, but I don't know if I would remember  
20 it if I heard it again.

21 Q All right. Now, was that -- strike that.

22 Now, did you see Donald after he got back from the  
23 salt mines?

24 A Yes, I did.

25 Q Is that how you remember the time when you began to  
26 see Donald again?

27 A Yes.

28 Q Can you give us any idea of what year it was?

4-1

1 A Well, I really don't know.

2 Q Now, do you recall what time of the year it was,  
3 what season it was, or what month it was of that year that  
4 you began to see Donald again?

5 A No, I don't.

6 Q And once you began to see Donald, for approxi-  
7 mately how long -- strike that.

8 When was the last time that you saw or heard from  
9 Donald Shea?

10 A Well, the last time I seen Don was around --  
11 around August the 15th.

12 Q And was this of 1969?

13 A 1969, yes.

14 Q Now, let me ask you this: Can you tell us how  
15 long before that Donald got back from the salt mines? Can  
16 you give us an idea of the length of time it was from  
17 the time Donald got back from the salt mines until August  
18 of 1969?

19 A Oh, could have been a year, a year and a half.  
20 I'm not real positive about it.

21 Q All right. Now, from the time that Donald got  
22 back from the salt mines until August of 1969, did you see  
23 Donald periodically?

24 A Yes, I did.

25 Q Can you tell us approximately how often you saw  
26 him?

27 A About one -- once or twice, within the week,  
28 week and a half, when he was in town.

THE COURT: We will take a break, ladies and gentlemen.

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1 During the recess, you are obliged not to  
2 converse amongst yourselves nor with anyone else, nor permit  
3 anyone else to converse with you, nor to form or express any  
4 opinion on the matter until it finally is submitted to you.

5 (Midmorning recess.)

6 THE COURT: The case of People vs. Manson. You may  
7 proceed.

8 MR. MANZELLA: Yes.

9 THE COURT: We don't have those exhibits, and they  
10 will not be here until 2:00 o'clock, 2:30.

11 MR. MANZELLA: I won't need those for this witness,  
12 your Honor.

13 THE COURT: All right. Go ahead.

14 MR. MANZELLA: The People call Mr. Babcock to the stand,  
15 your Honor.

16 THE COURT: If anybody gets sleepy or begins to nod,  
17 or anybody in the jury box, stand up or catch my attention,  
18 somehow or other, and we'll give you a break.

19 I know it -- in a warm room like this, it's some-  
20 times difficult. And I certainly do appreciate -- I always do  
21 appreciate your paying attention.

22 THE DEFENDANT: Let me defend myself, and they'll stay  
23 awake.

24 THE COURT: Mr. Manson, you be quiet.

25 The record will show that the jurors are all  
26 present, and Mr. Kanarek is present; Mr. Manzella for the  
27 People.

28 Go ahead.

1 MR. MANZELLA: Thank you, your Honor.

2 Q BY MR. MANZELLA: Mr. Babcock, you said that you last  
3 saw Donald Shea in August of 1969. How long before that was it  
4 that you saw him, after he came back from the salt mines?

5 A Like I said, it could have been -- oh, before  
6 this particular time?

7 Q Right. You last saw him in August of 1969.

8 A Yes.

9 Q Now, before that, how long was it before that that  
10 you saw him, the first time, after he got back from the salt  
11 mines?

12 A I saw him -- when I saw him the first time after  
13 he got back from the salt mines?

14 Well, like I said, I don't know exactly when it  
15 was he came back from the salt mines.

16 But -- but -- oh, could have been six months, a  
17 year; you know.

18 THE COURT: Get a little closer to that microphone.

19 THE WITNESS: Okay.

20 Q BY MR. MANZELLA: Did you see Donald, then, after  
21 he got back from the salt mines in 1968?

22 A It's possible, yes.

23 Q Now, did you ever meet Donald's wife, Magdalene  
24 Shea?

25 A Yes, I did.

26 Q Did you know her by some name other than Magdalene?

27 A Yes, I did.

28 Q And what was that name?

1 A Niki.

2 Q And do you recall when it was that you met Niki

3 or Magdalene Shea?

4 A Uh -- not to the date.

5 Q Do you recall what month it was?

6 A No, I sure don't.

7 It was --

8 Q Was this in 1969?

9 A Yeah, I think it was in '69.

10 Q All right. And was it during the summer of 1969?

11 A Possible.

12 Q And when you first met Niki Shea, was she with

13 Donald?

14 A Yes, she was.

15 Q And where did you meet them?

16 A Where I was living at that time.

17 Q This was at your house?

18 A Yes, it was.

19 Q Did you have any children at that time?

20 A Yes, I did.

21 Q And how many children do you have?

22 A At that time, I had one.

23 Q Was that a two-year-old girl?

24 A Yes, she was two at that time.

25 Q And after -- strike that.

26 On the -- at that time that you met Niki Shea,

27 when she was with Donald at your house, did you discuss

28 their marriage?

1 A Hmmm --

2 Q If you recall.

3 A Well, just to the point of when they had been  
4 married.

5 Q Okay.

6 So at the time that Donald and Niki were at your  
7 house, they were married; is that right?

5 fls. 8 A Yes, they were.

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1 Q Now, you've already said that you last saw and  
2 heard from Donald in August of 1969?

3 A Yes.

4 Q Is there some event that happened or something  
5 that happened that helps you to fix the time when you last  
6 saw Donald?

7 A Yes, because it was either the same day or one or  
8 two days after I signed the final papers on my truck, which  
9 was the 15th.

10 Q Had you purchased your truck?

11 A Yes.

12 Q When did you sign the final papers for that pur-  
13 chase of your truck?

14 A The 15th of August, 1968.

15 Q And did you see Donald then either that day or one  
16 or two days of that date?

17 A Yes, I did.

18 Q When you say one or two days of that date, are you  
19 talking about August 15, 1969?

20 A Yes.

21 Q Where did you see Donald?

22 A At my house.

23 Q And was he there alone or was he with Niki?

24 A He was alone that time.

25 Q Did he -- strike that.

26 Did Donald have a car with him when you saw him on  
27 that occasion?

28 A Yes, he did.

1 Q Did you have occasion to go out to the car?

2 A Yes.

3 Q What car was it that Donald had with him?

4 A It was a white Mercury Comet, I believe.

5 Q Now, did you have the opportunity to look inside  
6 of the car on that time?

7 A Yes, I did.

8 Q Would you tell us what you saw inside of the car?

9 A Uh, he had some clothes and the car was pretty  
10 messed up inside. You know, cluttered up, I should say.

11 Q And what was it cluttered up with?

12 A Oh, clothes and shoes and some papers laying  
13 around.

14 Q Did you see any suitcases in the car?

15 A I think there was one suitcase in the car.

16 Q Now, you did not look in the trunk, is that  
17 correct?

18 A No, I did not.

19 Q Now, when Donald and Niki -- Niki Shea were at your  
20 house together, who of your family was present besides your-  
21 self?

22 A My wife, my daughter.

23 Q What did you and the Sheas do during that visit?

24 A Well, we just talked. You know, just idle chatter.  
25 And Don and Niki was playing with the baby.

26 Q Now, had you ever seen Donald with any guns?

27 A Yes, I have.

28 Q When did you -- strike that.



1 Can you describe the guns for us?

2 A They was single-action Dakotas.

3 Q Dakotas?

4 A Yes.

5 Q Is that spelled D-a-k-o-t-a-s?

6 A I believe so.

7 Q And can you give us any more of a description of the  
8 guns?

9 A They were single-action revolvers. It was 7-1/2  
10 inch barrels.

11 Q And were they a matched set or were they --

12 A Yes, they were a matched set.

13 Q What do you mean by "matched set"?

14 A They had consecutive serial numbers.

15 Q Now, do you recall the first time that you saw the  
16 guns?

17 A Not to the date. Seen them shortly after he had  
18 -- he had got them the first time. He came over after he had  
19 purchased the guns. He was showing them to me.

20 Q Do you recall what year that was?

21 A I sure don't.

22 Q And have you -- did you see those guns just once,  
23 the first time he showed them to you or did you see them more  
24 than once?

25 A I seen them more than once.

26 Q Can you give us an idea or tell us how many times  
27 you seen the guns?

28 A Oh, probably four, five, six or seven times.

1 Q Now, when you were doing stunt work, did you have  
2 any connection with guns yourself?

3 A Yes, I did.

4 Q And was that in connection with your stunt work?

5 A Yes, it was.

6 Q Did you own your own guns at any time?

7 A Yes.

8 Q And did you use those guns in connection with your  
9 stunt work?

10 A Yes, I did.

11 Q Now, did Donald ever talk to you about his feelings  
12 towards the guns on those occasions when he showed them to  
13 you?

14 A Well, it was the first set of guns that Don had ever  
15 had of his own. And, uh -- well, he just never -- well,  
16 like when I was looking at them, you know, he wouldn't take his  
17 eyes off of them, you know, the impression that he was really  
18 proud of them.

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1 Q Do you recall whether or not Donald carried them  
2 in a -- carried them in some kind of a container?

3 A Yes, he did.

4 Q And can you describe that container for us?

5 A It was an attache case and it was brown, I  
6 believe. And it had lettering on it, "Reverend Donald Shea."

7 Q And was this lettering on top of the case?

8 A Yes, it was.

9 Q And did he carry those guns in that case?

10 A Yes, he did.

11 Q Now, since the -- that time, one or two days  
12 after August 15, 1969, when you last saw -- when you saw  
13 Donald, was this at your house?

14 A Yes, it was.

15 Q Now, since that occasion have you seen or heard  
16 from Donald Shea?

17 A No, I haven't.

18 MR. MANZELLA: Your Honor, at this time I have come to  
19 the point where I want to have the witness identify some of  
20 the exhibits. I have no further questions except in connec-  
21 tion with those exhibits, your Honor.

22 THE COURT: How much longer would your direct examina-  
23 tion take?

24 MR. MANZELLA: About another ten minutes, your Honor.

25 THE COURT: Well, then, the delay then is inevitable.  
26 The Court dislikes it, but we -- the Court realizes that we  
27 can hardly do anything else.

28 The exhibits are not available, ladies and

1 gentlemen, through no fault of either counsel. And so,  
2 therefore, we can't go on with the examination at this time.  
3 We may just as well complete the direct, unless you have some  
4 cross, cross-examination that you wish to pursue at this time.  
5 Any cross that you can think of at this time?

6 MR. KANAREK: No, your Honor, not --

7 THE COURT: Not at this point?

8 MR. KANAREK: Not at this point, your Honor.

9 THE COURT: All right.

10 Well, I'm --

11 (Whereupon, the Court conferred with the Clerk  
12 up at the bench off the record.)

13 THE COURT: This may be some word about our exhibits  
14 now.

15 Off the record.

16 (Whereupon there was a pause in the proceedings  
17 while the Court received a telephone call.)

18 THE COURT: Ladies and gentlemen -- back on the record.

19 We're obliged now to recess until 2:00 o'clock.

20 So, remember the admonition, don't converse  
21 amongst yourselves, nor permit anyone to converse with you,  
22 nor form or express any opinion on the matter until it is  
23 finally submitted to you.

24 I'll see you all at 2:00 o'clock. Hopefully we  
25 can go ahead at that time.

26 (Whereupon, the noon recess was taken, the  
27 proceedings to resume at 2:00 o'clock p.m. of the  
28 same day.)

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1 LOS ANGELES, CALIFORNIA, THURSDAY, AUGUST 19, 1971

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3  
4 THE COURT: We cannot proceed this afternoon, ladies  
5 and gentlemen.

6 The record will show that Mr. Kanarek is present,  
7 Mr. Manzella, and all the members of the jury and the  
8 defendant.

9 And this afternoon, ladies and gentlemen, we will  
10 have to recess at this time. The items which had been  
11 expected to arrive in this courtroom, we've been waiting  
12 for them all day, have not yet arrived and, therefore, we  
13 cannot go ahead.

14 Remember the admonition that you are bound to  
15 observe, and that is that you are not to converse amongst  
16 yourselves, or with others, concerning this case, nor are you  
17 to form or express any opinion on the matter until it is  
18 finally submitted to you.

19 You've been told that there are other cases that  
20 are currently being tried in other courtrooms, including a  
21 case, the title People vs. Grogan, and another People vs.  
22 Watson. If you should see a headline or some reference to  
23 that in the press or hear something about it over television  
24 or radio, you are to ignore the balance of the news story, not  
25 to read it, not to listen to it or view it any further, and  
26 you are to make every effort to avoid reading anything whatever  
27 about those cases, as well as this case.

28 9:30 tomorrow morning, gentlemen.

1 MR. MANZELLA: Yes.

2 THE COURT: You are excused until 9:30.

3 MR. KANAREK: Your Honor, your Honor, if I may, just  
4 a moment.

5 Yes, very well, your Honor.

6 THE COURT: 9:30 tomorrow morning. See you all then.

7 Good night.

8 (Whereupon at 3:50 o'clock p.m. an adjournment  
9 was taken in the herein proceedings to be resumed at  
10 9:30 o'clock a.m. of the following day, Friday,  
11 August 20, 1971.)  
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