

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

REPORTERS' DAILY TRANSCRIPT

Friday, August 20, 1971

VOLUME 38APPEARANCES:

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

For Defendant Manson: IRVING A. KANAREK, Esq.

BAGGOTT (KANE)

WARRINGTON (ROBT)

VICTOR (LAW)

BAGGOTT (ROBT)

INGRAM (MAJOR)

COPY

MARY LOU BRIANDI, C.S.R.
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I N D E X

<u>PEOPLE'S WITNESSES:</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>
HABCOCK, Jimmy Ray	5837	5840	5843	
VICTOR, Lance	5845	5891		
BICKSTON, Robert	5903	5925	5932	
INGRAM, Major, Jr.	5933			
WACHSMUTH, Robert L.	5958	5962		

E X H I B I T S

<u>PEOPLE'S:</u>	<u>FOR IDENTIFICATION</u>	<u>IN EVIDENCE</u>
67-A through 67-N - Photos	5878	
68 - Photo of male person	5888	
69 - Claims file	5941	
70 - Photo of female person	5960	

1 LOS ANGELES, CALIFORNIA, FRIDAY, AUGUST 20, 1971

2 9:37 A.M.

3 ---O---

4 THE COURT: Good morning, ladies and gentlemen.

5 Mrs. Jenkins hurt herself, I understand.

6 JUROR NO. 8: Yeah, she fell down outside.

7 THE COURT: Both sides ready?

8 MR. MANZELLA: Yes, your Honor.

9 THE COURT: We will be dark from the 23rd -- off the
10 record.

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

12 (Recess.)

13 THE COURT: All right. The record will show that all
14 the jurors and alternates are present. The defendant is
15 present with his counsel.

16 Mrs. Jenkins, we are sorry to hear that you hurt
17 yourself this morning. The jurors are all very important, and
18 you'd better take better care of yourself.

19 I hope you weren't hurt seriously.

20 JUROR NO. 7: No, I'm all right.

21 THE COURT: How do you feel now?

22 JUROR NO. 7: Pretty good.

23 THE COURT: Let's proceed.

24 MR. MANZELLA: Mr. Babcock, would you take the stand
25 again, please?
26
27
28

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

THE CLERK: You are still under oath. Please state your
name again for the record.

THE WITNESS: Jimmy Ray Babcock.

FURTHER DIRECT EXAMINATION

BY MR. MANZELLA:

Q Mr. Babcock, directing your attention to the
photographs which have been marked People's 46 for
identification, directing your attention to that photograph,
do you recognize the person shown in that photograph?

A Yes. That's Don Shea.

Q Directing your attention to the photograph marked
People's 47 for identification, do you recognize the person
shown in that photograph?

A That's Don Shea also.

Q All right. Mr. Babcock, directing your attention
to the photographs which have been marked People's 61-A through
J, which appear to depict a Mercury Comet, do you recognize
the car shown in these photographs, People's 61-A through -J?

You may look at each one, if you like.

A Yes, that's the car that Don was driving the last
time I seen him.

Q All right. Mr. Babcock, directing your attention
to the pistols which have been marked People's 53-A and 53-B,

1 do you recognize these two pistols?

2 A Yes. They're -- they belonged to Donald Shea.

3 Q And are those the two guns that you've already
4 testified about?

5 A Yes, they are.

6 Q And how do you recognize them?

7 A Well, just that -- the fact that I've seen them
8 before, and I've handled them before.

9 Q Now, let me ask you this: Do you recall when it was,
10 the last time that you saw those guns? Outside of the
11 courtroom, that is?

12 A Hmmm -- not to the date. I didn't -- I didn't see
13 'em -- I didn't see 'em the last time I seen Don. It was
14 some time before that.

15 Q All right. Do you recall the condition they were
16 in at the time you last saw them?

17 A They was in a little better condition than this
18 the last time I seen them; referring to the grips --

19 Q Can you tell us what was different about the
20 condition of the guns when you last saw them than they are
21 right now?

22 A Well, the bluing wasn't worn as bad on them as they
23 are right now; and the grips wasn't scratched like they are.

24 Q What do you mean by the "bluing"?

25 A Right here on the barrel (indicating).

26 Q Do you mean the color of the --

27 A Yes.

28 Q -- metal portions of the gun?

1 A Yes, I do.

2 Q What else is different? What else, if anything, is
3 different about the conditions of the two guns?

4 A Well, the bluing and the lacquer on the grips.

5 Q What's different about the lacquer on the grips?

6 A They're worn more than they were before. They
7 was in a lot better shape than they are now.

8 Q You're referring to the wooden --

9 A The wooden grips.

10 Q -- handle?

11 A Yeah.

12 Q Now, directing your attention to People's Exhibit
13 54 for identification.

14 Do you recognize this case?

15 A Yes, that's the case that Don had the guns in the
16 last time I seen the guns and the case.

17 Q Mr. Babcock, you testified that you saw Donald one
18 or two days after August 15, 1969, the day that you purchased
19 your truck.

20 Have you seen or heard from Donald since that date?

21 A No, I haven't.

22 Q All right, thank you.

23 I have no further questions, your Honor.

24 THE COURT: Any questions?

25 MR. KANAREK: Yes, your Honor, if I may.

26
27 CROSS-EXAMINATION

28 BY MR. KANAREK:

1 Q Mr. Babcock, do you remember testifying before the
2 Grand Jury?

3 A Yes, I do.

4 Q In answer to a question before the Grand Jury:

5 "Q When he came over to your house on
6 this last occasion, was this before or after he
7 brought Niki over to visit with you?

8 "A This was after.

9 "And how much after?

10 "A Well, it was quite a mile -- quite
11 a while. I imagine probably a month or so."

12 Did you so testify?

13 A It is possible I did.

14 MR. KANAREK: Well, may I approach the witness, your
15 Honor?

16 THE COURT: No, unless you have some reason for it.

17 MR. KANAREK: I -- perhaps by reading that he'll be able
18 to testify for sure he testified like this.

19 THE COURT: Is it so stipulated that he so testified?

20 MR. MANZELLA: Your Honor, I don't understand. I object
21 on the grounds there's no foundation for reading any
22 testimony right now before the Grand Jury.

23 MR. KANAREK: This is cross-examination, your Honor.

24 THE COURT: Sustained.

25 Would you approach the bench?

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

1 THE COURT: If you are asking whether or not he may be
2 approached and ordered to allow him to read that same passage
3 over again, I see no point in it. You asked him about it, but
4 more than that, the objection seems to be well taken unless
5 there is an inconsistency, there is no reason for reading it.

6 MR. KANAREK: It doesn't have to be inconsistent.

7 THE COURT: Why are you asking that?

8 MR. KANAREK: Pardon?

9 THE COURT: You have a right to impeach him by inconsis-
10 tency.

11 MR. KANAREK: I also have a right to ask him questions,
12 I have a right to ask him these questions as to whether he
13 so testified previously. He is on the witness stand.

14 THE COURT: The Court disagrees with you unless -- it is
15 immaterial unless it is an inconsistent statement.

16 MR. KANAREK: It doesn't have to be inconsistent. It
17 can be a prior consistent statement.

18 THE COURT: You are asking to read a prior consistent
19 statement of the People's witness?

20 MR. KANAREK: Well, yes, your Honor. He testified on
21 direct as to certain time aspects of when he saw --

22 THE COURT: If it is inconsistent, Mr. Kanarek, you do
23 have a right to question him about it.

24 MR. KANAREK: Well, whether it is consistent --

25 THE COURT: And you don't have to approach him to do it.
26 You can approach him, if you want, but if it is a consistent
27 statement I see no point in going over it. In other words,
28 I see no legitimate reason why you should ask about a prior

1 consistent statement of someone who is opposed to you.

2 MR. KANAREK: Well, your Honor, Mary Brunner was opposed
3 to us in that sense of the word.

4 THE COURT: To ask a prior consistent statement under
5 these circumstances does not appear to be warranted, and the
6 Court would sustain the objection.

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

9 BY MR. KANAREK:

10 Q Mr. Babcock, was it about a month or so after
11 Mr. Shea came to your home with Niki that he came to your home
12 the time that you have spoken of with Mr. Manzella?

13 A It is possible, but I don't think it was that long.

14 Q Pardon?

15 A I don't think it was that long.

16 Q You don't think it was a month?

17 A No, I don't.

18 Q Well, did you testify --

19 MR. MANZELLA: Excuse me. Sorry to interrupt you,
20 Mr. Kanarek.

21 Your Honor, could Mr. Kanarek be asked to use the
22 microphone?

23 MR. KANAREK: Oh, I'm sorry. Certainly. It is hard with --

24 Q BY MR. KANAREK: Did you testify thusly at the
25 Grand Jury --

26 THE COURT: Now, is this the same statement?

27 MR. KANAREK: Yes, it is inconsistent, your Honor.

28 THE COURT: Is this the same statement that he did

1 testify --

2 MR. KANAREK: No, I don't believe --

3 THE COURT: Is it stipulated that he did so testify?

4 MR. MANZELLA: So stipulated, your Honor.

5 THE COURT: There's no need to go over it.

6 MR. KANAREK: Thank you, your Honor.

7 Q BY MR. KANAREK: Now, Mr. Babcock, may I ask you,
8 at the Grand Jury -- well, let me ask you this:

9 Did Mr. Shea tell you that he stayed at the Spahn
10 Ranch just when he needed a place to sleep or something like
11 that?

12 A He might have made a statement like that.

13 Q And did he tell you that he was at the Spahn Ranch
14 only off and on?

15 A Yes, he did.

16 MR. KANAREK: Thank you, your Honor.

17 MR. MANZELLA: Just one or two questions, your Honor.

18

19

REDIRECT EXAMINATION

20

BY MR. MANZELLA:

21

22 Q Mr. Babcock, how do you establish the date when you
last saw Donald?

23

24 MR. KANAREK: That's assuming facts not in evidence.
This gentleman has not established a date, your Honor.

25

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

27

28 THE WITNESS: The last time I seen Don?

29

Q BY MR. MANZELLA: Right.

30

A Well, the last time I seen Don, the way I established

1 the date, was the 15th of August, was when I signed the final
2 papers on my truck.

3 Q And you know that date, is that correct?

4 A Yes, I do.

5 Q And you saw Donald one or two days after that?

6 A Yes.

7 MR. MANZELLA: All right, thank you. I have no further
8 questions, your Honor.

9 THE COURT: Anything more?

10 MR. KANAREK: Thank you, your Honor.

11 THE COURT: You may step down.

12 MR. MANZELLA: May Mr. Babcock be excused, your Honor?

13 THE COURT: Yes, Mr. Babcock --

14 MR. KANAREK: Yes, your Honor.

15 THE COURT: -- you are excused.

16 MR. MANZELLA: People call Mr. Lance Victor.
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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
5 you God?

6 THE WITNESS: I do.

7
8 LANCE VICTOR,
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: Lance Victor; L-a-n-c-e V-i-c-t-o-r.

14
15 DIRECT EXAMINATION

16 BY MR. MANZELLA:

17 Q Mr. Victor, did you know a man by the name of
18 Donald Jerome Shea?

19 A Yes, I did.

20 Q And when did you meet Mr. Shea?

21 A It was around 1965.

22 Q And where were you when you met Mr. Shea?

23 A Well, I was working on a picture with Bob
24 Bickston; it was out at Spahn Ranch,

25 Q Were you acting in that film?

26 A Yes, sir.

27 Q What was -- if you know, what was Donald Shea
28 doing at the time that you met him?

2-2

1 A Do you mean what part he had in the picture?

2 Q Was he in the film?

3 A Yes, he was.

4 Q And what kind of a part did he have in the
5 picture?

6 A He was -- well, he was doing the -- you know,
7 the backdrop, the extra work.

8 Q Extra work?

9 A Yeah.

10 Q Where was the film shot, the film that you are
11 speaking of?

12 A It was at the Spahn Ranch; and then across the
13 way, Iverson's, across the street.

14 Q Now, is the Iverson Ranch across the --

15 A The little roadway there.

16 Q All right. Now, who was Bob Bickston? You
17 mentioned his name.

18 A Bob Bickston was the producer of it.

19 Q Now, did you become friendly with Donald at
20 sometime?

21 A Yeah. It was mostly in '65. When I met him,
22 we became friendly a little bit; and then I didn't see him
23 then for a while until later on.

24 Q Until when?

25 A Oh, it was -- quite sometime later on, when we
26 had -- when we had to go out -- I was up at the ranch, when
27 I seen Don again. Don drove in with a blue Cadillac.

28 Q Was that in 1968, when you became friendly with

2-3

1 him?

2 A That's close.

3 Q Now, do you know -- did you know a family by the
4 name of Binder? B-i-n-d-e-r? Jerry Binder?

5 A Yes.

6 Q And how did you meet them?

7 A It was through Don Shea.

8 Q And was that also in 1968 --

9 A Yes.

10 Q -- that you met them?

11 A Yes, about in there.

12 Q Now, did you and Donald ever stay with the Binder
13 family in 1968?

14 A Yes, we did, for a while.

15 Q Do you recall when it was that you stayed with
16 the family?

17 A It was about summertime of 1968 .

18 Q And sometime thereafter, after you -- strike that.
19 How long did you stay -- did you and Don stay
20 with the Binders?

21 A Oh, it was three to four weeks, around there.

22 Q And sometime thereafter, after you left the
23 Binders, did you and Donald go some place together to work?

24 A Oh, yes. Yes, we went up north for a while.

25 Q Where did you go?

26 A We went to the Leslie Salt Corporation.

27 Q That's L-e-s-l-i-e?

28 A Yeah.

2-4

1

Q And where are the Leslie Salt Mines?

2

A They're up toward -- toward Napa, California;

3

Vallejo and Napa, in between.

4

Q How did you and Donald get up there.

5

A We went in my car.

6

Q Now, is work at the Leslie Salt Mines, is that

7

seasonal work?

8

A Yes. It lasts about four months.

9

Q When does it begin?

10

A It's the last part of August.

11

Q And when does it end?

12

A It ends in -- around November or the first of

13

December.

14

Q And when did you and Donald go up to the Leslie

15

Salt Mines?

16

A It was about -- just about the middle of August.

17

Q Of 1968?

18

A 1968.

19

Q And what -- strike that.

20

Do you know what Donald did at the salt mines?

21

A He drove one of those little locomotives. It's

22

kind of a small thing with little cars in the back. It holds

23

about 16 cars.

24

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2a fls.

2a-k

1 Q Now, how long did you stay at the Leslie Salt
2 Mines?

3 A I stayed the whole season.

4 Q You worked the full season?

5 A Yes, sir.

6 Q How long did Donald work at the salt mines?

7 A Don -- Don stayed there about three to four weeks,
8 seemed like; and then he left. He said he had to come down
9 and pay some tickets or something.

10 Q Traffic tickets?

11 A Traffic tickets.

12 Q All right. When is the last time -- when is the
13 next time after Donald left the Leslie Salt Mines in Vallejo,
14 when was the next time that you saw him or heard from him?

15 A Don phoned me from -- after he was down here; he
16 phoned me from the Wilcox Hotel where he was staying.

17 Q And when was the next time that you saw Don?

18 A I saw Donald in -- I come down; I saw Donald out
19 at the ranch.

20 Q Spahn Ranch?

21 A Yes, sir.

22 Q And do you recall when that was?

23 A Well, it was -- generally, around '70, 1970.

24 Q And do you recall what part of the year it was?

25 A Oh, you mean what month?

26 Q Right.

27 A It was around -- around about the first part of
28 August, it seemed like.

1 Q All right. Now, you said the year --

2 A The first week, second week.

3 Q All right. And where did you see him? Was this at
4 Jim Babcock's home, that you saw Donald?

5 A Yes. He had come up there, yes. He come up there,
6 showing me some pictures, that he just got married.

7 Q And he had just gotten married; is that correct?

8 A Yes. He showed me --

9 Q Now, you mentioned the date, the year 19--

10 MR. KANAREK: Your Honor, the man has not finished his
11 answer, I don't believe. Mr. Manzella is interrupting.

12 THE COURT: Had you finished your question?

13 MR. MANZELLA: His answer.

14 THE COURT: I mean, had you finished your answer?

15 THE WITNESS: Oh, yes.

16 Q BY MR. MANZELLA: Now, you mentioned the year 1970.
17 Did you mean 1969 or 1970, when you saw Donald and had the
18 conversation about him having just gotten married?

19 A It seems like it was 1970.

20 Q Seemed like it was 1970?

21 A Yeah. I can't quite pinpoint the exact month. I
22 know it was in the summertime.

23 Q All right. Now, you had a conversation with Donald
24 at Jim Babcock's about Donald just having gotten married?

25 A Yes.

26 Q All right. Did Donald -- did you meet Donald's
27 wife on that occasion?

28 A No, I never did. But he had some photographs, and

1 he showed me photographs of their wedding.

2 Q All right. Was Donald's wife a Negro girl or a
3 Caucasian girl?

4 A She was a Negro girl.

5 Q And the conversation was about Donald just having
6 gotten married?

7 A Yes. He was -- well, he had been married for a
8 little bit; he was showing me the pictures, because he had
9 been -- he had brought them there.

10 Q Well, when you say "a little bit," can you tell
11 us, from your discussion with Don at that time, what
12 impression you got as to the --

13 MR. KANAREK: Just a minute, your Honor. That's
14 assuming facts not in evidence, that there was a discussion
15 as to how long.

16 THE COURT: All right. Just raise your objection.

17 MR. KANAREK: Yes, your Honor.

18 THE COURT: The objection is sustained.

19 Q BY MR. MANZELLA: All right. Did you have a
20 discussion -- oh, I'm sorry. I'll withdraw that.

21 Did you have a discussion about Donald having
22 gotten married? Was there anything said about how long he
23 had been married, when he had gotten married?

24 A No, not that I can remember.

25 Q Did you have the impression from the conversation
26 that he had just gotten married?

27 MR. KANAREK: Objection, your Honor, on the grounds --

28 THE COURT: Sustained.

1 Q BY MR. MANZELLA: Now, you had seen -- strike that.
2 From the time you left the Leslie Salt Mines --
3 well, strike that.

4 When did you leave the Leslie Salt Mines in 1968?

5 A Hmmm -- it was around -- around close like December,
6 when the season quit.

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2b

1 Q Of 1968?

2 A Yes.

3 Q All right. And how long -- how much time passed
4 before you saw Donald again?

5 A It was -- it was toward the summertime.

6 Q About six months?

7 A About four to five months.

8 Q All right. So that would have been 1969, --

9 A Oh, '69.

10 Q -- when you say you saw Donald again?

11 MR. KANAREK: Objection, your Honor, leading and
12 suggestive.

13 THE COURT: Overruled. The answer may remain in.

14 Q BY MR. MANZELLA: Now, were you mistaken when you
15 said 1970?

16 A I could have been, yes.

17 Q All right.

18 A Because I was thinking ahead (indicating).

19 Q Well, how much time passed from when you left the
20 Leslie Salt Mines in December of 1968 until you saw Donald
21 again? Was that four or five months, as you just testified?

22 A Yes. It could have been five to six months.

23 Q All right. So that if it was five or six months,
24 what year would it be that you saw Donald the next time after
25 you left Leslie Salt Mines?

26 A Well, let's see. I was working there in 1969.
27 And, as I said, that would be in 1970, then, because it would
28 have to go --

1 Q Well, Mr. Victor, you testified that you were
2 working there in 1968.

3 MR. KANAREK: Your Honor, I will object to --

4 THE COURT: Sustained.

5 MR. KANAREK: -- his arguing with the witness.

6 MR. MANZELLA: All right.

7 Q Mr. Victor, do you recall the year in which you
8 worked at the Leslie Salt Mines?

9 MR. KANAREK: It's been asked and answered, your Honor.

10 THE COURT: Sustained.

11 Q BY MR. MANZELLA: You've testified that you
12 worked at the Leslie Salt Mines in 1968, Mr. Victor, and you
13 have testified that you left the salt mines around the 1st
14 of December of 1968.

15 That's when you worked up there with Donald.

16 A Yes.

17 Q All right. Now, how long after you left the salt
18 mines -- how much time passed before you saw Donald again?

19 MR. KANAREK: Asked and answered, your Honor.

20 THE WITNESS: It would be about four to five months.

21 THE COURT: All right. The objection is overruled.

22 Q BY MR. MANZELLA: So what year -- well, strike
23 that.

24 What year was it that you saw Donald? In what
25 year was it that you saw Donald?

26 MR. KANAREK: Asked and answered.

27 THE COURT: Sustained.

28 MR. KANAREK: And leading and suggestive.

1 THE COURT: The objection is sustained.

2 THE WITNESS: It seemed like it was --

3 THE COURT: Well, there's no question pending now.

4 THE WITNESS: All right. It seemed like it was 1970,
5 because -- you know, the -- the January had passed over
6 (indicating), over into another year.

7 Q BY MR. MANZELLA: All right. Mr. Victor, did you --
8 you've testified before the Grand Jury of this proceeding,
9 have you not?

10 A Yes,

11 Q All right. And did you testify before the Grand
12 Jury that you next saw Donald, after leaving the Leslie
13 Salt Mines, you next saw him in the summer of 1969?

14 MR. KANAREK: Object on the grounds that it is --
15 to the form of the question; improper foundation; and it's
16 irrelevant and immaterial.

17 THE COURT: Overruled. You may answer.

18 Q BY MR. MANZELLA: All right. Mr. Victor, you
19 testified before the Grand Jury in this case?

20 A Yes,

21 Q And when you testified before the Grand Jury,
22 did you testify that you -- after leaving the Leslie Salt
23 Mines in December of 1968, you next saw Donald in the summer-
24 time of 1969?

25 MR. KANAREK: Object, your Honor, on the grounds of hear-
26 say; improper foundation; irrelevant and immaterial; the
27 form of the question is improper.

28 THE COURT: Overruled.

1 THE WITNESS: Yes.

2 Q BY MR. MANZELLA: All right. And Mr. Victor,
3 have you just testified on Monday, July 26th of this year,
4 in another Superior Court in this city?

5 A Yes.

2c

2c-1

1 Q And at that -- at that time, did you testify that
2 after the -- after leaving the Leslie Salt Mines, the next
3 time you saw Donald was in the summertime of 1969?

4 MR. KANAREK: Leading and suggestive, your Honor;
5 irrelevant and immaterial; hearsay; improper foundation.

6 THE COURT: Overruled.

7 THE WITNESS: Yeah. Well, it could have been then,
8 because I keep trying to think ahead; seemed like it was a
9 long period of time.

10 THE COURT: The answer is stricken.

11 Would you answer the question?

12 MR. KANAREK: Well, your Honor, he is explaining. I
13 would ask that the answer not be stricken, if I may, your
14 Honor, his last statement.

15 THE COURT: All right. The answer may remain.

16 Q BY MR. MANZELLA: Now, Mr. Victor, you testified
17 that when you next saw Donald, after leaving the Leslie Salt
18 Mines in '68, that that's when you had the conversation with
19 him about having gotten married; --

20 MR. KANAREK: Your Honor, that's --

21 Q BY MR. MANZELLA: -- is that correct?

22 A Yes.

23 MR. KANAREK: -- leading and suggestive.

24 That's improper for Mr. Manzella to --

25 THE COURT: Just a minute. I've stated to both counsel
26 before that I just want to hear an objection. I don't want
27 to hear argument. If I want argument, I'll ask for it at the
28 bench.

2c-2

1 MR. KANAREK: Very well. The objection --

2 THE COURT: The Court strikes the answer, and the
3 objection is sustained.

4 Q BY MR. MANZELLA: When you next saw Donald after
5 leaving the Leslie Salt Mines in 19 -- in December of 1968,
6 did you have conversation with him? Did you talk to him when
7 you next saw him, the next time you saw him at Jim Babcock's
8 house?

9 A Oh, yeah. Yeah.

10 MR. KANAREK: Well, that's leading and suggestive,
11 your Honor.

12 THE COURT: The answer may remain. The objection is
13 overruled.

14 Q BY MR. MANZELLA: And what did you talk about
15 with Donald?

16 A Well, he was -- he was out -- kind of looking
17 for work. He had been doing some -- topping some trees or
18 something like that.

19 Q Did you talk about anything else with him?

20 MR. KANAREK: Well, he is not allowing the witness to
21 finish, your Honor. He's interrupting the witness.

22 THE COURT: Had you finished your answer?

23 THE WITNESS: Close enough.

24 Q BY MR. MANZELLA: Did you talk about anything
25 else with him, with Donald?

26 A (No response.)

27 Q Did you talk about --

28 A Yeah. He wanted to find some sort of a job or

1 something where he could make some more money, yeah.

2 Q Did you talk about his marriage?

3 A Yes. He was happily married.

4 Q And those are the -- it was during that conversa-
5 tion that he showed you the pictures you've told us about?

6 A Right, yes.

7 Q Now, was this the conversation that you said
8 occurred four or five months after you left the Leslie Salt
9 Mines in December of 1968?

10 A Right, yes.

11 MR. KANAREK: Leading and suggestive, your Honor.

12 THE WITNESS: Oh, I see what you mean now. Yeah.

13 THE COURT: The answer may remain. The objection is
14 overruled.

3 fls.

3-1

1 Q BY MR. MANZELLA: Now, Mr. Victor, after you saw
2 Donald this time that you have just told us about, did you
3 go up to Spahn Ranch?

4 MR. KANAREK: That's ambiguous as to time, your Honor.

5 A Yes, I did.

6 THE COURT: The answer is stricken. The objection is
7 sustained.

8 Q BY MR. MANZELLA: Sometime shortly after you
9 had this -- you met -- strike that.

10 Sometime shortly after you saw Donald at Jim
11 Babcock's house and had this conversation that you told us
12 about, did you go up to Spahn Ranch?

13 A Yes.

14 MR. KANAREK: That's ambiguous as to time, "shortly."

15 THE COURT: The objection is overruled. The answer
16 may remain.

17 Start your question over again.

18 MR. MANZELLA: I will, your Honor.

19 Q BY MR. MANZELLA: When did you go up to Spahn
20 Ranch? How much time had elapsed since you saw Donald; weeks?

21 A Oh, yeah, it was a couple, three weeks.

22 Q Now, did you see anybody, did you visit with
23 anyone when you went up to Spahn Ranch?

24 A Yes, there was a lot of the people up there,
25 like Pearl, Randy, Randy Starr was up there.

26 Q By "Pearl," are you referring to Ruby Pearl?

27 A Ruby Pearl, yeah.

28 Q Was she a foreman or manager up at the Spahn

3-2

1 Ranch?

2 A Well, I think she was like a manager up there.

3 Q And did you visit with George Spahn?

4 A Yes, yes.

5 Q And when you went up to the ranch, did you see
6 Donald Shea up there?

7 A Yes, I did.

8 Q And about how long was this after you had seen him
9 at Jim Babcock's house?

10 A It was about three to four weeks.

11 Q Do you recall the day of the week that it was?

12 A I believe it was on a Monday or a Tuesday.

13 Q Now, when you saw Donald at the ranch, did you
14 see the Mercury, that you have identified as People's 61 --
15 strike that.

16 Did you see Donald with a car up at the ranch?

17 A Yes.

18 Q And can you tell us -- can you describe the car
19 for us?

20 A Yes, it was white. It was made by the Ford motor
21 company. It was a Mercury, and it was kind of -- well, it
22 needed a wash job.

23 Q Now, did you --

24 A When I saw it, it was parked up near a hill type
25 of --

26 Q Directing your attention, Mr. Victor, to these
27 photographs which have been marked People's 61 for identifica-
28 tion.

3-3

1 Do you recognize the car shown in these
2 photographs?

3 A Yes, that's the one.

4 Q Is that the one you saw Donald with up at Spahn
5 Ranch?

6 A Yes, sir.

7 Q Now, at the time you saw Donald, did you talk
8 to him about anything? Did you have a conversation with
9 him up at Spahn Ranch when you saw him up there?

10 A Yes. He wanted -- he wanted to leave.

11 Q You can just answer that yes or no.

12 A Oh, yes.

13 Q Now, prior to that time had you ever had a
14 discussion with Donald with regard to movies in general and
15 acting in particular?

16 A Yes, he wanted to -- he wanted to get into
17 something worth while, you know, where he could make some
18 more money.

19 Q Let me interrupt you, you can answer that question
20 yes or no.

21 You did have conversations with him about those
22 things?

23 A Yes.

24 Q Now, in those conversations did Donald tell you
25 about what his feelings were towards movies in general and
26 acting?

27 A Yes, he was very fond of it. He wished that he
28 could get into a series.

3-4

1 I think what I told him is, "I think with our
2 luck, I think it is a fat chance."

3 Q All right. All right, now, do you recall the
4 month of the year that you saw Donald at Spahn Ranch on this
5 occasion; what month of the year was it?

6 A I believe it was in the -- around August. It was
7 1970.

8 Q All right. It was in August of that -- the year
9 that you saw him?

10 A Yes.

11 MR. KANAREK: Your Honor, I object to --

12 THE COURT: Sustained.

13 MR. KANAREK: -- Mr. Manzella's editorializing.

14 THE COURT: Just raise the objection. The objection
15 is sustained to Mr. Manzella's question and the answer is
16 stricken.

3a fls.

3a-1

Q BY MR. MANZELLA: This time that you saw him was the first time that you saw him after he left the Leslie Salt Mines, is that correct?

A Yes, yes.

Q All right.

A All right, now, while you were talking to Donald Shea at the Spahn Ranch, in August, did he ask you for any money?

MR. KANAREK: It is ambiguous --

A Yes, he did.

MR. KANAREK: -- your Honor.

THE COURT: Overruled. The answer may remain.

Q BY MR. MANZELLA: And did you give him any money when he asked you for it?

A Well, I had some change in my pocket. I just bought a bunch of gas for my car, and I asked this friend of mine, Bob Fury -- and I said, "Oh, can you give him a couple of dollars and I'll pay you back later on?" And so he gave Don a couple of dollars.

Q Was that in your presence?

A Yes.

Q And had you asked the friend to give Don a couple of dollars?

A Yes.

Q Now, during the same conversation with regard to the money, was anything more said about your giving Donald some money?

A Yes, he wanted --

3a-2

1 MR. KANAREK: Your Honor, I must object to that on
2 grounds of hearsay.

3 THE COURT: Sustained.

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

5 THE COURT: Yes, 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. MANZELLA: The reason I'm offering this evidence
10 is to show that the witness -- he'll testify that they,
11 thereafter, went back on the Friday, the following Friday to
12 give Donald the money -- on Tuesday -- he told him he was
13 going to give him, and he went back on Friday and Donald
14 wasn't there any more.

15 And, also --

16 THE COURT: Well, I don't see any reason to go into
17 conversations because of that. I'll sustain the objection.
18 You could ask him whether he went back and whether he was
19 able to find Shea or whatever you wish to do, but I think
20 the objection is well taken.

21 MR. MANZELLA: Well, at this point I might as well
22 bring up another point.

23 There is a lot more to this conversation.

24 In the conversation Donald --

25 THE COURT: If it shows Shea's state of mind, his
26 intentions, it would be admissible.

27 Do you contend it does?

28 MR. MANZELLA: Yes, I do, your Honor. But I want to

3a-3

1 give Mr. Kanarek a chance to object out of the presence of the
2 jury.

3 My offer of proof would be that the witness will
4 testify that Donald told him he wanted to leave the ranch.
5 He was in fear for his life. That he wanted to leave the
6 ranch and that he needed money, but he didn't have any money
7 to leave the ranch, and so he asked the witness for money.

8 And the witness will testify at the time he was
9 talking to Donald he acted strange. That there were people
10 milling about and walking back and forth whenever they were
11 talking, and whenever anybody got near them they'd stop
12 talking or change the subject and stop talking. And then he
13 asked this witness for money to leave the ranch, and the
14 witness said, "Well, you know, I haven't got paid yet, and
15 I don't get paid until Friday." And that's when he gave him
16 the \$2.

17 My offer of proof will be that the witness will
18 testify that he said that he was in fear and he had to get
19 away from the ranch but he didn't have any money, that's why
20 the witness gave him the money.

21 MR. KANAREK: Well, your Honor, I would object to any
22 statement, any purported statement by Donald that he's in
23 fear.

24 First of all, it is irrelevant and immaterial as
25 to Mr. Manson, in any event. There's no foundation for it.
26 It is hearsay. It is offered for the truth of the matter
27 asserted, that he was, in fact, in fear. It, uh -- all of
28 that is inadmissible and we're also not given the right to

1 confront. We're given the right to confront Donald Shea in
2 connection with this under the 6th Amendment right to confront,
3 and the effective right to counsel, all of which is guaranteed
4 by due process and equal protection under the 14th Amendment.
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3b fls.

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1 MR. MANZELLA: The reason the People are offering the
2 evidence is under this theory, that Shea's state of mind at
3 this point is relevant because he states that he intends
4 to leave the ranch. He intends to go to the Leslie Salt
5 Mines back to Vallejo.

6 Now, we believe that would be admissible to show
7 as a present statement -- statement of intent to do a future
8 act. Under 1258 of the Evidence Code it would be admissible
9 for that purpose and it is my position these statements
10 explain his state of mind as to why he wants to leave the
11 ranch, and so that the inference is not created that he
12 intended to abandon his relatives and business acquaintances
13 and friends, that rather that he intended to get away from
14 where he was, go to some place else and contact them after
15 he had gotten away.

16 THE COURT: In other words, it is not like the usual
17 offering of a state of mind of fear of a certain defendant?

18 MR. MANZELLA: That's right.

19 THE COURT: It is just to show his state of mind in
20 respect to --

21 MR. MANZELLA: Why he intended to leave.

22 THE COURT: Why he intended to leave, and whether he
23 intended to leave?

24 MR. MANZELLA: Right.

25 MR. KANAREK: But, your Honor, the prejudicial effect
26 of it outweighs any probative value, and it is not admissible
27 and it is not admissible under 1258.

28 MR. MANZELLA: Under 1258 it is admissible, the state of

1 mind is in issue and it is my position the state of mind is in
2 issue.

3 MR. KANAREK: Well, but -- well, your Honor, I just -- I
4 don't know, there's no basis --

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

8 THE COURT: Ladies and gentlemen, we'll recess for
9 ten minutes.

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

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

18 MR. KANAREK: The point is, your Honor, the aspect of
19 somebody's future intent and the way human affairs operate,
20 we may intend -- I may intend to go to lunch in Pomona today.
21 This is just not -- it is too much -- there are too many
22 possibilities that mitigate against someone going regardless
23 of the particular theory that --

24 THE COURT: Well, that's true, but I believe that an
25 expression of intention like this would be admissible to
26 show state of mind.

27 MR. KANAREK: But the fear aspect --

28 THE COURT: All right, the question is -- that you have

1 raised -- is whether the fear aspect is prejudicial. I'll
2 rule on it when we come back after the recess.

3 MR. KANAREK: Very well.

4 THE COURT: I have to call several other cases.

5 MR. KANAREK: Very well, your Honor.

6 (Morning recess.)
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1 THE COURT: All right. The record will show that the
2 defendant is present. All of the jurors and alternates
3 are present. We are ready to proceed.

4 Q BY MR. MANZELLA: All right, Mr. Victor, do you
5 remember talking to the man seated to my right at the counsel
6 table, Sergeant Paul Whiteley, about this case?

7 A Yes.

8 Q And do you recall the first time that you talked
9 to Sergeant Whiteley?

10 A Yes. It was -- it was later on.

11 Q All right.

12 A After I had seen Don.

13 Q Was that after the last time you saw Donald Shea?

14 A That's after the last time, right.

15 Q And when was the last time you saw Donald Shea?

16 MR. KANAREK: Your Honor, this has been asked and
17 answered.

18 THE COURT: Sustained.

19 Q BY MR. MANZELLA: And when you talked to Sergeant
20 Whiteley the first time, was that in the year following the --

21 A That was the year following.

22 Q -- that you last saw Donald?

23 A I saw Donald a year later, yeah.

24 MR. KANAREK: That was leading and suggestive, your Honor.

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

27 Q BY MR. MANZELLA: Now, in this conversation that
28 you had with Donald at the Spahn Ranch in August, did Donald

1 tell you anything about his wanting to go any place?

2 MR. KANAREK: Your Honor, leading and suggestive.

3 THE COURT: Sustained.

4 Q BY MR. MANZELLA: Would you tell us what --

5 THE COURT: The objection is sustained.

6 Q BY MR. MANZELLA: Would you tell us what other
7 conversation you had with Donald?

8 MR. KANAREK: That's assuming facts not in evidence,
9 your Honor.

10 THE COURT: Sustained.

11 Q BY MR. MANZELLA: Did you have further conversation
12 with Donald at Spahn Ranch --

13 A Oh, yes.

14 Q -- other than what you have already told us?

15 A Yes.

16 Q All right. Would you tell us what the rest of
17 that conversation was?

18 A Well, he wanted to go back -- back up North to --
19 back to Leslie, where he could make some more money.

20 Q Back to the Leslie Salt Mines?

21 A Yes.

22 Q Did he say why he wanted to go back to the Leslie
23 Salt Mines?

24 A Yeah, because he -- for one thing, he wanted to
25 make some more money; and second, he was kind of afraid.

26 Q And when you were talking to Donald, where were you
27 talking to him?

28 A I was talking to him at the ranch, Spahn Ranch.

1 Q But whereabouts on the ranch? Was it near any
2 buildings?

3 A No, it was down below there, where the haystacks
4 used to be.

5 Q Is that anywhere near the corral?

6 A Yes.

7 THE COURT: These statements of Mr. Shea, ladies and
8 gentlemen, are received for the limited purpose of showing
9 Mr. Shea's state of mind, not for the truth of the matter.
10 Not for the truth of the matter uttered by Mr. Shea, but
11 solely to show his state of mind.

12 Q BY MR. MANZELLA: Now, while you were talking to
13 Donald Shea during this conversation that you have told us
14 about, were there other people in the area?

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

16 MR. MANZELLA: Well, I would like to approach the
17 bench, your Honor.

18 THE COURT: Overruled.

19 Q BY MR. MANZELLA: Were there other people in the
20 area?

21 A Yes. Yes, there was.

22 Q And what were these people doing, if anything?

23 MR. KANAREK: That's irrelevant and immaterial, your
24 Honor.

25 THE COURT: Sustained.

26 Q BY MR. MANZELLA: Now, was Donald -- strike that.
27 Would you tell us what Donald's behavior was while
28 he was talking to you?

1 A Yeah, he was -- he was more nervous than usual.
2 If somebody would walk by, you know, he'd clam up and go
3 change the subject to something else.

4 MR. KANAREK: Well, your Honor, I ask that that be
5 stricken.

6 MR. MANZELLA: Your Honor, may we --

7 MR. KANAREK: That's the statement of a conclusion, your
8 Honor.

9 MR. MANZELLA: I would like to approach the bench on
10 that, if I may.

11 THE COURT: All right. The first of it, that he was
12 nervous, may remain in. And that he would change the
13 subject is stricken.

14 Q BY MR. MANZELLA: Now, you told us that -- you
15 asked your friend to give Donald a couple of dollars.

16 Did your friend give Donald a couple of dollars in
17 your presence?

18 A Yes, he did.

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1 Q Now, did you tell Donald that you would do anything
2 else in regard to money at that time?

3 MR. KANAREK: Irrelevant, immaterial, hearsay.

4 THE COURT: Overruled.

5 THE WITNESS: Yes, I -- I told him --

6 Q BY MR. MANZELLA: What did you -- what? You can
7 answer that yes or no.

8 A Yes.

9 Q What did you tell him?

10 A Oh, I told him, I says, "I will be back later on,
11 I can give you about thirty, thirty-five dollars."

12 Q And did you tell him when you were going to come
13 back?

14 A It would be about Friday, I told him I'd be back.

15 Q Now, did you go -- strike that.

16 Did you in fact go back to Spahn Ranch?

17 A Yes, I did. But I didn't see him around.

18 Q Well, when did you go back?

19 A It was on a Friday; Friday afternoon.

20 Q Was it the Friday following the Monday or Tuesday
21 that you had this conversation with Donald?

22 A Yes, it was.

23 Q And why did you go back to Spahn Ranch?

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

25 THE WITNESS: I went back to --

26 THE COURT: Excuse me. Overruled.

27 Now you may answer.

28 THE WITNESS: I went back to give him some money that

4a-2

1 I had for him.

2 Q BY MR. MANZELLA: And when you went back to Spahn
3 Ranch on that Friday, did you see Donald Shea?

4 A No, I didn't.

5 Q All right. Now, calling your attention to the
6 Mercury that you have identified in People's 61 -- the
7 photographs marked People's 61, was that -- did you see that
8 car at Spahn Ranch when you went back that Friday?

9 A No, I didn't.

10 Q Now, did you know Donald Shea owned some guns?

11 A Yes.

12 Q Do you know when Donald first acquired possession
13 of these guns? Well, strike that. I'll withdraw that
14 question.

15 Would you describe the guns for us briefly?

16 A Yeah. They're matching Dakotas.

17 Q Dakotas?

18 A Yes.

19 Q Were they revolvers?

20 A Yes, they were. .45.

21 Q Now, were you present when Donald acquired these
22 Dakota .45's?

23 A Yes, I was.

24 Q And from whom did Donald acquire the guns?

25 A Don purchased the guns from an Arch Hall.

26 Q Arch Hall?

27 A Arch Hall.

28 Q Now, can you tell us when Donald purchased the

4a-3

1 guns in relation to when you went with him to the Leslie Salt
2 Mines in 1958?

3 A Yes. It was before that, that he went.

4 Q Approximately how much time before you and Donald
5 went up to the Leslie Salt Mines?

6 A A few weeks.

7 Q Now, thereafter -- you know, after the -- you were
8 present when Donald purchased the guns, did Donald show you
9 the guns on one or more occasion?

10 A Oh, yes. Yes.

11 Q And did you see Donald in possession of the guns
12 one or more occasions thereafter?

13 A Yes, I did.

14 Q All right. Did you observe how Donald treated
15 these guns?

16 A Yes. He treated them very well, because he was
17 pretty proud of them.

18 Q All right. Directing your attention, Mr. Victor,
19 to these two revolvers that have been marked People's 53-A
20 and 53-B, can you tell us whether or not you have ever seen
21 these two revolvers before?

22 A Yes. These are Donald's.

23 Q Are those the Dakota .45's that you've been
24 testifying about?

25 A Yes, sir.

5 fls.

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1 Q Now, after that Friday, when you went back to give
2 Donald some more money, did you go back again to Spahn Ranch?

3 A Yes. Yes, later on I went back.

4 Q How much time had elapsed from that Friday until the
5 time you again went back to Spahn Ranch?

6 A It was a few weeks because I figured he had taken
7 off already or gotten some money from somewhere else.

8 Q When you went back to the Spahn Ranch a few weeks
9 later, was Donald there -- strike that.

10 Did you see Donald there?

11 A No, I didn't see him around.

12 Q Did you see the Mercury that you have identified
13 there, the car?

14 A No, sir.

15 MR. MANZELLA: Your Honor, I have here a series of
16 photographs, black and white. They're approximately 10 by 11
17 inches each.

18 May I have those photographs marked People's 67-A
19 through 67-N?

20 THE COURT: So ordered.

21 Q BY MR. MANZELLA: Mr. Victor, do you recall what
22 Donald was wearing the last time you saw him, when you had
23 the conversation with him that you have told us about?

24 A Yeah, he was wearing a shirt and some trousers and
25 he was wearing shoes, because that struck me kind of funny,
26 because he usually had his boots on.

27 Q Mr. Victor, directing your attention to the
28 photograph which has been marked 61-G for identification,

1 and in that photograph -- if I may hold it up here -- do you
2 see -- there appears to be two shoes depicted in that
3 photograph.

4 Do either of those shoes appear to be similar to
5 the last -- the shoes Donald was wearing the last time you saw
6 him?

7 A Yes.

8 Q Is that shoe marked in any way on the photograph?

9 A Yes, it is.

10 Q Would you point that shoe out for us, please?

11 A It is this one right here (indicating).

12 Q And how is it marked in the photograph?

13 A It is marked with a circle around it and "IV."

14 Q And did you, in fact, draw that circle yourself?

15 A Yes, I did.

16 Q Are those your initials?

17 A Yes, Lance Victor.

18 Q Did you place those initials on the photograph?

19 A Yes, I did.

20 Q All right, Mr. Victor, directing your attention
21 to these photographs which I am holding in my hand, and I'll
22 show them to you one at a time, marked 67-A through 67-N for
23 identification.

24 Directing your attention, in particular, to the
25 first photograph marked 67-A for identification, do you
26 recognize what is shown in that photograph?

27 A Yes.

28 Q Before you answer -- all right.

1 Why don't you take this microphone so you can
2 turn around and hold it right up to your mouth.

3 A Is it on?

4 Q Yes.

5 All right, could you tell us what is shown in that
6 photograph?

7 A The whole cast there, and there's me and Don Shea
8 (indicating).

9 Q The whole cast of what?

10 A The R West Productions.

11 Q And is that a cast of a film you and Donald appeared
12 in?

13 A Yes.

14 Q And when was that film made?

15 A That was made sometime before we went up to Leslie
16 Salt.

17 Q Sometime before you went up to Leslie Salt Mines?

18 A Yes.

19 Q Was it shortly after you met Donald?

20 A Yes, it was.

21 Q A year or two following when you met Donald?

22 A Yes, it was.

23 Q Are you shown in the photograph?

24 A Yeah, over here to the right (indicating).

25 Q Is Donald shown in that photograph?

26 A Yes, he is.

27 Q And is his position marked in any way on the
28 photograph?

1 A Yes, he's leaning on the post here (indicating),
2 with a circle around his head with a "DS" up on the roof.

3 Q Did you, in fact, place those markings on this
4 photograph?

5 A Yes, I did.

6 Q All right. Directing your attention to the photo-
7 graph marked People's 67-B for identification.

8 Do you recognize what is depicted in that
9 photograph?

10 A Yes.

11 Q What is that?

12 A That's the same production that was the first
13 picture.

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1 Q Is this a scene from the actual film?

2 A Yes, it is.

3 Q And who appears in the photograph? Strike that.

4 Do you appear in the photograph?

5 A No, not there, but Don Shea does.

6 Q Does Don Shea appear in the photograph?

7 A Yes.

8 Q And is he in any way marked on the photograph?

9 A Yes, he is.

10 Q How is he marked?

11 A It is circled with a "DS" on top of the roof.

12 Q And is there another gentleman who appears in the

13 photograph that you know?

14 A Bob Bickston.

15 Q Bob Bickston?

16 A Yes.

17 Q Is he in any marked in this photograph?

18 A He is circled in the same way with a "DS" up on top

19 of the roof.

20 Q Directing your attention to People's 67-C for

21 identification.

22 Is that picture another from a scene in which you

23 appeared?

24 A Yes, it is.

25 Q And do you appear in that photograph?

26 A Yes.

27 Q And are those -- are you the person over which

28 are marked the initials, "LV"?

1 A Yes, sir.

2 Q Directing your attention to People's 67-D for
3 identification.

4 Is that a photograph of you wearing a costume from
5 a film in which you appeared?

6 A Yes.

7 Q Directing your attention to a photograph marked
8 67-E for identification.

9 Do you recognize that is depicted in that photograph?

10 A Yes, it is three riders on horseback and one is
11 Don Shea with a circle around him with a "DS" above his head.

12 Q Is that a still photograph from a scene in a movie
13 in which Don Shea appeared?

14 A Yes.

15 Q Did you also appear in that movie?

16 A Yes.

17 Q Now, directing your attention to People's 67-F
18 for identification.

19 Do you recognize what is shown in that photograph?

20 A Yes, it is --

21 Q And is that a still photograph of some of the
22 actors in a film in which you appeared?

23 A Yes.

24 Q Does Donald Shea appear in that photograph?

25 A Yes, he does.

26 Q And is he the gentleman over which you marked the
27 initials "DS"?

28 A "DS" on the roof.

1 Q And the gentleman over which is marked the initial
2 "BB" --

3 A That's Bob Bickston.

4 Q Did he also appear in the film?

5 A Yes.

6 Q Directing your attention to 67-G for identification.
7 Do you recognize what is depicted in that
8 photograph?

9 A Yes. It is a group of men standing there with Bob
10 Bickston in the middle. And the other gentleman -- I can't
11 remember his name. And Don Shea on the right.

12 Q All right. Try not to point with the microphone.
13 When you take it away from your mouth, we can't hear your voice.

14 A Yes.

15 Q Is this a still photograph from an actual scene in
16 which Donald Shea appeared?

17 A Yes.

18 Q Did you appear in that film?

19 A Yes.

20 Q And is Donald Shea shown with the initials "DS"?

21 A Yes.

22 Q Did you also appear in that film?

23 A Yes. Yes, I am in there.

24 Q Directing your attention to People's 67-H for
25 identification,

26 Do you recognize what is depicted in that photograph?

27 A Yes, that's Don putting on makeup with his -- a
28 "DS" on his shirt.

1 Q And he's the gentleman putting on the makeup that
2 has the "DS" marked on the photograph approximately on the
3 arm of the shirt?

4 A Yes.

5 Q Directing your attention to People's 67-I for
6 identification.

7 Is that a photograph of you in a costume in which
8 you wore in which you appeared?

9 A Yes.

10 Q All right. Directing your attention to People's
11 67-J for identification.

12 Now, is that a photograph -- do you recognize what
13 is depicted in that photograph?

14 A Yes, that's Don Shea.

5b

1 Q And is that Donald wearing a costume from a film
2 in which he appeared?

3 A Yes.

4 Q And did you appear in that film, also?

5 A Yes.

6 Q Now, directing your attention to People's 67-K
7 for identification.

8 Do you recognize what is depicted in that photograph?

9 A Yes. Yes, that's me in costume there with the "LV"
10 on top of the hat.

11 Q And is that a scene from the film itself or is that
12 just a photograph of yourself as an actor?

13 A That's a scene from the film. I remember when some-
14 body was taking it. It was rolling.

15 Q I see. In other words, the film was being shot
16 when this still photograph was being shot, is that correct?

17 A Yes.

18 Q Now, directing your attention to People's 67-L for
19 identification.

20 Do you recognize that is depicted in that photograph?

21 A Yes.

22 Q And is that one of the -- are those several of the
23 actors which appeared in one of the films?

24 A Yes, it is.

25 Q And is Donald Shea shown in the photograph?

26 A Yes, he is in the background there with a "DS" on
27 his shirt.

28 Q All right. Directing your attention to People's 67-M

1 for identification.

2 Do you recognize what is depicted in that photograph?

3 A Yes.

4 Q And is that an actual scene from the film?

5 A Yes, it is.

6 Q And you are shown in the photograph marked with the
7 "LV" on the hat?

8 A On the hat.

9 Q Directing your attention to People's 67-N for
10 identification.

11 Do you recognize what is shown in that photograph?

12 A Yes.

13 Q Is that an actual scene from the movie or is that
14 just a photograph of three of the actors?

15 A That I don't remember, but it looks like they were
16 doing a scene because it looks like he's talking.

17 Q All right. And does Donald Shea appear in that
18 photograph?

19 A Yes, he does.

20 Q Is he the gentleman on the right on which is marked
21 the initials "DS"?

22 A Yes.

23 Q The initials to the left, the initials, "BB" --

24 A That's Bob Bickston.

25 Q Now, Mr. Victor, I would like to ask you some
26 questions generally about these photographs, if I may.

27 Do all of these photographs represent one film or
28 more than one film? I'm referring to People's 67.

1 A They would be a couple of films.

2 Q Approximately how many films?

3 A Be about two or three, I gather.

4 Q And were these two or three films shot at the same
5 place or made at the same place?

6 A Yes, the one where I had the black outfit on with
7 the badge that was shot across the street at Iverson.

8 Q At Iverson Ranch?

9 A Yes, sir.

10 Q And where were the other two films made?

11 A Right there on Spahn's place.

12 Q Spahn's Movie Ranch?

13 A Yes, and down that little road.

14 Q Do you know who produced those two or three films?

15 A Mr. Bickston.

16 Q Bob Bickston?

17 A Yes.

18 MR. MANZELLA: Your Honor, I have here a black and white
19 photograph of a male person. I would like to have that marked
20 People's 68 for identification.

21 THE COURT: So ordered.

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Q Mr. Victor, showing you the photograph which has been marked People's 68 for identification, do you recognize who is depicted in that photograph?

A Yes. That's Don.

Q Donald Shea?

A Donald Shea.

Q And he appears to have around his neck and shoulder a holster; and in the holster appears to be a revolver; is that correct?

A Yes, it is.

Q All right. Do you recognize the revolver shown in the photograph?

A Yes, that's these here (indicating).

Q Is that one of the --

A One of the revolvers here (indicating).

Q -- one of the revolvers before you, which have been marked People's 53 for identification?

A Yes.

Q And do you recognize the holster?

A Yes.

Q Were you present when Donald acquired that holster?

A Yes, sir.

Q From whom did he acquire that holster?

A Arch Hall.

Q Was that at the same time that he purchased the two Dakota .45's?

A Yes, it was.

Q Now, is Donald in street clothes here or is he in costume?

1 A That's costume.

2 Q And was this taken during the filming of one of the
3 films that are shown in People's 67-A through -N?

4 A Yes.

5 Q Now, in regard to the beard and the mustache that
6 appear on Mr. Shea in the photograph, was that part of his
7 costume, or part of his role in the films?

8 A He sometimes let his beard grow like that.

9 Q Mr. Victor, directing your attention to the shoe
10 which has been marked People's 63 for identification. Does
11 that shoe appear familiar to you?

12 A Yes, it looks like the one in the photograph.

13 Q In the photograph marked People's 61-G for
14 identification (indicating)?

15 A Yes.

16 Q And do you recall seeing Donald Shea wear the shoe
17 which is marked People's 63 for identification?

18 A Yes. Yes, at the time I was up at the ranch, he
19 was wearing shoes instead of his boots.

20 Q And does this appear to be similar to the shoes that
21 he was wearing?

22 A Very much so.

23 Q And was that at Spahn Ranch the last time you saw
24 Donald?

25 A Yes, sir.

26 Q Now, Mr. Victor, the -- strike that.

27 The three documentary -- the two or three films that
28 are represented by these still photographs that I've shown you,

1 which are marked People's 67-A through 67-N, do you recall when
2 it was that those two or three films were made?

3 A Yes. It was before we went up to the salt company.

4 Q To the Leslie Salt Mines?

5 A Yes, sir.

6 Q And was that within a year or so after you --
7 strike that.

8 Were the films made within a year or so after you
9 met Donald?

10 A Yes, they were.

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

13
14 CROSS-EXAMINATION

15 BY MR. KANAREK:

16 Q Mr. Victor, --

17 A Yeah.

18 Q -- did Mr. Shea ever tell you about being beaten
19 up by some bikers?

20 A Yes, he did, at one time.

21 Q Would you tell us what he told you about being
22 beaten up by some bikers?

23 MR. MANZELLA: Your Honor, I object on the grounds that
24 it's not relevant.

25 THE COURT: It's outside the scope of cross -- of direct,
26 rather.

27 MR. KANAREK: Pardon?

28 THE COURT: It's outside the scope of the direct.

1 Sustained.

2 Q BY MR. KANAREK: Now, Mr. Shea liked to fight; is
3 that right, Mr. Victor?

4 A Well, yes; when he would get -- if someone would
5 push him into it.

6 Q Mr. Shea had a temper; is that right?

7 A Yes, he did.

8 Q And he flared up quite a bit; is that right?

9 A Yes.

10 Q Did you ever see Mr. Shea engage in bar fights?

11 A Yes, I did at one time.

12 Q All right. Would you tell us what you
13 observed?

14 MR. MANZELLA: Objection, your Honor. It's not relevant.

15 MR. KANAREK: It goes to the state of mind of Mr. Shea,
16 your Honor.

17 THE COURT: The objection's overruled. You may answer.

18 THE WITNESS: I -- he was playing pool one time with some
19 other fellow -- I don't know who he was -- and the other
20 fellow kind of got nasty with him. And I guess Donald was going
21 to take him out in back and paddle him.

6a-1

1 Q Donald took someone out in back and paddled him, --

2 A Yeah.

3 Q -- is that it?

4 A Yes. He was going to, but he never did. They --
5 this other fellow's friends come in, and they kind of stopped
6 it.

7 Q Now, directing your attention to Mr. Manson, did you
8 know Mr. Manson under the name of Charlie Tuna?

9 A Yes.

10 Q And can you tell us how -- how the name Charlie Tuna
11 came about?

12 MR. MANZELLA: Objection, your Honor. That's not
13 relevant.

14 THE COURT: Sustained.

15 Q BY MR. KANAREK: Now, directing your attention,
16 Mr. Victor, to Mr. Shea, is it a fair statement that Mr. Shea
17 had the reputation of owing everyone in town?

18 A Well, not everyone. He paid me back. He owed me
19 one time \$50, and he paid it back.

20 Q But I am saying -- I am asking you for his reputation
21 in the -- in connection with the people that he lived with.

22 He -- his reputation was that he was a person who
23 owed many people money; is that correct?

24 MR. MANZELLA: Objection, your Honor. Improper -- the
25 foundation has not been laid for that question.

26 There's been no testimony the witness is familiar
27 with his reputation.

28 MR. KANAREK: Well, your Honor, I think that -- there's no

1 question, he -- supposedly, this man is someone who knows him --

2 THE COURT: Excuse me just a minute.

3 MR. KANAREK: -- and he can give his opinion.

4 THE COURT: Just a minute. If you wish to argue, you may
5 approach the bench.

6 The objection is overruled on that ground.

7 You may testify. You may answer.

8 THE WITNESS: (No response.)

9 Q BY MR. KANAREK: May I -- would you like for me to
10 repeat the question?

11 A Yes. Go ahead.

12 Q Surely. Did Mr. Shea have a reputation for owing
13 everyone in town?

14 THE COURT: If you know.

15 THE WITNESS: I know that he owed -- he had owed a few
16 people, but I don't know how many more.

17 Q Well, when I say "everyone in town," Mr. Victor,
18 I don't mean literally. But he had a reputation for owing a
19 lot of people money; is that correct?

20 A Well, I don't know anything about his personal life there,
21 but I know, from what few people that I knew, that he owed
22 some money.

23 Q He owed these people money; right?

24 A Yes.

25 Q And this was -- directing your attention to the
26 last time that you tell us you saw Mr. Shea, at that time, he
27 owed a lot of people money -- or several people money; is that --

28 MR. MANZELLA: Objection. The question's compound, your

1 Honor.

2 Q BY MR. KANAREK: Did he owe several people money at
3 the time that you last saw him, --

4 MR. MANZELLA: Objection.

5 Q BY MR. KANAREK: -- at the time you say you last
6 saw him?

7 MR. MANZELLA: It's vague and ambiguous.

8 THE COURT: It calls for a conclusion. Sustained.

9 Q BY MR. KANAREK: Now, Mr. Shea, in fact, did many
10 types of work; is that correct?

11 A Yes.

12 Q And as far as your knowledge of Mr. Shea is
13 concerned, would you enumerate for us the types of work that you
14 know that Mr. Shea did?

15 A He -- he could build things. You know, carpenter
16 work; you know, like tables --

17 Q No. But my question is: What do you know he did
18 by way of working? What kind of work he did?

19 A Oh, well, he would -- when I knew him, he was -- you
20 know, he was working for Mr. Binder.

21 Mr. Binder had the store, and he used to build
22 stuff for him; you know, like tables, like -- like I said,
23 different things, and put up shelves, stock shelves.
24 And things.

25 Q And did he do general work --

26 A Handyman type.

5b-1

1 Q And in various places, all over the area, that
2 you know?

3 A Yes.

4 Q And outside of the Los Angeles area, he worked,
5 that you knew of; right?

6 A Yeah. Just with me that time, when we went up
7 to Leslie.

8 Q But you knew that he had worked in Las Vegas;
9 is that correct?

10 A Yes.

11 Q You knew that he worked in areas other than
12 Southern California; is that correct?

13 A Yes. Yeah, just around Las Vegas, and then when
14 he was with me up north.

15 Q And you knew that he left Los Angeles on many
16 occasions, and went to areas distant from Los Angeles, --

17 MR. MANZELLA: Objection.

18 Q BY MR. KANAREK: -- is that correct?

19 MR. MANZELLA: Your Honor, the question is vague and
20 ambiguous; compound; and it assumes facts not in evidence.

21 THE COURT: The objection is sustained.

22 Q BY MR. KANAREK: Did you discuss with Mr. Shea
23 the fact that he made trips outside of the Los Angeles area?

24 MR. MANZELLA: Objection, your Honor. That's not
25 relevant.

26 THE COURT: Sustained.

27 MR. KANAREK: Well, may I be heard on that, your Honor?

28 THE COURT: Yes, you may.

6b-2

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

MR. KANAREK: Your Honor --

THE COURT: You may ask about a particular conversation, which shows a state of mind, an intention to go out of the State of California, something of that nature; or the intention to leave the County, to go work some other place.

But that type of general approach I think is objectionable.

MR. KANAREK: All right. Very well.

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

Q BY MR. KANAREK: Mr. -- Mr. Victor, you have been up in Vallejo; correct?

A Yes.

Q How far is Vallejo from Sonoma?

MR. MANZELLA: Objection, your Honor. It's not relevant.

MR. KANAREK: We have a right to inquire, your Honor. He says that Mr. --

THE COURT: He may answer, if he knows.

THE WITNESS: Do you mean Napa?

Q BY MR. KANAREK: No. Do you know where Sonoma County, California, is?

A Yes. Yes, uh-huh. I don't know how far it is, though.

6b-3

1 Q Is Sonoma County, to your knowledge, in Northern
2 California?

3 A Yes.

4 Q And is it north of San Francisco?

5 A I believe so, yes.

6 Q Do you know the Redwood Forest?

7 A Yes.

8 Q And the Redwood -- the Santa Rosa area?

9 A Uh-huh. And then, there's Calistoga, up there.

10 Q And is it a short drive from Vallejo; is that
11 correct?

12 A Yes.

13 Q Did Mr. -- did Mr. Shea tell you that he had a
14 wife, Phyllis Shea? Did he ever tell you of that?

15 A No.

16 Q Did Mr. Shea tell you that he had a daughter,
17 Karen Arlene Shea?

18 A No, he didn't say anything to me.

19 Q He didn't discuss those matters with you?

20 A No, sir.

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

22 MR. MANZELLA: No further questions -- I have no
23 questions, your Honor. May Mr. Victor be excused?

24 THE COURT: Mr. Victor, you are excused. You may stay
25 or go.

26 We'll take a short recess, about ten minutes,
27 ladies and gentlemen.

28 During the recess, you are admonished that you are

6b-4

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

5 MR. KANAREK: Your Honor, may Mr. Shea --

6 THE COURT: You mean Mr. Victor?

7 MR. KANAREK: Mr. Victor be ordered to stay for a few
8 more questions?

9 THE COURT: Well, I'll withdraw the order declaring a
10 recess, then. And let's finish with him.

11 MR. KANAREK: Yes, I would like to ask him --

12 THE COURT: As you were.

6c fls.

6c-1

1 BY MR. KANAREK:

2 Q Mr. Victor, you saw Mr. -- Mr. Shea in Mr. Manson's
3 presence; is that right?

4 A Like what do you mean by that?

5 Q Well, is the question -- do you understand the
6 question?

7 A No.

8 Q You saw Mr. Shea at the Spahn Ranch area; is that
9 right?

10 A Yes.

11 THE DEFENDANT: Did we ever have any arguments, Donald and
12 myself?

13 THE COURT: Mr. Manson --

14 THE DEFENDANT: Why not get the questions as simple as
15 possible?

16 Q BY MR. KANAREK: Did Mr. Manson and Mr. Shea ever
17 argue, to your knowledge?

18 THE DEFENDANT: Let me ask the questions.

19 MR. MANZELLA: Objection, your Honor. There's a lack of
20 foundation for that question. There's no foundation that --

21 THE COURT: Sustained.

22 Q BY MR. KANAREK: Did you ever see Mr. Manson and Mr.
23 Shea in each other's presence at the Spahn Ranch, together?

24 A Oh, yes.

25 Q All right. Did you ever see any argument between
26 Mr. Manson and Mr. Shea?

27 A No.

28 Q Did you -- everything that you saw concerning

1 Mr. Shea and Mr. Hanson was that they got along well together?

2 MR. MANZELLA: Objection, your Honor. It would call for
3 a conclusion, which the witness may not make.

4 THE COURT: Sustained.

5 Q BY MR. KAMAREN: Would you describe for us -- would
6 you please describe for us what you saw occur, if anything,
7 between Mr. Hanson and Mr. Shea?

8 A I never saw nothing occur.

9 Q They got along very well together, right?

10 MR. MANZELLA: Objection, your Honor. Calling for a
11 conclusion.

12 THE COURT: Sustained.

13 Q BY MR. KAMAREN: You -- there was nothing by way of
14 bickering, argument, or differences of opinion that you
15 observed concerning Mr. Hanson and Mr. Shea, is that right?

16 A None that I know of.

17 Q And if I may, when you knew Mr. Hanson, you heard
18 of Mr. Hanson as Charlie Tuna, right?

19 A Yes.

20 Q Would you tell us, if you know, why Mr. Hanson was
21 called Charlie Tuna?

22 MR. MANZELLA: Objection, your Honor. That's not
23 relevant.

24 MR. KAMAREN: I think it's important to show the
25 relationship, your Honor.

26 THE COURT: Overruled. Go ahead.

27 THE WITNESS: Oh, there was a disc jockey in this town
28 named Charlie Tuna, and because Charlie -- his name was

1 Charlie -- I called him Charlie Tuna.

2 Q Yeah. Because Charlie played instruments, played
3 music and wrote songs and that kind of thing?

4 A Yeah, right.

5 MR. KANAREK: Right. Thank you. Thank you.

6 THE COURT: All right. You may step down.

7 MR. MANZELLA: May Mr. Victor be excused, your Honor?

8 THE COURT: Yes. You may be excused now.

9 The admonition I gave you before pertains. Don't
10 converse with anyone else in connection with this case; don't
11 form or express any opinion concerning it.

12 THE DEFENDANT: I would like to renew my motion.

13 THE COURT: Your motion will be toward the cell
14 (indicating), Mr. Manson, unless you be quiet.

15 (Laughter.)

16 THE DEFENDANT: I could make a motion in the other
17 direction. Are you ready for that? Think about it.

18 (Mid-morning recess.)

7-1

1 THE COURT: Let's proceed in the case of People vs.
2 Manson.

3 The jurors are all present. Mr. Kanarek is
4 present. Mr. Manzella for the People. Mr. Manson is
5 present.

6 MR. MANZELLA: People call Mr. Robert Bickston, your
7 Honor.

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

9
10 ROBERT BICKSTON,
11 called as a witness by and on behalf of the People, having
12 been first duly sworn, was examined and testified as follows:

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

17 THE WITNESS: I do.

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

19 Please state and spell your full name.

20 THE WITNESS: Robert Bickston, B-i-c-k-s-t-o-n.

21
22 DIRECT EXAMINATION

23 BY MR. MANZELLA:

24 Q Mr. Bickston, have you known a man by the name
25 of Donald Shea?

26 A Yes, sir.

27 Q Directing your attention to this photograph which
28 has been marked People's 46 for identification.

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Do you recognize the person depicted in that photograph?

A Yes, sir.

Q Is that the man you knew as Donald Shea?

A Yes, sir.

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

Do you recognize the person depicted in that photograph?

A Yes, sir.

Q And is that also the man you know as Donald Shea?

A Yes, sir, it is.

Q And when did you first meet Mr. Shea?

A In 1957.

Q Where did you meet him?

A Corriganville Movie Ranch.

Q Was he there first or were you there first?

A I was there first.

Q What were you doing at Corriganville Movie Ranch at the time?

A I was directing the stunt shows which was a live western reenactment of days of the true West.

Q Were you a stuntman yourself at that time?

A Yes, sir.

Q And were these live western shows put on for an audience who paid admission to see the shows?

A Yes, sir, it was.

7-3

1 Q And they were put on at Corriganville Movie
2 Ranch?

3 A Yes, sir, they were.

4 Q Now, do you have a union card as a member of the
5 Screen Actor's Guild?

6 A Yes, I do.

7 Q Now, what did Donald do when he came to Corrigan-
8 ville in 1957?

9 A Well, he worked as -- or we call background, as
10 they were breaking in for stunts to see what the ability was
11 and see if they had the ability to do stunts or not.

12 Q What do you mean specifically by "background"?

13 A Well, you have so many people to do stunts and
14 so many people that -- like characters, like walkup and down
15 through the scenes, grab the women and take them -- take them
16 out of the way of gunfire and stuff. This is what we call
17 background people.

18 Q The people who work the background as Donald Shea
19 did in the beginning, would be considered having the more minor
20 roles and the stuntmen did the -- had the major parts in
21 your shows, is that correct?

22 A Yes, sir, it is.

23 Q Now, would you briefly tell us what type of
24 western shows did you put on or what went on during these
25 western shows?

26 A Well, the shows consisted of a day in Western
27 Americana. For example, a day in Wyatt Earp's life when he
28 rode into Elsworth, Kansas, and what took place that day when

7-4

1 he was there.

2 Q Would that include gunfights and people being
3 shot off tops of buildings and that sort of thing?

4 A Yes, sir, it would include fist fights in the
5 streets, gunfights, people getting shot off horses, to that
6 degree.

7 Q Now, how long did Donald work at Corriganville
8 as a stuntman?

9 A Oh, he worked -- I went on the road in May of
10 1959 with a show that toured for about four months and
11 Don was still working there when I left on the road.

12 Q All right.

13 Now, for how long did you observe Donald as a --
14 perform as a stuntman? Was it from -- I'll withdraw that
15 question.

16 Did you observe Donald perform as a stuntman
17 from 1957 until you left in 1959 for that four-month period?

18 A Yes, sir, I did.

19 Q Were you in charge of the stuntmen who appeared
20 in these western shows?

21 A Yes, sir, I was.

22 Q Can you tell us how Donald did as a stuntman
23 during the time that you observed him?

24 A Well, Don was a natural stuntman when it come to
25 working with horses, as far as trick and fancy mounts,
26 horse falls. Then, he became pretty efficient on the ground
27 at what we call a fight team, you know, two men putting on
28 a movie fight where you are not actually hitting each other

7-5
1 but it looks -- you know, looks like you're hitting each
2 other.

3 Q Now, Mr. Bickston, have you produced any movies
4 or any films?

5 A Uh, yes, sir, I have.

6 Q And did you produce any in which Donald Shea
7 appeared?

8 A Yes, sir, I have.

9 Q And when did you first produce these films?

10 A In 1965 and 1966.

11 Q And how many did you produce?

12 A Well --

13 Q At that time?

14 A At that time there was three TV half-hour pilots.
15 It was a pilot for a TV show.

16 Q And what is a TV pilot?

17 A A TV pilot is a format of a show that you intend
18 to put on and what all of the shows will consist of.

19 Q And did Donald appear in all three of those films?

20 A Uh, no, sir, he did not. He appeared in two of
21 them.

8 fls.

8-1

1 Q Do you know a man by the name of Lance Victor?

2 A Yes, I do.

3 Q Was he the previous witness in this case?

4 A I don't --

5 Q Well, you've seen him here at the courthouse today, --

6 A Yes.

7 Q -- is that correct?

8 A Yes, I have.

9 Q All right. Did Lance Victor appear in any of these

10 three TV pilots that you are telling us about?

11 A Lance Victor appeared in all three of them, sir.

12 Q How would you characterize the role that Lance

13 Victor played in the three TV pilots?

14 A As very good, and what -- what they would consider

15 a -- a supporting lead.

16 Q How would you characterize the role -- strike that.

17 Did Donald play the same type of role in both --

18 both TV pilots that he appeared in?

19 A No, sir, he did not.

20 Q All right. Would you tell us the two different

21 roles that he played?

22 A In one TV show, Donald was what we call a

23 character actor; but he doubled in five stunts.

24 In other words, he took five different people's

25 places, to do their stunts, besides the bit parts he did him-

26 self.

27 And in the second TV show, he played a support to

28 the lead, as a heavy, one of the outlaw gang.

1 Q Now, the role of a bit actor in the first film that
2 Donald played, that's a more minor role than that of a
3 supporting actor; is that correct?

4 A Yes, sir, it is.

5 Q Now, how did you regard Mr. Shea's ability as a
6 stunt man?

7 A Very good.

8 Q Where were these three -- these three TV pilots
9 filmed? Were they all filmed at the same place?

10 A They were filmed at two places, but they were all
11 filmed at the same two ranches. We used Spahn's Movie Ranch
12 for the town setups; and right across the highway, the Iverson
13 Movie Ranch for the open chase roads and rocky terrain areas.

14 Q Now, were these -- did these -- strike that.
15 Did you ever sell these TV pilots?

16 A No, sir, we have not.

17 Q Have they ever been shown as a TV series?

18 A No, sir, they have not.

19 Q Now, some time after you produced the three TV
20 pilots in '65 and '66, did you produce another film in which
21 Donald Shea appeared?

22 A Yes, sir, we did.

23 Q And when was that?

24 A In 1968.

25 Q And what was the name of that film?

26 A "Hangfire."

27 Q When did you begin filming that picture?

28 A About June of -- the end of May, beginning of June

1 of 1968.

2 Q And when did you finish filming it?

3 Was it in 1968?

4 A In 1968, we finished filming it. But we had a
5 problem with sound, so --

6 Q Well, let me interrupt you for a moment.

7 Did you finish the actual filming in 1968?

8 A Yes. Yes, sir, we did.

9 Q And did Donald play a role in that film?

10 A Yes, he did.

11 Q And would you -- what kind of a role did he play
12 in this film?

13 A He played a town bully, and -- and he was beating
14 up on a -- an elderly man. And I more or less came to the
15 man's rescue, and then he tried to ambush us outside of town,
16 and he got killed.

17 Q Did you play a role in this film as well?

18 A Yes, sir, I did.

19 Q And Donald had a fight scene in the film?

20 A Yes, sir, with myself.

21 Q Now, was Donald's role in this film a minor role,
22 compared to the other actors who played in the film?

23 A No, it was what we call a supporting role, because
24 he had action, dialogue and stunts.

25 8a

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8a-1

1 Q Now, who else played in that film -- well, strike
2 that. Strike that. I'll withdraw that question.

3 You said you had some sound problems.

4 Did Donald work with you to help you out with
5 those sound problems?

6 A Yes, sir. In the beginning of 1969, we went into
7 a looping room, and we had to loop about 75 percent of the
8 picture, where we lost the sound through bad microphones and
9 background noises.

10 So -- in other words, we had to put new dialogue
11 into the picture.

12 Q Is that commonly known as dubbing in voices?

13 A No, it's -- well, yeah, called dubbing in voices
14 or looping, yes.

15 Q Now, what month in 1965 did -- well, strike that.

16 Did Donald dub in his own voice and some of the
17 other voices at this time?

18 A Yes, sir, he did.

19 Q And what month of 1969 did Donald do this?

20 A Around March of 1969.

21 Q Now, where was this film, the film you've -- that
22 was titled "Hang Fire," where was that made?

23 A That was shot at Apache Land Movie Ranch in
24 Apache Junction, Arizona, with the pickup shots shot at
25 Spahn's Movie Ranch.

26 Q Would you tell us briefly, what's a pickup shot?

27 A Well, a pickup shot is when -- you either run
28 short on a scene, and you need some more, and you have to find

8a-2

1 another location that matches, or if you ran short on time,
2 you write a new scene, and in a different location, and that
3 would be a pickup shot.

4 Q So the major part of the film was shot at this
5 movie ranch in Arizona; and you shot some -- a few scenes
6 at the Spahn Ranch in Chatsworth; is that correct?

7 A Yes, sir, we did.

8 Q Now, in -- directing your attention to the month
9 of May, 1969, during that month did you have a conversation
10 with Donald Shea with regard to another film?

11 A Yes, sir, we did.

12 Q And what did you tell -- strike that.

13 Where was this conversation held?

14 A It was held in my home.

15 Q And who was present at the time of the conversa-
16 tion, if anyone else other than you and Donald was present?

17 A Well, there was my wife, another actor by the
18 name of Robert Tesslea --

19 Q Can you spell that last name?

20 A I'll give it a try. I think it's T-e-s-s-i-e-a.

21 Q Now, what did you tell Donald with regard to
22 this other film?

23 A That we were getting ready to put a picture
24 together, to be shot in Arizona, with a mixed cast; and
25 we'd approximately start around the 15th of July; you know,
26 tentatively start around the 15th of July.

27 Q Of 1969?

28 A Of 1969. And for him to keep in touch with my

8a-3

1 wife, because I would be in transit, back and forth, from
2 Arizona to Los Angeles.

3 Q Did you tell Donald that you wanted him to
4 play a role in that film?

5 MR. KANAREK: Objected to on the grounds of hearsay,
6 your Honor.

7 THE COURT: Overruled.

8 Q BY MR. MANZELLA: You may answer.

9 A Yes, I did.

10 Q And did you tell him what -- what the role would
11 consist of?

12 A Yes. I told him that it would be one of the
13 gang, a heavy in the outlaw gang, and this picture was a
14 pretty good budget picture, and he would get -- through
15 signing a contract, he would get his SAG card, which he
16 wanted.

17 Q Now, SAG, does that stand for Screen Actors
18 Guild?

19 A Screen Actors Guild, yes.

20 THE COURT: This conversation, ladies and gentlemen,
21 that has been spoken of now is admitted only to prove the
22 fact that it was said, if indeed it does so prove, and not
23 for the truth of the matter stated in the conversation.
24
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8b fls.

8b-1

1 Q BY MR. MANZELLA: Now, when you told Donald what
2 you've told us about the film, did Donald say anything?

3 A Well, he said he didn't --

4 Q You can answer that yes or no, first.

5 A Yes.

6 Q Would you tell us what he said?

7 A Yes. He said he didn't believe it; he had worked
8 so hard to get a SAG card, that he just didn't believe that
9 he -- that this would bring him his card.

10 He was very happy about it.

11 Q Now, did you begin shooting the film on July 15th
12 of 1969?

13 A No, we did not.

14 Q And was the date for the beginning of filming
15 changed?

16 A Yes, sir, it was.

17 Q To what date was it changed?

18 A It was changed to approximately the 15th of
19 August.

20 Q Of 1969?

21 A Yes, sir.

22 Q And did you begin shooting on August 15th of 1969?

23 A No, sir, we did not.

24 Q Was the date again changed?

25 A Yes, sir, it was.

26 Q And to what date was it changed?

27 A September. September 15th -- approximately
28 September 15th, sir.

8b-2

1 Q Of 1969?

2 A '69, yes, sir.

3 Q All right. At any time thereafter, did you
4 actually make that film?

5 A No, sir, we did not.

6 Q Did something happen which prevented you from
7 making that film?

8 A Yes, sir.

9 Q And what was that?

10 A Well, the movie ranch had burned down; and the
11 owners of the property gave us a certain date that they would
12 have it rebuilt, ready for us to come in and shoot.

13 And they had never got around to having it built
14 in time for us to do it. And the people that were putting
15 up the money just backed out on account of -- of not keeping
16 appointments, not meeting an appointment.

17 Q All right.

18 So that the film was never made, --

19 A No.

20 Q -- is that correct?

21 Now, after you talked to Donald in May, at your
22 home, during the conversation you've already told us about,
23 did you talk to Donald again?

24 MR. KANAREK: Object, on terms of foundation, your
25 Honor. It's ambiguous as to whether he talked to him in
26 person, or on the telephone after May of 1969, whether he
27 ever saw him again.

28 THE COURT: Overruled at this point.

8b-3

1 You may answer.

2 THE WITNESS: Yes, I did.

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

4 A In June --

5 MR. KANAREK: The same objection, as to whether it's
6 in person or over the telephone.

7 We are entitled to that foundation, your Honor.

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

10 Q BY MR. MANZELLA: I'm sorry. I didn't hear you.

11 A Yes, I did.

12 Q When did you talk to him?

13 A In June of 1969.

14 Q And did you talk to him in person or over the
15 telephone?

16 A In person.

17 Q And where did you talk to him?

18 A In my home.

19 Q And who was present at the time you spoke to him,
20 other than you and Donald, if you recall?

21 A My wife and youngest daughter.

22 Q Now, did you tell anything to Donald at that
23 time with regard to the film you were planning to make?

24 A Yes, sir, we did. Yes, sir.

25 Q What did you tell him?

26 A Well, I told him that we were getting pretty
27 close to starting, and to keep in touch with my wife, as
28 I would be in transit between Phoenix and Los Angeles.

8b-4

1 Q Now, is Phoenix near the -- where this movie ranch
2 in Arizona was?

3 A Yes, sir, it is.

4 Q All right. Now, directing your attention to the
5 years -- the whole period of time from 1957, when you first
6 met Donald Shea, through June of 1969, did you keep -- or,
7 did Donald keep in periodic contact with you?

8 A Yes, sir.

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

10 THE COURT: Overruled. You may -- the answer may remain
11 in the record.

12 Q BY MR. MANZELLA: Was your answer "Yes"?

13 A Yes, sir, he did.

14 Q And how often did Donald contact you, and how?

15 MR. KANAREK: That's ambiguous, your Honor, and it's
16 also compound. It's assuming that he did contact him, and --

17 THE COURT: Overruled. You may answer.

18 THE WITNESS: May I --

19 Q BY MR. MANZELLA: Yes.

20 A No. May I do that again, please?

21 Q Yes. How often did Donald contact you during
22 that period of time? And how did he contact you?

23 A Well, I'd either see him, roughly around every
24 three weeks, or he called me; never any longer than a six-
25 weeks period.

26 Q Now, was there ever a time when Donald would not
27 be in touch with you for longer periods of time, other than
28 the three-week and the six-weeks periods of time that you've

8b-5

1 told us about?

2 A Yes, sir.

3 Q Would you tell us about that?

4 A It was back when he'd broke his leg. He had been
5 in an accident and broke his leg, and he was back in Boston
6 with his mom.

7 And I think there was maybe -- he was there maybe
8 five months. About that five-month period.

9 Q Now, when Donald contacted you on these occasions,
10 did you always talk about the same thing?

11 A Yes, sir, we did.

12 Q And what was that?

13 A If I knew of any producers that are looking for
14 wranglers, stuntmen, bit actors.

15 Not having a card, it was always independent.

16 Q You mean Donald did not have a union card; is
17 that correct?

18 A Yes, Donald did not have a union card.

19 Q And he called you to see if you could get him work?

20 A Yes, sir, he did.

21 THE COURT: We will recess at this time until 2:00
22 o'clock. You are admonished that you are not to converse
23 amongst yourselves nor with anyone else, nor permit anyone
24 to converse with you, nor are you to form or express any
25 opinion on the matter until it is finally submitted to you.

26 We'll see you at 2:00 o'clock.

27 (Whereupon, at 12:01 o'clock p.m., an adjournment
28 was taken until 2:00 o'clock p.m. of the same day,
Friday, August 20, 1971.)

1 LOS ANGELES, CALIFORNIA, FRIDAY, AUGUST 20, 1971 2:35 P.M.

2
3
4 THE COURT: Case of People vs. Manson.

5 The record will show all the jurors to be present.
6 Alternates -- jurors and alternates.

7 Good afternoon, ladies and gentlemen.

8 (Murmurs of "Good afternoon, your Honor," by the
9 jury.)

10 THE COURT: The temperature has eased somewhat.

11 (Murmurs of "Yes" by the jurors.)

12 THE COURT: That's a relief.

13 The defendant is present. Mr. Manzella for the
14 People. And the defendant's counsel, Mr. Kanarek, is present.

15 All right, gentlemen, I've forgotten where we
16 were.

17 You may proceed.

18 MR. MANZELLA: Thank you, your Honor.

19
20 ROBERT BICKSTON,
21 called as a witness by and on behalf of the People, having
22 been previously duly sworn, resumed the stand and testified
23 further as follows:
24

25 DIRECT EXAMINATION (Continued)

26 BY MR. MANZELLA:

27 Q Mr. Bickston, directing your attention to these
28 two revolvers that have been marked People's 53-A and 53-B for

1 identification.

2 Do you recognize these two weapons?

3 A Yes, sir, I do.

4 Q How do you -- strike that.

5 And whose weapons were they?

6 A Donald Shea's.

7 Q And are those the two revolvers you have described
8 for us and have testified about here?

9 A Yes, sir, they are.

10 Q Now, do you recall the condition of those weapons,
11 People's 53-A and B at the time that you last saw them in the
12 possession of Donald Shea?

13 A Yes, sir, I did.

14 Q Now, examining those weapons that are before you
15 now, People's 53-A and B, is there a difference in the
16 condition of those weapons now as compared to the condition
17 they were in when you last saw them?

18 THE COURT: Thank you for checking that.

19 THE WITNESS: You are welcome, sir.

20 There is a little difference in them from the
21 last time I saw them, sir.

22 Q BY MR. MANZELLA: Would you describe what that
23 difference in their condition is?

24 A Yes, sir.

25 The bluing on the front end of the barrel
26 (indicating), on the ejector housing and the smoothness
27 across the hammer is caused by practicing a fast draw or a
28 lot of working the gun in and out of the holster. The leather

1 will take the blue off these parts.

2 Q Was that bluing on there on those portions you
3 have described at the time you last saw the guns?

4 A Yes, sir.

5 Q Do you recall when it was that you last saw the
6 two revolvers before you, People's 53-A and B?

7 A Approximately October, 1968.

8 Q Is that -- other than the bluing, do you see any
9 other difference in the condition of the guns as you see them
10 now, as compared to the condition they were in when you last
11 saw them?

12 A No, sir.

10 fls.

10-1

1 Q All right. Directing your attention to this attache
2 case which has been marked People's 54 for identification,
3 do you recognize that case?

4 A Yes, I do.

5 Q And when and where have you seen that case before?

6 A At my home, at the latter part of October, 1968.

7 Q And in whose possession was that case when you saw
8 it?

9 A Donald Shea's.

10 Q And is that the case that you've -- strike that.

11 I don't think I asked you that question.

12 The revolvers that Donald owned, People's 53-A and
13 -B, did Donald keep them in any kind of a container?

14 A Yes, sir. I made this container out of an attache
15 case, with foam rubber inserts, for that set of guns, and
16 bowie knife.

17 Q And when you say, "That set of guns," are you
18 referring to the Dakota .45's that you have already identified?

19 A Yes, sir, I am.

20 Q And did you make the case and give it to Donald?

21 A I made the inserts and painted them blue, and gave
22 them back to Donald Shea, yes, sir.

23 Q And was that for the purpose of carrying the two
24 revolvers and the Bowie knife in the case?

25 A Yes, sir, it was.

26 Q Directing your attention to the interior of the
27 case, would you describe for us the position of the insert that
28 you've testified you made for this case for Donald Shea?

1 Here, use this mike.

2 A Well, the bottom part of the case consisted of two
3 pieces of foam rubber, one an inch and a half thick that was
4 solid, and the other one was one inch thick, that I had cut
5 the inlays for one gun facing one way (indicating), one gun
6 facing the other, with the bowie knife in the center.
7 (Indicating)

8 Q And I take it that those inserts are not in the case
9 now; is that correct?

10 A No, sir, they are not.

11 Q All right. Mr. Bickston, directing your attention
12 to these photographs that have been marked People's 67-A through
13 67-N -- and if you will, examine those photographs for us, and
14 tell us whether or not you recognize what is depicted in
15 those photographs?

16 A Excuse me. Shall I look at each photograph?

17 Q No, please just look at each photograph quickly,
18 and I'll ask you some questions about the photographs when
19 you're through.

20 A (Witness complies.)

21 Q And have you examined each of the photographs?

22 A Yes, I have.

23 Q Now, it appears that in each of the photographs,
24 67-A through 67-N, there's an insert with the writing or
25 printing contained thereon, R West Productions.

26 Does that name have any significance to you?

27 A Yes, sir. That was --

28 Q And what's that?

1 A That was the name of our company.

2 Q And do you recognize what is depicted in each one
3 of the photographs, 67-A through 67-N? Do you recognize
4 what is shown in each of the photographs?

5 A Yes, sir, I do.

6 Q All right. Would you tell us what those photographs
7 represent?

8 A The photographs represent both what we call
9 wardrobe shots, what wardrobe a man wore at the beginning of
10 the scene -- in case we had to shoot the next day, he would
11 have the same wardrobe on -- and then the other pictures are
12 actual pictures that were taken during the filming of the
13 scene.

14 Q And does that -- do those photographs represent
15 one film or more than one film?

16 A More than one films.

17 Q And how many films do they represent, those
18 photographs 67-A through 67-N?

19 A Two TV shows, sir.

20 Q And are those the TV pilots -- are those two of the
21 three TV pilots you told us about, that you filmed in 1965
22 and 1966?

23 A Yes, sir, they are.

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10a

1 Q Directing your attention to the photograph which
2 has been marked People's 68 for identification, do you
3 recognize what is shown in that photograph?

4 A Yes, sir, I do.

5 Q And would you tell us what is shown in that
6 photograph?

7 A That is a picture of Donald Shea, taken in between
8 camera setups at Spahn's Ranch, where we were doing the picture
9 "Hangfire" in 1968.

10 Q And was this picture taken -- strike that.

11 Where was this picture taken?

12 A At Spahn's Movie Ranch.

13 MR. MANZELLA: All right. Thank you, Mr. Bickston.

14 Your Honor, I have no further questions.

15
16 CROSS-EXAMINATION

17 BY MR. KANAREK:

18 Q Mr. Bickston, these pictures that you worked in,
19 you -- you also worked as an actor in the picture, is that
20 correct?

21 A Yes, sir, I did.

22 Q And you helped direct the pictures?

23 A No, I didn't help direct them.

24 Q Did you -- well, you had several capacities in
25 connection with these pictures, is that correct?

26 A Yes, sir, I did.

27 Q Would you tell us what your capacities were?

28 A Uh -- well, I acted in it; I helped cast it; and I

1 did some of the production work in it.

2 Q Now, did some of the people that worked in those
3 pictures not get paid?

4 A Yes, sir.

5 Q In other words, these pictures were -- would you
6 tell us about how many of the people in there worked without
7 getting paid?

8 A I'd say about -- about half of them worked on what
9 we called a deferral basis.

10 Q I'm sorry; I didn't understand that.

11 A Half of them worked on what we call a deferral
12 basis; that if the picture sold, they would get SAG pay, plus
13 a bonus for waiting until it was sold.

14 Q And what is that, "defold"?

15 A No.

16 Q How do you spell that? I still don't --

17 A Excuse me. Deferral.

18 Q Deferred?

19 A Yeah, deferred.

20 Q Deferred basis. I see.

21 Now, as far as these -- now, as far as Mr. Shea was
22 concerned, he was one of this group; is that correct?
23 That worked there on a deferred basis?

24 A Yes, sir.

25 Q Pardon?

26 A Yes, sir.

27 Q So he did not receive any money or sustenance or
28 living from a picture until the picture made money, --

1 A Well --

2 Q -- is that correct?

3 A No, sir, it is not. Deferred base is: You pay
4 him a month -- a nominal cash now, which is normally \$25; and
5 then the base, plus a bonus at the time it is sold.

6 Q All right. Would you tell us, in connection with
7 all of the pictures that you have spoken of concerning
8 Mr. Shea, what the total amount was that Mr. Shea received?

9 A I -- I would have to guess at this time.

10 Q Give us your best estimate, Mr. Bickston.

11 A Maybe about 450, 475, sir.

12 Q You are saying -- and that would be in connection
13 with how many pictures?

14 A The two TV pilots and the full-length picture.

15 Q And that would have been in what years?

16 A In '65 and '66; and then the latter part of '68 and
17 the beginning of '69.

18 Q And in the latter part of '68 and beginning of '69,
19 would you give us your estimate of how many dollars Mr. Shea
20 actually received in his hands for the picture work that you've
21 talked about?

22 A About \$175.

23

24

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11-1

1 Q Now, did Mr. Shea ever tell you about a marriage to
2 a lady known as Phyllis Shea?

3 MR. MANZELLA: Objection, your Honor, that assumes a fact
4 which is now in evidence.

5 MR. KANAREK: I'm asking him, your Honor.

6 THE COURT: Objection is sustained.

7 Q BY MR. KANAREK: Did Mr. Shea ever tell you that he
8 was married to a lady whose name was Phyllis?

9 A No, sir.

10 Q Did Mr. Shea ever tell you that he had a child
11 whose name was Karen Arlene Shea?

12 A I don't remember the name, sir.

13 Q Did you tell law enforcement people -- I'll be more
14 specific,

15 Did you tell Mr. Whiteley that you last saw Shorty
16 Shea in May, 1969?

17 A I don't remember saying May of 1969, sir.

18 MR. KANAREK: Well, may I approach the witness, your
19 Honor?

20 THE COURT: Do you wish to ask him about a --

21 MR. KANAREK: I would like to show him a report and see
22 if it refreshes his recollection as to whether he stated May
23 of 1969 as being the last time that he saw Mr. Shea.

24 THE COURT: You may ask him about it. There's no --

25 MR. KANAREK: Well, I have. He has stated that such is not
26 the case. I would like to try to refresh his recollection, your
27 Honor, out of courtesy to the witness.
28

1 THE COURT: You haven't yet established that it is
2 necessary to refresh his recollection. He doesn't recall
3 having said it.

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

5 THE COURT: All right, you may approach the witness.

6 MR. KANAREK: Thank you.

7 THE COURT: Show him the phrase that you refer to.

8 MR. KANAREK: Yes, your Honor.

9 Q BY MR. KANAREK: Mr. Bickston, I show you a report
10 and ask you to read over at what appears to Page 2 of that
11 report, the top paragraph, the first sentence in that top
12 paragraph.

13 Do you see where it states, "In the latter part of
14 May, 1969 Bickston last --" --

15 THE COURT: Mr. Kanarek, he can read it.

16 MR. KANAREK: Very well.

17 THE COURT: If that's the purpose for which you're
18 bringing it forward to the witness stand, I assume.

19 MR. KANAREK: Very well, your Honor.

20 Q BY MR. KANAREK: Does that refresh your recollection,
21 Mr. Bickston, that in -- that on November 20, 1970, you told
22 Mr. Whiteley that it was in the latter part of May, 1969, that
23 you last saw Shorty Shea?

24 A Well, I can't answer that yes or no. I could answer
25 it the way it is, uh --

26 Q No, my question is, does that refresh your
27 recollection that you so stated to Mr. Whiteley, the gentleman
28 that's sitting next to Mr. Manzella?

1 A Well, that was --

2 THE COURT: You may answer that yes or no, whether it
3 refreshes your recollection.

4 THE WITNESS: No, sir, it doesn't.

5 Q BY MR. KANAREK: Did you, in fact, speak with
6 Mr. Whiteley on the afternoon of November 20, 1970?

7 A I'm not sure of the date, but I did speak to
8 Sergeant Whiteley in November.

9 Q Of 19-- last year?

10 A Of 19-- 1970.

11 Q Where did that conversation take place?

12 A At the place that I was employed, at Alaskan,
13 African, Canadian Arms in Glendale, California.

14 Q On Victory Boulevard in Glendale, California?

15 A Yes, sir.

16 Q And this arms shop, is that an arms shop that's
17 owned by you and your brother?

18 A No, sir, it is not.

19 Q Is that gun shop owned by a relative of yours?

20 A It is owned by James W. Andrews.

21 Q At one time was it owned by a relative of yours?

22 A Well, that -- that's a relative -- that's my
23 brother's son-in-law.

24 Q I see.

25 A Yes, sir.

26 Q Directing your attention to the conversations
27 that Mr. Manzella spoke to you about, conversations you had
28 with Mr. Shea subsequent to May of 1969.

1 Were all of your conversations with Mr. Shea any
2 that you may have had over the telephone?

3 A No, sir.

4 Q Well, when did you last see Mr. Shea?

5 A Between the middle and the end of June of 1969.

6 Q When you spoke to Mr. Whiteley in November of 1970,
7 your memory concerning these events was clearer than it is
8 today, is that a fair statement?

9 A No, sir, it is not.

10 Q Your memory was less clear in November of 1970 than
11 it is today in August of 1971; is that what you are telling
12 us, Mr. Bickston?

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1 MR. MANZELLA: Objection, your Honor, the question has
2 been asked and answered.

3 THE COURT: Sustained.

4 Q BY MR. KANAREK: Well, is your memory clearer
5 today than it was last November concerning the events which
6 occurred in the year 1969?

7 A No, sir.

8 Q Then, your memory was clearer in November of 1970
9 than it is today?

10 A Yes, sir.

11 Q Thank you.

12 Thank you, your Honor.

13
14 REDIRECT EXAMINATION

15 BY MR. MANZELLA:

16 Q Ah, Mr. Bickston, have you heard or seen from
17 Donald Shea since June of 1969?

18 MR. KANAREK: That's outside the scope, your Honor,
19 of cross-examination, clearly. I did not enter into any
20 such subject matter.

21 THE COURT: People.

22 MR. MANZELLA: Mr. Kanarek -- I believe one of his
23 questions was when was the last time you saw Donald Shea,
24 your Honor.

25 THE COURT: All right, I'll overrule -- the objection
26 is overruled.

27 Q BY MR. MANZELLA: Do you remember the question?

28 A Can you repeat it for me, please?

11a-2

1 Q Yes, of course.

2 Have you heard or seen from Donald Shea since
3 June of 1969?

4 A No, sir, I have not.

5 Q Thank you.

6 I have no further questions, your Honor.

7 MR. KANAREK: Thank you, Mr. Bickston.

8 THE COURT: Thank you, Mr. Bickston.

9 MR. MANZELLA: May Mr. Bickston be excused?

10 THE COURT: Yes, and you may be excused. You may stay
11 or go as you wish.

12 MR. KANAREK: And we all wish Mr. Bickston a speedy
13 recovery, your Honor.

14 THE COURT: Call your next witness.

15 MR. MANZELLA: Major Ingram.

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

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

21 THE WITNESS: I do.

22 THE CLERK: Please take the stand.

23 Please state and spell your full name.

24 THE WITNESS: Major Ingram, Jr. M-a-j-o-r, I-n-g-r-a-m,
25 as in Mary, Jr.

26
27 MAJOR INGRAM, JR.,
28 called as a witness by and on behalf of the People, having

11a-3

1 been first duly sworn, was examined and testified as follows:

3 DIRECT EXAMINATION

4 BY MR. MANZELLA:

5 Q Major Ingram, would you tell us your occupation,
6 please?

7 A I am an adjudicator with the Veterans Administra-
8 tion.

9 Q And is that -- the Veterans Administration, is
10 that an agency of the Federal Court?

11 A Yes, it is -- or the Federal Government.

12 Q Or the Federal Government?

13 A Yes, it is.

14 Q Mr. Ingram, where are you employed by the
15 Veterans Administration?

16 A The Veterans Administration at 11000 Wilshire
17 Boulevard, West L. A.

18 Q And is that the Los Angeles Regional Office of
19 the Veterans Administration?

20 A Yes, it is.

21 Q Now, Mr. Ingram, in your capacity as adjudicator,
22 do you have access to the records of the Veterans Administra-
23 tion with regard to given individuals?

24 A Yes, I do.

25 Q And did you bring certain files with you today?

26 A Yes, I did.

27 Q And are these files which are maintained at the
28 Regional Office in Los Angeles?

11a-4

1 A Yes.

2 Q Now, Mr. Ingram, did you bring copies -- strike
3 that.

4 Did you bring both an original and a copy of the
5 documents that you brought here today?

6 A No, I didn't. Only the originals.

7 Q All right.

8 Mr. Ingram, would you be able to give me the
9 originals that you have with you now at the witness stand so
10 that I might have a copy made during the time that I am
11 asking you other questions?

12 A Uh, yes.

13 MR. MANZELLA: Your Honor, may I confer with the
14 witness just a moment?

15 THE COURT: Yes, you may. You may confer with Mr.
16 Kanarek, too.

17 MR. MANZELLA: I will. I wanted to inquire of the
18 witness what documents are in the file.

19 (Whereupon, Mr. Manzella approached the witness
20 stand and conferred with the witness out of the hearing
21 of the jury.)

22 (Whereupon, Mr. Manzella conferred with Mr.
23 Kanarek at the counsel table out of the hearing
24 of the jury.)

25 MR. KANAREK: It is agreeable, your Honor, with us that
26 copies be used so the witness's files will not be disturbed.
27
28

12 fls.

12-1

1 Q BY MR. MANZELLA: Now, Mr. Ingram, the files
2 which you have access to, and which are maintained at the
3 Los Angeles Regional Office, do these files pertain to a
4 certain category of persons with regard to their service in
5 the Armed Forces?

6 A I don't quite understand your question.

7 Q Let me rephrase the question.

8 Do these files apply only to persons who have
9 served in the Armed Forces, or do they apply to other persons
10 as well?

11 A No, only people that have served in the Armed
12 Forces.

13 Q Now, the documents which you brought with you
14 today, are they known as the -- as the Claims file?

15 A Yes, they are.

16 Q Would you tell us what you mean by a Claims file?

17 A The Claim file is created by a veteran who has
18 been in Service, with an Honorable Discharge, and put in a
19 claim for some type of disability or education.

20 Q And does each claim file which you -- strike
21 that.

22 When is the Claims file first set up on a given
23 veteran?

24 A The moment he puts in for some type of disability
25 benefits.

26 Q And that would be after he has been discharged;
27 is that correct?

28 A Yes -- or before. It could be established before

12-2

1 he is discharged from the Service.

2 Q All right. Now, does each file, each claims
3 file for a given individual, have a specific number --

4 A Yes.

5 Q -- attached to that file?

6 A Yes.

7 Q And is that file number unique to that individual
8 and that file?

9 A Yes, it is.

10 Q Now, would you tell us, if you will, how the
11 claims file is prepared? What are the mechanics of it?
12 Or --

13 A The mechanics of a claims file begins when a
14 veteran puts in an application for a disability, as I
15 mentioned before.

16 We have certain segments within the Veterans
17 Administration that will assign a number to this particular
18 claim, which would identify that veteran.

19 Q And does the veteran go about making a claim to
20 the Veterans Administration?

21 A He would prepare -- if he's applying for
22 disability benefits, he will prepare what we call a VA form
23 526. This is the original application.

24 Q And where does the veteran file that claim, in
25 order to -- or, file that document, in order to establish
26 the claims file?

27 A With the Veterans Administration, in any given
28 state.

12-3

1 Q And would that be the Regional Office in the
2 area in which he lives at the time he files the --

3 A At that time, yes--

4 Q Now, once the first claim is made, and the Claims
5 file is established, will the Claims file ever be moved from
6 one Regional Office to another Regional Office?

7 A Yes, it will.

8 Q Under what circumstances?

9 A If the veteran requests, his service representa-
10 tive requests, or a request has been made by the director of
11 a Regional Office.

12 Q And if -- if one of those types of requests is
13 made, is the file then -- is the Claims file then moved from
14 one Regional Office to another?

15 A Yes.

16 Q Now, assuming that the Claims file is moved from
17 one Regional Office to another Regional Office, will the
18 veteran's claims, if any, made through the Veterans Administra-
19 tion, will they still appear in the same file?

20 A Yes, they will.

21 Q And is that true, no matter -- no matter from
22 where the person makes the claim, the veteran makes the
23 claim?

24 A That's true.

25 MR. MANZELLA: All right.

26 Your Honor, I apologize for this delay. I did
27 not make a copy of Mr. Ingram's file before he arrived here,
28 and I have had Sergeant Whiteley ask our law clerks to make

12-4

1 a copy of it.

2 THE COURT: The jury has been sitting for about an
3 hour in any event. We will give them a little break.

4 Remember the admonition. You are not to converse
5 amongst yourselves nor with anyone else, nor permit anyone
6 to converse with you on any subject connected with this
7 matter.

8 Don't form or express any opinion on it until
9 it is finally submitted to you.

10 About ten minutes.

11 Should it take any longer than that?

12 MR. MANZELLA: No, your Honor.

13 THE COURT: All right. Fine. About ten or fifteen
14 minutes.

15 (Midafternoon recess.)

12a fls

12a-1

1 THE COURT: You may proceed.

2 MR. MANZELLA: Thank you, your Honor.

3 THE COURT: The record should show that all the jurors
4 and alternates are present. The defendant is present with
5 Mr. Kanarek.

6 BY MR. MANZELLA:

7 Q Mr. Ingram, do you have a claims file at the
8 Los Angeles Regional Office in the name of Donald Jerome Shea?

9 A Yes.

10 Q And does that claims file have a file number?

11 A Yes, it does.

12 Q Would you tell us what that file number is?

13 A The claims number is 20041423.

14 Q And do you have before you on the witness stand
15 what purports to be a copy of that claims file?

16 A Yes.

17 Q Have you had occasion to compare, either in this
18 proceeding or in another proceeding, the copy which you see
19 before you --

20 A Yes.

21 Q -- with the original of the claims file?

22 A Yes.

23 Q And does that copy -- is that copy a true and
24 accurate copy of the original of the claims file which is in
25 your possession?

26 A Yes, it is.

27 MR. MANZELLA: Your Honor, at this time, if it's agreeable
28 with Mr. Kanarek, I would like to have the copy of the claims

1 file, the Xerox copy of the claims file, marked People's 69 for
2 identification.

3 THE COURT: So ordered. 69 for identification.

4 MR. KANAREK: That's agreeable, your Honor, out of the
5 integrity -- I gather the witness wishes to maintain the
6 integrity of that file.

7 Q BY MR. MANZELLA: All right. Mr. Ingram, does that
8 file, the file that you've referred to in the name of Donald
9 Jerome Shea, does that file -- is there a record of when that
10 claims file was opened?

11 A Yes, there is.

12 Q And on what date was the claims file opened?

13 A July 5th, 1956.

14 Q And were any claims for disability benefits made
15 to the Veterans Administration by Donald Jerome Shea?

16 A Yes.

17 Q Were any claims for education benefits made to the
18 Veterans Administration by Donald Jerome Shea?

19 A No.

20 Q And where was the claims file in the name of Donald
21 Jerome Shea that would be People's forty -- strike that.

22 People's 69 for identification, where was that
23 file opened?

24 A It was opened in Boston, Massachusetts.

25 Q And it was opened on the date that you've already
26 given us; is that correct?

27 A Yes.

28 Q Now, can you tell us, how many claims in total were

1 made for disability benefits by Donald Jerome Shea?

2 A Four.

3 Q And were they all made in the same year?

4 A Yes.

5 Q All right. Would you tell us, beginning with the
6 first claim, the location from which it was made and the date
7 on which the claim was made?

8 A The date of the request of the claim was February
9 the 10th, 1958, and it was made at the V.A. Hospital,
10 Fayetteville, North Carolina, and submitted to Boston,
11 Massachusetts, on February 12, 1958.

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13-1

1 Q And where was the second claim made?

2 A The second claim was submitted on September 9, 1958,
3 at the Veterans Administration Center in Whipple, Arizona,
4 and was received at Boston, Massachusetts, on September 26,
5 1958.

6 Q And where was the third claim for disability
7 benefits made?

8 A It was made -- it was made on April 26th, 1958,
9 from VA Hospital, Omaha, Nebraska, and received at the
10 Veterans Administration Regional Office in Winston-Salem,
11 North Carolina, on August 29, 1958, and subsequently forwarded
12 to Boston, Massachusetts, October 9, 1958.

13 Q And from where -- strike that.

14 And where was the fourth claim made?

15 A The fourth claim was made at the Veterans
16 Administration Hospital in Omaha, Nebraska.

17 Q And on what date?

18 A And that was submitted on August 25, 1958, and
19 forwarded to Boston, Massachusetts, on December 16, 1958.

20 Q Now, at some time or some date, was the claims
21 file in the name of Donald Jerome Shea, bearing the number
22 you've already told us -- was that claims file transferred
23 from your Boston Regional Office to the Los Angeles --

24 A Yes.

25 Q -- Los Angeles Regional Office?

26 A Yes, it was.

27 Q And on what date and at whose request was that
28 transferred?

13-2

1 A It was transferred to the Los Angeles Regional
2 Office on October 29, 1970, at the request of Mr. Martin J.
3 May, our assistant director, at the request of one of the
4 District Attorneys.

5 Q One of the Deputy District Attorneys?

6 A Right.

7 Q Now, you've told us about four claims which were
8 made in 1958 for disability benefits by Donald Jerome Shea.

9 Were there any further claims or activity in that
10 file after 1958?

11 A No.

12 Q And then, specifically with regard to the years
13 1959, 1970 and up to the present date, 1971, have any claims
14 or activity taken place with regard to that file?

15 A No.

16 Q All right, thank you. I have --

17 Mr. Ingram, just let me ask you one or two more
18 questions.

19 If Donald Jerome Shea, the person in whose name
20 that file was placed, if Donald Jerome Shea were to enter
21 a Veterans Administration Hospital anywhere in this country,
22 would that information be recorded in the claims file which
23 you have before you?

24 MR. KANAREK: Your Honor, improper foundation.

25 THE COURT: Sustained.

26 MR. MANZELLA: I think -- all right.

27 Q BY MR. MANZELLA: Mr. Ingram, you've already
28 testified with regard to the manner in which the claims file

13-3

1 is prepared and the manner in which claims are recorded.

2 If the claims file, as you said, is now --
3 in the name of Donald Jerome Shea is now here in the Los
4 Angeles Regional Office, if Mr. Donald Jerome Shea were to
5 enter a Veterans Hospital in another part of the country
6 outside the Los Angeles area, is there a method by which
7 that event would be recorded or reach the claims file here
8 in the Los Angeles Regional Office?

9 MR. KANAREK: Improper foundation, irrelevant, immaterial,
10 hearsay.

11 THE COURT: Overruled.

12 A Uh, yes, it would reach this file.

13 Q All right.

14 Would you tell us how that would come about?

15 MR. KANAREK: Same objections. No foundation, your
16 Honor.

17 THE COURT: Overruled.

18 A If the claims file is located at the VA Regional
19 Office at Los Angeles, California, and he entered a hospital
20 in Boston, Massachusetts, they would send the information
21 recorded on the admission form to Washington, D.C. They, in
22 turn, would forward it to here, to the Veterans Administration
23 in Los Angeles.

24 Q All right.

25 Mr. Ingram, is the blood type of the person who
26 is the subject of the claims file, is that kept in the
27 ordinary course of business? Is that information made a part
28 of the claims file?

13-4

1 MR. KANAREK: Improper foundation, your Honor.

2 THE COURT: Sustained.

3 Q BY MR. MANZELLA: Mr. Ingram, when the claim for
4 disability benefits is made and a -- the person who is the
5 subject of the file is admitted to one of the Veterans
6 Administration Hospitals, is the information obtained on the--
7 Mr. Ingram -- I'll withdraw that question.

8 You've testified that the claims file is set
9 up and the persons are eligible for disability benefits if
10 they are veterans that are honorably discharged; is that
11 correct?

12 A That's correct.

13 MR. KANAREK: Your Honor, improper hypothetical ques-
14 tion, improper foundation, irrelevant, immaterial, calling
15 for a conclusion.

16 THE COURT: It is not a hypothetical, as the record
17 speaks for itself. The objection is sustained. The answer
18 is stricken.

14 fls.

14-1

1 Q BY MR. MANZELLA: Now, do a -- do a -- does a copy
2 of discharge papers appear, as a matter of course, in the
3 claims file of the veteran who has been honorably discharged?

4 MR. KANAREK: Improper hypothetical question; improper --

5 THE COURT: Sustained.

6 Q BY MR. MANZELLA: Now, are the discharge papers of
7 Donald Jerome Shea part of the file which has been marked
8 People's 69 for identification?

9 MR. KANAREK: Improper foundation, your Honor; calling
10 for a conclusion; not relevant or material; and it's not the
11 best --

12 THE COURT: I didn't hear the answer. Would you read the
13 answer, please?

14 MR. MANZELLA: There hasn't been an answer, your Honor.

15 THE COURT: The question, rather. I'm sorry.

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

18 "Q Now, are the discharge papers of
19 Donald Jerome Shea part of the file which has been
20 marked People's 69 for identification?"

21 MR. KANAREK: The objections enunciated, plus it's not
22 the best evidence,

23 THE COURT: Overruled. You may answer.

24 THE WITNESS: Yes.

25 Q BY MR. MANZELLA: And are those discharge papers
26 made a part of the claims file as a matter of course, in the
27 ordinary --

28 MR. KANAREK: Improper foundation.

1 Q BY MR. MANZELLA: -- course of the establishment of
2 that file, the claims file?

3 MR. KANAREK: Improper foundation, and improper --

4 THE COURT: Sustained on improper foundation.

5 Q BY MR. MANZELLA: What papers are made -- or, what
6 documents are made a part of the claims file when the claims
7 file is first opened?

8 MR. KANAREK: Irrelevant --

9 THE COURT: Sustained.

10 Are you acquainted with what papers form the claims
11 file?

12 THE WITNESS: Me?

13 THE COURT: Yes.

14 THE WITNESS: Yes.

15 THE COURT: What has been your background and experience
16 in connection with working with such files?

17 THE WITNESS: My background and experience covers a
18 period of 12 years, doing the same type work.

19 Q And what type of work is that?

20 A The type of work is: I am an adjudicator with the
21 Veterans Administration, processing claims.

22 THE COURT: And does an adjudicator familiarize himself
23 with claims, files, in the course of his work?

24 THE WITNESS: Yes.

25 THE COURT: All right.

26 Q BY MR. MANZELLA: All right. Mr. Ingram, what
27 documents are made a part of the claims file, when it is first
28 opened?

1 MR. KANAREK: Irrelevant, immaterial; improper foundation.
2 It's what happened in this case that counts, your Honor; not
3 anything else.

4 THE COURT: Overruled.

5 THE WITNESS: The claim -- the documents that would be
6 in the claims file initially would be the original application
7 for disability, the discharge papers of the veteran.

8 Q And what is the form 214?

9 A His discharge paper.

10 Q And are you acquainted with the form 214?

11 A Yes.

12 Q And this is in your work as an adjudicator?

13 A Yes, it is.

14 Q Now, does the form 214 -- that is, the discharge
15 papers -- appear in the file of Donald Jerome Shea, which is
16 marked People's 69 for identification?

17 A Yes, it does.

18 Q And as part of the information contained -- strike
19 that.

20 Is certain information contained on the form 214 or
21 discharge papers?

22 A Yes.

23 Q And is part of that information, the blood type of
24 Donald Jerome Shea?

25 A Yes.

26 Q And what is that blood type?

27 MR. KANAREK: Well, your Honor --

28 THE COURT: The objection is sustained.

The form speaks for itself.

Q BY MR. MANZELLA: Mr. Ingram, would you point out for us the page in the documents marked People's 69 for identification which is the form 214, or the discharge papers?

A. (Indicating.)

14a

14a-1

1 Q Is that the -- you are pointing to the top page of
2 the exhibit marked People's 69?

3 A Yes, I am.

4 Q And whereabouts on that page does the information
5 with regard to blood type of -- of Donald Jerome Shea appear?

6 MR. KANAREK: Object, your Honor. The jury is capable of
7 reading the English language. It's improper; it's not --

8 THE COURT: Sustained.

9 MR. KANAREK: -- the best evidence.

10 THE COURT: Sustained.

11 Q BY MR. MANZELLA: Does the information with regard
12 to blood type appear on that page, that you pointed out to us?

13 MR. KANAREK: That's irrelevant and immaterial, and not
14 the best evidence, your Honor; no foundation.

15 THE COURT: Overruled.

16 THE WITNESS: Yes, it does.

17 Q BY MR. MANZELLA: All right. Does it appear below
18 the middle of the page?

19 A Yes, it does.

20 MR. MANZELLA: Thank you. Thank you, Mr. Ingram.

21 I have no further questions.

22 THE COURT: This is part of the file that you have
23 referred to; is that correct, Mr. Ingram?

24 THE WITNESS: No. This is his (indicating) exhibit.
25 This is part of my original file.

26 THE COURT: What were you looking at just now?

27 THE WITNESS: Copies, DD4-214.

28 Q Now, are those copies of your file?

1 A Yes.

2 Q I see. Have you examined them?

3 A Yes, I have.

4 Q And are they exact copies of the file that you
5 maintained in the course of -- in the regular course of the
6 business that you are in?

7 A Yes, they are.

8 Q Are you are one of the custodians of the file?

9 A Yes.

10 Q And those records are kept in the ordinary course
11 of business of the Veterans Administration and the entries
12 thereon are made at or about the time that the transactions
13 take place; is that correct?

14 A That's correct.

15 THE COURT: Anything further, gentlemen?

16 MR. MANZELLA: No, your Honor.

17 MR. KANAREK: Yes, your Honor. May I have a moment?

18 I haven't seen this before. Thank you.

19 (Pause in the proceedings while Mr. Kanarek
20 perused a document.)

21 Q BY MR. KANAREK: Am I correct, Mr. Ingram, that
22 the only reason that this file was transferred to Los Angeles
23 is because some deputy District Attorney of Los Angeles County
24 requested that; --

25 A Yes.

26 Q -- is that correct?

27 A That's correct.

28 Q And is it a fair statement -- well, may I ask you,

1 rather than my stating it?

2 Would you tell us, apart from the Deputy District
3 Attorney of Los Angeles County, asking for Mr. Shea's file to
4 come to Los Angeles, when was the last time that anything
5 happened in connection with this file? Do you have a -- you
6 may use your original.

7 A December 15, 1968.

8 Q And since that time, until November of 1970
9 when the District Attorney of Los Angeles County asked that the
10 file be transferred here, the file was inactive?

11 A Right.

12 MR. KANAREK: Thank you.

13 MR. MANZELLA: May Mr. Ingram be excused?

14 THE COURT: Oh, yes, Mr. Ingram, you are excused.

15 MR. KANAREK: Thank you, Mr. Ingram.

16 MR. MANZELLA: Your Honor, the People's next witness'
17 testimony will take about -- just a few minutes. But may
18 Mr. Kanarek and I approach the bench --

19 THE COURT: Yes, sir.

20 MR. MANZELLA: -- before I call the next witness?

21 THE COURT: You may.

22 MR. MANZELLA: The next witness is Robert Wachsmuth. He is
23 a Deputy Sheriff from Malibu Station, who was so assigned on
24 August 24th of 1969.

25 He received a call to go to the property of Frank
26 Retz, which is a ranch adjoining the Spahn Ranch; and on that
27 date, at about 1:00 p.m., he arrested Charles Manson and
28 Stephanie Schram on Frank Retz's ranch, his property, in the
presence of Frank Retz.

14b

1 I wanted to give Mr. Kanarek an opportunity to
2 object to that testimony, before I offered it.

3 THE COURT: What is the purpose of the --

4 MR. KANAREK: Yeah, what's the purpose?

5 MR. MANZELLA: The purpose of the testimony is to show
6 -- is to show, help establish the motive for the killing of
7 Shorty Shea.

8 Part of that motive was that Mr. Manson believed
9 that -- we believe the evidence will show that Mr. Manson be-
10 lieved that Shea was responsible for the sheriff's raid on
11 Spahn Ranch, and for his arrest on the -- on Frank Retz's
12 property.

13 MR. KANAREK: Well, I will object to any statements, if
14 they're --

15 THE COURT: Well, he is not offering any statements.

16 MR. MANZELLA: I am not offering any statements.

17 THE COURT: He is simply offering the fact of the arrest.

18 MR. KANAREK: Well, I'll object on irrelevant and
19 immateriality.

20 THE COURT: All right.

21 MR. MANZELLA: Excuse me. There's one other purpose for
22 the offer of this evidence, and this is that we believe the
23 evidence with regard to -- strike that.

24 That one witness will testify with regard to having
25 heard certain things happened one night, with regard to the
26 death of Shorty Shea; and that this witness recalls the
27 date or time when she heard these things happen in connection
28 with Mr. Manson's being released, after his August 24th arrest

1 on Frank Retz's property.

2 It's being offered for those two purposes.

3 THE COURT: In other words, to show the -- the date of the
4 arrest and the subsequent release?

5 Do you intend to show that?

6 MR. MANZELLA: We'll show the subsequent release; but at
7 this time, we --

8 THE COURT: In connection with Mr. Manson's availability
9 at the time that other events that this person is going to
10 describe --

11 MR. MANZELLA: That's right.

12 THE COURT: -- took place?

13 MR. MANZELLA: That's right.

14 THE COURT: I see.

15 MR. MANZELLA: Now, this witness will not testify to
16 all of that. This witness is just a deputy who will testify,
17 as I understand, only on the arrest.

18 THE COURT: All right. I'll take it that you object?

19 MR. KANAREK: Oh, yes, your Honor, on relevance and
20 materiality; and improper foundation.

21 THE COURT: The Court will overrule the objection.
22 The Court believes, in view of your offer of proof, that it
23 would be admissible.

24 MR. MANZELLA: Your Honor, this is the last witness I
25 have here today.

26 THE COURT: All right. I will excuse the jury when you
27 conclude with this witness.

28 MR. MANZELLA: All right.

1 THE COURT: And incidentally, would you talk to
2 Mr. Manson and find out whether or not he will accept another
3 dentist? The dentist who was going to do the work on him won't
4 come back until the 30th.

5 MR. KANAREK: All right.

6 THE COURT: And so he -- he prefers this particular dentist,
7 apparently, which means that they can't get going on his work
8 until that time.

9 If he can take a dentist who is available -- who,
10 for all I know, might be a better dentist than the other
11 fellow -- then maybe he could get the work with him and get
12 it over with, so he wouldn't have any problems trying to come
13 to the trial sessions.

14 I don't know whether you will be successful, but
15 I think it's worth a try.

16 Now, what else was there I wanted to talk to you
17 about?

18 I have talked to the jail, and they indicate to me
19 that there have been no mail restrictions on Mr. Manson,
20 except those which were imposed as a result of the loss of
21 privileges for some infractions of the jail.

22 I also asked the captain to remove any restrictions
23 now, and I believe that that has been done. It may have been
24 that Mr. Manson was due to come off of those restrictions and
25 loss of privileges in any event.

26 Was there anything you wanted to discuss with me
27 in connection with the -- oh, yes, there is one other thing.
28 There is one other subject. They're bringing Robert

Beausoleil down here from San Quentin. Have you had an opportunity to interview him?

MR. KANAREK: I have had one opportunity. I would welcome another opportunity, which --

THE COURT: Can it be next week?

MR. KANAREK: Oh, certainly.

THE COURT: Or are you going to be going on vacation?

MR. KANAREK: Well, I had hoped to take some time off, but I will be glad to accommodate the Sheriff; and I'll check. I can do that informally by -- because --

THE COURT: I'll order it. And then, I'll order him held here for another week, so that you can make arrangements to talk with him.

Would one other interview be enough --

MR. KANAREK: Certainly.

THE COURT: -- before he's returned to San Quentin? We presumably won't need him until the end of your testimony.

MR. MANZELLA: Right.

THE COURT: Unless you're going to put him on -- which you possibly might; I don't know.

MR. MANZELLA: No, I'm not going to put him on.

It's an interesting thought, but I am not going to put him on.

THE COURT: Yeah, it is.

All right. Anything more?

MR. MANZELLA: That's all.

THE COURT: Okay.

15-1

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

THE CLERK: Would you raise your right hand.

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

THE WITNESS: I do.

THE CLERK: Please take the stand and be seated.

Please state and spell your full name.

THE WITNESS: Robert Louis Wachsmith, W-a-c-h-s-m-u-t-h.

ROBERT L. WACHSMUTH,
called as a witness by and on behalf of the People, having been first duly sworn, was examined and testified as follows:

DIRECT EXAMINATION

BY MR. MANZELLA:

Q Deputy Wachsmith, would you state your occupation and your assignment, please?

A Deputy Sheriff, Malibu Substation, Los Angeles County.

Q And you are assigned to the Malibu Substation?

A Yes, sir.

Q All right. How long have you been a deputy sheriff?

A Five years.

15-2

1 Q And how long have you been assigned to the Malibu
2 Station?

3 A Three years.

4 Q So on August -- the date of August 24, 1969, you
5 were assigned to the Malibu Station?

6 A Yes, sir.

7 Q And were you on duty on that date?

8 A Yes, sir.

9 Q Now, on that date, August 24, 1969, did you
10 receive a call to go to the property of one Frank Retz,
11 R-e-t-z?

12 A I was on normal patrol at that location and I
13 contacted Mr. Retz.

14 Q And approximately what time did you arrive at the
15 property of Mr. Retz?

16 A 1:00 o'clock in the afternoon.

17 Q Now, after arriving, did you contact Mr. Retz?

18 A Yes, I did.

19 Q Did you have a conversation with him after you
20 arrived?

21 A Yes, sir.

22 Q Now, thereafter, did you go some place with Mr.
23 Retz, to another part of his property?

24 A Yes, I did.

25 Q And did you arrive at some location on Mr. Retz's
26 property when you came upon one or more persons?

27 A Yes, I did.

28 Q And who were those people?

15-3

1 A Charles Manson and Stephanie Schram.

2 Q When you say Charles Manson, are you referring
3 to the defendant in this case?

4 A Yes, sir.

5 MR.MANZELLA: Your Honor, I have here what appears to
6 be a photograph, what appears to be a black and white photograph
7 of a female person.

8 May I have that marked People's 70 for identifica-
9 tion?

10 THE COURT: So ordered.

11 Q BY MR. MANZELLA: All right, Deputy Wachsmuth,
12 directing your attention to this photograph which has been
13 marked People's 70 for identification.

14 Do you recognize the person depicted in that
15 photograph?

16 A Yes, I do.

17 Q Who is that person?

18 A Stephanie Schram.

19 Q And is this the girl that you came upon that you
20 testified to?

21 A Yes, sir.

22 Q Now, were you with Mr. Retz at the time that you
23 came upon Mr. Manson and Stephanie Schram?

24 A Yes, sir.

25 Q What did you do after you came upon them?

26 A I observed --

27 Q Strike that.

28 I'll withdraw the question.

15-4

1 Let me ask you this, did you place Mr. Manson
2 and Stephanie Schram under arrest?

3 A Yes, sir.

4 Q After you placed them under arrest, were words
5 exchanged between Mr. Manson and Frank Retz?

6 A Yes, there were.

7 Q Now, did you thereafter take Mr. Manson and
8 Stephanie Schram into custody?

9 A Yes, sir.

10 Q Did you take them to jail?

11 A Yes, sir.

12 Q Were they booked into jail?

13 A Yes, sir.

14 Q Now, are you familiar --

15 THE DEFENDANT: Were you embarrassed because we had our
16 clothes off?

17 Q BY MR. MANZELLA: Now, are you familiar with the
18 property known as the Spahn Movie Ranch in Chatsworth,
19 California?

20 A Yes, sir.

21 Q And can you tell us where the property of Frank
22 Retz is located in relation to the Spahn Ranch?

23 A Mr. Retz' property was a portion of the Spahn
24 Ranch property which was divided off and sold.

25 Q I see. So that the Retz property is now adjacent,
26 directly adjacent to the Spahn Ranch; is that true?

27 A That's true.

28 Q And are there interior roads which connect the

15-5

1 two pieces of property, Spahn Ranch and the property of
2 Frank Retz?

3 A Yes, sir.

4 Q All right. Thank you. I have no further
5 questions, your Honor.

6
7 CROSS-EXAMINATION

8 BY MR. KANAREK:

9 Q Mr. --

10 THE COURT: Use the microphone.

11 MR. KANAREK: Yes, your Honor, thank you.

12 Q BY MR. KANAREK: Mr. Wachsmith, am I pronouncing
13 your name right, sir?

14 A Yes, sir.

15 Q What was Mr. Manson arrested for?

16 A Possession of marijuana.

17 Q And what was Stephanie Schram arrested for?

18 A Possession of marijuana.

19 Q And the property -- may I ask you, in fact, you
20 have no personal knowledge as to the property line that --
21 between the Spahn Ranch and Mr. Retz' property, if there is
22 a property line?

23 A I don't know the exact location of it.

24 Q You were -- you were not a surveyor? You
25 conducted -- you have no personal knowledge, is that right?

26 A That's right.
27
28

15a Fls.

15a-1

1 Q What was the original arrest for, Mr. Wachsmuth?

2 A Mr. Retz desired to make a citizen's arrest for
3 trespassing on Mr. Manson.

4 Q Was there a citizen's arrest between -- by
5 Mr. Retz?

6 A No, sir.

7 Q Mr. Retz indicated a lack of friendliness, a
8 distaste for Mr. Manson, is that correct?

9 A Yes, sir.

10 Q Mr. Retz indicated a bias and prejudice against
11 Mr. Manson, right?

12 A He didn't act as if he liked him.

13 Q He wanted Mr. Manson arrested, right?

14 THE DEFENDANT: He's changed his story twice.

15 Q What was the original -- very first arrest that
16 you made for, in your mind?

17 A I was in the process of placing him under arrest,
18 assisting Mr. Retz in placing him under arrest for trespassing.

19 Q Now, you say you contacted Mr. Retz.

20 Was that as a result of your being told by the
21 radio to go there?

22 A No, sir.

23 Q You went there on your own?

24 A Yes, sir.

25 Q Mr. Manson was under practically constant day-by-
26 day, hour-by-hour, minute-by-minute surveillance, as far as
27 the Sheriff of Los Angeles County was concerned, right?

28 A No, sir.

15a-2

1 MR. MANZELLA: Objection, your Honor.

2 Q BY MR. KANAREK: Mr. Manson had been arrested on
3 August 16, 1969, some eight days before this, is that correct?

4 A I believe that's the correct date.

5 Q And at that time the alleged murder of Gary
6 Hinman was being investigated by the Malibu Sheriff's Station,
7 is that correct?

8 MR. MANZELLA: Objection, your Honor, that calls for
9 a conclusion on the part of this witness.

10 MR. KANAREK: If he knows, your Honor.

11 THE COURT: Sustained.

12 Q BY MR. KANAREK: Did you just happen to be coming
13 by at that time, Officer?

14 A Yes.

15 Q And as a matter of fact, part of -- you know
16 roll call that you have before you go out on duty?

17 A Yes, sir.

18 Q Part of your roll call by the commanding officer
19 of the Malibu Station was to keep a constant 100 percent
20 day-in and day-out harassment to Mr. Manson, is that correct?

21 MR. MANZELLA: Objection, your Honor, the question is
22 ambiguous and it calls for speculation and it is compound.

23 THE COURT: He may answer. The objection is overruled.

24 A No, sir, I didn't hear that order.

25 Q BY MR. KANAREK: Well, but you sought out the area
26 where Mr. Manson was on your own, is that correct?

27 A Yes, sir.

28 Q Now, what was the information or the basis upon

15a-3

1 which you came there?

2 A That's my area. I've worked it for numerous
3 months, and it was the normal place I patrolled.

4 Q And it was normal for you to have in mind Mr.
5 Manson during these many months that you are speaking of,
6 right?

7 A No, sir.

8 Q Did you look into windows and watch people in
9 connection with sexual activities?

10 A No, sir.

11 Q Did you watch people in that area for -- I'll
12 withdraw that.

13 Did you watch people with the intent of seeing
14 sexual activity between people?

15 A No, sir.

16 Q Now, then --

17 THE DEFENDANT: He is paranoid. That's why I am here.

18 Q BY MR. KANAREK: Now, what time of the day or
19 night was this, Mr. Wachsmuth?

20 A The incident that I arrested Mr. Manson was 1:00
21 p.m. in the afternoon.

15b fls.

15a-4

1

Q And did you then -- I'll withdraw that.

2

Did you then seek out Mr. Retz?

3

A No, sir.

4

Q You had no previous information, you tell us, that

5

Mr. Retz wanted to see you?

6

A No, sir.

7

Q So would you tell us how it happened that Mr.

8

Retz wanted to make a citizen's arrest at the very time when
you were patrolling?

9

A He indicated to me that he observed someone in

10

a cabin on his property. As I was patrolling by this location,
he flagged me down and advised me of this. He told me he
desired to make an arrest of whoever was in the cabin.

11

Q Did he tell you who was in the cabin?

12

A No, sir.

13

Q Did you at that time, when you were driving,

14

had you previously heard the name Charles Manson?

15

A Yes, sir.

16

Q Had you -- or the name Charles Tuna?

17

A No, sir.

18

Q Then, you heard the name Charles Manson, right?

19

A Yes, sir.

20

Q And the name Charles Manson you identified with

21

the gentleman sitting to my right here?

22

A Yes, sir.

23

Q The defendant in this case, is that correct?

24

A That's correct.

25

Q And at that time had you knowledge of the fact

1 there was an investigation going on concerning Gary Hinman?

2 A I do not recall.

3 Q At that time, that was August 24, 1969, right?

4 A Yes, sir.

5 Q You had knowledge of the fact that on August 16,
6 1969, some 20 or more people, including Mr. Manson and Stephanie
7 Schram, had been arrested at the Spahn Ranch?

8 A I knew that Mr. Manson had been arrested. As for
9 Stephanie Schram, I did not.

10 Q Mr. Manson was taken to the station on August
11 24, 1969, and arrested, booked, fingerprinted, mugged and
12 so forth, is that correct?

13 A Yes, sir.

14 Q And Mr. Manson was then released from those
15 charges, is that correct?

16 A Some of the charges.

17 Q Was there some agreement by the people at
18 Sheriff's Station, the Malibu Station, that Mr. Manson get
19 arrested every so often? Say, about once every week?

20 A No, sir.

21 Q Now, then, directing your attention to the
22 charges that were made against Mr. Manson in this case.

23 Can you tell us whether, in fact, Mr. Manson
24 was released from custody after having been fingerprinted,
25 booked and gone through the entire jail process?

26 MR. MANZELLA: Objection, your Honor, it is ambiguous
27 as to time which arrest we're talking about.

28 Q Is that clear to you, Officer?

1 A Not exactly.

2 MR. KANAREK: Well, as to what -- we'll start off first --

3 THE COURT: The objection will be sustained. Rephrase
4 your question.

5 MR. KANAREK: Yes.

6 Q BY MR. KANAREK: As to the August 16th arrest,
7 Mr. Manson was freed after being in custody several days,
8 right?

9 A Yes, sir.

10 Q After the August 24th arrest Mr. Manson was
11 freed after being in custody several days?

12 A He was released.

13 Q I mean, he was released from custody, right?

14 A That's correct.

15 Q He wasn't arrested for murder, right?

16 A That's correct.

17 Q But -- but he was fingerprinted and mugged and
18 so forth as we have spoken of, right?

19 A Yes.

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

22 MR. MANZELLA: I have no questions.

23 May Deputy Wachsmuth be excused, your Honor?

24 THE COURT: Yes, you may be excused.

25 MR. MANZELLA: Your Honor, the People have no other
26 witnesses present to call at this time.

27 THE COURT: All right, we'll recess then until
28 September 7th. Leave your pads on your seats and, God

1 willing, they'll all be returned to you by the bailiff on
2 September 7th.

3 Everyone take care of himself or herself, and
4 I'll see you all then.

5 Remember the admonition, don't converse amongst
6 yourselves, or anyone else, nor permit anyone to converse
7 with you on any subject connected with this matter, and
8 don't form or express any opinion on the matter until it is
9 finally submitted to you.

10 During the course of this recess, the Court
11 advises you that you are not to -- advises and admonishes you
12 that you are not to hear, see or read any publicity in
13 connection with the cases that I have previously mentioned.
14 You are to avoid reading anything or hearing or seeing
15 anything in connection with those cases, and also in connec-
16 tion with Mr. Manson or this case.

17 All right, good night, ladies and gentlemen.
18 I'll see you on September 7th at 9:30.

19 Wait, I'll have quite a few matters on that date.
20 Let's make it 10:00 o'clock. September 7th, 10:00 o'clock.
21 See you all then.

22 (Whereupon, at 4:05 o'clock p.m. the jury retired
23 from the courtroom and the following proceedings were
24 had:)

16 fls.

16

1 THE COURT: The Court orders that in respect to the
2 prisoner and prospective witness in this case, Robert
3 Beausoleil, that he be kept in the County Jail until the
4 twenty -- well, the 30th day of August; and during the week
5 between the 23rd and the 27th, inclusive, that he be permitted
6 -- that Mr. Kanarek, Irving Kanarek, be permitted to interview
7 Mr. Robert Beausoleil.

8 MR. KANAREK: Well, I would prefer it if your Honor didn't
9 limit it for just working days.

10 I mean, but just during that period of time, that
11 I could see him.

12 THE COURT: All right. Between now and the 30th.

13 MR. KANAREK: Right. Because I go on weekends and
14 Saturdays and nights and --

15 THE COURT: All right. And that Mr. Kanarek be permitted
16 to interview Mr. Beausoleil for a period of -- three hours,
17 at one session?

18 MR. KANAREK: Well, if your Honor would not put a limit
19 on it; just that I can visit him at my --

20 THE COURT: How much time do you need? Three hours?

21 MR. KANAREK: It's hard to say. It depends. It all
22 depends, your Honor. It's very --

23 THE COURT: Three hours ought to be adequate.

24 MR. KANAREK: It might not be. Since he's here for this
25 purpose, if your Honor would not put a limit on it, I think
26 it would be most -- there's really no necessity for a limit,
27 because no one else is inconvenienced. I just go and sign him
28 out and talk to him. The Sheriff doesn't even have to --

1 THE COURT: All right. So ordered. That he be permitted
2 to interview Mr. Beausoleil at such time as he wishes, during
3 the course of this time between now and the 30th.

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

5 Have a good vacation, your Honor.

6 THE COURT: Thank you. You, too.

7 (Whereupon, at 4:15 p.m., an adjournment was
8 taken in this matter until 10:00 o'clock a.m. on
9 Tuesday, September 7, 1971.)
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