

## 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,

141  
No. A-267861REPORTERS' DAILY TRANSCRIPT

Friday, September 10, 1971

VOLUME 41APPEARANCES:

For the People:

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

For Defendant Manson: IRVING A. KANAREK, Esq.

BAKER (DELMA)

FELDMAN (ALIBREX)

SHEERMAN

ROBERT (RICHARD)

REED (MRS. LUBY)

COPY

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

I N D E X

<u>PEOPLE 'S WITNESSES:</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>
BAKER, Delma Eugene	6319	6337		
FELDMAN, Audrey	6337	6358		
SHEEHAN, John Stephen	6365	6378		
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1 LOS ANGELES, CALIFORNIA, FRIDAY, SEPTEMBER 10, 1971 10:17 A.M.

2 - - - - -

3  
4 THE COURT: The case of People vs. Manson.

5 The record will show the defendant to be present  
6 with his counsel, all the jurors to be present.

7 Thank you, Mrs. Jenkins, for calling when you were  
8 late. I understand from the Clerk the situation and I under-  
9 stand it was unavoidable.

10 Let's proceed, gentlemen.

11 MR. MANZELLA: People call Mr. Delma Eugene Baker.

12 THE COURT: Mr. Baker.

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

14  
15 DELMA EUGENE BAKER,

16 called as a witness by and on behalf of the People, having  
17 been first duly sworn, was examined and testified as follows:

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

22 THE WITNESS: - I do.

23 THE CLERK: Take the stand and be seated.

24 Please state and spell your full name.

25 THE WITNESS: Delma Eugene Baker, D-e-l-m-a, E-u-g-e-n-e,  
26 B-a-k-e-r.

27  
28 DIRECT EXAMINATION

1 BY MR. MANZELLA:

2 Q Mr. Baker, what is your occupation?

3 A Uh, I work in the motion picture industry, and  
4 I'm a welder.

5 Q And directing your attention to the year of  
6 1969.

7 What was your occupation at that time?

8 A I owned and operated a gunshop in Culver City.

9 Q What was the name of that gunshop?

10 A Baker's Gunshop.

11 Q And did you own that gunshop during the entire  
12 year of 1969?

13 A Yes, I did.

14 Q What was your business?

15 A Buying and selling guns and gun repair.

16 Q Did that include the buying and selling of used  
17 guns, second-hand guns?

18 A Yes, it did.

19 Q Now, while you were in that business, the  
20 business of buying and selling guns, in particular, at your  
21 own gunshop in 1969, were you required to complete and  
22 maintain certain records with regard to the purchase and  
23 sale of used guns?

24 A Yes, I was.

25 Q Would you describe for us the types of records  
26 which you were required to complete and maintain with regard  
27 to the purchase of -- your purchase of used guns?

28 MR. KANAREK: Your Honor, irrelevant and immaterial.

1 THE COURT: Sustained.

2 Q BY MR. MANZELLA: All right, Mr. Baker -- strike  
3 that.

4 Your Honor, I have here a document approximately  
5 four inches by six inches containing certain writing and  
6 imprinting thereon, including the following, "Loan No.  
7 C-3070," and the signature "Richard A. Smith."

8 May I have that document marked People's 72 for  
9 identification?

10 THE COURT: So ordered.

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

2 THE COURT: Yes, you may.

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

6 MR. KANAREK: May I have an offer of proof? All I see is  
7 the name "Smith" here. I don't --

8 THE COURT: Well, you are holding -- Let's see.

9 MR. MANZELLA: People's 72.

10 THE COURT: -- a document with a loan number C3070. It  
11 seems to be a copy, with the name "Richard Allen Smith."

12 MR. KANAREK: Yes, your Honor, may I have an offer of  
13 proof as to how that --

14 THE COURT: It describes a piece of property,  
15 Dakota 7-1/2 inch barrel, single action. Two guns,  
16 consecutive numbers 2421 and 2422.

17 MR. MANZELLA: Do you want an offer of proof?

18 THE COURT: Yes.

19 MR. MANZELLA: This witness' testimony will establish  
20 that the Dakota revolvers that have been testified to through-  
21 out the trial were sold to him by Richard Allen Smith on  
22 October 10th of 1969; that is, that the weapons, People's 53-A  
23 and 53-B were sold to him on October 10, 1969.

24 MR. KANAREK: Well, unless that's tied in to Mr. Manson,  
25 your Honor, it has only prejudicial value. It's irrelevant  
26 and immaterial. There's no foundation; no reason in law why  
27 that can be used.

28 They may have been in a million different places in --

1 THE COURT: What's the purpose?

2 MR. MANZELLA: The purpose for it, your Honor, is that  
3 we are going to establish that Richard Allen Smith  
4 is Danny De Carlo; that he was seen -- that Danny De Carlo and  
5 the weapons were seen in the desert at Barker Ranch or Meyer  
6 Ranch in September of 1969 --

7 MR. KANAREK: Then I would object --

8 MR. MANZELLA: -- and that --

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

10 MR. MANZELLA: -- that prior to that, on September 2nd of  
11 1969, that Danny De Carlo, using the name Richard Allen Smith,  
12 redeemed those guns at the last place that Mr. Shea had  
13 pawned them.

14 Then, he was seen in the desert thereafter with the  
15 guns; that Mr. Manson was also seen with the guns at that time;  
16 and that on October 10th of 1969, Mr. Danny De Carlo then sold  
17 the guns to this gentleman who is the witness on the stand.

18 THE COURT: And it's to show the -- that the guns which  
19 were prized possessions of this alleged decedent --

20 MR. MANZELLA: Were in the possession of --

21 THE COURT: -- were in the possession of other people.

22 MR. KANAREK: But not through this witness.

23 May I object, first, your Honor, on the grounds  
24 that there -- of the right to effective counsel, under the  
25 Sixth Amendment, and the right to confront, which is also a  
26 constitutional right incorporated into due process under the  
27 Fourteenth Amendment?

28 In that I am informed and believe and represent to

1 the Court -- and I don't think the District Attorney can  
2 represent otherwise -- that Mr. De Carlo is out of the country.  
3 The last report is that he is in Canada.

4 And we can't effectively cross-examine in connection  
5 with this purported use of the guns, or whatever, by Mr.  
6 De Carlo; and that deprives Mr. Manson of a very essential  
7 right, especially with the posture of these guns, and all the  
8 complications concerning Mr. De Carlo.

9 THE COURT: The objection will be overruled.

10 MR. KANAREK: It's irrelevant.

11 THE COURT: You may proceed.

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

14 Q BY MR. MANZELLA: Mr. Baker, directing your  
15 attention to the exhibit which has been marked People's 72  
16 for identification, do you recognize that document?

17 A Yes, I do.

18 MR. KANAREK: Your Honor, may I have a continuing  
19 objection on irrelevancy and immateriality, and the  
20 prejudicial value outweighs the probative value as to this?

21 THE COURT: Yes. The objection is overruled.

22 MR. KANAREK: Thank you. As to all of this witness'  
23 testimony? In connection with this item?

24 THE COURT: In connection with this item, yes.

25 MR. KANAREK: Thank you.

26 Q BY MR. MANZELLA: And did you say that you  
27 recognized People's 72?

28 A Yes, I do.

1 Q Mr. Baker, would you tell us what that document  
2 represents?

3 A Well, it -- it came out of this book, which is a --  
4 what we call a buy book for the Culver City Police Department.

5 Q And who provides you with what you referred to as a  
6 buy book?

7 A The Police Department of Culver City.

8 Q And "buy" is spelled b-u-y; is that correct?

9 A Yeah, right. It's a -- actually, a pawnshop detail  
10 of the Culver City Police Department.

11 Q And are you required to do something with regard to  
12 that buy book when you purchase a used gun from someone?

13 A Well, we fill out a full description of the guns or  
14 gun and a description of the man selling the gun, and he also  
15 signs it.

3-1

1 Q And you have brought the buy book with you here  
2 to court today?

3 A Yes, I have.

4 Q Now, at some previous proceeding, some prior  
5 proceeding, did you take the page which is People's 72 for  
6 identification and tear it out of the buy book?

7 A Yes.

8 Q And was that at some previous judicial proceeding  
9 in this case?

10 A Yes, it was.

11 Q Now, would you tell us the manner in which you  
12 used the buy book when you make a purchase of a used gun?

13 MR. KANAREK: Your Honor, I'll object on grounds of  
14 hearsay. The best evidence is the document itself and I  
15 would like to inquire on voir dire.

16 THE COURT: Your request is denied. The objection is  
17 overruled.

18 What do you do with a buy book in connection with  
19 a transaction?

20 THE WITNESS: I send two copies to the police pawnshop  
21 detail.

22 THE COURT: Well, first, do you make out something?

23 THE WITNESS: Yes, I do. I take the description of  
24 the gun --

25 THE COURT: Do you do this? Do you make it out during  
26 the course of the transaction while the customer is there?

27 THE WITNESS: Yes. Yes.

28 THE COURT: Go ahead.

3-2

1 THE WITNESS: It is sent to the police pawnshop detail,  
2 Culver City Police Department. There's a white and yellow  
3 copy. Both copies.

4 Q BY MR. MANZELLA: What do you do with those two  
5 copies?

6 A Those two copies go to the Police Department.

7 Q Now, People's 72 for identification, you refer  
8 to that as a blue copy?

9 A That's a blue copy. It states my records for  
10 my keeping.

11 Q And the documents that you've already referred  
12 to, are those completed during the transaction itself?

13 A Yes, they are.

14 Q Now, what information do you obtain and what  
15 information do you use to complete the People's 72 for  
16 identification?

17 A Well --

18 MR. KANAREK: Object on the best evidence rule and  
19 hearsay. The document speaks for itself, your Honor.

20 THE COURT: The question is vague and indefinite.  
21 Sustained.

22 Q BY MR. MANZELLA: What are you required to do  
23 with regard to filling out -- well, strike that.

24 Are you required to obtain any information and  
25 are you required to write any of that information down in  
26 your buy book at the time you purchase any guns?

27 A Yes, I am.

28 MR. KANAREK: Your Honor, that --

3-3

THE COURT: The answer may remain.

Q BY MR. MANZELLA: And what information are you required to obtain?

MR. KANAREK: Your Honor, that is hearsay. It is conclusion. The best evidence -- is the buy book itself.

THE COURT: It calls for a conclusion. Sustained.

Q BY MR. MANZELLA: Now, do you prepare -- strike that.

Now, do you prepare the documents that you have testified to in the ordinary course of your business?

A Yes, I do.

Q And you are required to prepare those by law; is that correct?

A That's correct.

Q Now, does the law require that you write down certain information in your buy book on the documents you've testified to at the time you purchase a used gun?

MR. KANAREK: That's calling for conclusion and hearsay, and the best evidence is the item itself, your Honor.

THE COURT: Sustained.

Q BY MR. MANZELLA: Now, Mr. Baker, can you tell us what the -- that particular document, that's People's 72 for identification, represents?

MR. KANAREK: Your Honor, that's hearsay, conclusion. The best evidence is the item itself.

THE COURT: Would you read that to me? I'm sorry.

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

3-4

1           "Q       BY MR. MANZELLA: Now, Mr. Baker, can you  
2       tell us what the -- that particular document, that's  
3       People's 72 for identification, represents?"

4       THE COURT: Overruled, you may answer.

5       THE WITNESS: It gives a full description of the item,  
6       guns, or whatever I am buying. Like serial number, the  
7       barrel length, the type of gun, the caliber and so on. And  
8       it also gives me a description of the man that sold them  
9       from his driver's license.

10       THE COURT: That will be stricken.

11           The question really was ambiguous.

12       MR. MANZELLA: The whole answer, your Honor?

13       THE COURT: The whole answer is stricken.

14       Q       BY MR. MANZELLA: All right, Mr. Baker, are you  
15       required to obtain a description of the weapons that you are  
16       buying?

17       A       Yes, I am.

18       MR. KANAREK: Conclusion, your Honor, and hearsay, and  
19       not the best evidence.

20       THE COURT: Sustained. The answer is stricken. The  
21       objection is sustained.

3a fls.

1 Q BY MR. MANZELLA: Does People's 72 contain a  
2 description of certain weapons that you purchased?

3 MR. KANAREK: Object, hearsay, conclusion and the best  
4 evidence rule, your Honor.

5 THE COURT: Objection is overruled. You may answer.

6 THE WITNESS: What was that question again?

7 Q BY MR. MANZELLA: Does People's 72 for identifica-  
8 tion contain a description of weapons that you purchased?

9 A Yes, it does.

10 Q And did you personally handle the transaction  
11 shown in People's 72 for identification?

12 A I did.

13 Q And does People's 72 for identification show a  
14 transaction in which you purchased used weapons from another  
15 person?

16 A Yes, it does.

17 Q And is the description of that person shown in  
18 People's 72 for identification?

19 A Yes --

20 MR. KANAREK: That's hearsay and conclusion and not the  
21 best evidence, your Honor.

22 THE COURT: Overruled, you may answer.

23 Q BY MR. MANZELLA: Does the description of the  
24 person from which you purchased those used guns, shown in  
25 People's 72 for identification?

26 A Yes, it is.

27 Q And did you personally handle the transaction?

28 A I did.

1 Q And does your writing appear on People's 72 for  
2 identification?

3 A Yes, it does.

4 Q Now, directing your attention to what appears  
5 to be the signature in the name of "Richard A. Smith" at the  
6 bottom of People's 72 for identification.

7 Who wrote that on the document?

8 MR. KANAREK: Object, hearsay, conclusion. It is not  
9 the best evidence.

10 THE COURT: Sustained.

11 MR. KANAREK: No foundation.

12 THE COURT: Sustained.

13 Did you see somebody write that signature on the  
14 document?

15 THE WITNESS: Yes, I did.

16 Q BY MR. MANZELLA: Who wrote the signature on the  
17 document?

18 MR. KANAREK: Hearsay, conclusion, your Honor. Not the  
19 best evidence. No foundation for it.

20 THE COURT: Overruled.

21 A The man that had the driver's license and sold  
22 me the guns.

23 Q BY MR. MANZELLA: All right. And this was on  
24 October 10, 1969?

25 A That's right.

26 Q How much did you pay for the guns represented  
27 in that transaction?

28 MR. KANAREK: Object, your Honor, not the best evidence.

1 Conclusion. The document speaks for itself.

2 I would like to inquire on voir dire, if I may,  
3 your Honor.

4 MR. MANZELLA: Strike that. I'll withdraw the question.

5 Q Mr. Baker, would you describe the weapons which  
6 you purchased on October 10, 1969, as represented on People's  
7 72 for identification?

8 MR. KANAREK: Object, not the best evidence. The  
9 document speaks for itself. Conclusion, your Honor.

10 THE COURT: The objection is overruled.

11 MR. KANAREK: May the record reflect he is reading  
12 from the document, your Honor?

13 THE COURT: No, the record may not. I don't know whether  
14 he is reading.

15 MR. KANAREK: Well, I think if your Honor would ask him,  
16 I think he would say that he was.

17 THE COURT: No, the record may not so reflect.

18 Is there a question pending?

19 THE WITNESS: Yes.

20 Q BY MR. MANZELLA: Would you answer the question.

21 A Dakotas, seven and a half inch barrels, single action,  
22 and there was two guns, consecutive serial numbers, No.  
23 2421 and 2422.

24 Q And you purchased --

25 MR. KANAREK: May the record reflect that he was reading  
26 directly from the exhibit, your Honor? Is that a fair  
27 statement?

28 THE COURT: He appeared to be reading from People's 72.

1 MR. KANAREK: I ask it be stricken on the grounds of the  
2 best evidence rule. The best evidence rule requires that the  
3 document speak for itself.

4 THE COURT: The motion is denied.

5 Q BY MR. MANZELLA: And you purchased those weapons  
6 on October 10, of 1969?

7 A That's correct.

8 Q And how much did you pay for those guns?

9 A \$75.

10 Q Was that for both of the guns?

11 A That was both guns.

12 Q Was that a wholesale or retail price?

13 MR. KANAREK: Object, calling for a conclusion, your  
14 Honor.

15 MR. MANZELLA: He was in the business.

16 MR. KANAREK: And also it is irrelevant.

17 THE COURT: The objection is sustained. It is  
18 irrelevant.

19 Q BY MR. MANZELLA: Mr. Baker, -- strike that.  
20 While you were in the business, while you owned Baker's  
21 Gunshop, did you purchase guns, used guns for resale?

22 MR. KANAREK: Object, your Honor, irrelevant, immaterial.  
23 I am enunciating it even though I have the continuing objec-  
24 tion.

25 THE COURT: I noticed that.

26 MR. KANAREK: By way of emphasis, your Honor.

27 THE COURT: The objection is sustained.

28 Q BY MR. MANZELLA: All right, Mr. Baker, directing

1 your attention to People's 53-A and People's 53-B for  
2 identification. I have examined both weapons and neither is  
3 loaded, but you may examine them yourself if you like.

4 Do you recognize People's 53-A and 53-B for  
5 identification?

6 A Yes, I do.  
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1 Q And are those the guns which you purchased on  
2 October 10th, 1969, and which are represented -- and in which  
3 the transaction is represented in People's 72 for identifica-  
4 tion?

5 A They are.

6 Q Now, the information with regard to the description  
7 and the address of the person from whom you purchased those  
8 guns, and which is contained in People's 72, from whom did you  
9 obtain that information?

10 MR. KANAREK: Object, your Honor.

11 Q And where did you obtain that information?

12 MR. KANAREK: That's a conclusion and hearsay, your Honor;  
13 and it's irrelevant and immaterial.

14 THE COURT: The objection is overruled.

15 You may answer the question.

16 THE WITNESS: The driver's license that the man provided  
17 me with.

18 Q BY MR. MANZELLA: And the -- strike that.

19 The printing that appears on People's 72 for  
20 identification, did you put that printing on People's 72?

21 A Yes, I did.

22 Q Now, when you -- at the time that you completed  
23 People's 72 for identification, and wrote the description of  
24 the individual from the driver's license onto People's 72,  
25 did you compare that description with the actual physical  
26 description of the person standing before you?

27 MR. KANAREK: Object. Hearsay, your Honor; conclusion.  
28 And not the best evidence.

1 THE COURT: Overruled. You may answer.

2 THE WITNESS: Yes.

3 Q BY MR. MANZELLA: And did the person appear to  
4 match that description?

5 A He appeared to.

6 MR. KANAREK: Objected to; calling for a conclusion.

7 May that be stricken, your Honor?

8 THE COURT: No, it may not. The answer may remain.

9 The objection is overruled.

10 Q BY MR. MANZELLA: Now, some time thereafter,  
11 Mr. Baker, did you give those guns to representatives of the  
12 Los Angeles County Sheriff's Office Homicide Bureau?

13 A Yes, I did.

14 Q Now, the person who placed the signature, "Richard  
15 A. Smith" on People's 72, was that the person from whom you  
16 purchased the guns?

17 A Yes, it is.

18 Q And he placed that signature there in your presence?

19 A Yes, he did.

20 Q And that was the same person who presented that  
21 driver's license to you?

22 A That's correct.

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

25 THE COURT: Any cross?

26 MR. KANAREK: Yes.  
27  
28

## CROSS-EXAMINATION

1  
2 BY MR. KANAREK:

3 Q Do you see the gentleman seated next to me  
4 (indicating)?

5 A Yes.

6 Q In the blue shirt?

7 A Yes, I do.

8 THE COURT: Indicating the defendant.

9 MR. KANAREK: May the record indicate I am indicating  
10 Mr. Charles Manson?

11 THE COURT: So noted.

12 Q BY MR. KANAREK: Did this gentleman sell those  
13 guns to you?

14 A The man that came into my store had long hair and a  
15 long beard.

16 Q Will you answer the question, sir?

17 May I approach the witness, your Honor?

18 THE COURT: There's no need to.

19 MR. KANAREK: I want to get the exhibit, your Honor.

20 THE COURT: All right. You may.

21 Q BY MR. KANAREK: Well, would you look at the  
22 gentleman that's sitting there in the blue shirt? Is that the  
23 gentleman that sold these guns to you?

24 A No, I don't think so.

25 Q You know it isn't; isn't that a fact?

26 A I don't think so.

27 Q How many times have you been shown pictures,  
28 Mr. Baker?

1 A One time.

2 Q All right. And you were shown pictures by  
3 Los Angeles County Deputy Sheriffs concerning this case?

4 A Yes.

5 Q You've testified previously concerning this case?

6 A Yes.

7 Q You know that that person was not Charles Manson;  
8 there's no question about that in your mind, is there?

9 A I don't think so.

10 Q You mean you know it wasn't. Why don't you say it,  
11 Mr. Baker?

12 MR. MANZELLA: Objection, your Honor. That's --

13 THE COURT: Sustained.

14 MR. KANAREK: Thank you.

15 THE COURT: You may step down.

16 MR. MANZELLA: May Mr. Baker be excused, your Honor?

17 THE COURT: Yes, you may be excused.

18 You may stay or go as you wish.

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1 MR. MANZELLA: The People's next witness is Mrs. Audrey  
2 Feldman.

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

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

8 THE WITNESS: I do.

9  
10 AUDREY FELDMAN,  
11 called as a witness by and on behalf of the People, was  
12 examined and testified as follows:

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

14 Please state and spell your full name.

15 THE WITNESS: Audrey Feldman; F-e-l-d-m-a-n.

16  
17 DIRECT EXAMINATION

18 BY MR. MANZELLA:

19 Q All right. Mrs. Feldman, what is your occupation?

20 A My husband and I own and operate Art's Jewelry  
21 & Loan in Santa Monica.

22 Q That's Art's Jewelry & Loan?

23 A That's right.

24 Q And do you -- as part of your business, do you loan  
25 money on property brought to you?

26 A Yes, we do.

27 Q Mrs. Feldman, would you pull that microphone a  
28 little bit closer to you?

1 A Okay.

2 Q Thank you.

3 Now, do you keep records of each transaction that  
4 occurs in your store?

5 A Yes, we do.

6 Q And are you required by law to keep those records?

7 A That's right.

8 Q Now, the records that are -- that you maintain, are  
9 they completed at the time of the transaction?

10 A Yes, they are.

11 Q Now, how do you refer to these records or documents  
12 that you complete and maintain? What do you call them?

13 A Well, there are police reporting forms made out,  
14 and there are the actual loan tickets, one of which is given to  
15 the customer and one of which is retained by us.

16 And the police reporting forms are made out, four  
17 copies, three going to the Police Department, one kept at  
18 our store.

19 Q All right. Now, how are your -- strike that,

20 Do you maintain an index, so that you can find  
21 documents pertaining to particular transactions?

22 A Yes, we do.

23 Q And would you describe the index to us? How does  
24 it work?

25 A We keep a card index file on each customer that has  
26 made a loan in our store. After the initial loan, a card is  
27 set up in their name, with their description on it, with the  
28 type of identification presented at the time of the initial

1 loan, plus listing all of the loans that person has made.

2 Q Now, did you search your records at our request for  
3 a document -- for documents indicating a transaction with  
4 Donald Jerome Shea?

5 A Yes, we did.

6 Q And did you find any?

7 A Yes.

8 MR. MANZELLA: Your Honor, I have -- strike that.

9 Q Mrs. Feldman, directing your attention to People's  
10 Exhibit 60 for identification -- and that's 60-A and 60-B for  
11 identification -- and if I may, this document is People's 60-A  
12 for identification, and this document is People's 60-B for  
13 identification.

14 Do you recognize those documents?

15 A Yes, I do.

16 Q And would you tell us, what document People's 60-A  
17 for identification represents? That's the smaller of the two  
18 documents.

19 MR. KANAREK: Not the best evidence, your Honor. Hearsay.  
20 And I would like to inquire on voir dire as to whether she  
21 recognizes them as being something that -- the kind of docu-  
22 ments that she has, or whether she remembers particularly.

23 I think it's ambiguous.

24 THE COURT: Your request for a voir dire examination is  
25 denied.

26 The objection -- the Court raises its own objection.  
27 It's vague and indefinite.

28 Q BY MR. MANZELLA: All right. Mrs. Feldman,

1 are People's 60-A and 60-B for identification documents which  
2 you found as a result of your search of your records?

3 A Yes, they are.

4 Q Now, would you tell us what those documents  
5 represent, beginning with People's 60-A for identification?

6 MR. KANAREK: Hearsay. The best evidence rule.

7 THE COURT: It's a vague and indefinite question.

8 Q BY MR. MANZELLA: All right, Mrs. Feldman, do you  
9 recognize the writing which appears on People's 60-A for  
10 identification?

11 A Yes, I do.

12 Q And whose writing is that?

13 A My husband's.

14 Q Do you recognize the writing which appears on  
15 People's 60-B for identification?

16 I'm sorry. I'll withdraw that question.

17 Are these documents which you -- which you complete  
18 at the time a loan transaction is made?

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1 MR. KANAREK: Irrelevant, your Honor. Immaterial.  
2 Conclusion and hearsay.

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

4 THE WITNESS: Yes, your Honor.

5 THE COURT: Is this a form of document which you keep in  
6 the ordinary course of your business?

7 THE WITNESS: Yes, it is.

8 THE COURT: And are those forms filled out in the ordinary  
9 course of business at the time of the transaction?

10 THE WITNESS: Yes, they are.

11 Q BY MR. MANZELLA: Now, Mrs. Feldman, are these all  
12 of the records which you had with regard to transactions  
13 with Donald Jerome Shea?

14 A These are --

15 MR. KANAREK: Calling for a conclusion and irrelevant  
16 and immaterial, your Honor. It has no -- either they have  
17 them here or --

18 THE COURT: Excuse me. As I have said before --

19 MR. KANAREK: Yeah.

20 THE COURT: -- just give me your objection, and I'll  
21 rule on it.

22 The objection is sustained. There appears to be  
23 a lack of foundation.

24 Q BY MR. MANZELLA: All right. Mrs. Feldman, what  
25 transaction -- strike that.

26 Does People's 60-A for identification represent a  
27 transaction on which you loaned money on property?

28 MR. KANAREK: Hearsay; not the best evidence, your Honor.

1 The document speaks for itself.

2 And she has no personal knowledge. She says her  
3 husband did it. So it's obviously -- there's no foundation for  
4 it.

5 THE COURT: The objection is sustained to the form of the  
6 question.

7 Q BY MR. MANZELLA: All right. Mrs. Feldman, you've  
8 testified with regard to documents that you are required to  
9 complete and maintain with regard to each of the transactions  
10 that occur in your store, People's 60-A and 60-B, those docu-  
11 ments, those types of documents.

12 A Yes.

13 Q And those documents, People's 60-A and 60-B in  
14 particular, were prepared in the ordinary course of business,  
15 the way you prepare the other documents?

16 MR. KANAREK: Improper foundation. She has stated that  
17 she didn't -- she has no knowledge, your Honor.

18 THE COURT: Well, the question's asked and answered.  
19 Sustained.

20 Q BY MR. MANZELLA: All right. Mrs. Feldman, direc-  
21 ting your attention in particular to People's 60-A and 60-B  
22 for identification, do those documents -- strike that.

23 Are you familiar with the manner in which these  
24 documents that you have already described are prepared and  
25 maintained?

26 A Yes.

27 MR. KANAREK: Irrelevant and immaterial, your Honor.  
28 And furthermore, it's already been asked and answered.

1 THE COURT: The answer may remain.

2 The objection is overruled.

3 Q BY MR. MANZELLA: And directing your attention in  
4 particular to People's 60-A and 60-B for identification, do  
5 those documents appear to have been completed in the ordinary  
6 course of business?

7 MR. KANAREK: Conclusion.

8 THE WITNESS: Yes.

9 MR. KANAREK: Your Honor, may that be stricken? She has  
10 no personal --

11 THE COURT: No, the answer may remain.

12 The objection is overruled.

13 Q BY MR. MANZELLA: And do they appear to have been  
14 prepared in the usual manner about which you have already  
15 testified?

16 A That's right.

17 Q Now, would you tell us what document 60-A  
18 represents?

19 MR. KANAREK: That's hearsay, your Honor. Not the best  
20 evidence; improper foundation.

21 THE COURT: Do you have an opinion as to -- sustained.

22 Do you have an opinion as to what 60-A represents?

23 THE WITNESS: Yes. This --

24 MR. KANAREK: Well, wait. She has answered the question,  
25 your Honor. The rest would be hearsay.

26 Q BY MR. MANZELLA: All right. Mrs. Feldman, tell  
27 us what that opinion is.

28 MR. KANAREK: It's hearsay, your Honor.

1 THE COURT: Overruled.

2 THE WITNESS: This is the copy given to the customer at  
3 the time that a loan is made.

4 At the time that the customer would pick up his  
5 item, he would then bring this slip back and, in our presence,  
6 sign his signature; and the signature at the bottom of this  
7 particular ticket must match the signature at the bottom of the  
8 other -- I think it's 60-B -- which is signed in our presence  
9 at the time that the loan is made.

10 In other words, unless the signature on the bottom  
11 of this matches the signature on the bottom of the original  
12 (indicating), we don't release the item.

13 MR. KANARLK: Well, your Honor, I ask that --

14 Q BY MR. MANZELLA: All right. Would you --

15 MR. KANARLK: -- that that be stricken. And I would  
16 request that the jury --

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1 THE COURT: The statement, "In other words," is stricken.

2 MR. KANAREK: No, the whole answer, about -- it's for the  
3 jury to make this comparison, your Honor.

4 THE COURT: The objection or motion is denied.

5 Q BY MR. MANZELLA: All right. Mrs. Feldman, does the  
6 ticket -- by the way, would you hold that up, so that the jury  
7 could see it, that exhibit?

8 A (Witness complies.)

9 Q Now, 60-A is the smaller -- that's correct; that's  
10 the one you are holding in your hand now; is that correct?

11 A That's correct.

12 Q And 60-B is the larger document?  
13 Is that correct?

14 A Yes.

15 Q All right. Now, is 60-A the customer's copy, the  
16 smaller document the customer's copy of the loan ticket?

17 A Yes, it is.

18 Q All right. Now, does that reflect a transaction  
19 with Donald Jerome Shea?

20 A Yes, it does.

21 Q And does that reflect a transaction on a particular  
22 day?

23 A Yes, it does.

24 Q And on what date was that transaction had with  
25 Mr. Shea?

26 MR. KANAREK: Well, your Honor, that's hearsay. There's  
27 no foundation.

28 THE COURT: Sustained.

1 Q BY MR. MANZELLA: All right. Mrs. Feldman, in the  
2 ordinary course of your business, are you required to put  
3 certain information down on the loan ticket about which you  
4 have been testifying?

5 A Yes.

6 Q And does that include the date on which the  
7 transaction occurred?

8 A It does.

9 Q And does the date appear on People's 60-A for  
10 identification?

11 A It does.

12 Q And does it appear to have been put on there in  
13 the ordinary course of business, in the usual manner?

14 A Yes.

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

16 THE COURT: Sustained. The answer is stricken.

17 Q BY MR. MANZELLA: All right. Now, Mrs. Feldman, can  
18 you tell us on what date the transaction represented by  
19 People's 60-A for identification occurred?

20 MR. KANAREK: Hearsay, your Honor. The document speaks  
21 for itself. Clear hearsay.

22 THE COURT: Overruled. She may answer.

23 THE WITNESS: January 15, 1969.

24 Q BY MR. MANZELLA: And does the document reflect the  
25 item on which you loaned money? That is, the property on  
26 which you loaned money?

27 A Yes.

28 MR. KANAREK: Conclusion, your Honor. Hearsay. The

1 document speaks for itself.

2 THE COURT: Sustained. The answer is stricken.

3 Q BY MR. MANZELLA: Mrs. Feldman, would -- strike  
4 that.

5 Is the item on which you loaned money described on  
6 People's 60-A for identification?

7 MR. KANAREK: That's -- there's no foundation --

8 THE COURT: The objection --

9 MR. KANAREK: -- for it.

10 THE COURT: -- is sustained.

11 Q BY MR. MANZELLA: Mrs. Feldman, in the ordinary  
12 course of your business, are you required by law to describe  
13 the item on which you loan money on the loan ticket?

14 A Yes.

15 Q And is the item on which you loaned money described  
16 in People's 60-A for identification?

17 MR. KANAREK: No foundation, your Honor, --

18 THE COURT: Sustained.

19 MR. KANAREK: -- and hearsay. She has stated --

20 THE COURT: The objection is sustained.

21 May I ask you again -- tell you again simply to  
22 make your objection --

23 MR. KANAREK: Yes, your Honor.

24 THE COURT: -- with no argument?

25 MR. KANAREK: Yes, your Honor.

26 Q BY MR. MANZELLA: Mrs. Feldman, also in the ordinary  
27 course of your business, are you required to write down on the  
28 loan ticket represented by People's 60-A the amount loaned

1 to the person with whom you have had the transaction?

2 A Yes.

3 Q And does that appear on People's 60-A for  
4 identification?

5 MR. KANAREK: Hearsay; not the best evidence.

6 THE COURT: Overruled. You may --

7 THE WITNESS: Yes.

8 THE COURT: -- answer.

9 THE WITNESS: Yes.

10 Q BY MR. MANZELLA: And how much appears on People's  
11 60-A for identification, as the amount you loaned?

12 MR. KANAREK: Hearsay, and not the best evidence. The  
13 document --

14 THE COURT: Sustained.

15 MR. KANAREK: -- speaks for itself.

16 Q BY MR. MANZELLA: All right. Mrs. Feldman, I don't  
17 know if I've asked you this or not, but are you required, in  
18 the ordinary course of business, to write down on the loan  
19 ticket, represented by People's 60-A for identification, the  
20 description of the property on which you loan money?

21 A Yes.

22 Q And does that description appear on People's 60-A  
23 for identification?

24 MR. KANAREK: Hearsay, and not the best evidence.

25 THE COURT: Sustained.

26 MR. MANZELLA: May I see those?

27 THE COURT: Mrs. Feldman, those are records which you  
28 keep in the ordinary course of business, you've stated.

1 THE WITNESS: Yes.

2 THE COURT: And you are one of the custodians of those  
3 records, is that right?

4 THE WITNESS: That's right.

5 Q BY MR. MANZELLA: All right. Mrs. Feldman, directing  
6 your attention to People's 60-B for identification, that is  
7 your copy of the loan transaction document; is that correct?

8 A That's right.

9 Q All right. Now, directing your attention to the  
10 words "Revolver, Dakota, No. 2422, .45 caliber --"

11 A "Frontier."

12 Q -- "Frontier type," in whose -- in whose writing  
13 does that appear to be?

14 A My husband's.

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1 Q And is that the -- strike that. What do those  
2 words represent? What does that description represent?

3 MR. KANAREK: Hearsay, your Honor. Not the best  
4 evidence and conclusion.

5 THE COURT: The question is vague and indefinite.  
6 Sustained.

7 Q BY MR. MANZELLA: Is that a description of the  
8 property on which you loaned the money?

9 MR. KANAREK: Conclusion and hearsay, your Honor. Not  
10 the best evidence. She has said she's not percipient.

11 THE COURT: Please, Mr. Kanarek.

12 MR. KANAREK: Yes, your Honor. It's just that counsel  
13 keeps going --

14 THE COURT: Mr. Kanarek.

15 MR. KANAREK: Yes, your Honor.

16 THE COURT: The objection is sustained to the form of  
17 the question.

18 Q BY MR. MANZELLA: Mrs. Feldman, the area of the  
19 document in which that portion appears, what, in the ordinary  
20 course of business, appears in that portion of the document,  
21 People's 60-B?

22 A The description of the item that has been pawned.

23 Q And is that a description -- is that where the  
24 words that you have identified as being written by your  
25 husband, is that where those words appear on that document?

26 A That's right.

27 Q Now, directing your attention to the printed  
28 square in which the numbers "\$14" appear.

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1                   What ordinarily appears in that part of the loan  
2                   ticket?

3                   MR. KANAREK: That's irrelevant and immaterial, your  
4                   Honor. We're interested -- and there's no foundation for it,  
5                   hearsay.

6                   THE COURT: Overruled. You may answer.

7                   A       The amount loaned on the item that has been  
8                   pawned.

9                   Q       BY MR. MANZELLA: Now, does the same -- strike  
10                  that.

11                  Does an invoice appear on People's 60-A and 60-B  
12                  for identification; does a number appear thereon?

13                  A       Yes.

14                  Q       And is that a printed number?

15                  A       Uh, it is a written-in number.

16                  Q       I see. Does the same number appear on 60-B as  
17                  appears on 60-A for identification?

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

19                  THE COURT: Overruled. You may answer.

20                  A       Yes, it does.

21                  Q       BY MR. MANZELLA: Now, would you tell us, is  
22                  there any relationship between the document marked People's  
23                  60-B for identification and the document marked 60-A for  
24                  identification --

25                  MR. KANAREK: Conclusion.

26                  Q       -- in particular, is one a copy of another?

27                  MR. KANAREK: Conclusion. No foundation.

28                  THE COURT: Sustained to the form of the question.

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1 Q BY MR. MANZELLA: Mrs. Feldman, in the ordinary  
2 course of your business, are copies made of the document about  
3 which you have already testified?

4 A Yes.

5 Q And they're made at the time the transaction is  
6 completed?

7 A Yes.

8 Q Directing your attention to People's 60-B for  
9 identification; is that your copy of the loan ticket?

10 A Yes, it was.

11 Q Now, Mr. Feldman, are you familiar with the  
12 manner in which property is redeemed at your store?

13 A Yes, I am.

14 Q And at the time property is redeemed, are you  
15 required to do something to complete certain documents or  
16 to --

17 MR. KANAREK: Irrelevant,

18 Q -- or to obtain certain information at the time  
19 property is redeemed?

20 A Yes.

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

22 THE COURT: Overruled.

23 A Yes, we are.

24 Q BY MR. MANZELLA: All right. And would you tell  
25 us what it is you are required to do?

26 A Basically, it is our own procedure. I don't know  
27 if we are required to do it.

28 MR. KANAREK: Then, I ask -- that's the end of the

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1 answer, because --

2 THE COURT: All right, sustained.

3 Q BY MR. MANZELLA: Mrs. Feldman --

4 THE COURT: What, by your own procedure, did you do  
5 and have you done in the course of your business in the  
6 redemption of property?

7 THE WITNESS: We write on our copy the date that the  
8 item has been redeemed, and then on our file card in our  
9 system, uh -- in our file system the card is circled that  
10 it has been redeemed.

11 Also, as I said before, the ticket must be  
12 signed by the person that has originally pawned the item.  
13 And in this case, it is dated the same date that we have  
14 on our records as the date that it was redeemed.

15 MR. KANAREK: Your Honor, I ask that that be  
16 stricken or else your Honor make special instruction that  
17 what --

18 THE COURT: The answer is stricken.

19 Q BY MR. MANZELLA: All right, Mrs. Feldman,  
20 returning again to People's 60-A for identification, the  
21 original loan ticket.

22 In the ordinary course of your business, are you  
23 required to put the date of the original transaction, that is  
24 the date you made the loan?

25 A Yes.

5a fls.

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1 Q On that loan ticket.

2 All right, Mrs. Feldman, have you, yourself,  
3 completed the documents about which you have been testifying?

4 A Yes.

5 Q And I don't mean People's 60-A and 60-B, but  
6 as co-owners of the Art Jewelry and Loan, have you completed  
7 the types of documents about which you have been testifying?

8 A Yes, we both do that.

9 Q All right. Now, does the date of transaction  
10 appear on People's 60-A for identification?

11 MR. KANAREK: Conclusion, hearsay, no foundation.

12 THE COURT: The document speaks for itself, sustained.

13 MR. MANZELLA: Well, your Honor, may we approach the  
14 bench on that point?

15 THE COURT: Well, I've permitted you to ask and have  
16 that question answered before with respect to the other  
17 document, but, no, you may not approach the bench.

18 MR. MANZELLA: All right, thank you.

19 Q BY MR. MANZELLA: Mrs. Feldman, may I see the  
20 document, please?

21 Thank you.

22 Mrs. Feldman, directing your attention to that  
23 portion of the People's 60-B for identification, wherein it  
24 says January 15, 1969.

25 Do you recognize in whose writing that date  
26 appears?

27 A Yes.

28 Q And whose writing is that?

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- 1 A My husband's.
- 2 Q All right. What date normally -- strike that.
- 3 Are you familiar with what date normally appears
- 4 in that portion of the -- your copy of the loan ticket?
- 5 A Yes.
- 6 Q What is that?
- 7 A The date that the loan is made.
- 8 Q All right. Directing your attention to People's
- 9 60-A for identification, and in particular the bottom right-
- 10 hand portion wherein is written the date January 30, 1969.
- 11 A Yes.
- 12 Q Do you recognize the handwriting in which that
- 13 date is written?
- 14 A No, I don't.
- 15 Q All right. What ordinarily appears in that
- 16 portion of the loan ticket? What does that date represent?
- 17 A The date that item is redeemed.
- 18 Q Now, in the ordinary course of business, do you
- 19 write a description of the individual to whom you loan money
- 20 on the documents about which you have been testifying?
- 21 A Yes, we do.
- 22 Q And does that -- does the description appear on
- 23 People's 60-B for identification?
- 24 A It does.
- 25 MR. KANAREK: Conclusion and hearsay, your Honor.
- 26 THE COURT: The answer may remain. The objection is
- 27 overruled.
- 28 Q BY MR. MANZELLA: Would you tell us what that

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1 description is, as shown on People's 60-B for identification?

2 MR. KANAREK: That's --

3 THE COURT: The record speaks for itself.

4 Q BY MR. MANZELLA: Mrs. Feldman, would you hold  
5 up the document and show us where the description appears?

6 A Right down the side here (indicating).

7 Q Along the side of People's 60-B for identifica-  
8 tion?

9 A That's right.

10 Q All right, thank you, Mrs. Feldman.

11 I have no further questions, your Honor.

12 THE COURT: Any cross?

13 MR. KANAREK: Yes, your Honor.

14 May I have a moment, your Honor?

15 THE COURT: You may.

16 MR. MANZELLA: Here it is.

17 MR. KANAREK: Thank you.

18 THE COURT: Go ahead, Mr. Kanarek.

19 MR. KANAREK: Thank you, your Honor.

20  
21 CROSS-EXAMINATION

22 BY MR. KANAREK:

23 Q Mrs. Feldman, you have no personal knowledge of  
24 these transactions, right?

25 A This specific transaction?

26 Q Well, you've been testifying for some time now  
27 with Mr. Manzella speaking to you. Do you have in mind  
28 the documents concerning which he spoke to you?

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A Yes.

Q You had no personal contact with those documents other than the fact that they're in your store, is that right?

A No, it is not right.

Q Well, you did not write on these documents, your husband did?

A I wrote on them also.

Q Well, your husband filled out these documents, right?

A No, we both filled out the documents.

Q You both filled out the documents at the same time?

A That's right. At different times.

Q Well, do you have any personal memory, as you sit on the witness stand, of this transaction?

A That specific transaction?

Q That specific transaction.

A No, I do not.

Q You don't know -- you wouldn't -- you wouldn't know the person that brought this in if he walked in this courtroom, would you?

A No, I would not.

Q And the person that -- for all you know, it could have been Richard Smith who was -- let us say somebody who might be in -- live somewhere in the -- anywhere in the Los Angeles area?

MR. MANZELLA: Objection, your Honor, calls for speculation.

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THE COURT: Overruled. You may answer.

A That's not so.

Q BY MR. KANAREK: Pardon?

A That's not true.

Q It couldn't be Richard Smith?

A No, it could not.

5b fls.

5b-1

1 Q I see.

2 Now, you have spoken to the police officers and  
3 the deputy District Attorney in this case, is that a fair  
4 statement?

5 A Pertaining to what? I don't know what you are  
6 referring to.

7 Q Pertaining to this case, Mrs. Feldman.

8 A Yes.

9 Q And Richard Smith or John Jones or Michael --  
10 whatever it might be -- you don't know who this person was that  
11 walked in this store and -- uh -- had some dealings in connec-  
12 tion with these guns, do you?

13 A Yes, I do.

14 Q Well, I'm talking about this specific transaction.

15 A Yes, but --

16 Q You have no personal knowledge -- you just told us  
17 a few minutes ago you don't remember it.

18 MR. MANZELLA: Objection, your Honor, counsel is  
19 arguing with the witness.

20 THE COURT: The objection is sustained, Mr. Kanarek's  
21 remarks are stricken.

22 Q BY MR. KANAREK: I'm speaking now of the transaction  
23 where you told us you had no memory of it.

24 Are you changing your statement now?

25 MR. MANZELLA: Objection, your honor, that's a compound  
26 question.

27 THE COURT: Sustained.

28 Q BY MR. KANAREK: Do you have any memory of the

1 matters concerning these documents that you have testified to  
2 when Mr. Manzella was questioning you?

3 A I have memory and knowledge of the procedure used  
4 in obtaining a loan. Therefore, no one but the person on our  
5 records could get the loan.

6 Q Well, my question is, you don't know -- you don't  
7 know as you sit there on the witness stand -- you have no  
8 memory of these transactions? You just told us that, right?

9 A That's right.

10 Q So, therefore, all that you are telling us is that  
11 this is paperwork that's in your store, that's been there for  
12 some time? That's all you can tell us?

13 MR. MANZELLA: Objection, your Honor, the witness has  
14 testified to what she can tell us.

15 THE COURT: Sustained.

16 Q BY MR. KANAREK: How many people -- how many  
17 people have you loaned money to since, let's say, October of  
18 1969, until this date?

19 A Approximately 20 to 40 per day.

20 Q 20 to 40 per day, right?

21 A That's right.

22 Q So there's no way that you can remember this  
23 transaction as it occurred there at your store, right?

24 A That's right.

25 MR. KANAREK: Thank you.

26 THE COURT: May she be excused, gentlemen?

27 MR. KANAREK: Yes, your Honor.

28 MR. MANZELLA: Yes.

1 THE DEFENDANT: No, she may not be excused. Why didn't  
2 they bring her husband in? What are they hiding there? This  
3 is all false face. They are not showing you the truth.

4 THE COURT: Mr. Manson, you will have to be quiet or  
5 you will have to leave the courtroom.

6 THE DEFENDANT: Yeah, keep all the truth out.

7 THE COURT: You may take Mr. Manson out.

8 MR. MANZELLA: Your Honor, may Mr. Manson's remarks be  
9 stricken?

10 THE DEFENDANT: If they'd brought that woman's husband  
11 in, he knows I didn't get the guns out of the gun shop, did  
12 I?

13 Don't try to imply that I had anything to do with  
14 any of these matters. This is big business.

15 He works for publicity.

16 (Whereupon, the defendant Manson pointed his  
17 finger in the direction of Mr. Manzella.)

18 THE DEFENDANT: He works for money.

19 (Whereupon, the defendant Manson pointed his  
20 finger in the direction of Judge Choate.)

21 THE DEFENDANT: And they'll trick your minds into  
22 thinking I have done something.

23 (Whereupon, the defendant was removed from the  
24 courtroom to the holding tank.)

25 MR. MANZELLA: Your Honor, may the jury be advised to  
26 disregard the defendant's remarks?

27 THE COURT: So ordered, ladies and gentlemen. Anything  
28 that has, is, or has been uttered by Mr. Manson during the  
course of this trial, you are to disregard.

6-1

1 Anything that's uttered during the course of the  
2 trial, except -- unless Mr. Manson should take the witness  
3 stand -- you are to disregard.

4 Let's see. It's 11:10. I see Mrs. McKissack  
5 here. The Court will call her matters.

6 We are in recess now for about ten, fifteen  
7 minutes. During the recess, you are obliged not to converse  
8 amongst yourselves nor with anyone else, nor permit anyone to  
9 converse with you on any subject connected with this matter,  
10 nor are you to form or express any opinion on the matter until  
11 it is finally submitted to you.

12 (Proceedings had on an unrelated matter.)

13 (The following proceedings were had as the  
14 members of the jury were leaving the courtroom:)

15 THE DEFENDANT: (From within the detention room.)

16 'I'm going to tear this whole structure down. You watch me.

17 (Proceedings had on unrelated matters.)

18 THE COURT: Call your next witness.

19 The record may show that the jurors are all  
20 present.

21 MR. MANZELLA: The People call Deputy John Sheehan.

22 THE CLERK: Would you raise your right hand?

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

27 THE WITNESS: I do.  
28

6-2

1 JOHN STEPHEN SHEEHAN,  
2 called as a witness by and on behalf of the People, having  
3 been first duly sworn, was examined and testified as follows:

4 THE CLERK: Please be seated.

5 Please state and spell your full name.

6 THE WITNESS: It's John Stephen Sheehan; S-h-e-e-h-a-n.

7 THE REPORTER: Stephen with a p-h- or a v?

8 THE WITNESS: p-h.

9  
10 DIRECT EXAMINATION

11 BY MR. MANZELLA:

12 Q All right. Deputy Sheehan, by whom are you  
13 employed?

14 A Los Angeles County Sheriff's Department.

15 Q And how long have you been so employed?

16 A Approximately seven years.

17 Q Directing your attention to the date of August  
18 16th of 1969, on that date where were you assigned?

19 A Malibu Station.

20 Q Now, on that date, August 16th, 1969, did you  
21 have occasion to go to Spahn Ranch?

22 A I did.

23 Q Having been assigned to the Malibu Station, were  
24 you familiar with the Spahn Ranch area?

25 A Yes, I was.

26 Q Now, approximately what time did you arrive at  
27 the Spahn Ranch on August 16th, 1969?  
28

6-3

1 A Shortly after sun-up. I -- I would assume  
2 approximately 5:00, 5:30 in the morning.

3 Q And did you go there in the course of your  
4 duties as a deputy sheriff?

5 A Yes, I did.

6 Q While you were at Spahn Ranch on that date, did  
7 you participate in some arrests made at Spahn Ranch?

8 A Yes, I did.

9 Q Do you recall how many persons were arrested  
10 at Spahn Ranch on that date?

11 A Approximately 25.

12 MR. MANZELLA: Your Honor, I have here a photograph  
13 of a male person. May I have that photograph marked  
14 People's -- I believe it's People's 73 for identification?

73 id.

15 THE COURT: So ordered.

16 Q BY MR. MANZELLA: All right. Deputy Sheehan,  
17 directing your attention to the person depicted in the  
18 photograph which has been marked People's 73 for identifica-  
19 tion, do you recognize the person depicted in that photograph?

20 A Yes, I do.

21 Q By what name or names do you know that person?

22 A Danny DeCarlo, or, as he gave the name to me,  
23 Richard Allan Smith.

24 Q That's Danny DeCarlo or Richard Allan Smith?

25 A That's correct.

26 MR. KANAREK: Your Honor, may I have a continuing  
27 objection on relevancy and materiality, as to all of this  
28 detective's testimony?

6-4

1 THE COURT: No, you may not.

2 MR. KANAREK: Then I do ask that the last question and  
3 answer be stricken, on the ground it's irrelevant and  
4 immaterial.

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

7 Q BY MR. MANZELLA: And did you see the person  
8 you've identified in People's 73 for identification as Danny  
9 DeCarlo or Richard Allan Smith on August 16th, 1969, at  
10 Spahn Ranch?

11 A Yes, I did.

12 Q And were you present when Mr. DeCarlo was  
13 arrested?

14 A Yes, I was.

15 Q And he was arrested at Spahn Ranch; is that  
16 correct?

17 A That's correct.

18 Q Now, did you personally place him under arrest?

19 A No, I did not.

20 Q Did other -- did another sheriff's deputy or  
21 deputy sheriff place him under arrest?

22 A Yes.

23 Q Now, did you thereafter, after Mr. DeCarlo was  
24 arrested, sometime thereafter assist in the booking of Mr.  
25 DeCarlo?

26 A Yes, I did.

27 Q And where was Mr. DeCarlo booked?

28 A Malibu Sheriff's Station.

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7 fls.

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Q And was it there that you assisted in his booking?

A Yes.

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Q Now, at the time of booking, did you fill out any kind of document?

A Yes, I did.

Q What document was that?

A It is a booking and property record.

Q Now, are you familiar with the booking and property record form?

A Yes, I am.

Q How are you familiar with it?

A I have made quite a number of them out.

Q And are you required by Sheriff's regulations to make out a booking and property record when you arrest and book someone?

A Yes, we are.

Q Now, the booking and property record that you filled out for Mr. DeCarlo or Mr. Smith, was that filled out at the time he was booked?

A Yes.

MR. MANZELLA: Your Honor, I have here a document which contains certain printing and certain writing thereon, including the printing "County of Los Angeles Sheriff's Department Booking and Property Record," and the name "Richard Allan Smith."

May I have that document marked People's 74 for identification?

THE COURT: So ordered.

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

THE COURT: Yes, you may.

74 id.

7-2

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

MR. KANAREK: Your Honor, I would ask for an offer of proof because Mr. DeCarlo --

THE COURT: I assume what he is showing the booking and property record for is to show an alias.

MR. MANZELLA: Yes, your Honor, that the person --

THE COURT: He's already testified that DeCarlo did give him a name and it came in without objection.

MR. MANZELLA: Yes.

MR. KANAREK: Yes, but I ask that it be stricken on relevancy and materiality.

THE COURT: The Court understands that --

MR. MANZELLA: We're also using it for the signature of Richard -- or R. A. Smith.

THE COURT: You intend to show --

MR. MANZELLA: The person that identifies himself as Richard Allan Smith --

THE COURT: Signed in his presence?

MR. MANZELLA: Did redeem -- did sign this document in his presence. But, also, he did redeem Donald Shea's guns at a later time from the pawnshop where they had been pawned and signed his name "Richard Allan Smith," and a comparison of the signatures --

THE COURT: You're not going to show this by this witness, are you?

MR. MANZELLA: No, by other --

7-3

1 THE COURT: But by this witness you are going to show  
2 that in his presence Danny DeCarlo signed Richard Allan Smith?

3 MR. MANZELLA: Yes --

4 MR. KANAREK: He's not -- that's prejudicial. He is  
5 not a conspirator or even an alleged co-conspirator.

6 THE COURT: He has been identified as a member of the  
7 Family.

8 MR. KANAREK: No, that is -- Mr. Manson cannot be  
9 saddled with that, your Honor.

10 THE COURT: He is associated --

11 MR. KANAREK: But Mr. Manson can't be saddled --

12 THE COURT: Isn't it a matter of the jury's discretion  
13 as to whether or not it has any --

14 MR. KANAREK: Not at all. It is prejudicial. It has  
15 no --

16 MR. MANZELLA: Your Honor, -- excuse me -- the offer  
17 of proof that I made before, the last time we were at the  
18 bench, applies to this, to the witness's testimony as well.  
19 We will show Mr. DeCarlo at dinner with Mr. Manson at the  
20 Meyer Ranch and that both Mr. DeCarlo and Mr. Manson handled  
21 Donald Shea's guns.

22 That Danny DeCarlo was seen in possession of the  
23 guns and the briefcase just before that, and then he went  
24 up to the ranch with Mr. Manson and at this supper that they  
25 handled -- handled around Donald Shea's guns, both Mr. Manson  
26 and Mr. DeCarlo.

27 THE COURT: Is 74 a copy of the booking --

28 MR. MANZELLA: No, it is the original.

1 THE COURT: It is the original?

2 MR. MANZELLA: Right.

3 THE COURT: Do you have people who will be able to  
4 qualify it as a record?

5 MR. MANZELLA: No, I don't have anyone.

6 Well, Deputy -- I'm sorry, Deputy Gleason will  
7 be able to qualify it as a record.

8 MR. KANAREK: You see, your Honor, it is -- there's  
9 no way -- it is denying the right -- we're denied the right  
10 to confront under the 6th Amendment, which is incorporated  
11 under due process of the 14th Amendment, and I am informed  
12 that Mr. DeCarlo presently is a fugitive in Canada, and he's  
13 a fugitive from a criminal judgment, I believe, or the threat  
14 of a criminal judgment in a federal court.

15 THE COURT: Let's proceed.

16 MR. KANAREK: So we're denied --

17 THE COURT: The Court will permit this line of  
18 questioning.

7a fls.

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

BY MR. MANZELLA:

Q All right, Deputy Sheehan --

MR. KANAREK: Counsel, may I see the document?

MR. MANZELLA: I'm sorry, I thought I showed it to you.

Q BY MR. MANZELLA: All right, Deputy Sheehan, directing your attention to People's 74.

Do you recognize that document?

A Yes, I do.

Q And what is that document?

A It is a booking and property record that I made out on Richard Allan Smith.

Q All right. And is that the document about which you have been testifying?

A Yes, it is.

Q And that was made out -- strike that.

Did you make out that document?

A I made out the majority of the information on it.

Q All right. Would you tell us what part of that document that you completed?

A Uh, the name, address, physical description, the property record, and the request for a phone call portion.

Q All right. And why did you assist in the booking of Mr. DeCarlo?

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

1 Honor.

2 THE COURT: Sustained.

3 Q BY MR. MANZELLA: Did you also -- did you assist  
4 in the booking of Mr. DeCarlo?

5 A Yes, I did.

6 Q And did you assist in the booking of any other  
7 persons that were arrested on that date at Spahn Ranch, if  
8 you recall?

9 A Yes, I did.

10 Q Now, did you also complete that part of the form  
11 containing the residence address 8530 Colegio Drive?

12 A Yes, I did.

13 Q Now, did Mr. DeCarlo or Mr. Smith -- strike that  
14 -- the man who -- or to whom that booking and property  
15 report, People's 74, pertains, is that the person you've  
16 identified in People's 73 for identification as Mr. DeCarlo  
17 or Mr. Smith?

18 A Yes, it is.

19 Q Now, the name of Richard Alan Smith, which appears  
20 in printing on the -- at the top of People's 74, the booking  
21 and property report, who wrote that on the document?

22 A I did.

23 Q And from whom did you receive that information?

24 A From him.

25 Q From the man shown in People's 73 in the  
26 photograph?

27 A That is correct.

28 Q Now, did Mr. Smith or the person you also knew

1 as Mr. DeCarlo, did he sign that document, People's 74, the  
2 booking record, in your presence?

3 A Yes, he did.

4 Q And did he sign it once or more than once on  
5 that document?

6 A He signed it more than once.

7 Q All right.

8 Would you show us by pointing to the document, if  
9 you would, the places in which Mr. Smith or Mr. DeCarlo signed  
10 that document?

11 A He signed it -- he signed it up here for his  
12 phone call.

13 Q You're talking about in the upper right-hand  
14 portion here, where it says "Prisoner phone call"?

15 A That is correct.

16 Q And where else did he sign it?

17 A He signed it down in the portion below that,  
18 where it says "Prisoner's complete signature."

19 Q And you're talking about the signature "Richard  
20 Allan Smith"?

21 A That's right.

22 Q And did he sign it anywhere else on the form?

23 A Yes, he did. He signed it down on the property  
24 portion of the booking slip in the lower left-hand corner.

25 Q Are you talking about "Prisoner's signature when  
26 booked"?

27 A That is correct.

28 Q And the signature "Richard A. Smith," is that

1 correct?

2 A That is correct.

3 Q And the man shown in People's 73 signed the form  
4 People's 74 in those three places?

5 A Yes, he did.

6 MR. MANZELLA: Your Honor, I have here a black and  
7 white photograph, approximately 8 X 10 inches.

8 May I have that marked People's 75 for identifica-  
9 tion?

10 THE COURT: So ordered.

11 Q BY MR. MANZELLA: All right, Deputy Sheehan,  
12 directing your attention to this photograph which has been  
13 marked People's 75 for identification.

14 Do you recognize the person shown in this  
15 photograph?

16 A Yes, I do.

17 Q All right. Beginning from left to right, the  
18 persons in the foreground, would you tell us who is shown in  
19 this photograph?

20 A Uh, that's Danny DeCarlo.

21 Q Would you point him out, please?

22 A This is Danny DeCarlo (indicating).

23 Q All right, would you take one of the pens to  
24 your left there and circle the head of the person that you  
25 have identified as Danny DeCarlo?

26 MR. KANAREK: Your Honor, may I object to this line of  
27 questioning on irrelevancy and immateriality?

28 THE COURT: The objection is overruled.

75 Id.

1 A (Witness complied.)

2 Q BY MR. MANZELLA: And please place your initials  
3 near that circle that you have drawn, outside the circle?

4 A (Witness complied.)

5 Q BY MR. MANZELLA: All right.

6 And have you drawn the circle around the head of  
7 the person of Mr. DeCarlo and placed your initials there?

8 A Yes, I have.

9 Q All right. Do you know when this photograph was  
10 taken?

11 A It was taken the morning of the arrest at the  
12 ranch.

13 Q All right. This was taken during the time of the  
14 arrest on August 16, 1969, at Spahn Ranch?

15 A That's correct.

16 Q All right. Do you recognize anyone else shown  
17 in the photograph?

18 A Uh, this is Charlie Manson standing next to him  
19 (indicating).

20 Q To the right of Mr. DeCarlo, as you look at the  
21 photograph?

22 A As you look at the photograph, yes.

23 Q Would you circle the head of Mr. Manson as he's  
24 depicted in the photograph and place your initials outside the  
25 circle?

26 A (Witness complied.)

27 Q All right. And have you done so?

28 A I have.

1 Q All right. Is the officer who placed Mr. DeCarlo  
2 under arrest shown in that photograph?

3 A Uh, yes. This is Sergeant Neureither standing  
4 next to him (indicating).

5 Q Neureither?

6 A Neureither.

7 Q And is that spelled N-u-r-i-t-h-e-r?

8 A That's correct.

9 Q And standing left of Mr. DeCarlo, as you look  
10 at the photograph?

11 A That's correct.

12 Q All right.

13 Deputy Sheehan, from whom did you receive the  
14 information with regard to the physical description that you  
15 wrote on People's 74 for identification?

16 A I received it from Mr. Smith.

17 Q All right, thank you.

18 Your Honor, I have no further questions.

19 THE COURT: Any cross?

20  
21 CROSS-EXAMINATION

22 BY MR. KANAREK:

23 Q Officer, before coming to the ranch -- I'll  
24 withdraw that.

25 What time did you come to the ranch that morning?

26 A It was approximately 5:00 o'clock in the morning.  
27 It was just at sunrise.

28 Q Sunrise.

1 And before that you were briefed -- you were  
2 briefed at the Malibu Station, is that right?

8 fls.

3 A That's correct.  
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1 Q And you arose and you put on combat clothes; right?

2 A No. I had a regular Sheriff's uniform.

3 Q But I mean, you had combat type clothing? You had

4 your helmet and so forth; right?

5 I mean, ready for armed combat?

6 A I had my conventional Sheriff's uniform on.

7 Q Now, this was planned -- well, I'll withdraw that.

8 There was -- there was a briefing at the Malibu

9 station; right?

10 A That's correct.

11 Q There was air cover; right? You had helicopters,

12 air cover?

13 A Surveillance, yes.

14 Q You had automatic weapons; right?

15 A They were present, yes.

16 Q Did you have any nuclear weapons or anything like

17 that?

18 A Not to my knowledge.

19 Q No, but you were -- you had -- you were briefed

20 like a military operation; is that right?

21 MR. MANZELLA: Your Honor, I'll object on the grounds

22 that it's argumentative and vague --

23 THE COURT: Sustained.

24 MR. MANZELLA: -- and ambiguous.

25 THE COURT: The objection is sustained.

26 Q BY MR. KANAREK: Directing your attention to this

27 Spahn Ranch, you came in from three or four different

28 directions? That is, there were infantry to the North, to the

1 South, to the East and to the West?

2 THE COURT: You needn't answer that. It's outside of the  
3 scope of --

4 MR. KANAREK: Pardon? They said --

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

6 Q BY MR. KANAREK: Well, you arrested some 25 people;  
7 right, Officer?

8 A Some 25 people were arrested while I was present.

9 Q Some 25 people were arrested?

10 A Yes.

11 Q And of the 25 people who were arrested, not one  
12 charge was filed, except for one traffic ticket; right?

13 A I have no direct information as to what charges were  
14 filed. I was only present during the arrest.

15 Q Well, sir, to your knowledge, is it a true state-  
16 ment that nothing was filed out of the 25 people that were  
17 arrested in this operation, except one traffic ticket?

18 MR. MANZELLA: I'll object unless the officer has  
19 knowledge.

20 MR. KANAREK: That's what I am asking him, whether to his  
21 knowledge that's true.

22 THE COURT: He has answered that. The objection is  
23 sustained.

24 MR. KANAREK: Well, I didn't hear any answer.

25 THE COURT: He said he had no knowledge.

26 Go ahead.

27 Q BY MR. KANAREK: Do you have no knowledge of what  
28 charges were filed?

1 A That's correct. I have no knowledge.

2 Q Who is the man that is standing to the -- the non-  
3 police officer that's standing in the extreme right of this  
4 picture as you look at it? I think it's People's 75.

5 THE COURT: 75, yes.

6 THE WITNESS: I don't believe I recognize him.

7 Q BY MR. KANAREK: Well, was he one of those who were  
8 arrested?

9 A I -- I don't know.

10 Q You don't know whether he was or wasn't?

11 A That's correct.

12 Q Well, to your knowledge, every one that was on that  
13 ranch was arrested, except Mr. Spahn; isn't that about right?

14 A To my knowledge,

15 Q That's correct, right?

16 A That's correct.

17 Q And --

18 MR. KANAREK: Excuse me, your Honor.

19 (Pause in the proceedings while a discussion off  
20 the record ensued at the counsel table between Mr. Kanarek and  
21 Mr. Manzella.)

22 Q BY MR. KANAREK: Now, you took some fingerprints;  
23 is that right?

24 A That's correct.

25 Q Are you the one that rolled the prints?

26 A I took those prints there.

27 Q And at the time that you took these people into  
28 custody, all 25 of them were interrogated; is that right?

1 MR. MANZELLA: Objection, your Honor. It's beyond the  
2 scope of direct examination.

3 THE COURT: Sustained -- well, I'll overrule it. You may  
4 answer.

5 Were all 25 interrogated?

6 THE WITNESS: There was no interrogation that I was  
7 aware of.

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1 Q BY MR. KANAREK: Do you mean these people were  
2 arrested, taken to Malibu Station, and not -- to your knowledge,  
3 there was no interrogation?

4 A I don't know what you mean by "interrogation." If  
5 you mean getting facts as to who they are and where they live  
6 and that, we did get that information.

7 Q Well, right. And you had -- you had these 25 people.  
8 Now, is it a fact, Officer, that at that time you spoke to  
9 people who were outside the presence of this man that you've  
10 called Smith?

11 MR. MANZELLA: Objection, your Honor. That's irrelevant.

12 THE COURT: Sustained.

13 MR. MANZELLA: And also calls for hearsay.

14 Q BY MR. KANAREK: You spoke with people at the time  
15 of this raid who referred to this man as Danny; there was no  
16 big mystery about it, was there?

17 A No.

18 Q There was no mystery about who --

19 A No, he wasn't. He wasn't referred to as Danny at  
20 that time.

21 Q Well, you -- how many times have you been to the  
22 Spahn Ranch, Officer?

23 A In my patrol of Malibu, I would assume several  
24 hundred times.

25 Q Several hundred times?

26 A That's right.

27 Q And during the summer of '69, you were at the Spahn  
28 Ranch many times?

1 A That's correct.

2 Q And you saw this man that you are telling us you  
3 -- you're using the name Smith as his name -- you saw him many  
4 times and knew him as Danny De Carlo; correct?

5 A That's not correct.

6 Q Well, you -- on the occasion when you came to the  
7 Spahn Ranch, before August 16th, Officer, you had seen this  
8 man, Danny De Carlo?

9 A No, I don't remember seeing him.

10 Q You don't remember seeing him. You mean you may have  
11 seen him, and you don't recall now, or -- what do you mean?

12 A I don't remember seeing him prior to arresting him --  
13 or, being present at his arrest on that date.

14 Q Well, directing your attention then to the summer  
15 of '69, you actually went onto the premises of the Spahn Ranch  
16 before August 16th on many occasions, you have told us; right?

17 A That's correct.

18 Q Now, Mr. De Carlo was arrested for Assault With a  
19 Deadly Weapon, 245, P.C.; is that right?

20 A That's correct.

21 Q Can you tell us the circumstances as to why he was  
22 arrested for assault?

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

25 MR. KANAREK: He has got the booking slip, your Honor.  
26 We are entitled to interrogate --

27 THE COURT: The objection will be sustained.

28 Q BY MR. KANAREK: Well, what was Mr. De Carlo

1 arrested for?

2 A Assault With A Deadly Weapon.

3 Q And what else?

4 A I believe it was Grand Theft Auto.

5 Q Grand Theft Auto and Assault With A Deadly Weapon;  
6 right?

7 A That's correct.

8 Q And he was arrested for stealing automobiles;  
9 right?

10 A I believe so.

11 Q He was arrested for stealing Gary Hinman's  
12 automobiles; right?

13 A Not that I was aware of.

14 Q Well, what automobiles was he arrested for stealing?

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

16 MR. KANAREK: It's relevant, your Honor. Counsel has  
17 brought up the arrest. We are entitled to go into the  
18 aspects of it.

19 THE COURT: The objection is sustained.

20 Q BY MR. KANAREK: At the time, Officer, that you  
21 arrested Danny De Carlo, you knew of the passing away of  
22 Gary Hinman; is that correct?

23 MR. MANZELL: Objection, your Honor. That's not  
24 relevant.

25 THE COURT: Sustained.

26 Q BY MR. KANAREK: At the present time, Officer,  
27 would you tell us where Danny De Carlo is, to the best of your  
28 knowledge?

1 A I have no knowledge of his whereabouts.

2 Q Is -- you have not discussed with your fellow  
3 officers the topic of Danny De Carlo's present whereabouts?

4 A Only that he wasn't in custody.

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1 Q Well, have you discussed with your fellow officers  
2 anything concerning Mr. De Carlo's being in Canada?

3 A No, I have not.

4 Q Now, would you describe the tattoos or other  
5 marks upon Danny DeCarlo?

6 A To the best of my recollection, as I have marked on  
7 the booking and property slip there, there was a picture of a  
8 sailor's head, with the initials "USCG."

9 Q Any other -- any other marks?

10 A None that I recall.

11 Q Now, at the time you arrested Mr. De Carlo, where  
12 was he located?

13 A He was inside a room on the Spahn Ranch.

14 Q And did that room have many guns in it?

15 A Yes, it did.

16 Q It had -- would you describe the guns that  
17 Mr. De Carlo had in his room?

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

20 MR. KANAREK: We are going into the arrest, your Honor.  
21 Counsel cannot circumscribe -- he opened the subject matter up.

22 THE COURT: May I see 74?

23 MR. KANAREK: Yes, your Honor.

24 (Pause in the proceedings while the Court perused  
25 the exhibit.)

26 THE COURT: The objection will be sustained.

27 Q BY MR. KANAREK: Well, would you describe the  
28 circumstances of the arrest of Mr. De Carlo?

1 MR. MANZELLA: Objection, your Honor. It's not relevant.  
2 MR. KANAREK: They brought in the fact of the arrest --  
3 THE COURT: The objection is sustained.  
4 MR. KANAREK: Well, may I approach the bench, your Honor?  
5 THE COURT: Yes, you may.

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

9 THE COURT: The gist of this man's testimony is that he  
10 participated in the arrest of some 25 people at this ranch.  
11 He assisted in making the booking slip on this man Danny  
12 De Carlo, who signed the name Smith in his presence.

13 MR. KANAREK: I know, but we -- we are entitled to go --  
14 just because -- this may be --

15 THE COURT: You want to examine about the weapons that  
16 were found in that room? You want to inquire concerning the  
17 circumstances of the arrest and so forth?

18 MR. KANAREK: Yes, your Honor.

19 They brought up the subject matter. We have a right  
20 to go into that subject matter. He may -- just because he has  
21 a certain viewpoint, when he opens up the subject, he can't  
22 circumscribe our interrogation. We are entitled to go into  
23 it.

24 MR. MANZELLA: Your Honor?

25 THE COURT: You may -- he did ask him whether or not he  
26 participated in the arrest, and I think probably it is a  
27 legitimate source of inquiry, as concerning the circumstances  
28 of the arrest, to test credibility.

1 But it's a relatively limited presentation here,  
2 and he's only putting it on for -- for a rather limited purpose.  
3 And his questions were directed generally toward the  
4 identification of De Carlo as Smith.

5 MR. MANZELLA: Right.

6 THE COURT: And of course, you do have -- I think you do  
7 have the right to inquire in order to test credibility on  
8 cross. But I don't wish to expand it too far.

9 We will recess now. It's ten after 12:00.

10 MR. MANZELLA: Your Honor, could I inquire if Mr. Kanarek  
11 has much more with this witness?

12 THE COURT: I wanted to excuse him, if we could; because  
13 I didn't think --

14 MR. KANAREK: Oh, I can't. I have probably 15, 20 minutes  
15 with him at least.

16 THE COURT: I can't --

17 MR. KANAREK: I'll make it as brief as possible.

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

20 THE COURT: You are ordered to return at 2:00 o'clock.  
21 The Court declares a recess now until 2:00 o'clock.

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

27 I'll see you at 2:00 o'clock.

28 (Whereupon, at 12:12 p.m., an adjournment was taken  
until 2:00 p.m. of the same day.)

1 LOS ANGELES, CALIFORNIA, FRIDAY, SEPTEMBER 10, 1971

2 2:12 P.M.

3 ---O---

4 THE COURT: The record will show that the jury are all  
5 present, jury and alternates.

6 You may proceed. Cross-examine.

7  
8 CROSS-EXAMINATION (CONTINUED)

9 BY MR. KANAREK:

10 Q Officer, directing your attention to the place  
11 that Mr. De Carlo was arrested. That was a gun room. That is,  
12 there were lots of guns in that room, right?

13 A There were several guns in the room.

14 Q You see these guns, Officers? I'm now referring to  
15 People's 9-A and People's 9-B.

16 THE COURT: I believe they are 53-A and 53-B.

17 MR. MANZELLA: They are 53-A and 53-B, your Honor.

18 Q BY MR. KANAREK: I'm sorry, 53-A and 53-B. I'm  
19 sorry, Officer.

20 Directing your attention to these two guns.

21 May I approach the witness, your Honor?

22 THE COURT: Yes, you may.

23 Q BY MR. KANAREK: Would you look these guns over,  
24 Officer, and tell me whether these guns were in that gun room  
25 where you arrested Mr. De Carlo on August 16, 1969?

26 A I couldn't say for sure.

27 Q Is it indeed -- I'll withdraw that.

28 When you arrested Mr. De Carlo, did you take anything

1 out of the room with Mr. De Carlo?

2 A No, I didn't have anything to do with the physical  
3 arrest of Mr. De Carlo, and I didn't pick up any of the  
4 evidence.

5 Q Well, within your view, did any police officer take  
6 anything with Mr. De Carlo when he was taken away from the  
7 Spahn Ranch on August 16, 1969?

8 A Yes, they did.

9 Q What did they take with them?

10 A Uh, I have only vague recollections. There was a  
11 -- I believe, some sort of an ammunition reloading device for  
12 rearming shells. And I thought there was an automatic pistol,  
13 possibly a .45 caliber pistol.

14 I really don't -- these guns seem vaguely familiar.  
15 I'm not sure. That's about all I can recall.

16 Q And these guns appear to be guns that were in the  
17 gun room on August 16, 1969, correct?

18 MR. MANZELLA: Objection, your Honor, I believe that  
19 assumes a fact not in evidence.

20 MR. KANAREK: I'm asking him. He says they looked vaguely  
21 familiar, your Honor.

22 THE COURT: The witness may answer. The objection is  
23 overruled.

24 THE WITNESS: I don't specifically remember these guns.  
25 I have only a vague recollection of -- the only things I -- I  
26 -- I have no firm recollection of what was taken from the  
27 room. I remember there were a number of guns, possibly more  
28 than two or three, and a reloading device. That's about all I

1 can --

2 Q But there were items that were left there that were  
3 not taken, correct?

4 A I don't know what you mean by "items."

5 Q Well, there were guns that were left at the room on  
6 August 16, 1969, when Danny De Carlo was arrested?

7 MR. MANZELLA: Objection, your Honor, unless the officer  
8 has personal knowledge.

9 THE COURT: If he knows, he may answer.

10 MR. KANAREK: I assume that all of his answers are from  
11 personal knowledge, your Honor.

12 THE WITNESS: I don't know of anything that was left.

13 Q BY MR. KANAREK: Well, what, to your -- the only  
14 items taken, to your knowledge, was this rearming device and  
15 an automatic; am I correct?

16 A No, I didn't handle the evidence and I never saw  
17 actually what was taken from the room.

18 Q Well, you saw -- you are telling us you saw a  
19 rearming device which was taken, you saw that taken?

20 A I believe I saw a rearming device in the room.

21 Q Was that taken into custody by any deputy?

22 A I didn't see it being taken.

23 Q Well, did you see that rearming device at the Malibu  
24 station or any other law enforcement facility?

25 A I never saw it again to my knowledge.

26 Q Did you see it removed from the room, the gun room  
27 where Danny De Carlo was arrested?

28 A No, I didn't.

1 Q Did you see the automatic removed from the gun  
2 room where Danny De Carlo was arrested?

3 A No, I didn't.  
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1 Q When Danny -- did you see Danny DeCarlo taken and  
2 placed in a police car?

3 A I don't remember him being placed in a car.

4 Q Well, you were -- you say that you were at the  
5 Spahn Ranch when he was arrested?

6 A I was.

7 Q Right?

8 A That's correct.

9 Q You observed his arrest?

10 A Yes.

11 Q Would you tell us what was said -- what was said  
12 at the time he was arrested?

13 A I don't remember.

14 Q Give us your best memory, Officer. Give us your  
15 best memory of the words that were uttered at the time he was  
16 arrested.

17 A I didn't -- I didn't hear any words, that I can  
18 recall.

19 Q Then upon what do you base your statement that  
20 he was arrested?

21 A I booked him at Malibu Sheriff's Station.

22 Q But you say you observed his arrest at the Spahn  
23 Ranch.

24 Would you tell us upon what you base that  
25 statement, that you observed his arrest?

26 THE COURT: It's asked and answered. You needn't  
27 answer that.

28 Q BY MR. KANAREK: Well, describe for us what you

10-2

1 saw in connection with his arrest. How did it occur?

2 A I observed Danny DeCarlo laying on the floor of  
3 this room; and Deputy Guillory and Sergeant Neureither were  
4 standing in the room with their guns drawn; and to my recol-  
5 lection, there was other guns in the room.

6 Q And after you saw the guns drawn, did something  
7 occur?

8 A Yes. They -- they searched Danny DeCarlo, and they  
9 conducted a search of the room.

10 Q And then what occurred?

11 A I don't remember. There was a lot of activity  
12 all over the ranch.

13 Q Did you see them handcuff Mr. DeCarlo?

14 A Not that I remember.

15 Q Did you see Mr. DeCarlo at some point leave that  
16 room in the custody of law enforcement officers?

17 A I don't recall it.

18 Q Did you see law enforcement officers remove from  
19 the room any items, apart from the physical body of Danny  
20 DeCarlo?

21 A Not that I recall.

22 Q Is there -- is there some reason that you recall  
23 the automatic, and what you call the re-arming device?

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

26 THE COURT: Sustained.

27 Q BY MR. KANAREK: Would you describe what you call  
28 a re-arming device?

1 MR. MANZELLA: Objection, your Honor, on the grounds  
2 that it's not relevant.

3 THE COURT: Sustained.

4 MR. KANAREK: Well, may I approach the bench, your Honor?

5 THE COURT: No, you may not.

6 Q BY MR. KANAREK: Well, how big is this re-arming  
7 device?

8 MR. MANZELLA: Objection, your Honor. I don't believe  
9 it's relevant.

10 THE COURT: The objection is sustained.

11 Q BY MR. KANAREK: Would you tell us, what is a  
12 re-arming device?

13 MR. MANZELLA: Objection, your Honor. Same grounds.

14 THE COURT: Sustained.

15 Q BY MR. KANAREK: Would you tell us the names of  
16 the other people that were arrested besides Danny DeCarlo?

17 A Charles Manson was arrested at this time. I  
18 don't -- I couldn't give you the names of the other people  
19 that were arrested.

20 Q Will you give us the names to the best of your  
21 ability?

22 A Well, I really -- to the best of my ability,  
23 all I can tell you is Charles Manson and Danny DeCarlo.

24 I couldn't give you any other names for sure.

25 Q Charles Manson, Danny DeCarlo, and 23 unknown  
26 persons whose names you don't know?

27 A That's right.

28 Q And you participated in the booking of all 25

1 people; is that right?

2 A That's not correct.

3 Q Well, how many of those 25 did you participate in  
4 the booking of?

5 A I think it was somewhere between five and ten of  
6 them.

7 Q And would you tell us the names of any of the  
8 five or ten that you participated in the booking of?

9 A I don't recall them.

10 Q Now, Mr. DeCarlo, at the time that you entered  
11 that room, this gunroom, where Mr. DeCarlo was laying on the  
12 floor, was anyone else in that room?

13 A Yes, there were.

14 Q Who else?

15 A There was Sergeant Neureither and Deputy Guillory.  
16 And I believe there were a few other deputies. I don't  
17 remember their names.

18 Q Did you see anyone who was not a law enforcement  
19 officer, other than Mr. DeCarlo, when you entered the room?

20 A Not that I recall.

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10a1

1 Q Mr. Manson was not in the room, --

2 A No.

3 Q -- is that correct?

4 A That's correct.

5 MR. KANAREK: Thank you, your Honor.

6 MR. MANZELLA: I have no further questions.

7 May the Deputy Sheehan be excused, your Honor?

8 THE COURT: Yes. You are excused.

9 MR. MANZELLA: The People call Richard Barber.

10 MR. KANAREK: Thank you, Officer.

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

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

16 THE WITNESS: Yes, sir.

17

18 RICHARD DAVID BARBER,

19 called as a witness by and on behalf of the People, was  
20 examined and testified as follows:

21 THE CLERK: Just take the stand and be seated, please.

22 THE BAILIFF: Would you state and spell your full name,  
23 please?

24 THE WITNESS: Richard David Barber; R-i-c-k-- or,  
25 Richard; R-i-c-h-a-r-d, D-a-v-i-d, B-a-r-b-e-r.

26

27 DIRECT EXAMINATION

28 BY MR. MANZELLA:

1 Q Richard, how old are you?

2 A 16.

3 Q Now, directing your attention to the day of --  
4 strike that.

5 Directing your attention to February of 1970,  
6 during that month were you -- sometime during that month, were  
7 you present in Death Valley?

8 A Yes.

9 Q And who were you there with?

10 A My father, my brother, and a group from a stable.

11 Q And what were you doing at that time in Death Valley?

12 A We were looking for burros.

13 MR. MANZELLA: Your Honor, I have here what appears to  
14 be a contour map of the Ballerat Death Valley area.

15 May I have that map marked People's 76 for  
16 identification?

17 THE COURT: So ordered.

18 Q BY MR. MANZELLA: All right. Richard, in particu-  
19 lar -- strike that.

20 Are you familiar with the town of Ballerat in that  
21 area, Death Valley?

22 A Yes.

23 Q And are you familiar with the road that leads from  
24 Ballerat to the mouth of Coler Wash?

25 A Yes.

26 Q Now, during this period in February of 1970, when  
27 you were with your father and these other people, did you  
28 travel that road from Ballerat to the mouth of --

1 A Yes.

2 Q -- Goler Wash?

3 A Yes.

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

5 THE COURT: Yes, you may.

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

9 MR. KANAREK: Your Honor, I would ask for an offer of  
10 proof, because Mr. Manson was in custody in February of 1970.  
11 The Court could take judicial notice of that.

12 THE COURT: Go ahead.

13 MR. MANZELLA: Richard will testify that the -- that when  
14 he was traveling in February, 1970, he was traveling a road  
15 from Ballerat to Goler Wash with his father and these other  
16 people; that he found Shea's briefcase and that blue suitcase  
17 which is in evidence.

18 THE COURT: All right. Very well.

19 MR. KANAREK: Well, we would object, your Honor, on the  
20 grounds that Mr. Manson was in custody, and it's irrelevant  
21 and immaterial.

22 THE COURT: The objection would be overruled.

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

25 Q BY MR. MANZELLA: Now, Richard, while you were  
26 traveling the road from Ballerat to the mouth of Goler Wash,  
27 did you find anything along that road?

28 A Well, I didn't find it at that time, but I found it

1 later on.

2 Q And how much later on did you find it?

3 A The next day.

4 Q And this was the next day that you were in that area?

5 A Yes.

6 Q And this is still during February of 1970?

7 A Yes.

8 Q And what did you find?

9 A I found a suitcase and a briefcase.

10 Q And where did you find them?

11 A By the side of a road under some bushes.

12 Q And was this along the road that leads from  
13 Ballerat to the mouth of Goler Wash?

14 A I don't think it was the same road. It was a dirt  
15 road, off the side.

11x-1

1 Q All right, was this a dirt road off that road that  
2 leads from Ballerat to Goler Wash?

3 A Yes.

4 Q Now, which way were you traveling when you found  
5 the items that you were talking about? Were you going back  
6 towards Ballerat or were you going towards Goler Wash or in  
7 some other direction?

8 A Well, we weren't traveling on the road at that time.  
9 Me and my brother were just looking around.

10 Q All right. Approximately how far from Ballerat  
11 was it that you found the suitcase and the briefcase?

12 A I don't really know.

13 Q Now, in relation to the road -- strike that,  
14 Was this a dirt road near which you found the  
15 briefcase and the suitcase?

16 A Yes.

17 Q Now, in relation to the road, how far was it from  
18 the briefcase and the suitcase?

19 A I guess about two feet. It was right on the edge of  
20 the road.

21 Q And both the briefcase and the suitcase were in  
22 the same location?

23 A Yes.

24 Q Now, were there any -- was there any -- were there  
25 any bushes or anything of that nature near where you found the  
26 briefcase and the suitcase?

27 A Yes.

28 Q And would you describe the relationship to the

1 items that you found?

2 A Well, they were over the edges and top. We had to  
3 pull them apart. They were like tumbleweeds on top of it.  
4 And we had to pull them off before we could get to the suitcase  
5 and briefcase.

6 Q The suitcase and briefcase were under the brush?

7 A Yes.

8 Q Now, after you found the briefcase and the suitcase,  
9 did you show those items to anyone?

10 A Yes.

11 MR. KANAREK: That's irrelevant and immaterial, your  
12 Honor.

13 THE COURT: Overruled. The answer may remain.

14 Q BY MR. MANZELLA: And to whom did you throw those  
15 items?

16 MR. KANAREK: Irrelevant and immaterial.

17 THE COURT: The objection is overruled.

18 THE WITNESS: When I found them, I told my father and my  
19 brother.

20 MR. KANAREK: May the statement that he told his father  
21 and his brother be stricken as hearsay?

22 THE COURT: The answer is not responsive. The answer is  
23 stricken.

24 Q BY MR. MANZELLA: Did you open both these suitcases?

25 A Yes, sir.

26 Q Did you observe the contents of both the briefcase  
27 and the suitcase?

28 A Yes.

1 Q And sometime after you found both the briefcase  
2 and the suitcase, did you show them to your father?

3 A Yes.

4 Q And sometime after that did you and your father  
5 turn them over to the California Highway Patrol?

6 A Yes.

7 Q All right. Richard, did you remove any items from  
8 either the briefcase or the suitcase?

9 A To look at, you mean?

10 Q Yes.

11 A Yes.

12 Q Did you put those items, the items which you  
13 removed, did you put them back into the briefcase and the  
14 suitcase?

15 A Yes.

16 Q Richard, directing your attention to the briefcase  
17 which has been marked People's 54 for identification.

18 Do you recognize this exhibit?

19 A Yes.

20 Q When and where did you first see this exhibit?

21 A On top of the blue suitcase.

22 Q And is this the briefcase about which you've  
23 been testifying?

24 A Yes.

25 Q All right. Richard, directing your -- strike that.  
26 Did you open that briefcase?

27 A Yes.

28 Q And you observed some of the contents of the

1       briefcase?

2           A       Yes.

3           Q       All right. Directing your attention to some of  
4       the items that are in that briefcase now, that are in the  
5       envelopes.

6                Would you take a look quickly at some of those  
7       items and tell us whether you recognize any of the contents of  
8       the briefcase?

9                You can look through it, if you like.

10           Q       All right, have you looked through -- looked at  
11       the items contained in that briefcase?

12           A       Yes.

13           Q       Do you recognize any of those items?

14           A       Well, I remember -- I recognize the black check  
15       book, anacin --

16           Q       You recognize the black check book?

17           A       And the anacin and the yellow --

18           Q       You recognize the bottle of anacin tablets?

19           A       Yes.

20           Q       What else do you recognize?

21           A       And the yellow checks.

22           Q       The yellow checks that Mr. Kanarek is holding now?

23           A       Yes.

24           Q       All right.

25                Now, the items that you have identified, were  
26       all of these items in the briefcase at the time that you found  
27       it?

28           A       Yes.

1 Q Now, Richard, specifically, did you find any guns  
2 in the briefcase?

3 A No.

4 Q And you looked through the entire interior of the  
5 briefcase?

6 A Yes.

7 Q And you found no guns, is that correct?

8 A Yes.

9 Q Did you find a knife in the briefcase?

10 A No.

11 Q Richard, directing your attention, -- and if you  
12 would, you can stand up, if you like.

13 Can you see from where you are?

14 A Yes.

15 Q All right. Directing your attention -- hold this  
16 microphone and you can talk into that,

17 Directing your attention to this blue suitcase  
18 which has been marked People's 55-H for identification.

19 Do you recognize this blue suitcase?

20 A Yes.

11a

11a-1

1 Q And when and where did you first see this blue  
2 suitcase?

3 A Underneath the bushes alongside of the road.

4 Q Is that the suitcase you've been testifying about,  
5 having found it outside of Ballarat?

6 A Yes.

7 Q All right. Richard, can you see some of the  
8 contents of that suitcase, People's 65 for identification?

9 A Yes.

10 Q Do you recognize any of the contents as having seen  
11 them before?

12 A Yes.

13 Q All right. Can you tell us briefly, just briefly  
14 describe some of the things that you recognize?

15 A I recognize the --

16 Q Richard, please speak right directly -- right into  
17 the front of that microphone.

18 A I recognize the green checks on the side, and  
19 there was some clothes in there, but I don't recognize any  
20 of those right now. That's all I can see right now.

21 Q All right. Why don't you get down off the witness  
22 stand and bring the microphone with you and just briefly  
23 look through some of the contents in the suitcase and see if  
24 you recognize any of the other items in the suitcase?

25 A (Witness complied.)

26 I recognize some books that I saw before.

27 THE COURT: Indicating some ledger books of some type?

28 THE WITNESS: I don't know what kind of books they are.

11a-2

1 I just remember these.

2 THE COURT: Would you hold up what you recognize?

3 That type of ledger book. It is labeled "Ledger  
4 Book."

5 THE WITNESS: Yes, that's right.

6 Uh, there was an adding machine in here and it is  
7 not in here now, and a check machine.

8 Q BY MR. MANZELLA: Anything else of the items that  
9 are in People's 65 that you recognize as having seen before?

10 A I can't remember seeing anything else. It's a  
11 long time ago.

12 Q Okay, thanks, Richard. Take the stand again.

13 Now, the items that you've told us that you  
14 recognize, are those items that you saw when you opened the  
15 suitcase on the day that you found it?

16 A Yes.

17 MR. MANZELLA: May I have a moment, your Honor?

18 THE COURT: Yes, you may.

19 Q BY MR. MANZELLA: All right, Richard, directing  
20 your attention to the contour map which has been marked  
21 People's Exhibit 76 for identification.

22 Have you seen this map before in another proceed-  
23 ing?

24 A Yes, I have.

25 Q Do you recognize the area which is shown in this  
26 map?

27 A Yes.

28 Q And what area is that?

11a-3

1 A That's the area that I found the suitcase and  
2 briefcase.

3 Q Now, have you previously marked -- well, strike  
4 that.

5 There is a road here which appears to have been  
6 marked in red pen or red pencil.

7 Do you recognize that particular road?

8 A Yes.

9 Q What road is that?

10 A That's the road that I found the briefcase and  
11 suitcase on.

12 Q Is that the road that leads from Ballarat to the  
13 mouth of Goler Wash?

14 A I'm not sure of that.

15 Q All right. Now, have you previously marked the  
16 map which is People's 76 for identification?

17 A Yes.

18 Q As to some particular location?

19 A Yes.

20 Q Do you remember -- does your mark and your  
21 initials appear on this map?

22 A Yes.

23 Q Is that the X and the initials "RB"?

24 A Yes.

25 Q What does that X signify on there?

26 A That's where I found the suitcase and the briefcase,  
27 right on the bend of the road.

28 Q All right. All right, Richard, what kind of --

11a-4

1 what is the surface of the road that you traveled from  
2 Ballarat to the mouth of Goler Wash?

3 A The road that we traveled there to?

4 Q Yes, is that a dirt road?

5 A No, that was partially paved and the other part  
6 was gravel and dirt.

7 Q All right. All right, thank you, Richard.

8 I have no further questions, your Honor.

9  
10 CROSS-EXAMINATION

11 BY MR. KANAREK:

12 Q Richard, this road that you are speaking of, is  
13 it a road that you have been on before?

14 A No, I've never been on it before.

15 Q And this road was -- withdraw that.

16 What day of the week was it, do you remember?

17 A No, I don't. I can't remember.

18 Q Was it a weekend?

19 A It was over a holiday. That's all I can remember.

20 Q Do you know what day it was?

21 A No, I can't remember what day it was.

22 Q Do you know what month it was?

23 A Yes.

24 Q February?

25 A Yes.

26 Q Was it Washington's Birthday or Lincoln's  
27 Birthday? You say it was a holiday?

28 A It was a three-day weekend. I just can't remember

11a-5

1 at this time.

2 Q And were you, when you first came into this area,  
3 were you on -- were you inside of a vehicle?

4 A Yes.

5 Q What kind of vehicle were you in?

6 A Camper.

7 Q Was there something that made you -- that  
8 attracted your attention to the place where you say you  
9 found these items?

10 A No.

11 Q Well, what was it that -- what was it that  
12 attracted your attention to these items?

13 A Well, I saw the items at a different time than  
14 when I was in the car. I was walking around through the  
15 brush, and then spied it, and -- then just around the bend.

12 Fla.

12-1

1

Q Were these items close to the road?

2

A Yes.

3

Q How close to the road?

4

A Just off the road.

5

Q Just off the road?

6

A Yes.

7

Q And they were like maybe a foot or two off the road, --

9

A Yes.

10

Q -- is that right?

11

And what was the condition of -- what kind of surface did the road have at the place where you -- where you found these items?

14

A It was gravel and dirt.

15

Q Gravel and dirt?

16

A Yes.

17

Q Was it paved?

18

A It was not paved.

19

Q Now, are these items in the same condition as they were when you found them?

21

A About the same.

22

Q Was there any -- is there any difference in these items than when you found them?

24

A Not that I can see.

25

Q Well, have you had occasion to look at -- have you had an occasion to look at all of these items?

27

A I --

28

Q Pardon?

1           A       I've never seen every single item here, because  
2 I didn't look that much.

3           Q       I see. Now, would you -- you say there was a --  
4 an adding machine?

5           A       Yes.

6           Q       And that adding machine is not now here?

7           A       It was in the other case.

8           Q       It was in the case. There was a checkwriter  
9 there?

10          A       Yes.

11          Q       That checkwriter is not there now, --

12          A       Yes.

13          Q       -- is that right? So is -- would you look at --  
14 look first at -- you call this (indicating) the briefcase?

15          A       Yes.

16          Q       Would you first look at the briefcase which you  
17 say you found, People's Exhibit 54, and tell me whether you  
18 can tell us whether everything that was in that briefcase  
19 when you first saw it is still here?

20          A       I couldn't tell you if everything's there.

21          Q       You couldn't tell me?

22          A       No. Because I didn't look through everything  
23 that much. I just saw the noticeable things, like the  
24 aspirin and the blank checkbook and the yellow checks.

25          Q       And did you note that the yellow checks were all  
26 checks made out in the same amount, for the same day, to the  
27 same person? Do you remember that?

28          A       Well, I saw -- I saw the checks scattered all

1 through there, and I didn't look at how much they were or  
2 anything like that.

3 Q When you saw this, was there a -- what appears to  
4 be a receipt for a phone bill to one Duane E. Schwarm,  
5 1109 West Victory Boulevard? Was that in there at that time?

6 A I didn't see it. I didn't observe it that well.

7 Q Well, would you look through these items  
8 briefly and tell us what of these items you do remember as  
9 having been in there the day that you first saw this briefcase?

10 A Well, the aspirin, I remember seeing in there.

11 Q Would you take them and hold them up --

12 THE COURT: Excuse me. I don't think the jury's getting  
13 anything from this. The briefcase is hidden, and you're  
14 almost in the --

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

16 THE COURT: -- the witness box with the man.

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

18 I have got the briefcase here now, your Honor,  
19 with two pennies.

20 Q Do you remember the two pennies?

21 A No, I don't.

22 Q All right. Would you look through those items  
23 and tell us whether there are any of those items that you  
24 remember?

25 A I remember the Anacin; this black checkholder  
26 (indicating).

27 Q You are now opening up something that was sealed;  
28 right?

1 A Yes.

2 Q Do you recognize what was in that?

3 A No, I don't.

4 Q Would you describe it for us?

5 A It's a --

6 Q It says Liquorish paper, L-i-q-u-o-r-i-s-h.

7 Do you remember seeing that?

8 A No.

9 Q All right. Would you go through there and tell

10 us the ones you do remember? Maybe that would be shorter.

11 A All I remember at this time is the Anacin, the

12 check; I don't remember seeing these checks.

13 Q This one named Duane E. Schwarm, this check --

14 what appears to be a checkbook -- you don't remember that?

15 A No.

12a fls.

1a-1

1 Q So the only items that you remember being in this  
2 container is the anacin -- and what else?

3 A The anacin and the black check (indicating).

4 Q You mean the black check book container?

5 A Yes.

6 Q So outside of the anacin and the black check book  
7 container, you remember nothing else as having been in there?

8 A Yes, I guess that's --

9 Q That's a fair statement?

10 A Everything else is scattered all through the  
11 briefcase.

12 Q But my question is: As far as particular items  
13 are concerned, outside of the anacin and the black check book  
14 container, you remember nothing -- you don't remember any of  
15 these other items being in there?

16 A Yes.

17 Q Is that a fair statement?

18 A Yes.

19 Q You might, as far as you are concerned -- for  
20 instance, this receipt to Duane Schwarm that's dated  
21 9-22-69, September 22, '69, that's the first time you've  
22 ever seen it, as far as you are concerned?

23 A Yes.

24 Q And the same goes for the rest of these items,  
25 except those you've indicated?

26 A Yes.

27 Q Would you step down here?

28 Is it Richard?

1 A Yes.

2 Q Yes, Richard. Would you step down here and open  
3 up this suitcase, and would you tell us what items you remember  
4 as actually being in that suitcase when you first saw it?

5 A I remember the book again, the ledger; some loose  
6 checks, adding machine, check machine.

7 That's about all I remember.

8 Q Well, the adding machine and the check writing  
9 machine are not there; --

10 A Yes.

11 Q -- is that correct?

12 A Yes.

13 Q So the only items that you recall being in this  
14 suitcase is the green book -- is that correct?

15 A Yes, the book -- and the yellow checks.

16 Q You found these yellow checks --

17 A Scattered all through it.

18 Q In other words, these yellow checks were found in  
19 the suitcase, not the briefcase?

20 A I can't recall exactly.

21 Q You recall that --

22 A They were in one of the two. I don't -- we didn't  
23 look through them that much, because we thought we'd better  
24 not.

25 Q So you do not remember whether these yellow checks  
26 were actually in the container that you and -- (inaudible.)

27 THE REPORTER: I'm sorry, Mr. Kanarek. I couldn't hear  
28 the last part of your question.

1 THE COURT: Mr. Kanarek, it's difficult, I think, some-  
2 times for the jury to hear your voice, unless you utilize the  
3 microphone.

4 MR. KANAREK: Certainly, your Honor.

5 Q Is it a fair statement, Richard, that you don't  
6 remember where you saw these yellow checks?

7 A They were scattered through the -- one of the two.

8 Q One of the two containers?

9 A Yes.

10 Q Now, would you -- just so there's no question about  
11 it, would you take an instant or two -- you haven't actually  
12 taken those items out, have you, of the suitcase, in the court-  
13 room here or anywhere?

14 A No.

15 Q Going through the items?

16 A No.

17 Q Would you look through them and make --  
18 and tell us what you can testify to -- that you actually saw  
19 on the day that you first saw the suitcase?

20 A I saw the ledger, the checks.

21 Q Will you put the items out on the floor, Richard?  
22 You saw those checks?

23 A The green checks, yes.

24 Q Those two ledger books?

25 A Yes. I saw the two ledgers.

26 Q And what else of those items in the suitcase did you  
27 see, that you can remember?

28 A I remember seeing the brace.

1 That's all I can recall at this time.

2 Q BY MR. KANAREK: And -- well, at this time --  
3 so I am asking you now to tell us -- this is the time when the  
4 chips are down, so to speak, Richard. We want to know, other  
5 than the items that you've indicated, as far as you are  
6 concerned now, you never saw those other items before; is that  
7 correct?

8 A Yes.

12b

1 Q This is the first time you've ever seen them; right?

2 A Well, I've probably seen them before in --

3 Q No. My question is --

4 MR. MANZELLA: Your Honor, I object. I would like the

5 witness to answer.

6 THE COURT: Yes, you may finish your answer.

7 You have probably seen them before, but what?

8 THE WITNESS: I just didn't notice them. All this stuff,

9 I don't recall this much clothing in the suitcase. But I do

10 remember these things here.

11 THE COURT: Indicating the books, the checks, and the

12 brace; is that right?

13 THE WITNESS: Yes.

14 MR. KANAREK: And your Honor, the word -- that

15 "probably," I ask that that be stricken as a statement of

16 conjecture and conclusion.

17 THE COURT: All right. That will be stricken.

18 Q BY MR. KANAREK: Richard, there was a checkwriter

19 that you now no longer see; right?

20 A Yes.

21 Q Now, I show you a group of checks --

22 THE COURT: Maybe you can take the witness stand again.

23 MR. KANAREK: Excuse me. Yes, your Honor.

24 THE COURT: We will interrupt this for just a moment.

25 (Proceedings had on an unrelated matter.)

26 THE COURT: Thank you, Mr. Kanarek.

27 MR. KANAREK: Yes, your Honor.

28 THE COURT: Go ahead.

1 Q BY MR. KANAREK: Richard, these -- I show you a  
2 sheaf of checks, which appear to have all the same date,  
3 October 3, 1969, all made out to one William Rex Cole, and all  
4 in the amount of \$137.35, signed by George C. Spahn.

5 Do those checks appear to be the checks that were  
6 with the checkwriter that you say you no longer see?

7 A I don't know if they were with the checkwriter,  
8 but me and my father did look through those and see that --  
9 the top things, "Spahn Movie Ranch."

10 THE COURT: Spahn Movie Ranch?

11 THE WITNESS: Yes.

12 Q BY MR. KANAREK: And did you -- may I ask you this?  
13 Were some of these checks in one container, and some in  
14 another container?

15 A I don't remember.

16 Q You don't remember whether they were all in the  
17 same container or not?

18 A All I remember is seeing them scattered, the yellow  
19 checks, through.

20 Q I see. Now, in connection with -- and that was in  
21 the spring of the year that -- or, the February -- what was it?  
22 Would you call it spring or would you call it winter at that  
23 time?

24 A Well, there it was hot, so --

25 Q Very hot?

26 A Yes.

27 Q And would you -- when you saw these two items --  
28 you say you saw them in connection with some underbrush?

1 A Yes.

2 Q What was it that first attracted your attention to  
3 them as you were walking?

4 A The -- well, I saw some red inside the bushes, so I  
5 went over and looked.

6 Q In other words, you saw this -- what appeared to  
7 you to be red?

8 A Yes.

9 Q Would you say this is red, or -- whatever color  
10 this is, this People's -- you call it red, but whatever color  
11 it appears to be, this People's 54, that's what attracted your  
12 attention?

13 A Yes.

14 Q And that was as you were walking along the road?

15 A Not walking along the road. I was up the side of  
16 a hill, and I saw it down below.

17 Q But you were very close to the road?

18 A Yes.

19 Q And so it was a visual effect that first attracted  
20 your attention to these items, by virtue of the color of this  
21 People's 54?

22 A Yes.

23 Q And when you were attracted to the -- to that, what  
24 else did you see, if anything? Could you tell us?

25 A At that time, I didn't see a thing until I pulled  
26 some of the brush away.

27 Q I see. And these items, were they sealed?  
28 That is, were they closed when you first saw them?

1 A Yes.

2 Q And how long had you been in that Goler Wash-  
3 Ballerat area?

4 A I don't understand what you mean.

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12c

1 Q How long had you been there when you saw these  
2 items?

3 A Oh, one day, and -- and we stayed there the night;  
4 and then the next day, I saw the --

5 Q Did you observe whether these items opened easily?  
6 Was there any difficulty in opening them?

7 A No, they opened easily.

8 Q And when you -- when you observed them, did they  
9 appear to you to have been there, recently placed there?

10 A Well, there was --

11 MR. MANZELLA: Your Honor, I'll object to that, without a  
12 foundation, your Honor. The witness would have no way of  
13 knowing when they had been placed there.

14 THE COURT: Sustained.

15 Q BY MR. KANAREK: Well, when you -- when you saw  
16 these items, did you have a conversation with your friend?

17 A Well, when I first saw them, I was alone, and I  
18 pulled them out. And then I looked at them, and then pushed  
19 them back in and went and got my father and my brother.

20 Q So when you first saw them, you pulled them both  
21 out and opened both of them, --

22 A Yes.

23 Q -- is that correct?

24 A Yes.

25 Q And then you went and got your father. How far  
26 away was your father and brother?

27 A A couple of hundred yards, in the camp -- the camp-  
28 ground.

1 Q Now, this is a dusty area, --

2 A Yes.

3 Q -- is that right?

4 Was there any dust on these items?

5 A I can't remember right now.

6 Q Your recollection is that there was no dust?

7 MR. MANZELLA: Objection, your Honor. That assumes a fact  
8 not in evidence.

9 THE COURT: Sustained.

10 MR. KANAREK: I am asking him.

11 Q Well, did you have to dust off the items?

12 A Hmmm -- no.

13 Q There was -- and this road in this desert area is --  
14 is a dusty area?

15 A Oh, I would guess so. I don't know.

16 Q Well, it's a desert. This area around Ballerat is  
17 a desert?

18 A Yes.

19 Q Death Valley area?

20 A Yes.

21 Q That, you would certainly -- your impression, from  
22 having been there, is that this is a California desert; right?

23 A Yes.

24 Q Now, would you tell us -- that (indicating) is your  
25 initial --

26 A Yes.

27 Q -- where it says "RB"?

28 A Yes.

1 Q How far -- how far from Ballerat is the place that  
2 you found these items?

3 A I don't really know.

4 Q Can you give us an estimate?

5 A I do not even know, because I was up in the back of  
6 the camper at the time, when we were driving by. I never even  
7 knew we went through Ballerat.

8 Q But you have subsequently come to know the town of  
9 Ballerat?

10 A Yes, on the way through. And the -- and the Highway  
11 Patrolman, as he came through, he said he was going through  
12 Ballerat.

13 Q And where were you when you turned these items over --  
14 well, I'll withdraw that.

15 Where were you when you turned whatever you did  
16 turn over to the California Highway Patrol? Where were you at  
17 that instant?

18 A We were at the campsite.

19 Q Your campsite?

20 A Well, all our group was camped there.

21 Q And that was how far from the area that you say you  
22 found these?

23 A I guess a couple of hundred yards.

24 Q And the -- did you have occasion later on to drive  
25 through Ballerat?

26 A I don't remember.

27 Q You don't recall how far Ballerat was from the  
28 place that these items were found?

1 A Yes.

2 Q You don't remember that?

3 A No, I don't remember.

4 Q Now, when you found these items, Richard, what  
5 time of day or night was it?

6 A It was around noontime.

7 Q And when you found these items, and gave them to  
8 the California Highway Patrolman, did you get his name and  
9 serial number?

10 A No.

11 Q In your presence, did you see your father get a  
12 name and serial number?

13 A No.

14 MR. KANAREK: Thank you, Richard. Thank you.

15 THE COURT: Mr. Manzella?

16 MR. MANZELLA: No further questions, your Honor.

17 May Mr. Barber be excused?

18 THE COURT: Yes, you may be excused, Mr. Barber.

19 MR. KANAREK: Thank you, Richard.

20 THE COURT: We'll take a short recess, ladies and  
21 gentlemen, During the recess, you are advised not to con-  
22 verse amongst yourselves nor with anyone else, nor permit any-  
23 one to converse with you on any subject connected with this  
24 matter, nor are you to form or express any opinion on the  
25 matter until it is finally submitted to you.

26 We will be in recess, as I say, for about ten minutes or  
27 so.

28 (Mid-afternoon recess.)

13-1

1 THE COURT: The record may show that all the jurors  
2 and alternates are present.

3 You may call your next witness.

4 MR. MANZELLA: People call Mrs. Ruby Pearl.

5 THE CLERK: Would you raise your right hand.

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

10 THE WITNESS: I do.

11 THE CLERK: Please take the stand and be seated.  
12 Would you state and spell your full name, please?

13 THE WITNESS: Ruby, R-u-b-y, Pearl, P-a-a-r-l.

14  
15 RUBY PEARL,

16 called as a witness by and on behalf of the People, having  
17 been first duly sworn, was examined and testified as follows:

18  
19 DIRECT EXAMINATION

20 BY MR. MANZELLA:

21 Q Mrs. Pearl, do you know a man by the name of  
22 George Spahn?

23 A Yes.

24 Q How long have you known Mr. Spahn?

25 A 17, 18 years.

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

27 MR. KANAREK: Object to the form of the question,  
28 your Honor.

13-2

1 THE COURT: Sustained. You may --

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

4 A Yes.

5 Q And did you know him by some nickname?

6 A Shorty.

7 Q And how long ago did you meet Shorty Shea?

8 A I've known him about 15 years.

9 Q Now, how old is Mr. Spahn now?

10 A 83.

11 Q Does he have an infirmity?

12 A Yes, he's blind.

13 Q And how long has he been blind?

14 MR. KANAREK: That's calling for a conclusion, your Honor.

15 THE COURT: Overruled.

16 A About seven years.

17 Q BY MR. MANZELLA: Now, were you in any way  
18 connected with Mr. Spahn's ranch in Chatsworth?

19 A Yes.

20 Q What was your connection with the ranch?

21 A Well, I run the stable, rented out the horses,  
22 picked out the horses for jobs, and did the book work,  
23 answered the phone, seeing that the people that worked for  
24 us did their duties.

25 Q Were you sort of a forewoman or manager of the  
26 ranch?

27 A Yes. Yes.

28 Q And for how long did you perform those duties at

13-3

1 Spahn Ranch?

2 A For 17 or 18 years.

3 Q Now, where did you meet Donald Shea, Shorty Shea?

4 A He came to the ranch and asked for a job.

5 Q Did you give him a job?

6 A Yes, I told him the situation. We didn't pay.  
7 He was always welcome.

8 MR. KANAREK: Well, your Honor, uh --

9 THE COURT: After "Yes," the answer is stricken.

10 Q BY MR. MANZELLA: By the way, Mrs. Pearl, how large  
11 is Spahn Ranch?

12 A It was 27 acres.

13 Q Now, did you spend -- during the time that you  
14 were -- knew Mr. Spahn and the time that you were the manager  
15 more or less of Spahn Ranch, were you there almost every day?

16 A I was there every day.

17 Q Every day.

18 Now, did you live there or did you live off the  
19 ranch?

20 A I lived off the ranch.

21 Q Now, what was -- after you hired Shorty, what was  
22 his position on the ranch? What job did he do on the ranch?

23 A He helped at the stable.

24 Q And these stables, uh, held horses that were  
25 used or rented out to the public on Spahn Ranch?

26 A Yes.

27 Q And did you do other things with those horses?

28 A Yes. We took them to TV shows, parades and there

13-4

1 was a lot of work involved.

2 Q And was part of Shorty Shea's job handling those  
3 horses?

4 A Yes.

5 Q Now, did you pay Donald Shea or Shorty Shea for  
6 his work when he worked at Spahn Ranch?

7 A Not real wages. We bought him clothes if he  
8 needed them, boots, gloves, things that he could use there  
9 on the job.

10 MR. KANAREK: Your Honor -- would your Honor -- would  
11 your Honor prefer that I state this at the bench? I have a  
12 point I would like to make to the Court.

13 THE COURT: No, you may not.

14 MR. KANAREK: Pardon?

15 THE COURT: No, you may not.

16 MR. KANAREK: Then, I would ask the Court to indicate  
17 this is strictly on state of mind. It is not offered for  
18 the truth of the matter asserted to be relevant or material.  
19 It would have to be strictly on state of mind. Otherwise,  
20 it is irrelevant and immaterial.

21 THE COURT: Go on with your next question, Mr. Manzella.

22 MR. MANZELLA: Yes, your Honor.

23 Q BY MR. MANZELLA: And at times while Mr. Shea --  
24 while Shorty was working for you at Spahn Ranch, did you  
25 also give him room and board?

26 A Yes.

13a fls.

1 MR. KANAREK: Object on the grounds there's no  
2 foundation. It is ambiguous. It is irrelevant and  
3 immaterial.

4 THE COURT: Overruled. The answer may remain. It  
5 is in the record.

6 Q BY MR. MANZELLA: Now, what was yourself and  
7 Mr. Spahn's relationship with Shorty Shea?

8 MR. KANAREK: Calling for a conclusion and ambiguous,  
9 compound.

10 THE COURT: Overruled. You may answer.

11 A I don't understand the question.

12 Q BY MR. MANZELLA: All right. Did you come to  
13 know Shorty as more than just an employee?

14 A Yes, he became a very good friend. He escorted  
15 us many places where we needed drivers. Helped in every way.

16 Q How would you characterize his work as an  
17 employee?

18 A Very good.

19 MR. KANAREK: Your Honor, I'll object on the grounds  
20 that it is remote in time. This goes back many years.

21 May I have a continuing objection on relevancy  
22 and materiality?

23 THE COURT: No, you may not. The objection is  
24 overruled. The answer may remain.

25 Q BY MR. MANZELLA: And were you aware of the  
26 relationship between Shorty and George Spahn?

27 A Yes.

28 MR. KANAREK: That's assuming facts not in evidence.

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THE COURT: Overruled. The answer may remain.

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

A He helped guide --

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

THE COURT: Overruled. You may answer.

A He helped guide Mr. Spahn around.

Q BY MR. MANZELLA: Now, when Donald -- when Shorty was not working at Spahn Ranch, did he ever come to visit with you and Mr. Spahn?

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

THE COURT: Overruled.

A Yes, he did.

Q BY MR. MANZELLA: Now, do you know a woman by the name of Dawn Quant, Q-u-a-n-t?

A Yes.

Q And is she a close friend of yours?

A Yes.

Q Now, Mrs. Pearl, during the 15 or some years that you knew Donald Shea, when he left town -- strike that.

Did he ever leave town during that period of time that you knew him?

MR. KANAREK: That's calling for a conclusion on the part of this witness, your Honor.

THE COURT: Sustained.

Q BY MR. MANZELLA: Did he ever leave the ranch during this period of time that you knew him?

A Yes, several times.

Q Did he ever tell you where he was going when he

1 left?

2 MR. KANAREK: Irrelevant, immaterial, hearsay.

3 THE COURT: Overruled.

4 MR. KANAREK: And I would ask your Honor to indicate --

5 A: Yes, he told me where he was going, what he was  
6 going to do.

7 MR. KANAREK: Your Honor, may we have an instruction  
8 that this is only on state of mind and not offered for the  
9 truth of the matter asserted?

10 THE COURT: Well, there's nothing been -- there's no  
11 conversation that's been stated.

12 Incidentally, would you approach the bench,  
13 gentlemen?

14 You needn't be present.

15 (Whereupon, proceedings were had at the bench  
16 among Court and counsel outside the hearing of the  
17 jury, which was not reported:)

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

21 THE COURT: Incidentally, ladies and gentlemen, the  
22 testimony of the witness Frank Retz, received earlier this  
23 week, you should make a note concerning the conversation  
24 held with certain persons was not admitted to prove the truth  
25 of the matters asserted in the conversation, but simply to  
26 establish if, in your judgment, that testimony does establish  
27 that the conversations were held.

28 Go ahead.

1 Q BY MR. MANZELLA: All right, Mrs. Pearl, you've  
2 told us about your relationship with Shorty as you came to  
3 know him after you first hired him to work at Spahn Ranch.

4 Did you ever express your feelings to Donald  
5 about the way you and Mr. Spahn felt about him?

6 MR. KANAREK: That's hearsay, irrelevant and immaterial.

7 THE COURT: Sustained.

8 MR. KANAREK: No foundation.

9 Q BY MR. MANZELLA: All right, Mrs. Pearl, did you  
10 and Shorty keep in periodic contact with each other when  
11 Donald was not working at Spahn Ranch?

12 MR. KANAREK: Ambiguous and a solicitation of a conclus-  
13 ion.

14 THE COURT: Overruled.

15 A Yes.

16 Q BY MR. MANZELLA: And what was the longest period  
17 of time that you were out of contact with Shorty during the  
18 15 or some years that you knew him?

19 MR. KANAREK: I'll object to the past tense, your Honor,  
20 and the form of the question.

21 THE COURT: Overruled. You may answer.

22 A Oh, a month or so at a time.  
23  
24  
25  
26  
27  
28

14 fls.

14-1

1 Q BY MR. MANZELLA: Now, Mrs. Pearl, directing your  
2 attention to the year of 1969 at Spahn Ranch, what -- what  
3 were you doing at Spahn Ranch at that time? What was Spahn  
4 Ranch being used for at that time?

5 A They were making movies.

6 Q And in that regard, how -- were the facilities at  
7 Spahn Ranch being used in some way?

8 A Yes. Wagons, harness, props, cowboys.

9 Q And I take it the horses as well were being used--

10 A And the horses.

11 Q -- in that filming; is that correct?

12 A Yes.

13 Q Now, again in 1960 -- well, strike that.

14 Do you know the defendant in this case, Mr. Charles  
15 Manson?

16 A Yes.

17 Q Now, at sometime during 1969, did he come to Spahn  
18 Ranch?

19 A Yes.

20 Q Did he come alone or did he come with other  
21 people?

22 A With others.

23 Q And do you recall when it was in 1969 that he  
24 arrived at Spahn Ranch?

25 A Early in the spring.

26 Q And thereafter, for some time did Mr. Manson and  
27 these other people continue to live at the ranch?

28 A Yes.

14-2

1 MR. MANZELLA: Your Honor, I have here a series of  
2 photographs, and I would like -- that I would like to have  
3 marked as People's 77.

4 It's a series of black and white photographs of  
5 persons, that I would like to have marked People's 77-A  
6 through -Z and People's 77-AA. There are 27 photographs,  
7 your Honor.

8 THE COURT: All right. So ordered.

9 Have you seen them, Mr. Kanarek?

10 MR. KANAREK: I don't know that I have.

11 (Pause in the proceedings while a discussion  
12 off the record ensued at the counsel table between  
13 Mr. Kanarek and Mr. Manzella, after which time Mr.  
14 Kanarek perused the proffered exhibits.)

15 Q BY MR. MANZELLA: All right. Mrs. Pearl, direct-  
16 ing your attention to the photograph marked -- which has been  
17 marked People's 50 for identification, do you recognize the  
18 person shown in that photograph?

19 A Yes.

20 Q And who is that person?

21 A Tex Watson.

22 Q And was he present at the -- at Spahn Ranch  
23 during the period of time you have mentioned, with Charles  
24 Manson?

25 A Yes.

26 Q Directing your attention to the photograph  
27 marked People's 51 for identification, do you recognize the  
28 person shown in that photograph?

14-3

1 A Yes.

2 Q And who is that person?

3 A We called her Gypsy.

4 Q And was she -- did she come to the ranch with --

5 at or about the time Charles Manson arrived at the ranch?

6 A Yes.

7 Q And directing your attention to the photograph

8 marked People's 52 for identification, do you recognize the

9 person shown in that photograph?

10 A Yes.

11 Q And who is that person?

12 A That's Lynne Fromme.

13 Q And did she come to the ranch at or about the

14 time Charles Manson came to the ranch?

15 A Yes.

16 Q Directing your attention to the photograph marked

17 People's 70 for identification, do you recognize the person

18 shown in that photograph?

19 A Yes, I recognize her as Kathy.

20 Q And directing your attention to the photograph

21 marked People's 73 for identification, do you recognize --

22 A Yes.

23 Q -- the person shown in that photograph?

24 A Yes.

25 Q And who is that person?

26 A Danny DeCarlo.

27 Q And did Mr. DeCarlo at some point -- after Mr.

28 Manson arrived at the ranch, did Mr. DeCarlo live at the ranch?

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A Yes.

Q Mrs. Pearl, directing your attention to the photograph which has been marked 77-A for identification, what appears to be a picture of a girl, do you recognize the person shown in that photograph?

A Yes.

Q And by what name did you know that person?

A Patti.

Q And is this a person who came to live at the ranch at or about the time Mr. Manson came to live at the ranch?

14a fls.

A Yes.

14a-1

1 MR. MANZELLA: If I may put this in front of you here?

2 Q Mrs. Pearl, directing your attention to the  
3 photograph marked People's 77-B for identification, do you  
4 recognize the person shown in that photograph?

5 A I recognize him, but I can't think of his name.

6 Q And is this another person who came to live at the  
7 ranch at or about the time Mr. Manson came to live at the  
8 ranch?

9 A Yes.

10 Q Directing your attention to the photograph of the  
11 girl marked People's 77-C for identification, do you recognize  
12 the person shown in that photograph?

13 A Yes.

14 Q And who is that person?

15 A That's Sadie Atkins.

16 Q And did Sadie Atkins come to live at the ranch at  
17 or about the time Mr. Manson did?

18 A Yes.

19 Q Directing your attention to People's 77-D for  
20 identification, do you recognize the person shown in that  
21 photograph?

22 A Yes.

23 Q And who is that person?

24 A Bobby Beausoleil.

25 Q And did he come to live at the ranch at or about  
26 the time Mr. Manson did?

27 A Yes.

28 Q Directing your attention to the photograph marked

1 People's Exhibit 77-E for identification, do you recognize  
2 the person shown in that photograph?

3 A Yes.

4 Q And who is that person?

5 A Bill Vance.

6 Q And did he come to live at the ranch at or about  
7 the time that Mr. Manson did?

8 A Yes.

9 Q Directing your attention to the photograph marked  
10 People's 77-F for identification, do you recognize the person  
11 shown in that photograph?

12 A Yes.

13 Q And who is that person?

14 A Juan Flynn.

15 Q And was -- did Juan Flynn live at the ranch at  
16 or about the time Mr. Manson did?

17 A Yes.

18 Q And was Mr. Juan Flynn also employed by you at the  
19 ranch?

20 A Yes.

21 Q And what were his duties?

22 A Taking care of the horses.

23 Q Was he employed in a similar capacity to Shorty  
24 Shea?

25 A Yes.

26 Q Now, directing your attention to the photograph  
27 marked People's 77-G for identification, do you recognize the  
28 person depicted in that photograph?

1 A Yes.

2 Q Do you know that person by name?

3 A Yes.

4 Q And what is that name?

5 A Sandra.

6 Q Directing your attention to the photograph marked

7 People's 77-H for identification, do you recognize the person

8 shown in that photograph?

9 A Is that Patricia? Patricia?

10 No, Linda.

11 Q All right. Did that person come --

12 A Yes.

13 Q -- to live at the ranch at or about the time

14 Mr. Manson did?

15 A Yes.

16 Q Directing your attention to the photograph marked

17 People's 32-I for identification, do you recognize the person

18 shown in that photograph?

19 A Yes.

20 Q And who is that person?

21 A We called her Ruth -- Sherry, I believe her name is.

22 Q And did she come to live at the ranch at or about

23 the time that Mr. Manson did?

24 A Yes.

25 Q And directing your attention to the photograph

26 marked People's 77-J for identification, do you recognize

27 the person shown in that photograph?

28 A Yes. Let's see.

1 Q Do you remember the name of that person?

2 A Brenda.

3 Q Is that Brenda Mc Cann?

4 A Yes.

5 Q And did she come to live at the ranch at or about

6 the time that Mr. Manson did?

7 A Yes.

8 Q All right. Directing your attention to the

9 photograph marked People's 77-K for identification, do you

10 recognize the person shown in that photograph?

11 A Yes.

12 Q And by what name did you know that person?

13 A Steve Grogan.

14 Q And did he come to live at the ranch at or about

15 the time that Mr. Manson did?

16 A Yes.

17 Q Directing your attention to the photograph marked

18 People's 77-L for identification, do you recognize the person

19 shown in that photograph?

20 A Yes.

21 Q And by what name did you know that person?

22 A Ruth Morehouse.

23 Q Did she come to live at the ranch at or about the

24 time Mr. Manson did?

25 A Yes.

26 Q Directing your attention to the photograph marked

27 People's 77-M for identification, do you recognize the

28 person shown in that photograph?

1 A Yes.  
2 Q By what name did you know that person?  
3 A Paul.  
4 Q And was the last name Watkins?  
5 A Watkins.

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1 Q And did Paul Watkins come to live at the ranch at  
2 or about the time Mr. Manson did?

3 A Yes.

4 Q Directing your attention to People's 32-N for  
5 identification, do you recognize the girl shown in that photo-  
6 graph?

7 A Yes.

8 Q By what name did you know that girl?

9 A Sue Bartell.

10 Q And did she come to live at the ranch at or about  
11 the time Mr. Manson did?

12 A Yes.

13 Q Directing your attention to the photograph marked  
14 People's 77-O for identification, do you recognize the man  
15 shown in that photograph?

16 A Yes.

17 Q And by what name did you know that person?

18 A Vern.

19 Q And was his last name Plummley?

20 A Yes.

21 Q And did he come to live at the ranch at or about  
22 the time Mr. Manson did?

23 A Yes.

24 Q Directing your attention to the photograph marked  
25 People's 77-P for identification, do you recognize the person  
26 shown in that photograph?

27 A Yes.

28 Q By what name did you know that person?

1 A Bruce Davis.

2 Q And did he come to live at the ranch at or about  
3 the time Mr. Manson did?

4 A Yes.

5 Q Directing your attention to the photograph marked  
6 People's 77-Q for identification, do you recognize the person  
7 shown in that photograph?

8 A I can't place that man. I've seen him, but I just  
9 can't place the name.

10 Q Did you see him -- did you ever see him at the ranch  
11 at or about the time Mr. Manson was at the ranch?

12 A Yes.

13 Q Directing your attention to the photograph marked  
14 People's 77-R for identification, do you recognize the  
15 person shown in that photograph?

16 A Yes.

17 Q And by what name did you know that man?

18 A Larry Jones.

19 Q And did he come to live at the ranch at or about the  
20 time that Mr. Manson did?

21 A Yes.

22 Q Directing your attention to the photograph marked  
23 People's 77-S for identification, do you recognize the person  
24 shown in that photograph?

25 A Yes.

26 Q And by what name did you know that girl?

27 A Patricia Krenwinkel.

28 Q And did she come to live at the ranch at or about

1 the time that Mr. Manson did?

2 A Yes.

3 Q Directing your attention to the photograph which is  
4 marked People's 77-T for identification, do you recognize the  
5 girl shown in that photograph?

6 A Yes.

7 Q By what name did you know her?

8 A Sandy.

9 Q And was her last name Good? Sandy Good?

10 A Good.

11 Q Did she come to live at the ranch at or about the  
12 time Mr. Manson did?

13 A Yes.

14 Q Directing your attention to the photograph which is  
15 marked People's 77-U for identification, do you recognize the  
16 girl shown in that photograph?

17 A Yes.

18 Q And by what name did you know that girl?

19 A Ella.

20 Q Was her name Ella Jo Bailey?

21 A Yes.

22 Q And did you -- strike that.

23 Did she come to live at the ranch at or about the  
24 time Mr. Manson did?

25 A Yes.

26 Q Directing your attention to the photograph marked  
27 People's 77-V for identification, do you recognize the person  
28 shown in that photograph?

1 A Yes.

2 Q By what name did you know that person?

3 A Cathy Gillies.

4 Q Directing your attention to the photograph which  
5 has been marked People's 77-W for identification, do you  
6 recognize the girl shown in that photograph?

7 A Yes.

8 Q By what name did you know that girl?

9 A Mary Brunner.

10 Q And did she come to live at the ranch at or about  
11 the time that Mr. Manson did?

12 A Yes.

13 Q Directing your attention to the photograph marked  
14 People's 77-X for identification, do you recognize the girl  
15 shown in that photograph?

16 A Yes.

17 Q By what name did you know that girl?

18 A Leslie Van Houten.

19 Q Did she come to live at the ranch at or about the  
20 time Mr. Manson did?

21 A Yes.

22 Q Directing your attention to the photograph marked  
23 People's 77-Y for identification, do you recognize the girl  
24 shown in that photograph?

25 A Yes,

26 Q By what name did you know her?

27 A Beau.

28 Q And did she come to live at the ranch -- or was she

1 living at the ranch -- at or about the time Mr. Manson was  
2 there?

3 A Yes.

4 Q Directing your attention to the girl shown in the  
5 photograph marked People's 77-2 for identification, do you  
6 recognize the girl shown in that photograph?

7 A Yes.

8 Q And did you know her by some name?

9 A Dianne Lake.

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Q And did she come to live at the ranch at or about the time that Mr. Manson did?

A Yes.

Q Now, directing your attention to the photograph marked People's 77-AA for identification, do you recognize the male shown in that photograph?

A I recognize him, but I can't think of his name.

Q All right. Did he come to live at the ranch at or about the time that Mr. Manson did?

A Yes.

Q Now, did you know this group of people that you've identified by any name --

A Yes.

Q -- or any term?

A Yes.

Q What was that term?

A The Family.

Q Now, did they come to the ranch as employees?

A No.

Q In other words, were they hired by you --

A No.

Q -- to work at the ranch?

A No.

Q And after Mr. Manson and these people came to the ranch, did they begin to live at the ranch?

A Yes.

Q And where did they begin to stay, if you know?

A Down below the very low end of the ranch.

1 Q And is there any landmark or anything by which you  
2 identify that portion of the ranch?

3 A Yeah. We call them the Outlaw Shacks.

4 Q And you are familiar, of course, with the front  
5 buildings of the ranch, the main buildings, the ones designated  
6 Longhorn Saloon and the other buildings? Is that correct?

7 A Yes.

8 Q And approximately how far from the front buildings  
9 were the Outlaw Shacks?

10 A About a half a mile.

11 Q Now, approximately how long did the -- did Mr.  
12 Manson and the people you refer to as the Family remain at the  
13 ranch?

14 A A year and a half -- or better.

15 Q Now, did they stay there during the summer of 1969?

16 A Yes.

17 Q Now, during the summer of 1969, were you at the  
18 ranch every day, in your capacity as forewoman of the ranch?

19 A Yes.

20 Q And how often over that summer of 1969 did you see  
21 Mr. Manson and the other members of the Family?

22 A Every day.

23 Q Mrs. Pearl, during the time that you saw Mr. Manson  
24 at the ranch, during the summer of 1969, did you ever see him  
25 carrying any kind of a weapon?

26 A Yes. I saw him wearing a knife; one time, a sword.

27 Q And could you describe that sword to us?

28 A It was long, 24 inches or something on length.

1 Q Did it have a handle of any sort?

2 A It had a handle, in a -- with sort of a guard  
3 (indicating).

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1 Q Directing your attention to the exhibit which  
2 has been marked People's 20 for identification.

3 Does that -- does that exhibit, People's 20 for  
4 identification, appear similar to anything you've seen --  
5 you saw Mr. Manson carry during that summer of 1969?

6 A Yes.

7 Q Does that appear to be the sword about which  
8 you've been testifying?

9 A Yes.

10 Q Mrs. Pearl, directing your attention to the month  
11 of the late July or early August of 1969.

12 During that time, during that time when you came  
13 to the ranch every day, where were you normally when you  
14 performed your duties as forewoman of the ranch?

15 MR. KANAREK: Object, your Honor, and I'll ask to  
16 inquire on voir dire as to these dates. Leading and  
17 suggestive. And it is assuming --

18 THE COURT: Overruled.

19 A Down at the stable office.

20 Q BY MR. MANZELLA: And was the stable office part  
21 of the front buildings of the ranch?

22 A Yes.

23 Q Now, at any time, in that period of time, late  
24 July or early August, 1969, did you see a white Fiat station-  
25 wagon parked in the parking lot in front or near the stable  
26 office?

27 MR. KANAREK: Leading and suggestive and ambiguous.

28 THE COURT: The objection is overruled. You may

15-2

1 answer.

2 A Yes.

3 Q BY MR. MANZELLA: Directing your attention to the  
4 three color photographs which have been marked People's 1  
5 for identification, the photographs of the white Fiat station-  
6 wagon, does that Fiat stationwagon appear similar to the one  
7 you saw parked at the front parking lot at Spahn Ranch in  
8 late July or early August, 1969?

9 A Yes.

10 Q Why do you say it does appear similar?

11 MR. KANAREK: Object, your Honor, conclusion.

12 THE COURT: Overruled. You may answer.

13 A Because of the unusual front.

14 Q All right. And is the unusual front of that  
15 vehicle shown in any one of these photographs?

16 A This (indicating).

17 Q Is that People's A of People's 1 for identification?

18 A Yes.

19 Q Mrs. Pearl, did you know a man by the name of  
20 Lance Victor?

21 A Yes.

22 Q And directing your attention to the month of  
23 June, 1969, did Shorty Shea and Mr. Victor come to your house?

24 A Yes.

25 Q Where was -- where were you living at that time?

26 A I lived on DeSoto Street.

27 Q In Chataworth?

28 A Chataworth.

15-3

1 Q Now, when Donald or Shorty came to your house  
2 during June of 1969, did he ask you for anything?

3 MR. KANAREK: Object, your Honor, on the grounds of  
4 hearsay, irrelevant, immaterial, no foundation.

5 THE COURT: Sustained.

6 A Yes.

7 Q BY MR. MANZELLA: Well --

8 THE COURT: The answer may be stricken.

9 THE WITNESS: Oh.

10 THE COURT: I'm sorry, I should have let you know that.

11 Q BY MR. MANZELLA: Miss Pearl, when Donald came  
12 to your house in June of 1969, did you have a conversation  
13 with him?

14 MR. KANAREK: It is ambiguous and is irrelevant and  
15 immaterial.

16 THE COURT: Overruled. You may answer that.

17 Did you have a conversation?

18 THE WITNESS: Yes.

19 Q BY MR. MANZELLA: And after that conversation  
20 did you give Donald something?

21 A Yes.

22 Q What did you give him?

23 A Some choice negatives that he appeared in and my  
24 animals appeared in.

25 MR. KANAREK: I didn't hear that last answer.

26 THE COURT: Would you read the answer back to Mr.  
27 Kanarek.

28 (Whereupon, the record was read by the

15-4

1 reporter as follows:

2 "A Some choice negatives that he appeared  
3 in and my animals appeared in.")

4 MR. KANAREK: Oh, animals.

5 Q BY MR. MANZELLA: Were these negatives and  
6 photographs that were taken at Spahn Ranch?

7 A Many of them.

8 Q And were they also negatives and photographs taken  
9 at some other places?

10 A Yes.

11 Q Would you name some of those other places?

12 A They were taken at Corriganville, where we worked  
13 in movies together, and a circus where we worked together.

14 Q And at Spahn Ranch?

15 A And at Spahn Ranch.

16 Q Now, did Shorty tell you why -- strike that.  
17 Did Shorty ask for those photographs?

18 MR. KANAREK: Hearsay.

19 Q BY MR. MANZELLA: Strike that.

20 Did Shorty ask for those negatives?

21 MR. KANAREK: Hearsay, your Honor, no foundation.

22 THE COURT: Sustained. You needn't answer that.

23 MR. MANZELLA: May we approach the bench? There would  
24 be several other questions that I intend to ask Mrs. Pearl.

25 THE COURT: Very well.

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

1 THE COURT: What is this, a course of conduct of Shea  
2 that you want to get out?

3 MR. MANZELLA: Yes, it is similar --

4 THE COURT: The expressions of his intentions to remain  
5 in the area or --

6 MR. MANZELLA: -- not exactly, your Honor. This  
7 testimony is similar with regard to the negatives, is similar  
8 to that with regard to the gun. These were negatives and  
9 photographs she had taken and Shea asked for them. He wanted  
10 to start a publicity scrapbook. She told him that she wanted  
11 those photographs back, those negatives back. And Donald  
12 said he understood that he would return them to her and they  
13 never were returned to her.

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1 MR. KANAREK: Your Honor -- I mean, do I have to respond  
2 to that? You can't -- because the District Attorney has  
3 chosen to file an indictment doesn't mean that they can go  
4 ahead and to take everything that's happened in someone's  
5 life and put it in under the bushel basket of state of mind  
6 or whatever. It is irrelevant, it is immaterial. It has --

7 THE COURT: I think its weight is minimal, with what you've  
8 told me. I don't think it is --

9 MR. MANZELLA: Well, that's the only purpose, is to show  
10 that he got the photographs from her and that he never returned  
11 them. And that the inference that we would ask the jury to  
12 draw from that, in argument, would be that they were close  
13 friends and that if Shea was alive he would have returned the  
14 photographs.

15 THE COURT: Had he ever borrowed anything from her  
16 before and returned it or anything to indicate that he was  
17 responsible or reliable?

18 MR. MANZELLA: Well, we've already had other testimony.  
19 I don't know with regard to this witness in particular.

20 THE COURT: Well, you may inquire if that is true, and if  
21 he did something that's out of the ordinary or unusual, it  
22 might be -- it might be admissible. And the weight would be  
23 determined by the jury.

24 MR. MANZELLA: The only testimony we've had so far has  
25 been like -- as an example, Binder's testimony that when he  
26 loaned money to Shea that he always paid it back and so on.  
27 I don't know if this witness in particular ever loaned him  
28 anything else other than these negatives.

1 THE COURT: Well, you might inquire.

2 MR. KANAREK: I would object to any such inquiry taking  
3 place in the presence of the jury, your Honor.

4 THE COURT: Well, the objection will be overruled. You  
5 may go ahead.

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

8 Q BY MR. MANZELLA: Mrs. Pearl, did you give those  
9 negatives that you have testified about, did you give those  
10 negatives to Shorty?

11 A Yes.

12 Q Have you ever gotten them back?

13 MR. KANAREK: Irrelevant and immaterial.

14 THE COURT: Sustained.

15 Q BY MR. MANZELLA: Do you have those negatives in  
16 your possession now?

17 MR. KANAREK: Irrelevant and immaterial.

18 THE COURT: Sustained.

19 MR. MANZELLA: Well, I'm sorry, your Honor, may we  
20 approach the bench again? This is on another point.

21 THE COURT: I think not. You may proceed along the same  
22 line. Rephrase your question.

23 Q BY MR. MANZELLA: Mrs. Pearl, at the time that you  
24 gave the negatives to Shorty, did you have a conversation with  
25 him about those negatives?

26 A Yes.

27 MR. KANAREK: Hearsay, your Honor. It is a form of --

28 THE COURT: The objection is overruled and the answer may

1 remain.

2 Q BY MR. MANZELLA: And did you tell Shorty something  
3 with regard to those negatives?

4 MR. KANAREK: Hearsay, your Honor.

5 THE COURT: Overruled.

6 THE WITNESS: Yes.

7 Q BY MR. MANZELLA: And what did you tell him with  
8 regard to those negatives?

9 MR. KANAREK: Hearsay.

10 THE COURT: Any conversation that's submitted now between  
11 Mrs. Pearl and Shorty Shea is admitted for the purpose of  
12 establishing Mr. Shea's state of mind as to the negatives or  
13 his obligation with respect to the negatives and for no other  
14 purpose.

15 MR. KANAREK: Objection on the grounds of foundation,  
16 also.

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

18 THE COURT: The Court will sustain the objection on that  
19 ground.

20 Q BY MR. MANZELLA: Now, this conversation took place  
21 in June of 1969?

22 A Yes.

23 Q And this was at your house in Chatsworth?

24 A Yes.

25 Q Who was present besides the people you have already  
26 testified to, Mr. Victor and Mr. Shea and yourself?

27 A That's all.

28 Q Do you recall any more specifically when in June,

1 1969, the conversation took place?

2 A Well, the first week of June or so.

3 Q Now, would you tell us what you told Shorty with  
4 regard to the negatives?

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

6 THE COURT: Same ruling and the same admonition, ladies  
7 and gentlemen.

8 Q BY MR. MANZELLA: You may answer.

9 A Yes, I told him to be sure and bring them back.

10 Q Now, did Mr. Shea bring the negatives back to you?

11 A No.

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

13 THE COURT: Sustained.

14 Q BY MR. MANZELLA: Now, during that conversation when  
15 Donald and Lance Victor were at your house in June of 1969, did  
16 Donald discuss with you, or tell you anything about a movie  
17 that he was to act in?

18 MR. KANAREK: Hearsay, irrelevant and immaterial.

19 THE COURT: Sustained.

20 MR. MANZELLA: That's offered on state of mind, your  
21 Honor, the way it has been in the past.

22 MR. KANAREK: This is June, your Honor, of 1969.

23 THE COURT: You may rephrase your question.

24 The Court admonishes the jury again, that the  
25 conversation that's being admitted, is being admitted to show,  
26 if it indeed does show in your judgment, ladies and gentlemen,  
27 state of mind of Mr. Shea.

28 Q BY MR. MANZELLA: All right, Mrs. Pearl, would you

1 tell us -- strike that.

2 During that conversation in June of 1969, at your  
3 house, did Donald talk to you about the movies in general and  
4 about his participation as an actor in movies in particular?

5 MR. KANAREK: It is compound, your Honor.

6 THE COURT: Sustained.

7 Q BY MR. MANZELLA: All right, Mrs. Pearl, during  
8 that conversation in June of 1969, at your house, did Donald  
9 tell you about a part he had in an upcoming movie?

10 MR. KANAREK: Hearsay, irrelevant and immaterial.

11 THE COURT: Overruled. You may answer that.

12 THE WITNESS: Yes.

13 Q BY MR. MANZELLA: And what did he tell you about  
14 that?

15 MR. KANAREK: Hearsay, irrelevant and immaterial.

16 THE COURT: You may answer that. Overruled.

17 THE WITNESS: That he had a part coming up and that he  
18 was very anxious to do it.

19 Q BY MR. MANZELLA: And did he tell you with whom --  
20 strike that.

21 Did he tell you who was the producer of that movie?

22 MR. KANAREK: Hearsay, irrelevant and immaterial.

23 THE COURT: Sustained.

16-1

1 MR. MANZELLA: Your Honor, I have here a series of  
2 34 black and white photographs. May I have those photographs  
3 marked People's -- marked collectively People's -- I believe  
4 it's 78 for identification?

5 THE COURT: Has Mr. Kanarek seen them?

6 MR. KANAREK: Yes, your Honor?

7 THE COURT: Have you seen them?

8 MR. KANAREK: Oh, no, I haven't, your Honor. May I  
9 have a moment?

10 THE COURT: Yes, sir.

11 (Pause in the proceedings while Mr. Kanarek  
12 examined the proffered exhibits.)

13 THE COURT: May I see those?

14 MR. MANZELLA: Yes, your Honor.

15 (Pause in the proceedings while the Court  
16 perused the proffered exhibits.)

17 THE COURT: Do you two gentlemen wish to approach the  
18 bench?

19 MR. KANAREK: Does your Honor wish the reporter?

20 THE COURT: No.

21 (Whereupon proceedings were had at the bench  
22 among Court and counsel, outside the hearing of the  
23 jury, which were not reported.)

24 THE COURT: All right.

25 Ladies and gentlemen, we will recess now. Have  
26 a good weekend. Take care of yourselves during the weekend.  
27 Don't do anything dangerous.

28 I'm always happy to see you in good health every

16-2

1 morning. And remember the admonition, now, that you are not  
2 to converse amongst yourselves nor with anyone else, nor  
3 permit anyone to converse with you on any subject connected  
4 with this matter, nor are you to form or express any  
5 opinion on the matter until it is finally submitted to you.

6 It's your solemn obligation, remember, to avoid  
7 talking about, seeing, hearing or reading anything about  
8 Mr. Manson or this case or any other case in which Mr.  
9 Manson's name might be mentioned.

10 Good night. I'll see you on Monday morning at  
11 9:45. Come at 9:40, would you, five minutes early.

12 Good night.

13 (Murmurs of "Good night" from the members of  
14 the jury.)

15 THE COURT: And, Mrs. Pearl, will you be back at 9:45  
16 on Monday morning?

17 THE WITNESS: Yes, sir.

18 (Whereupon, the members of the jury left the  
19 courtroom, and the following proceedings were had:)

20 MR. MANZELLA: Judge, could I see you at the bench a  
21 minute?

22 THE COURT: What do you want?

23 MR. MANZELLA: I wanted to ask you about the negatives.  
24 Sergeant Whiteley can testify that he compared the photographs  
25 that I've shown you with the negatives; and that they're  
26 the --

27 THE COURT: The trouble is, I can't see the materiality  
28 of the pictures themselves. I suppose that --

16-3

1 MR. MANZELLA: Well, I think the reason is, your Honor,  
2 that Mrs. Pearl wants the negatives.

3 MR. KANAREK: You can release them after the trial's  
4 over, when it -- you're trying to convict Mr. Manson, to put  
5 him in the gas chamber, and I can't stipulate to that kind of  
6 stuff.

7 THE COURT: Oh, well, what you are concerned about is  
8 getting the negatives back to Mrs. Pearl?

9 MR. MANZELLA: Right.

10 MR. KANAREK: She can always --

11 THE COURT: They will not be back in her hands for years,  
12 possibly.

13 MR. MANZELLA: Right.

14 THE COURT: Is that what you are talking about?

15 MR. MANZELLA: Right. And Sergeant Whiteley can testify  
16 -- he just told me that he can testify that he compared each  
17 photograph with each negative.

18 THE COURT: Each photograph that you have offered in  
19 78 for identification?

20 MR. MANZELLA: Right. With each negative.

21 THE COURT: With the negatives that were found in the  
22 car, which you contend was abandoned by Mr. Shea?

23 MR. MANZELLA: Right.

24 THE COURT: Or by some --

25 MR. MANZELLA: Right.

26 MR. KANAREK: I could not so stipulate, your Honor. I --  
27 we -- like in a counterfeiting case, you can't stipulate that  
28 the -- that the plates are the same as the counterfeit bills,

16-4

1 that may or may not have been produced.

2 MR. MANZELLA: Well, maybe we can just let it go until  
3 Monday, your Honor.

4 THE COURT: Very well. I think we had better have the  
5 negatives here.

6 MR. KANAREK: Have a good weekend, your Honor.

7 THE COURT: Thanks,

8 MR. KANAREK: Thank you.

9 (Whereupon, at 4:15 o'clock p.m., an adjournment  
10 was taken until 9:45 o'clock a.m. of the follow-  
11 ing Monday, September 13, 1971.)  
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