

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.

144
No. A-267861REPORTERS' DAILY TRANSCRIPT

Wednesday, September 15, 1971

VOLUME 44APPEARANCES:

For the People:

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LOS ANGELES, CALIFORNIA, WEDNESDAY, SEPTEMBER 15, 1971 9:35 AM

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THE COURT: Case of People vs. Manson.

Good morning, ladies and gentlemen.

I'm happy, as I suppose you are, that the temperature is better today than the day before, you, gentlemen, may, if you wish, take your coats off.

(Whereupon, the following proceedings were had at the bench with the Defendant Manson present:)

MR. KANAREK: Your Honor, Mr. Manson has informed me that he is not being fed, and I have some candy bars Mr. Manson has asked me to obtain.

I would ask your Honor --

THE COURT: You may not give him a candy bar, but --

MR. KANAREK: I have three of them here.

THE DEFENDANT: That's right. That's right. He said "No." There is no argument.

THE COURT: But the Court will inquire from the jail about the circumstances.

You mean you are not being given meals?

THE DEFENDANT: No, that wasn't actually -- see, the miscommunications, though, between counsel --

THE COURT: Between you and counsel?

THE DEFENDANT: Between everybody.

THE COURT: What's the problem?

THE DEFENDANT: There is no problem, your Honor.

THE COURT: I mean with regard to the food?

1 THE DEFENDANT: The problem was that I am in the hole
2 and that I have been transferred backwards and forwards, back
3 and forwards, up and down the hallways and through doors and
4 setting on benches and going through that.

5 I didn't get to eat yesterday, and I asked Mr.
6 Kanarek if he could possibly bring me a candy bar or two up
7 because I was hungry.

8 Now, that was yesterday and now it is today,
9 it is a whole new day.

10 Yesterday is gone. It fell off to forever.

11 THE COURT: Aren't those -- when you're under punish-
12 ment or when your privileges are taken away you can't buy
13 candy bars; is that right?

14 THE DEFENDANT: Privileges?

15 THE COURT: Whatever privileges you might have.

16 THE DEFENDANT: Yeah, I don't know what they are.

17 THE COURT: As per your privileges.

18 THE DEFENDANT: Potty privileges and things like that.

19 THE COURT: Whatever they may be.

20 THE DEFENDANT: Yes.

21 THE COURT: They are removed when you are under
22 punishment?

23 THE DEFENDANT: Right.

24 THE COURT: And the jail has informed me in response
25 to my questioning about what you had told me yesterday that
26 you had burned the mattress, or something like that.

27 THE DEFENDANT: We got in a few fights over there
28 mainly -- here's where it started. Lawyers said that you said

1 that you were afraid and that --

2 THE COURT: Keep your voice down.

3 THE DEFENDANT: -- he didn't want -- that you didn't
4 want my witnesses to come in and visit me.

5 So, then, he cut off the witnesses.

6 I can't see any witnesses.

7 So in order --

8 THE COURT: That's not true. The Court will allow you
9 to see any witnesses.

10 THE DEFENDANT: That's what I thought, too.

11 THE COURT: The Court does not have the authority to
12 keep you from talking to prospective witnesses but --

13 THE DEFENDANT: So, then, you're lying to me; is that
14 right?

15 MR. KANAREK: No.

16 THE COURT: Gentlemen, the reason I called you out
17 here was not to engage in colloquy.

18 THE DEFENDANT: Well, this is where it started then it
19 went into a fight --

20 THE COURT: Let me ask you, we are about to begin the
21 session today, and the Court doesn't wish to go through a
22 useless inquiry, but if you can be quiet the Court would
23 prefer you being in the courtroom.

24 THE DEFENDANT: All right.

25 THE COURT: When I say be quiet it is just so you don't
26 disturb the Court.

27 THE DEFENDANT: Uh --

28 THE COURT: Can you do that?

1 MR. KANAREK: Well, your Honor, if I may in connection
2 with these witnesses the people in the jail have informed me--

3 THE COURT: Let's get to this point here now, will you?

4 THE DEFENDANT: This is the whole crux of the thing
5 is that is the situation that I'm being held incommunicado,
6 and the courtroom is the only place I have to scream out
7 every once in a while. I scream out a little or something.

8 THE COURT: Can you restrain yourself today?

9 THE DEFENDANT: I doubt it. I figure before it's over
10 I will run up and jump around the place and maybe grab
11 somebody's pistol or do something.

12 THE COURT: Will you try?

13 THE DEFENDANT: Try? I'm looking forward to death
14 every day a little bit more.

15 THE COURT: Will you?

16 THE DEFENDANT: I think it's going to be a gas and get
17 me out of this madness.

18 THE COURT: Will you try to behave yourself today?

19 THE DEFENDANT: No. I wouldn't try to do anything,
20 probably.

21 THE COURT: Okay.

22 THE DEFENDANT: I am uncontrollable. I am constantly
23 no good.

24 Terrible. Terrible person. Most awfulness guy
25 in the world.

26 THE COURT: I'm not going to discuss your character
27 generally with you.

28 THE DEFENDANT: Yes.

1 THE COURT: I'm simply asking you whether or not if you
2 are in the courtroom today, if I allowed you to remain, you
3 would be quiet.

4 THE DEFENDANT: You are not going to do me no favors.
5 I don't care.

6 THE COURT: You're saying no?

7 THE DEFENDANT: Every time I come out here I'm putting
8 my life out here.

9 THE COURT: Then you will have to remain in back.

10 THE DEFENDANT: Yes. Yes.

11 THE COURT: Because it's --

12 THE DEFENDANT: Safer for me and you and everybody
13 else, yes.

14 MR. KANAREK: Your Honor, if I may in connection with
15 these witnesses, there are three particular witnesses that
16 Mr. Manson wishes to speak with, namely Brenda McCann --

17 THE DEFENDANT: That's all dead, man. That don't mean
18 nothing. I don't need nothing.

19 MR. KANAREK: Sandy Good, and also Lynette Fromme.

20 Now, the people in the jail have informed me
21 that as to Sandy Good and Brenda McCann or Nancy Pitman,
22 because of some prior arrests that they have had within a
23 certain period, I believe six months, where they have been
24 in jail, that they cannot come up and visit Mr. Manson in
25 connection with the other witness.

26 THE COURT: I don't know anything about that, but the
27 Court --

28 MR. KANAREK: Will your Honor order, then, these

1 witnesses may speak to Mr. Manson?

2 He is not being allowed to talk to these people.

3 He is not being allowed to see these people in
4 the normal visiting routine.

5 Will your Honor make the order that Nancy Pitman--

6 THE COURT: The Court will not intervene with the jail
7 concerning visitors, but so far as prospective witnesses are
8 concerned Mr. Manson has the same rights as anyone else does.

9 THE DEFENDANT: Would you put a court order to that?

10 MR. KANAREK: Your Honor has indicated as to Ernest
11 Shepherd and may we have a court order?

12 THE COURT: As to Ernest Shepherd the Court denied your
13 request and will make it clear that as the Court has made it
14 clear before --

15 THE DEFENDANT: Your Honor, I'm just trying to stay
16 on top of that there as a whole thought in Mr. --

17 THE COURT: Let's proceed.

18 THE DEFENDANT: Okay.

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

THE COURT: All right, the case of People vs. Manson, the record will show that the jurors are all present. The jurors and alternates are all present. Mr. Kanarek is present. Mr. Manzella for the People.

You may proceed.

MR. MANZELLA: People call Sergeant Whiteley, your Honor.

THE CLERK: Swear him again?

THE COURT: No, you are sworn.

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

DIRECT EXAMINATION

BY MR. MANZELLA:

Q Sergeant Whiteley, would you tell us your --
strike that. You are employed by the Los Angeles County Sheriff's Office and assigned to the Homicide Bureau and you are one of the -- you are the chief investigating officer on the Shea case and on the Hinman case, is that correct?

1 A Yes.

2 Q Now, Sergeant Whiteley, pursuant to some informa-
3 tion that you had received, did you on December 8, of 1969,
4 go to a particular location in the area of Chatsworth,
5 California?

6 A Yes, I did.

7 Q And that was on December 8th of 1969?

8 A That's correct.

9 Q All right. In particular, what area of
10 Chatsworth did you go to on that date?

11 A I went to 21019 Gresham Street.

12 Q And did you conduct any investigation in that
13 area?

14 A Yes, I did.

15 Q Would you tell us what you did?

16 A I looked for any vehicles that were abandoned
17 in the area, wrote down the license numbers.

18 MR. KANAREK: Well, your Honor, I would ask that the
19 statement "abandoned" be stricken as a ground, as a conclu-
20 sion.

21 THE COURT: All right, sustained. It is stricken.

22 Q BY MR. MANZELLA: All right, Sergeant Whiteley,
23 did you look for vehicles that appeared to you to be
24 abandoned?

25 A Yes.

26 Q And you noted their license numbers?

27 A That's correct.

28 Q Now, what else did you do in connection with that

1 investigation?

2 A On December 8 or December 9?

3 Q Either on December 8 or December 9.

4 A On December 9 I found this vehicle that I was
5 actually looking for, and I returned to the location.

6 Q Now, prior to returning to the location on
7 December 9th, of 1969, did you contact someone with regard to
8 any particular vehicle?

9 A Yes.

10 Q And who did you contact?

11 A Magdalene Shea.

12 Q Did you contact her on December 9?

13 A Yes.

14 Q And what did you obtain from her?

15 A She gave me a description of the vehicle that
16 belonged to Mr. Shea and the license number.

17 Q Now, was the license number given to you by
18 Magdalene Shea on December 9 similar to any license -- strike
19 that -- the same as any license number you had noted on
20 December 8 in that area?

21 A Yes.

22 Q Now, as you received the information from Magdalene
23 Shea, what did you do?

24 A I then returned to the vicinity of Independence
25 and Gresham Street and recovered the vehicle.

26 Q And is this on the same date you received the
27 information from Mrs. Shea, that is December 9, 1969?

28 A Yes.

2
1 Q Now, would you tell us where -- what was the
2 location of the vehicle that you located? What was the specific
3 location of it?

4 A The vehicle was approximately 200 feet north of
5 Gresham Street on Independence, parked southbound.

6 Q Would that mean that it was on the west side of
7 Independence?

8 A That's right.

9 Q And what was the description of the vehicle?

10 A It was a Comet, I believe, white in color; two-
11 door.

12 Q And that was a car that -- of which you had noted
13 the license number on December 8th of 1969; is that correct?

14 A Yes.

15 Q All right. Directing your attention to the
16 exhibits which have been marked People's 61 for identification,
17 showing a white -- various portions of a white Mercury Comet,
18 is this the vehicle which you recovered at the location of
19 Gresham and Independence Streets in Chatsworth?

20 A Yes.

21 Q Now, Sergeant Whiteley, on December 9th of 1969,
22 the second time you returned to the location, approximately what
23 time of day was it that you did return to the location?

24 A It was in the evening hours, approximately 7:00
25 o'clock.

26 Q And what were the -- strike that.

27 Do you recall the weather conditions at that time?

28 A No. I really can't. I believe it was a normal

1 night, moist.

2 Q Had there been any rain previously in that area --

3 A Yes.

4 Q -- recently?

5 A Yes.

6 Q Now, after you located the car on December 9th, 1969,
7 the car shown in People's 61, the white Mercury Comet, did you
8 call any other Sheriff's personnel to the scene?

9 A Yes, I did.

10 Q And who did you call to the scene?

11 A I called a latent print man.

12 Q Now, People's -- strike that.

13 The photographs which comprise People's 61 for
14 identification, the photographs of the white Mercury Comet
15 which are in front of you on the witness stand, were you
16 present when those photographs were taken?

17 A Yes, I was.

18 Q And where were they taken?

19 A At the location on Independence Street.

20 Q Now, is the condition of the car, ~~when~~ you found it,
21 the same as that shown in the photographs? In other words,
22 does -- strike that. I'll withdraw that question.

23 Is the condition of the car as you found it accur-
24 ately or substantially accurately shown in the photographs,
25 People's 61?

26 A Where I found the vehicle is accurately shown.
27 However, the condition of the vehicle is not accurately shown.

28 Q All right. What was the condition of the vehicle

1 when you found it?

2 A The vehicle was much dirtier than is depicted in
3 the pictures.

4 Q All right. Now, these photographs were taken some
5 time after 7:00 p.m. on that evening?

6 A Yes.

7 Q Approximately what time, if you recall?

8 A I don't recall.

9 Q And were they taken with flash equipment?

10 A Yes.

11 Q Now, did you, after locating the vehicle, did you
12 subsequently examine the vehicle while at the location?

13 A Yes.

14 Q All right. Did you observe the condition of the
15 windows, --

16 A Yes.

17 Q -- whether they were open or closed?

18 All right. What was the condition of the windows?

19 A The right passenger window was open.

20 Q And the rest of the windows were closed?

21 A Yes.

22 Q Was there any dirt or dust on the exterior of the
23 vehicle or on the interior of the vehicle?

24 A On both.

25 Q And would you describe that for us?

26 A It was very heavy dust on both the interior and
27 the exterior of the vehicle.

28 Q Was there any moisture on the vehicle --

1 A Yes.

2 Q -- at the time that you found it?

3 A Yes.

4 THE COURT: Excuse me just a minute.

5 MR. KANAREK: May I have a moment, your Honor?

6 It's important.

7 THE COURT: Take the number and call back, Mr. Kanarek.

8 You cannot be on the telephone while this matter is going on.

9 MR. KANAREK: Yes, your Honor.

10 THE COURT: You may proceed.

11 Q BY MR. MANZELLA: Now, did the print man arrive --
12 or, the latent print man arrive at the location while you were
13 there?

14 A Yes.

15 Q All right. Was he -- at that time, was he able
16 to obtain prints from the -- or, able to dust the vehicle for
17 latent prints?

18 A No.

19 Q Now, did you examine the condition of the trunk,
20 whether it was open or closed?

21 A Yes, I did.

22 Q And what was the condition of the trunk?

23 A The trunk of the vehicle was locked.
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1 Q Now, some time thereafter, that same evening, did
2 you have the car removed from the scene?

3 A Yes.

4 Q And was that the same evening of December 9, 1969?

5 A Yes.

6 Q And who removed -- strike that.

7 To where -- to what location was the car removed?

8 A To the Calabasas Garage in Calabasas.

9 Q And was it towed there by that towing service?

10 A Yes.

11 Q Now, after locating the vehicle on December 9, 1969,
12 did you either that same date or some time thereafter search
13 the vehicle?

14 A Yes.

15 Q Did you search it on December 9?

16 A Yes, I made a preliminary search on the 9th.

17 Q Now, on the 9th did you recover any keys inside
18 the vehicle?

19 A No.

20 Q Did you at any time thereafter recover keys from
21 inside the vehicle?

22 A Yes, on the 10th.

23 Q And where was the vehicle on the 10th?

24 A The Calabasas Garage.

25 Q From what part of the vehicle did you recover the
26 keys?

27 A Underneath the driver's seat.

28 Q And did you do anything with any of the keys that

1 you recovered?

2 A I retract that. I did find the keys on the 9th.

3 Q In other words, you did find --

4 A Yes.

5 Q -- the keys in your preliminary search of the
6 vehicle at the location of Gresham and Independence Streets?

7 A Yes.

8 Q And that was on December 9, is that correct?

9 A Yes.

10 Q Okay. Did you attempt to activate the ignition
11 switch of the vehicle with any of the keys that you found?

12 A Yes, I did.

13 Q All right. What happened when you did that?

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

16 THE COURT: Overruled.

17 Q BY MR. MANZELLA: What happened when you did that?

18 A The motor wouldn't turn over. Only the solenoid
19 would click.

20 Q All right. All right, other than the keys which
21 you have already described for us, what else, if anything, did
22 you find in your search of the vehicle?

23 A I found two foot lockers in the trunk and some shoes
24 and miscellaneous papers in the rear seat on the floorboard
25 and a registration for the vehicle in the passenger side of
26 the front seat.

27 Q Sergeant Whiteley, directing your attention to the
28 keys which have been marked People's 62 for identification.

1 Do you recognize those keys?

2 A Yes, they appear to be the keys that I found under-
3 neath the seat.

4 Q Directing your attention to the negatives which have
5 been marked People's --

6 THE COURT: 78, --

7 Q -- 78 for identification. Thank you, your Honor.

8 Do you recognize those negatives? Have you seen
9 those before?

10 A Yes, I have.

11 Q All right. And when and where did you first see
12 them?

13 A December 10, at Calabasas Garage. I found them in
14 the trunk or one of the foot lockers in the trunk of the
15 vehicle.

16 Q Were these the only negatives that you found?

17 A No, I found many more.

18 Q Do you know where those are now?

19 A No, I don't.

20 Q Where were they the last time that you saw them?

21 A At the Los Angeles County Photo Lab.

22 Q Is that the Sheriff's Photo Lab?

23 A Yes.

24 Q All right. Did you make a search for those
25 yesterday at my request or before at my request?

26 MR. KANAREK: Irrelevant and immaterial, your Honor, no
27 foundation.

28 THE COURT: Sustained.

1 Q BY MR. MANZELLA: All right, directing your
2 attention to the letter which has been marked People's 64 for
3 identification, which begins, "Dearest Niki," on yellow-lined
4 paper.

5 Have you ever seen that before?

6 A Yes.

7 Q Did you recover that as a result of your search of
8 the white Mercury Comet?

9 A Yes.

10 Q All right. From what part of the vehicle did you
11 recover that letter?

12 A From the foot locker in the trunk of the vehicle.

13 MR. MANZELLA: Your Honor, I have here a -- I have here
14 two black and white photographs appearing to depict part of
15 the area of Gresham and Independence Streets in Chatsworth.
16 May I have those marked People's --

17 THE COURT: 81.

18 MR. MANZELLA: 81-A and B, Your Honor?

19 THE COURT: You may so mark them.

20 MR. MANZELLA: Your Honor, I have here six color photo-
21 graphs appearing to depict substantially the same location.

22 May I have those marked People's 82-A through F?

23 THE COURT: So ordered. You may so mark them.
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1 MR. MANZELLA: Your Honor, I have here what appears to
2 be a diagram of the area from Spahn's Movie Ranch to the
3 location of Gresham and Independence Streets in the City of
4 Chatsworth.

5 May I have that diagram marked People's 83 for
6 identification?

7 THE COURT: So ordered. So marked.

8 Q BY MR. MANZELLA: Sergeant Whiteley, directing your
9 attention to the photographs, the two black-and-white photo-
10 graphs which have been marked People's 81-A and 81-B for
11 identification, do you recognize what's shown in those photo-
12 graphs?

13 A Yes, I do.

14 Q All right. What is the area shown in those photo-
15 graphs?

16 A It's the area of Independence and Gresham Street.

17 Q And does each photograph depict the location in
18 which you found the -- Mr. Shea's automobile?

19 A Yes.

20 Q All right. Directing your attention first to
21 People's 81-A for identification, is the location in which
22 you found the automobile marked in any way on the photograph?

23 A Yes, it is.

24 Q And is that -- was that marked by you at another
25 proceeding?

26 A Yes.

27 Q All right. Would you point out to us the location
28 and tell us how it's marked?

- 1 A It's an "X" with my initials, "PW."
- 2 Q And it appears to be in blue ink; is that correct?
- 3 A Yes.
- 4 Q And that location which is marked with the "X",
5 that is the west side of Independence, where you found Mr. Shea's
6 vehicle?
- 7 A Yes.
- 8 Q All right. There's what appears to be a house
9 circled with black pen, shown in the photograph 81-A for
10 identification. Do you know the location or the address of
11 that house shown in the photograph?
- 12 A Yes. That's 21019 Gresham Street.
- 13 Q All right. Directing your attention to the
14 photograph marked People's 81-B for identification, can you
15 tell us if the location at which you found Mr. Shea's vehicle
16 is shown in that photograph?
- 17 A Yes, it is. It's in green ink here, and it has an
18 "X" and my initials, "PW."
- 19 Q And again, that location is the west side of
20 Independence; is that correct?
- 21 A That's correct.
- 22 Q Now, is the house which was circled in People's 81-A
23 shown in People's 81-B for identification?
- 24 A Yes, it is.
- 25 Q And is it marked in any way on the photograph?
- 26 A Yes.
- 27 Q And how is it marked?
- 28 A It says "Vance house."

1 Q And that writing appears right over the -- what
2 appears to be the roof of that house?

3 A Yes.

4 Q Now, Sergeant Whiteley, there are two -- what
5 appear to be two streets in the photograph marked People's 81-B
6 for identification. One street appears to bisect the upper
7 right-hand corner of the photograph, the street in which your
8 "X" appears, showing the location of Mr. Shea's car.

9 Is that Independence Street?

10 A Yes, it is.

11 Q Now, there's a street which appears to bisect the
12 lower portion of the photograph. What street is that?

13 A Gresham.

14 Q All right. Sergeant Whiteley, directing your
15 attention to the photographs which have been marked People's 82
16 for identification, do you recognize what is shown in those
17 photographs?

18 A Yes.

19 Q And what is shown in those photographs?

20 A The location where I recovered the vehicle. These
21 are day shots.

22 Q And does that show substantially the same location
23 as is shown in People's -- the photograph marked People's 81,
24 the black-and-white photographs I have just shown you?

25 A Yes. And it also shows 21019 Gresham Street.

26 Q All right. Beginning with photograph 82-A for
27 identification, would you tell us what specifically is shown in
28 that photograph?

1 A Yes. Behind the trees in a circle is the location
2 of 21019 Gresham Street.

3 Q And there appears to be, if I'm correct, a road
4 shown in the foreground; in other words, the lower portion of
5 that photograph.

6 Is that street either Gresham or Independence?

7 A That's Independence Street.

8 Q Directing your attention to the photograph marked
9 People's 82-B for identification, do you recognize what is
10 shown in that photograph, specifically?

11 A Yes.

12 Q And what is that?

13 A That's the Gresham house.

14 Q Directing your attention to the photograph marked
15 People's 82-C for identification, do you recognize what is shown
16 in that photograph?

17 A Yes.

18 Q And would you tell us what that is?

19 A The Gresham house; and down at the -- in the portion
20 down here is the intersection of Independence.

21 Q And is that shown by any mark that you made on that
22 photograph?

23 A Yes.

24 Q And what mark is that?

25 A There's a green line running down on the picture
26 here, showing Independence.

27 Q And did you make that mark on the photograph at
28 some prior proceeding?

1 A Yes.

2 Q And the green mark shows -- the green line you have
3 drawn shows where Gresham Street intersects Independence; is
4 that correct?

5 A That's correct.

6 Q All right. Directing your attention to the
7 photograph marked People's 82-D for identification, specifically
8 what area does that photograph depict?

9 A This shows Independence Street looking north, and
10 over here is where I found the vehicle.

11 Q And have you marked that location where you found the
12 vehicle in any way on the photograph?

13 A Yes.

14 Q How's that?

15 A In green, with my initials, "PW."

16 Q Now, there's an arrow also in what appears to be
17 green ink, pointing to the square that you've drawn.

18 What does that arrow indicate, if anything?

19 A The direction that the vehicle was found in, south --

20 Q The direction in which the vehicle was facing when
21 you found it?

22 A That's correct.

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1 Q Directing your attention to photograph 82-E for
2 identification, what specific area does that photograph show?

3 A That's showing Independence Street looking
4 southbound, and that's an arrow pointing in the direction
5 the vehicle was facing, and a square showing approximately --
6 the approximate location of the vehicle. And there is a
7 horizontal line showing Gresham Street intersecting Independence.

8 Q Now, directing your attention to People's 82 for
9 identification.

10 Is that another view of the location at which you
11 found Mr. Shea's vehicle?

12 A Yes.

13 Q And is the location and direction of the vehicle
14 shown in green ink on this photograph?

15 A Yes.

16 Q And you placed that on there, is that correct?

17 A Yes.

18 Q Now, Sergeant Whiteley, directing your attention
19 to all of the photographs depicting Mr. Shea's vehicle which
20 had been marked People's 61 for identification.

21 Each of the photographs appears to show various
22 items -- strike that -- several of the photographs appear to
23 show various items in the interior of the vehicle. Do those
24 photographs accurately depict the location of the items
25 which they show?

26 A Yes.

27 Q And that's when you found the vehicle, is that
28 correct?

5-2

1 A Yes.

2 Q Now, directing your attention to the shoe which
3 has been marked People's 63 for identification.

4 Have you ever seen this shoe before?

5 A Yes.

6 Q And did you find this as a result of your search
7 of Mr. Shea's vehicle?

8 A Yes.

9 Q Is that shoe shown in any of the photographs
10 showing the interior of the vehicle?

11 A Yes.

12 Q Directing your attention to People's 61-G for
13 identification.

14 Is the shoe shown in that photograph?

15 A Yes, it has a circle and the initials "LV."

16 Q What did you do with the shoe, the one marked
17 People's 63 for identification, after you found it in the
18 vehicle?

19 A It was subsequently transported to the Los
20 Angeles Sheriff's Crime Laboratories.

21 Q All right. Sergeant Whiteley, directing your
22 attention to this diagram which has been marked People's 83
23 for identification.

24 Did you prepare this diagram?

25 A Yes.

26 Q Can you tell us what this diagram purports to
27 show?

28 A It shows the relationship between Spahn's Movie

5-3q

1 Ranch and where I recovered the vehicle.

2 Q All right. And have you --

3 MR. KANAREK: Well, your Honor, may I -- may that
4 statement be stricken as a conclusion and hearsay on the
5 part of this witness? That is, the document speaks for
6 itself.

7 THE COURT: The motion is denied.

8 MR. KANAREK: Pardon?

9 THE COURT: The motion is denied.

10 Q BY MR. MANZELLA: And from what did you prepare
11 this diagram?

12 MR. KANAREK: May I have that question read back, your
13 Honor, that last question?

14 THE COURT: Miss Briandi.

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

17 "Q BY MR. MANZELLA: And from what did you
18 prepare this diagram?"

19 MR. KANAREK: "Why did you prepare" -- calls --

20 THE REPORTER: From what.

21 THE COURT: From what.

22 MR. KANAREK: From what. I'll object to that as
23 irrelevant, immaterial, the document speaks for itself, no
24 foundation, hearsay.

25 THE COURT: Overruled on that ground.

26 Q BY MR. MANZELLA: You may answer.

27 A From the Thomas Guide.

28 Q Is that Thomas Guide, those are maps of the Los

5-4

1 Angeles County area?

2 A That's correct.

3 Q Have you traveled the area between where you
4 located the car at Gresham and Independence Streets in
5 Chatsworth and the Spahn Movie Ranch?

6 A Many times.

7 Q Now, is the location at which you found Mr.
8 Shea's car on December 9, of 1969, marked on this diagram,
9 that is People's 83?

10 A Yes.

11 MR. KANAREK: Immaterial.

12 Q BY MR. MANZELLA: And where --

13 MR. KANAREK: Your Honor, improper foundation and not
14 the best evidence.

15 THE COURT: Overruled. The answer may remain.

16 Q BY MR. MANZELLA: Where and how was it marked?

17 A There is an X and my initials "PW."

18 Q And are they in green ink on the lower right-hand
19 portion?

20 A Excuse me, the X doesn't represent where the car
21 was found. There is a black dot at the end of the red arrow
22 that shows where the vehicle was recovered.

23 Q And what does the X in the green ink indicate?

24 A That's at the house on Gresham Street, 21019
25 Gresham Street.

26 Q That's the house you've already identified in
27 the photograph?

28 THE COURT: Are you --

5-5

1 THE WITNESS: Yes.

2 THE COURT: Are you --

3 THE WITNESS: Yes.

4 THE COURT: Are you familiar with the street patterns and

5 the direction of the respective streets on that diagram?

6 THE WITNESS: Yes, I am.

7 THE COURT: And does the diagram substantially reflect

8 the street layout as it is?

9 MR. KANAREK: Object, your Honor, if I may, calling for

10 a conclusion, with no foundation. Hearsay, and irrelevant,

11 and immaterial.

12 THE COURT: The objection is overruled.

13 THE WITNESS: Yes, there is one flaw in that.

14 THE COURT: Point that out.

15 THE WITNESS: The "SP" railroad tracks do not come at

16 this curve, they come at this curve through a tunnel, and then

17 they come around (indicating).

18 THE COURT: Indicating the loop at Santa Susanna Pass

19 Road?

20 THE WITNESS: That's correct.

21 THE COURT: With that exception, the map substantially

22 reflects the street layout, is that correct?

23 THE WITNESS: Yes.

24 MR. KANAREK: Object, your Honor, no foundation, calling

25 for a conclusion, irrelevant, and immaterial.

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

27 overruled.

28 Q BY MR. MANZELLA: Sergeant Whiteley, directing

5-6

1 your attention again to the shoe which has been marked
2 People's 63 for identification.

3 Specifically in what portion of the vehicle did
4 you find the shoe?

5 A It was on the floorboard in the back seat behind
6 the driver's portion of the vehicle.

7 MR. MANZELLA: Your Honor, I have here a -- I have here
8 seven magazines, your Honor. May I have those marked
9 collectively People's 84 for identification?

84 id.

10 THE COURT: So ordered.

11 You may so mark them.

12 How many are there?

6 fls.

13 MR. MANZELLA: Seven, your Honor.
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1 Q BY MR. MANZELLA: Sergeant Whiteley, directing
2 your attention to the magazines which have been marked
3 People's 84 for identification, have you ever seen these
4 magazines before?

5 A Yes, I have.

6 Q And did you find them as a result of your search
7 of Mr. Shea's vehicle, after you found it?

8 A Yes.

9 Q And in particular, in what portion of the vehicle
10 did you find those magazines?

11 A In the footlockers in the trunk of the vehicle.

12 MR. MANZELLA: Your Honor, may I have a moment to bring
13 the footlockers out?

14 THE COURT: You may.

15 (Pause in the proceedings while Mr. Manzella
16 retired to the exhibit room, returning shortly.)

17 Q BY MR. MANZELLA: Now, Sergeant Whiteley,
18 sometime after you found the vehicle and discovered the
19 footlockers in the trunk of the vehicle, did you open those
20 footlockers and examine the contents of the footlockers?

21 A Yes, I did.

22 Q And do you recall when that was?

23 A I opened the footlockers on December the 9th.

24 Q All right. Now, directing your attention to the
25 two photographs which have been marked People's 65-D and
26 65-E for identification, do you recognize what is shown in
27 those two photographs?

28 A Yes.

6-2

1 Q And what is that?

2 A That's the clothing that was in each of the
3 footlockers.

4 MR. KANAREK: Well, your Honor, I'll ask that that be
5 stricken on the grounds that it's not the best evidence,
6 and it's a conclusion. Clearly, you can't see, in that
7 picture -- which is a two-dimensional picture -- the three
8 dimensions of a physical object.

9 And I ask that that be stricken as a conclusion.
10 Because we can't -- you can't --

11 THE COURT: The objection is overruled.

12 Q BY MR. MANZELLA: Can you recall where these
13 two -- strike that.

14 Were you present when these two photographs were
15 taken?

16 A Yes, I was.

17 Q And where were these two photographs taken?

18 A On the sixth floor of this building.

19 Q Now, the clothing which you can see in these two
20 photographs, does that clothing appear to be items which were
21 in the footlockers at the time that you found them?

22 MR. KANAREK: Calling for a conclusion, your Honor; not
23 the best evidence.

24 THE COURT: Sustained, without further background or
25 foundation.

26 Q BY MR. MANZELLA: All right.

27 Sergeant Whiteley, do you recognize the clothing
28 which appears to be shown in these two photographs, People's

6-3

1 65-D and 65-E for identification?

2 MR. KANAREK: Calling for a conclusion; improper
3 foundation; irrelevant and immaterial.

4 THE COURT: Overruled.

5 THE WITNESS: Yes.

6 Q BY MR. MANZELLA: And when and where did you
7 first see the clothing that is shown in these two photographs?

8 A When I first opened the footlockers.

9 Q Was this at the location where you found Mr. Shea's
10 vehicle?

11 A Yes.

12 Q All right. Sergeant Whiteley, I'm going to open
13 People's 65-F for identification, one of the footlockers, and
14 ask you to step down here and briefly examine the contents of
15 the footlocker, and tell us if -- if the items which are in
16 the footlocker now appear to be the same items which were in
17 it when you first opened it, when you found Mr. Shea's
18 vehicle.

19 MR. KANAREK: Object, your Honor, on the grounds of
20 hearsay; irrelevant and immaterial; calling for a conclusion;
21 no foundation. It's a --

22 THE COURT: The objection is overruled.

23 You may do so.

24 THE WITNESS: I recognize some of the items from here.

25 THE COURT: Would you step down and look at the foot-
26 locker and look at all of the items?

27 Q BY MR. MANZELLA: It's not necessary, for the
28 purposes of my question, unless it's necessary for you to

6-4

1 recognize them, to take the items apart.

2 A (Witness examining the items in the footlocker.)

3 Q All right. Do you recognize the items shown in
4 the footlocker marked People's 65-F for identification?

5 MR. KANAREK: Irrelevant, your Honor; immaterial,
6 hearsay, and conclusion.

7 THE COURT: Overruled.

8 THE WITNESS: Yes, I do.

9 Q BY MR. MANZELLA: And do they appear to be the
10 items which were in the footlocker at the time that you opened
11 it, after you found Mr. Shea's car?

6a fls.

12 A Yes.
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1 Q All right. Directing your attention to the items
2 which appear in People's 65-G for identification, now, I'll
3 ask you to step down and again briefly examine the items
4 which appear in the -- in that footlocker.

5 A (Witness examining the items in the footlocker.)

6 Q And do those items appear to be the same items
7 which were in the footlocker when you first opened it,
8 after you found Mr. Shea's car?

9 MR. KANAREK: Object, your Honor. Irrelevant and
10 immaterial; no foundation; conclusion; hearsay; and not the
11 best evidence.

12 THE COURT: Overruled.

13 THE WITNESS: Yes, I recognize some of the articles in
14 there.

15 Q BY MR. MANZELLA: Sergeant Whiteley, were the
16 magazines which have been marked People's 84 for identification,
17 were they in one of the two footlockers?

18 A Yes, they were in one of the two.

19 Q And the letter which you've identified, which is
20 People's 64 for identification (indicating), was that letter
21 in one of the two footlockers?

22 A Yes.

23 Q Now, the negatives which have been marked
24 People's 78 for identification, which you have already
25 examined, do you -- would you tell us in what portion of the
26 vehicle you obtained the negatives?

27 A They were in one of the two footlockers in the
28 trunk.

1 MR. MANZELLA: Your Honor, I --

2 THE COURT: We'll take a short recess at this time.

3 MR. MANZELLA: I have no further questions at this
4 time.

5 THE COURT: We'll take a short recess now.

6 Ladies and gentlemen, you are admonished not to
7 converse amongst yourselves, nor permit anyone else to
8 converse with you on any subject connected with this matter,
9 nor are you to form or express any opinion on the matter
10 until it is finally submitted to you.

11 (Proceedings had on an unrelated matter.)

12 THE COURT: All right. The court's in recess.

13 (Midmorning recess.)
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7 fls.

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1 THE COURT: Case of People versus Manson. Get the jury
2 in.

3 THE BAILIFF: Sir, sir.

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

5 THE COURT: All right, the record will reflect the jurors
6 are all present.

7 MR. KANAREK: Yes, your Honor.

8 THE COURT: Have you finished with direct examination?

9 MR. MANZELLA: Yes, your Honor.

10 MR. KANAREK: Yes, your Honor, I would like to apologize
11 to the Court and to the members of the jury for the appearance
12 of my pants. A ballpoint pen apparently deteriorated in my
13 pocket and it has seeped through and also my hands.

14 THE COURT: The Court regrets that has happened to you
15 this morning, Mr. Kanarek. If you hadn't mentioned it, I
16 don't think anyone would have noticed it.

17 Go ahead.

18 MR. KANAREK: Well, thank you, your Honor.

19
20 CROSS-EXAMINATION

21 BY MR. KANAREK:

22 Q Mr. Whiteley, may I have the list of the items that
23 were in the foot locker, in the foot lockers?

24 A I don't have the list with me.

25 Q Do you have that list so that you can give it to
26 me at, say, this afternoon?

27 A I believe so.

28 Q Now, directing your attention, Mr. Whiteley, to

1 this map.

2 THE COURT: You are referring to the diagram 83, marked
3 83?

4 MR. KANAREK: That's right.

5 THE COURT: People's 83.

6 MR. KANAREK: Yes, your Honor.

7 Q BY MR. KANAREK: Did you, Mr. Whiteley, place on
8 this map the residence of one Lee Saunooke?

9 A No, I didn't.

10 You mean on the map?

11 Q Yes.

12 A No, I did not.

13 Q Do you know the residence of one Lee Saunooke?

14 A Yes, I do.

15 Q Would you --

16 May I approach the witness, your Honor?

17 THE COURT: Yes, you may.

18 Q BY MR. KANAREK: Would you place upon that map the
19 residence and -- the location of the residence of Lee Saunooke?

20 A You want Mrs. Saunooke's present address or do you
21 want her previous address? They're both on this map.

22 Q All right. The address and the time and December
23 8 or 9, 1969.

24 THE COURT: Would counsel approach the bench before you
25 do that?

26 MR. KANAREK: Yes, your Honor.

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

1 jury:)

2 THE COURT: I assume that there's some relevance or
3 materiality to bringing in the name of Saunooke or Saunooke?

4 MR. KANAREK: Yes.

5 THE COURT: What is it?

6 MR. KANAREK: Well, it is a person, a female person that
7 could well be involved in the passing away of Shorty Shea.

8 In other words, the relevancy and materiality is --

9 THE COURT: Who --

10 MR. KANAREK: He has taken and arbitrarily made a map
11 in connection with the Spahn Ranch and this automobile. We
12 might -- there are other factors involved in Shorty Shea's life
13 besides his very transient relationship with Mr. Manson.

14 THE COURT: And you anticipate that you will be able to
15 show some connection between Mr. Shea and Saunooke?

16 MR. KANAREK: Yes. In fact, the People are calling Lee
17 Saunooke as a witness.

18 MR. MANZELLA: Well, your Honor, I would -- based on
19 what Mr. Kanarek has said, I would object on the grounds that
20 there's no evidence showing that Lee Saunooke killed Shorty
21 Shea and that in order to introduce evidence of another suspect
22 there has to be something more than just some relationship with
23 the deceased.

24 MR. KANAREK: Well, there's no evidence that Mr. Manson
25 killed Shorty Shea. I mean, we have a right -- we have the
26 right to show --

27 THE COURT: There are probably several thousand
28 residences in the area shown by People's 83. You only intend to

1 ask about one, however? That's Saunooke?

2 MR. KANAREK: No, there are several other people involved
3 in connection -- we have a right to show -- this is where his
4 car was also supposedly found --

5 THE COURT: You intend to tie it in?

6 MR. KANAREK: Oh, definitely, your Honor. It is our
7 position that all of this evidence is irrelevant and immaterial,
8 about the map and all of the finding of the evidence in the car.
9 There's no connection between that and Mr. Manson but, your
10 Honor has overruled the objections. I will once again make a
11 motion to strike all of Mr. Whiteley's testimony this morning
12 on the basis that it is irrelevant and immaterial and no
13 foundation.

14 THE COURT: The motion is denied. The Court will permit
15 you to ask him.

16 MR. KANAREK: Thank you.

17 THE COURT: In view of your representation that you can
18 tie it in.

19 MR. KANAREK: Yes, your Honor.

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

3 Q BY MR. KANAREK: Yes. Mr. Whiteley, would you place
4 on this map the -- the residence of Lee Saunooke on December 8th
5 or 9th, 1969?

6 A (Witness complies.)

7 Q You made a rectangle in the lower right-hand
8 portion on Independence Street, and -- would you right next to
9 that -- perhaps draw an arrow off the main portion of the map,
10 and from that rectangle, and -- would you draw the arrow to the
11 margin?

12 A (Witness complies.)

13 Q And then put the initials "LS" and then "PW" in a
14 circle?

15 A (Witness complies.)

16 Q The "LS" means Lee Saunooke; and the "PW" being
17 Paul Whiteley.

18 Now, then, would you place upon --

19 THE COURT: Do you wish to use the microphone, Mr. Kanarek?

20 MR. KANAREK: Yes. Certainly, your Honor.

21 Q BY MR. KANAREK: Would you place on the map
22 presently the -- pardon me. The present address of
23 Lee Saunooke?

24 A I have.

25 Q Oh. That's the present address?

26 A That's correct.

27 Q Oh, I'm sorry. I had asked for the address of
28 December the 8th, or 9th, 1969.

1 A You have that.

2 Q Oh, it's the same?

3 A Yes.

4 Q I'm sorry. I -- I got the impression from your
5 previous statement to me, wherein you indicated -- do I want it
6 as it was then or now? -- that there were two addresses.

7 A There were two addresses.

8 Q Well, would you explain?

9 A Yes. Mrs. Saunooke lived across from the Gresham
10 Street home prior to December of 1969.

11 Q And at the present time -- oh, you -- you mean
12 prior to December 8, 1969?

13 A That's correct.

14 Q And when, to your knowledge, did she move or change
15 addresses?

16 A In the Autumn of 1969.

17 Q And what was the address before she moved?

18 A 210 -- either 18 or 24. I think it was -24
19 Gresham Street.

20 Q And when you say the autumn, you are referring to a
21 time prior to December the 8th or 9th, 1969?

22 A That's correct.

23 Q And then on December the 8th or 9th, 1969, her
24 address was what?

25 A I can't recall from memory what her address was.
26 It's right off the corner of Parathena and Independence.

27 Q Do you mean Parthenia?

28 A Yes, Parthenia.

1 Q And Independence?

2 A Yes.

3 Q And is that on the map?

4 A Yes.

5 Q Would you show us that location, as best you can?

6 A I have. that's this location here (indicating).

7 Q And then what is the address on Gresham, then?

8 A It's 210 -- I believe -- 24 Gresham Street.

9 Q Would you show a marking of that?

10 A (Witness complies.)

11 Q Would you draw an arrow to the lower margin, and
12 would you put in "LS" and "PW"?

13 A (Witness complies.)

14 Q And that would be -- up until what date would you
15 say she lived at that address?

16 THE COURT: That's asked and answered.

17 Q BY MR. KANAREK: Now, Mr. Whiteley, would you place
18 upon the map the address or the location of the home of Ruby
19 Pearl?

20 A At what time?

21 Q Well, first, would you put it as of December the 8th
22 or 9th, 1969?

23 THE COURT: If you know.

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

26 MR. KANAREK: Well, your Honor, we -- our position is it's
27 most relevant and most material, and we -- it's for the jury
28 to determine its relevancy or materiality, your Honor.

1 THE COURT: If you know, you may put it on.

2 It calls for a conclusion, but the Court will allow
3 it.

4 (Witness complies.)
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1 Q BY MR. KANAREK: And would you draw -- would you
2 draw an arrow to the right margin and indicate --

3 THE COURT: You have put a rectangle in the upper right-
4 hand corner of that diagram. Just put "RP" alongside that.

5 MR. KANAREK: And may it have his initials alongside of
6 it as well, so that --

7 THE COURT: No, the jury will remember what it was.

8 Q BY MR. KANAREK: And that was as of December 8th or
9 9th, 1969; correct?

10 A Yes.

11 Q Now, what is Ruby Pearl's present address?

12 A Oregon.

13 Q In the State of Oregon?

14 A Yes.

15 Q And to your knowledge, throughout 1969, she lived
16 at that -- at the address you've indicated?

17 A Yes.

18 MR. KANAREK: May I have a moment, your Honor?

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

22 Q BY MR. KANAREK: Mr. Whiteley, you -- you have
23 indicated that the red -- or, the black -- sort of black dot
24 between the word "Gresham" and the word -- the abbreviation for
25 the word "street," "s-t." that's the place on this map,
26 People's --

27 A (Indicating on the diagram.)

28 Q Thank you. (Continuing) -- People's 83, that

1 that's the location where the automobile was that you saw;
2 right?

3 A Yes.

4 Q What is the distance between the place the
5 automobile was located and the rectangle that you have put on
6 Independence Street to indicate the residence of Lee Saunooke?

7 A 300 yards.

8 Q What is the distance from that automobile to the
9 residence that you've indicated by a rectangle on Gresham
10 Street?

11 A 100 yards.

12 Q Now, directing your attention -- I have here
13 People's 82, which is made up of six exhibits.

14 Would you indicate on these pictures the residence
15 of -- the two residences you've indicated for Lee Saunooke?

16 And would you state what picture you are using as
17 you place the marking?

18 A 82-C, there's an X and "LS" on the right-hand
19 portion of the picture. That was her first residence.

20 Q All right. Any other picture that would have with-
21 in its pictorial view the -- either of the residence of Lee
22 Saunooke? And if so, would you indicate that?

23 And if it's not already marked, mark it for us.

24 A You can't see the house, but it's directly behind
25 this large tree down here (indicating).

26 THE COURT: Would you turn the photograph so that the
27 jurors can see it?

28 THE WITNESS: In the center of the picture, there's a

1 large tree; and on the other side of it is Lee Saunooke's
2 present address.

3 THE COURT: You are talking about 82-L, is that correct?

4 THE WITNESS: That's correct.

5 Q BY MR. KANAREK: But her previous address is not
6 locatable upon that particular picture; is that correct?

7 A It would be behind this residence (indicating), on
8 the other side, south.

9 THE COURT: You are -- you've indicated a residence on
10 the right side of 82-E, the right center?

11 THE WITNESS: That's correct.

12 THE COURT: And in a group of trees.

13 Q BY MR. KANAREK: Are those two locations marked
14 on that picture at the present time?

15 A No.

16 Q Would you please mark them?

17 A (Witness complies.)

18 Q Would you put the initials "PW"?

19 A (Witness complies.)

20 Q Now, is it a fair statement, then, that you --
21 as far as People's 82 is concerned, and the several exhibits
22 that make up People's Exhibit 82 -- you have now marked all
23 of the locations on those pictures which would take -- which
24 would incorporate the residences of Lee Saunooke; is that
25 correct?

26 A This picture (indicating), I didn't mark, but it
27 is already marked. That's 82-C.
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1 Q All right. But as to all pictures where it would
2 be possible to see or locate either or both of the residences
3 of Lee Saunooke, that has now been done; is that correct?

4 A Yes. I could mark on this picture (indicating);
5 her residence would be off to the left of -- 82-A.

6 Q How far off to the left would it be?

7 A Ten feet.

8 Q The left of that picture?

9 A Yes.

10 Q And that would be about in the center of the picture?
11 As far as the picture itself is concerned?

12 A It would be ten -- about ten feet off from the
13 left of this photograph.

14 Q But about the middle of the picture?

15 A No, it would be off the photograph.

16 Q But I mean -- well, as far as the -- as far as the
17 height of it goes, it would be off; but in the -- it is
18 generally in the middle area (indicating) of that picture, to
19 the left 10 feet?

20 A I don't understand you.

21 Q Well, except for the fact that the house is to the
22 left, it would -- if it were -- if this picture were extended,
23 it would be in the middle area (indicating) of this picture?

24 A No. It would be further, then. The property line
25 would start approximately ten feet from the left side of this
26 picture (indicating).

27 Q I see. And you've located -- you've put your pencil
28 about halfway between the top and the bottom of that picture?

1 A That's correct.

2 Q Would you write an "LS" right there at that point,
3 where you had your pencil?

4 A (Witness complies.)

5 Q Thank you.

6 THE COURT: Would you show the jury 82-E? Hold it up so
7 that they will know what you two gentlemen have been talking
8 about.

9 THE WITNESS: We have been speaking about 82-A.

10 THE COURT: Have you?

11 THE WITNESS: Yes.

12 THE COURT: Well, that's the photograph, to the left of
13 which would be the Saunooke property?

14 THE WITNESS: That's correct. It would be off to the
15 left of this tree (indicating).

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1 Q BY MR. KANAREK: Now, directing your attention,
2 Mr. Whiteley, to Lee Saunooke.

3 You have told us that Magdalene Shea gave you
4 certain information concerning an automobile, is that correct?

5 A Yes.

6 Q Did Magdalene Shea tell you that Mr. Shea, Shorty
7 Shea, from time to time visited Lee Saunooke?

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

9 MR. KANAREK: It is on the state of mind, your Honor.

10 THE COURT: The objection is sustained. It is outside
11 the scope of direct.

12 You mean in the course of this conversation?

13 MR. KANAREK: Yes. It is state of mind as to the
14 conduct of Shorty Shea. We're not offering it for the
15 truth of the matter, but we're offering it --

16 THE COURT: The Court will permit it. You may answer
17 it.

18 A No.

19 Q BY MR. KANAREK: In connection with your investiga-
20 tion of this case, Mr. Whiteley, has anyone that you have
21 spoken to concerning the conduct of Shorty Shea told you
22 that Mr. Shorty Shea from time to time visited the residence
23 of Lee Saunooke?

24 MR. MANZELLA: Objection, your Honor, it calls for
25 hearsay.

26 MR. KANAREK: Again, just on the state of mind, your
27 Honor.

28 THE COURT: The objection is sustained. It is outside

9-2

1 the scope of the direct examination.

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

3 THE COURT: No, you may not.

4 Q BY MR. KANAREK: Now, when you first spoke to
5 Magdalene Shea -- on what day, Officer?

6 A December 9, 1969.

7 Q -- is the first time that you ever spoke in your
8 lifetime to Magdalene Shea?

9 A Yes.

10 Q Well, to your knowledge what is the first time
11 that Magdalene Shea spoke to any law enforcement officers?

12 MR. MANZELLA: Objection, your Honor.

13 MR. KANAREK: Concerning the -- her -- concerning Mr.
14 Shorty Shea.

15 MR. MANZELLA: Objection, your Honor, calls for
16 hearsay and outside the scope of direct examination.

17 THE COURT: Sustained.

18 MR. KANAREK: Your Honor, it is not -- if I may make
19 argument to the Court, it is not hearsay. I'm only asking
20 for the fact of the conversation. I'm not asking for the
21 conversation, your Honor.

22 THE COURT: The objection is sustained. Go ahead, Mr.
23 Kanarek.

24 MR. KANAREK: Oh, did the juror have a request, your
25 Honor?

26 THE COURT: One of the jurors, Mr. Nieves, has handed
27 a request to the Court.

28 MR. KANAREK: Well, may we --

9-3

1 THE COURT: Both of you gentlemen may look at it.

2 MR. KANAREK: Thank you.

3 I would make a motion that the juror's request
4 be honored, your Honor.

5 THE COURT: The Court intended that.

6 Is it stipulated that the diagram may be
7 introduced in evidence or that the jurors may look at it
8 at the --

9 MR. KANAREK: I certainly would not object, and
10 request that your Honor allow the jurors to review what
11 the jurors have requested.

12 MR. MANZELLA: Perhaps Sergeant Whiteley could just
13 hold the diagram up.

14 THE COURT: Would you hold up the diagram 83.

15 Would you point to the residences you have marked
16 and tell which -- what the marking is now?

17 THE WITNESS: Yes, the X at this location is the
18 Gresham Street house at 21019 Gresham Street.

19 The small rectangle is Lee Saunooke's previous
20 address and this at the lower portion is Lee Saunooke's
21 present address.

22 Up in this corner is Ruby Pearl's old address.

23 THE COURT: Thank you, Mr. Nieves.

24 JUROR NO. 3: Thank you.

25 THE COURT: The Court realizes there was a little
26 private conference up there at the witness stand and I should
27 have had that diagram held up so that you could have seen it.

28 MR. KANAREK: Your Honor, would your Honor ask Mr. Nieves

9-4

1 if that does satisfy his request?

2 THE COURT: It apparently does. He has nodded
3 affirmatively.

4 MR. KANAREK: Thank you.

5 THE COURT: Go ahead with your cross-examination.

6 MR. KANAREK: Yes, your Honor.

7 Q BY MR. KANAREK: Now, there is a person that
8 you have come to know during the course of this examination --
9 pardon me, investigation, a person named Juan Flynn.

10 Would you tell us what the address of Juan Flynn
11 was on December 8 or 9, 1969?

12 MR. MANZELLA: I would object to that, your Honor, as
13 being irrelevant.

14 THE COURT: Well --

15 MR. KANAREK: Well, may I approach the bench, then,
16 your Honor?

17 THE COURT: If you know the address, you may answer the
18 question.

19 THE WITNESS: Spahn's Movie Ranch.

20 Q BY MR. KANAREK: During the course of your investi-
21 gation in this case, did it come to your attention that Mr.
22 Juan Flynn lived from time to time at the home of Ruby Pearl?

23 A Yes.

24 Q And would you locate for us the home of Ruby
25 Pearl?

26 THE COURT: That's already been done.

27 MR. KANAREK: I -- well, I haven't finished the
28 question, your Honor. Maybe I haven't stated it, uh, as

9-5

1 artfully as I might.

2 Q Would you tell us how far is the home of Ruby
3 Pearl from the location where the automobile was seen by
4 you in December of 1969?

5 A It is approximately two miles from Gresham and
6 Independence to Ruby Pearl's old home.

7 Q During the course of your investigation in this
8 case, did you have occasion to determine whether that --
9 well, I'll withdraw it and ask you, would you tell us the
10 most direct route that would be followed to go from the
11 home of Ruby Pearl to the place that the automobile was
12 seen by you in December of 1969?

13 MR. MANZELLA: I would object, your Honor, on the
14 grounds it is not relevant.

15 MR. KANAREK: Well, then, may I approach the bench,
16 your Honor? We --

17 THE COURT: The objection is overruled on the ground
18 offered. You may answer it.

19 THE WITNESS: Go straight south on De Soto Street and
20 turn right to Gresham.

21 Q BY MR. KANAREK: Now, directing your attention
22 to this automobile, Officer.

23 Did you cause this automobile to be moved?

24 A Yes.

9a fls.

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1 Q Would you tell us in what way the automobile was
2 moved from the place that you saw it in December of 1969 that
3 you first saw it?

4 A I cannot.

5 Q You did not observe the moving of this automobile,
6 is that right?

7 A That's correct.

8 Q To your knowledge, Officer, where was the
9 automobile taken when it was moved?

10 A The next time I saw the vehicle the following
11 day it was at the Calabasas Garage.

12 Q And is that near Ventura Boulevard?

13 A Yes.

14 Q How far is that from the place that you saw it?

15 A Five miles, approximately. I am -- I'm only
16 guessing.

17 Q What did you cause to be done to that automobile,
18 if anything, upon locating it where you told us you did locate
19 it?

20 A I caused photographs to be taken of the vehicle
21 and the latent print man, I requested him to dust the vehicle.
22 But it was not done at that time.

23 Q At, uh -- well, I'll withdraw that.

24 After the automobile was taken to the location
25 that it was taken to at Calabasas, did you cause anything
26 to be done to the automobile?

27 A Yes.

28 Q Would you tell us what you caused to be done to

9a-2

1 the automobile?

2 A A search for latent fingerprints.

3 Q Anything else?

4 A I searched the vehicle.

5 Q Anything else?

6 A No.

7 Q What was the disposition of the automobile after
8 you searched it and caused the latent prints to be taken?

9 A I left the vehicle there.

10 Q And have you seen the vehicle since?

11 A Yes.

12 Q Where?

13 A At the Calabasas Garage.

14 Q Is the vehicle still -- is the vehicle still
15 located at the Calabasas Garage?

16 A It was the last time I saw it.

17 Q Which was when?

18 A About June of this year, May or June of this year.

19 Q Between the time that you did what you indicated,
20 you searched the vehicle, caused the latent prints to be
21 taken, and the time that you viewed it in June, you say,
22 this year, did you cause anything else to be done in connec-
23 tion with that vehicle?

24 A I don't believe so. I don't understand what
25 you are asking for.

26 Q Well, just give us the answer to the question,
27 Officer.

28 THE COURT: He's answered it. Go on to your next

9a-3

1 question.

2 Q BY MR. KANAREK: If it isn't --

3 To your knowledge has any other law enforcement
4 officer caused anything to be done to that vehicle other
5 than what you have had caused to be done between the time that
6 you first saw that vehicle and today?

7 A I still don't quite understand.

8 Are you asking anything that was physically done
9 to the vehicle or are you talking about the ownership of the
10 vehicle?

11 Q I'm talking -- let us first say physically --
12 I'll withdraw that.

13 I'll ask you this question.

14 What did you cause to be done physically to the
15 automobile other than what you have indicated between the
16 time that you first saw the vehicle and today?

17 A Nothing.

18 Q To your knowledge did any law enforcement officer
19 do anything in connection with the automobile physically or
20 cause anything to be done physically to the automobile other
21 than what you have indicated you did between the time that
22 the automobile was first seen by you in December of 1969
23 and today?

24 A No.

10 fls.

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1 Q Did you cause an analysis to be made of the
2 ignition system, to determine when the automobile was last
3 started?

4 A No, I did not.

5 Q No law enforcement officer caused a mechanic,
6 an engineer, a scientist, or anyone to go over that automobile
7 and determine when that automobile was last started, --

8 MR. MANZELLA: Objection, your Honor.

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

10 MR. MANZELLA: It assumes a fact which is not in evidence,
11 your Honor.

12 THE COURT: Overruled. You may answer.

13 THE WITNESS: No.

14 Q BY MR. KANAREK: And so -- and Mr. Manson was in
15 custody on December the 8th, 1969; right?

16 A Yes.

17 Q He was in a dungeon on that date; --

18 MR. MANZELLA: Objected to.

19 Q BY MR. KANAREK: -- right?

20 THE COURT: Sustained.

21 MR. MANZELLA: The question is outside the scope of
22 direct examination.

23 Q BY MR. KANAREK: Mr. Manson, on December the 8th or
24 9th, 1969, to your knowledge had been in custody how many months?

25 MR. MANZELLA: Objection, your Honor. The same grounds.

26 MR. KANAREK: It's relevant and material as to Mr. Manson,
27 your Honor.

28 THE COURT: The objection is sustained.

1 Q BY MR. KANAREK: May I approach the bench? I think
2 it's most important, because Mr. Manson is being --

3 THE COURT: Excuse me just a moment.

4 Mr. Whiteley, do you know when Mr. Manson was taken
5 into custody?

6 THE WITNESS: Yes, I do.

7 THE COURT: You may answer the question, his last
8 question.

9 I'll overrule the objection.

10 THE WITNESS: He had been in jail approximately two
11 months -- not quite.

12 MR. KANAREK: Thank you, Officer.

13
14 REDIRECT EXAMINATION

15 BY MR. MANZELLA:

16 Q Just two questions, Sergeant Whiteley.

17 Who lived in the Gresham Street house you've
18 marked with the "X" in green ink? The one shown on the diagram,
19 People's 83 for identification?

20 A The Family, the Manson Family.

21 Q All right. And what was the distance from that
22 house to the location of --

23 MR. KANAREK: Well, your Honor, may -- that's ambiguous as
24 to time. I --

25 THE COURT: Sustained.

26 MR. KANAREK: -- ask that it be stricken.

27 THE COURT: Well, there's no answer.

28 MR. KANAREK: Well, I --

1 THE COURT: The objection is sustained as to the question
2 that's pending.

3 The motion to strike is denied.

4 Q BY MR. MANZELLA: What was the distance from the
5 house you referred to as the Gresham Street house, the distance
6 from there, to Spahn Ranch?

7 A Approximately anywhere from 4-1/2 to 5 miles.

8 Q Depending on the route taken?

9 A That's correct.

10 THE COURT: That Gresham Street address was -- that
11 existed at what time?

12 THE WITNESS: The residence is still there.

13 THE COURT: What I mean is, was that same person residing
14 there in December of '69?

15 THE WITNESS: No, they did not.

16 Q BY MR. MANZELLA: The Gresham Street house about
17 which you just referred, is that also the house that's shown in
18 the photographs marked People's -- the color photographs
19 marked People's 82-A through 82-F for identification, which you
20 have already seen?

21 A Yes.

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

24 MR. KANAREK: If I may, your Honor.

25
26 RECROSS-EXAMINATION

27 BY MR. KANAREK:

28 Q Mr. Whiteley, how far ---how far is the place that

1 you located the automobile from Fountain of the World?

2 A It would be -- depending on the route -- let's take
3 five miles to Spahn's Ranch; and a mile and a half to Fountain
4 of the World.

5 Q You didn't -- you didn't place that on the map?

6 A No, I did not.

7 Q And how far -- how far is that location where you
8 found the automobile from the -- from the place where Bridget
9 lives?

10 A Who?

11 Q Bridget. Do you know Bridget?

12 A No, I don't. I don't recall the name Bridget.

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1 Q The lady to whom Mr. Shea -- or with whom Mr. Shea
2 had some dealings in connection with the sale of horses.

3 A I don't know that name.

4 Q You don't know that name.

5 And you -- in your investigation, you did not make
6 a location as to where this person named Bridget lived?

7 MR. MANZELLA: Objection, your Honor. It's outside the
8 scope of redirect examination.

9 THE COURT: Sustained.

10 Q BY MR. KANAREK: Other than the Spahn Ranch,
11 Mr. Whiteley -- I'll withdraw that.

12 Other than in connection with the Spahn Ranch, you
13 made no other map as to distance of any other place, anywhere,
14 in the whole world, --

15 MR. MANZELLA: Objection, your Honor.

16 Q BY MR. KANAREK: -- between the place that you found
17 this automobile, and a location -- let's say, where Mr. Shea
18 had lived, to your knowledge?

19 MR. MANZELLA: Objection, your Honor. It's outside the
20 scope of redirect examination.

21 THE COURT: Overruled.

22 THE WITNESS: Yes, I did.

23 Q BY MR. KANAREK: Where are those other maps?

24 A He lived at Spahn's Movie Ranch. It's located in
25 the upper left-hand corner.

26 Q Your knowledge and your investigation indicated
27 that Mr. Shea was an itinerant person; is that a fair statement?

28 MR. MANZELLA: Objection, your Honor. The question is

1 vague and ambiguous, and it's outside the scope of redirect
2 examination.

3 THE COURT: Sustained.

4 Q BY MR. KANAREK: Your investigation indicated that
5 Mr. Shea lived, slept in many places other than the Spahn
6 Ranch; isn't that a fair statement, Officer?

7 MR. MANZELLA: Objection, your Honor, on the same grounds.

8 THE COURT: Overruled.

9 THE WITNESS: Yes, it did.

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

11 MR. MANZELLA: The People call -- oh, may Sergeant
12 Whiteley be excused, your Honor?

13 THE COURT: Excuse me, Officer. When you found the
14 automobile in the location depicted in 81 and 82, the trunk was
15 locked?

16 THE WITNESS: Yes, it was.

17 Q When you saw the automobile in the Calabasas Garage,
18 were the items that you observed out of the location shown in
19 81 and 82, and in their same places?

20 MR. KANAREK: Object, your Honor, to the Court's
21 question, respectfully, on the grounds of foundation. There's
22 no showing of continuity; there's no showing -- and it's
23 irrelevant and immaterial.

24 THE COURT: All right. Sustained. The Court will
25 sustain it.

26 Did you look inside the car when you were at
27 81 -- the location at 81 and 82?

28 THE WITNESS: Yes, I did.

1 THE COURT: And you did not inspect the trunk?

2 THE WITNESS: Yes, I did.

3 THE COURT: The interior of the trunk?

4 THE WITNESS: Yes.

5 THE COURT: How did you get into the trunk?

6 THE WITNESS: I forced it open.

7 THE COURT: And you observed the foot lockers inside the
8 trunk at that time, or not?

9 THE WITNESS: Yes, I did.

10 THE COURT: Did you open the foot lockers?

11 THE WITNESS: Yes, I did. I forced them open.

12 THE COURT: Did you also look inside the car when you were
13 at 81 and 82?

14 THE WITNESS: Yes, I did.

15 THE COURT: Now, when you next saw the car at Calabasas
16 Garage, were those items that you had observed in the car
17 when you were at the location at 81 and 82 in their same
18 relative places?

19 THE WITNESS: Yes.

20 MR. KANAREK: Object, your Honor. May I ask that that
21 be stricken, if I may, for the purposes of making an objection,
22 on the grounds of no foundation; irrelevant and immaterial?
23 He has stated that he did not observe --

24 THE COURT: If you wish to argue, you may argue it at the
25 bench.

26 MR. KANAREK: If I may, your Honor.

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

1 the jury:)

2 MR. KANAREK: Your Honor, there's lack of foundation,
3 in that he has stated that he was not present when the car was
4 transported; and so we --

5 THE COURT: That's true.

6 MR. KANAREK: Yeah, that's right. And so the chain is
7 broken.

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1 THE COURT: The Court noticed that.

2 MR. KANAREK: The chain is broken; and therefore, he
3 can't testify as to what he observed at Calabasas. It may have
4 been disturbed.

5 THE COURT: Why not?

6 MR. KANAREK: Well, because -- because there has to be a
7 foundation. There has to be a continuity; just the same as
8 there is in a marijuana case, where you have to show the chain
9 of evidence.

10 And there's no chain here.

11 THE COURT: The Court realizes that, and the Court
12 realizes that the -- that perhaps "disturbed" would call for a
13 conclusion.

14 But whether those things were in the same place that
15 he saw them, do you mean to say that it's your belief that he
16 could not testify to that?

17 MR. KANAREK: Not unless there's a foundation laid as to
18 what happened to that car and the people who transported that
19 car to the Calabasas Garage.

20 THE COURT: You mean, if something is in the front seat,
21 for example, and he sees it at the curb in the location where it
22 was found, and next he sees it in the Calabasas Garage later
23 on, a day later, is it your contention that he could not testify
24 that the item that he saw in the front seat was in the same
25 place as when he saw it previously?

26 MR. KANAREK: It's a synthetic authenticity; the same way
27 as in a marijuana case, you have to have the continuity; you
28 have to have the evidence, the physical evidence must maintain --

1 there must be the foundation.

2 And you must show who has it, in the entire chain
3 of --

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

5 However, rather than have the Court proceed, the
6 Court believes that you should --

7 MR. MANZELLA: Your Honor, I was wondering, if you had
8 noticed, I had asked those questions of Sergeant Whiteley
9 previously.

10 THE COURT: I may have missed them.

11 MR. MANZELLA: We have established that he opened the
12 trunk and viewed the contents at the location where he found
13 the car.

14 THE COURT: That's true. Did you do that?

15 MR. MANZELLA: Yeah.

16 THE COURT: I missed it, then. But I don't recall that
17 you -- do you intend to put the man on who --

18 MR. MANZELLA: Who towed the car?

19 THE COURT: Yes. Do you intend to put him on?

20 MR. MANZELLA: Yes, your Honor.

21 THE COURT: I see. And you intend to establish something
22 concerning the keys, whether the keys were put there by the
23 -- whether the man found the keys, the man who towed the car,
24 or anything of that nature?

25 MR. MANZELLA: No. Sergeant Whiteley testified that he
26 found the keys under the front seat.

27 THE COURT: On the following day, in the Calabasas Garage.

28 MR. MANZELLA: Yes. And that he activated the -- well,

1 those keys have already been testified to, identified by
2 Mrs. Shea as Shorty's keys.

3 THE COURT: The Court realizes that. Yes. All right.

4 MR. MANZELLA: I don't understand the Court's question,
5 your Honor. I mean, I assumed that would be enough to show
6 that those were keys which were Shea's keys.

7 THE COURT: Well, so far as the -- so far as the keys are
8 concerned, that may be true.

9 How about the latent print man? Do you intend to
10 put him on?

11 MR. MANZELLA: Yes, your Honor.

12 THE COURT: All right. The Court will leave it -- leave
13 it to you, then, as to whether or not you believe that you have
14 sufficient record.

15 The Court overrules the objection.

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

18 THE COURT: Mr. Williams, would you read the last
19 question?

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

22 "THE COURT: Now, when you next saw the
23 car at Calabasas Garage, were those items that
24 you had observed in the car when you were at
25 the location at 81 and 82 in their same relative
26 places?

27 "THE WITNESS: Yes.")

28 THE COURT: The answer may remain. The objection's

1 overruled.

2 Anything further, gentlemen?

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

2 MR. KANAREK: Not at this time, no. Thank you, your
3 Honor.

4 MR. MANZELLA: The People call Mr. Sam Launer.

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

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 you
9 God?

10 THE WITNESS: I do.

11
12 SAM LAUNER,
13 called as a witness by the People, being first duly sworn,
14 was examined and testified as follows:

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

16 THE BAILIFF: State and spell your full name, sir.

17 THE WITNESS: Sam Launer; L-a-u-n-e-r.
18

19 DIRECT EXAMINATION

20 BY MR. MANZELLA:

21 Q Mr. Launer --

22 (Pause in the proceedings while a discussion off
23 the record ensued at the counsel table between Mr. Kanarek and
24 Mr. Manzella.)

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

26 THE COURT: No, you may not.

27 Q BY MR. MANZELLA: Mr. Launer, what is your
28 occupation?

1 A Pawnbroker.

2 Q And how long have you been a pawnbroker?

3 A About 25 years.

4 Q Where are you located now?

5 A 1612 North Vine Street.

6 Q In Hollywood?

7 A Hollywood.

8 Q How long have you been located at that address?

9 A Oh, about 11 years.

10 Q Now, as a pawnbroker, what do you do?

11 What's --

12 A We make loans on merchandise.

13 Q Now, are you required --

14 A Collateral loans.

15 Q Are you required to keep records of those trans-
16 actions?

17 A Oh, certainly.

18 Q Now, as a pawnbroker, do you have the custody and
19 access to the records which you keep of the transactions which
20 you conduct in your shop?

21 A Yes.

22 Q Now, by what term do you refer to these documents?

23 A Pledges.

24 Q Pledges?

25 A Yes.

26 Q Are they sometimes referred to as pawn tickets?

27 A Oh, the tickets? Yes. The merchandise is referred
28 to as a pledge.

1 Q All right. And the documents themselves, are
2 they sometimes referred to as pawn --

3 A Pawn tickets.

4 Q -- tickets?

5 A Yes.

6 Q And do you have custody and control and access to
7 these pawn tickets?

8 A Yes, I do.

9 Q Now, are the pawn tickets or these documents about
10 which you are referring, are they completed at the time of the
11 transaction?

12 A Yes.

13 MR. KANAREK: Your Honor, I'll object on the grounds
14 that -- that that's irrelevant and immaterial, and -- as to a
15 particular event, your Honor. What he generally does is not
16 important.

17 It's what happens in a particular case.

18 THE COURT: Sustained.

19 Q BY MR. MANZELLA: All right. Mr. Launer, do you
20 fill out the pawn documents or pawn tickets in the ordinary
21 course of business?

22 MR. KANAREK: Object, your Honor. Irrelevant and
23 immaterial.

24 THE COURT: Overruled. You may answer.

25 THE WITNESS: Yes, I do.

26 Q BY MR. MANZELLA: All right. Now, are they filled
27 out in the ordinary course of business at the time of the
28 transaction itself?

1 A Yes.

2 Q Now, approximately how many copies, if any, do
3 you make of each -- of the document of each transaction?

4 A Well, we make a copy for ourselves, a copy for the
5 customer; and attached to these pawn tickets are reports to
6 the Police Department. One is retained in our possession, and
7 one -- and two to the Police Department.

8 Q All right. And what is the purpose of giving one
9 copy to the customer?

10 MR. KANAREK: That's irrelevant and immaterial, --

11 THE COURT: Sustained.

12 MR. KANAREK: -- your Honor.

13 Q BY MR. MANZELLA: Now, do you -- are your records
14 indexed in any way, so that you can retrieve particular
15 records?

16 A Yes.

17 MR. KANAREK: Object. Calling for a conclusion; hearsay;
18 irrelevant and immaterial.

19 THE COURT: Overruled.

20 Q BY MR. MANZELLA: The answer is "yes"?

21 A Yes.

22 Q Now, are you familiar with the manner and method
23 of the preparation of these pawn tickets?

24 A Certainly.

25 Q And as a pawn broker for 25 years, have you, your-
26 self, completed and filled out many, many of these pawn tickets?

27 A Thousands of them.

28

10d
1 Q Now, are you familiar with the manner in which your
2 records are indexed?

3 A Yes.

4 Q And how are they indexed?

5 A Uh -- alphabetically.

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

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

10 Q BY MR. MANZELLA: How were they indexed?

11 A Alphabetically.

12 Q By the last name of the customer?

13 A That's correct.

14 Q And would you tell us what else this recorded?
15 Strike that.

16 Is the same information recorded on each pawn ticket
17 in the ordinary course of business?

18 A That's correct.

19 Q And what information is that?

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

21 THE WITNESS: Describing --

22 MR. KANAREK: -- irrelevant and immaterial, in the general --

23 THE COURT: Overruled.

24 THE WITNESS: We describe the articles we retain, and
25 serial numbers, complete description.

26 Q BY MR. MANZELLA: And do you also describe the
27 customer who is --

28 A Yes, certainly.

1 Q Now, Mr. Launer, did you search -- make a search
2 of your files and your records for a -- for transactions --
3 that is, pawn tickets showing transactions with a man by the
4 name of Donald Shea?

5 A Yes.

6 Q And did you find one or more documents pertaining
7 to transactions with Mr. Donald Shea?

8 A Yes.

9 Q Now, Mr. Launer, do you know the man Donald Shea?
10 The man I've referred to as Donald Shea?

11 A He was in the store two or three times.

12 Q Would you --

13 MR. KANAREK: Well, your Honor, may that be stricken as
14 not responsive? And a statement of a conclusion?

15 THE COURT: Overruled. The answer may remain in the
16 record.

17 Q BY MR. MANZELLA: And would you recognize him --
18 do you think you might be able to recognize him, if you saw a
19 photograph of him?

20 MR. KANAREK: Object, your Honor. Calling for --

21 THE COURT: Sustained.

22 MR. KANAREK: Your Honor, I would object. May I --
23 before he approaches the witness, I object on the Fourteenth
24 Amendment, due process and equal protection; and it's going to
25 be an improper lineup; that it is improper, it is -- it --
26 it denies Mr. Manson a fair trial, to put a picture in front
27 of this gentleman.

28 THE COURT: The objection is overruled.

1 MR. KANAREK: Then may we approach the bench?

2 THE COURT: No, you may not.

3 Q BY MR. MANZELLA: Mr. Launer, how often was Mr.
4 Shea in your pawnshop?

5 A Two or three times. I think it was three times.

6 MR. KANAREK: May I make a motion to inquire on voir dire,
7 your Honor?

8 THE COURT: You may not.

9 Q BY MR. MANZELLA: Would you give your answer into
10 the microphone, please?

11 A I saw him two or three times that he came to the
12 store.

13 Q Now, directing your attention to the photograph
14 which has been marked People's 46 for identification, do you
15 recognize the man shown in that photograph?

16 A Yes.

17 MR. KANAREK: Object, your Honor, on the grounds of --
18 it's not relevant, material; calling for a conclusion; and
19 improper foundation.

20 THE COURT: The objection is overruled.

21 Q BY MR. MANZELLA: By what name did you know that
22 person?

23 A Shea.

24 (Pause in the proceedings while a discussion off
25 the record ensued at the counsel table between Mr. Kanarek and
26 Mr. Manzella.)

27 Q BY MR. MANZELLA: All right. Mr. Launer, directing
28 your attention to the exhibits which have been marked

1 People's 55-A, 55-B and 55-C for identification, do you
2 recognize those documents?

3 This (indicating) is People's 55-A; this is
4 People's 55-B; and this is People's 55-C.

5 Do you recognize those three documents?

6 A These are all my handwriting.

7 Q Let me bring this microphone --

8 A These two (indicating), rather. This is --

9 Q Mr. Launer, if you would, try to speak into the
10 microphone.

11 A Okay. These two (indicating) are in my handwriting,
12 right here. This is --

13 THE COURT: Indicating what?

14 Q BY MR. MANZELLA: That's 55-A and 55-B?

15 THE WITNESS: (Indicating affirmatively.)

16 MR. MANZELLA: Yes. May the record reflect the witness
17 is referring to 55-A and 55-B, your Honor?

18 THE COURT: Yes, it may.

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1 Q BY MR. MANZELLA: And are those three documents,
2 55-A, -B, and -C documents which you found as a result of the
3 search of your records?

4 A That's correct.

5 Q Now, directing your attention to the documents
6 marked People's 55-A for identification, would you tell us
7 what that document is?

8 A That's a pawn ticket for a revolver.

9 Q And does that document -- strike that.

10 Did you handle that transaction personally?

11 A Yes, I did.

12 Q And does that represent a transaction you had with
13 Mr. Donald Shea, the man you've identified in the photograph?

14 A Yes.

15 MR. KANAREK: Calling for a conclusion; improper foundation,
16 your Honor; irrelevant and immaterial.

17 THE COURT: Overruled. You may answer.

18 THE WITNESS: That was Donald Shea.

19 Q BY MR. MANZELLA: Now, did you complete that
20 document -- that is, 55-A -- in the ordinary course of business
21 at the time you had the transaction with Donald Shea?

22 A That's correct.

23 Q Now, would you tell us -- strike that.

24 Does that pawn ticket, 55-A, represent a
25 transaction in which Mr. Shea pawned certain property with you?

26 A That's correct.

27 Q Now, does the -- strike that,

28 What property was pawned with you?

1 A A revolver.

2 MR. KANAREK: Object, your Honor, on the grounds not the
3 best evidence; improper foundation; the document speaks for
4 itself.

5 THE COURT: Overruled.

6 Q BY MR. MANZELLA: And what did Mr. Shea pawn with
7 you, as represented in People's 55-A?

8 A A revolver.

9 Q And was there any further identification on that
10 revolver -- that is, shown in your records, People's 55-A?

11 A Yes.

12 MR. KANAREK: Object, your Honor. May I object on the
13 grounds of foundation, and may the record reflect that as the
14 witness is testifying, he appears to be looking and reading
15 from these exhibits that Mr. Manzella has --

16 THE COURT: The objection is overruled.

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11-1

1 MR. KANAREK: May the record -- is that a fair state-
2 ment, your Honor, that he is reading from them?

3 THE COURT: The Court does not know that.

4 Q BY MR. MANZELLA: All right, Mr. Launer, is there
5 a further description of the revolver pawned by Mr. Shea as
6 represented in the document, People's 55-A for identification?

7 A Yes, there is.

8 Q What is that further description?

9 A "A Colt Dakota .45 caliber, seven and a half
10 inch barrel, blue color, and a brown attache case, serial
11 No. 2421."

12 THE COURT: The record may show that Mr. Launer is
13 consulting the record he has in his hand.

14 Q BY MR. MANZELLA: Now, Mr. Launer, on what date
15 was that transaction had, the one represented by People's
16 55-A for identification?

17 MR. KANAREK: Object, your Honor, on the grounds of
18 hearsay, no foundation, not the best evidence, irrelevant
19 and immaterial. The document -- if it has any probative
20 value, is the evidence. Not this witness's testimony.

21 THE COURT: Sustained.

22 Q BY MR. MANZELLA: All right, Mr. Launer, on
23 what date did Mr. Shea pawn that revolver?

24 MR. KANAREK: Object, your Honor.

25 Your Honor, it is the same question. The
26 document --

27 THE COURT: Sustained.

28 MR. MANZELLA: Your Honor, if I may be heard briefly.

11-2

1 These documents may not be easily read by people who are
2 not pawnbrokers. That's why I am asking Mr. Launer to
3 interpret these documents, your Honor, and I think that's
4 permissible.

5 THE COURT: Mr. Launer, does the date appear on the
6 document?

7 THE WITNESS: Yes, it does.

8 MR. KANAREK: The document must speak for itself,
9 your Honor, that's the law.

10 THE COURT: Did you enter the date on the document?

11 THE WITNESS: Yes. Yes, your Honor.

12 THE COURT: As of the date of the transaction?

13 THE WITNESS: Yes, your Honor.

14 MR. KANAREK: May I respectfully object to the Court's
15 question. That's calling for a conclusion and I would ask
16 to inquire on voir dire as to whether this man has an
17 independent --

18 THE COURT: The objection is overruled. The answer
19 may remain. The objection to the District Attorney's
20 question is sustained, however.

21 Q BY MR. MANZELLA: Mr. Launer, would you -- strike
22 that.

23 All right, Mr. Launer, does the date of the
24 transaction appear on People's 55-A?

25 A Yes.

26 Q And this is the transaction which you handled
27 yourself, is that right?

28 A Yes, I did.

11-3

1 Q Your writing appears on People's 55-A?

2 A That is correct.

3 Q All right. And did you place the date on the
4 document at the time of the transaction?

5 A Yes.

6 MR. KANAREK: Calling for a conclusion, your Honor,
7 and ask the answer be stricken so I may --

8 THE COURT: The objection is overruled.

9 Q BY MR. MANZELLA: Did you place the identifica-
10 tion of the property pawned on People's 55-A at the time of
11 the transaction?

12 A At the time of the transaction, yes.

13 Q You did both of those things in the ordinary
14 course of business, is that correct?

15 A That is correct.

16 Q Now, Mr. Launer, would you circle with the red
17 felt pen I have just handed you, the date which appears
18 on People's 55-A for identification?

19 A It appears in two places.

20 Q All right. Would you circle both of those
21 places, please?

22 A Yes.

23 Q And you circled the date which is February 3,
24 1969, is that correct?

25 A That's correct. It appears to be my anniversary
26 date.

27 Q The anniversary of your marriage?

28 A My wedding, yes.

11-4

1 Q Now, Mr. Launer, the signature on People's 55-A --
2 A It is in two places here.
3 Q Two places.
4 Yes, the signature on both lines marked with an
5 X, the one more or less at the top portion of the document
6 and the other at the bottom portion of the document which
7 purports to be the signatures of Donald Shea, were you
8 present when that signature was signed on those two lines?
9 A Yes.
10 MR. KANAREK: Object on the grounds there is no
11 foundation, and I would ask to inquire on voir dire.
12 THE COURT: Your motion to inquire is denied. The
13 objection is overruled. And the witness may answer.
14 Q BY MR. MANZELLA: Were you present when those two
15 signatures were signed on those two lines?
16 A That is correct.
17 Q And did Mr. Shea sign those two signatures?
18 A The tickets -- he has to sign it first before
19 he gets the -- the objects can be redeemed.
20 MR. KANAREK: Object, your Honor.
21 THE COURT: The objection is overruled. I didn't hear
22 the answer.
23 Q BY MR. MANZELLA: Mr. Launer, would you tell us
24 did Mr. Shea sign in your presence on those two lines the
25 signatures on those two lines?
26 A Yes.
27 MR. KANAREK: Your Honor had a request?
28 THE COURT: The objection is overruled.

11-5

1 MR. KANAREK: Your Honor hadn't heard a certain portion--

2 MR. MANZELLA: I reasked the same question, your
3 Honor, for that purpose.

4 THE COURT: Yes, you may answer the question.

5 Did you answer?

6 THE WITNESS: Yes, I did.

7 MR. MANZELLA: May I inquire if the reporter got the
8 answer, your Honor?

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

11 "A Yes.")

12 Q BY MR. MANZELLA: And the address of 8010
13 Hollywood Boulevard which appears on People's 55-A, was that
14 placed there by Mr. Shea?

15 A Yes.

16 MR. KANAREK: Same objection.

17 THE WITNESS: Yes.

18 THE COURT: Same ruling. The answer may remain.

19 Q BY MR. MANZELLA: And was it placed there at
20 the time of the transaction?

21 A Yes.

22 Q Now, Mr. Launer, did you loan Mr. Shea some
23 money on that revolver?

24 A Yes, sir.

25 Q Let me ask you this, was the brown case which
26 you referred to, the brown attache case, was that also part
27 of the transaction?

28 A Yes.

11-6

Q And did you loan him money on both the case and the revolver?

11a fls.

A Yes.

11-7

1 Q How much money did you loan him?

2 A \$20.

3 Q Now, Mr. Launer, directing your attention to
4 People's 55-B for identification.

5 A Yes.

6 Q Would you tell us what that document is?

7 A That's a pawn ticket in my handwriting.

8 Q And does that pawn ticket, 55-B, represent a
9 transaction which you personally handled?

10 A Yes, it does.

11 Q Does your writing appear on People's 55-B?

12 A Yes, it does.

13 Q Was that pawn ticket completed by you in the
14 ordinary course of business?

15 A Yes.

16 Q Was it completed at the time of the transaction?

17 A At the time of the transaction.

18 Q And do you know with whom you had the transaction,
19 represented by People's 55-B?

20 A Yes.

21 Q Who was that?

22 A Donald Shea.

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

24 THE COURT: The objection is overruled. The answer
25 may remain in the record.

26 Q BY MR. MANZELLA: You had the transaction with
27 Donald Shea?

28 A That is correct.

11-8

1 Q In the ordinary course of business, at the time
2 of the transaction, did you, yourself, identify the property
3 which was pawned in that transaction?

4 A Yes, I did.

5 Q And what property was pawned in that transaction?

6 A A revolver, a Colt Dakota .45 caliber, seven and
7 a half inch barrel, blue in color, and a brown attache case,
8 serial No. 2422.

9 Q And in the ordinary course of business, during
10 the time of that transaction, did you, yourself, note the
11 date on which the transaction occurred?

12 A Yes, I did.

13 Q What was that date?

14 A February 3.

15 Q 1969?

16 A 1969.

17 Q Now, does the signature Donald Shea appear on
18 two lines in that document, People's 55-B?

19 A Yes, it does.

20 Q And are both of those lines the ones marked with
21 X's?

22 A That's correct.

23 Q And were those signatures placed thereon in
24 your presence?

25 A Yes, they were.

26 Q And were they placed there at the time of the
27 transaction?

28 A Yes, sir.

11-9

1 Q Who places those signatures on those lines?

2 A Donald Shea.

3 Q Now, Mr. Launer, did you loan some money on that
4 revolver, serial No. 2422 to Mr. Shea at the time of that
5 transaction?

6 A Yes, I did.

7 Q How much money did you loan?

8 A \$20.

9 Q All right. Mr. Launer, directing your attention
10 to People's 55-C for identification, the last document which
11 appears in this exhibit?

12 A Yes, sir.

13 Q Now, does that document reflect the transaction
14 had at your store?

15 A Yes, it does.

16 Q Now, did you personally handle that transaction?

17 A No, I did not.

18 Q Have you examined that document, People's 55-C
19 for identification?

20 A Yes.

21 Q Does that document, based on your experience and
22 based on your knowledge of the manner and means by which
23 these -- the pawn tickets are completed, does that document
24 appear to be completed in the ordinary course of business?

25 MR. KANAREK: Objection, your Honor. I must object
26 on the grounds no foundation, calling for a conclusion,
27 hearsay, irrelevant and immaterial.

28 THE COURT: Sustained on the first ground.

11-10

1 Q BY MR. MANZELLA: All right. All right, Mr. Launer,
2 directing your attention to People's 55-A for identification
3 -- strike that.

4 Mr. Launer, when a person comes in to repay the
5 loan and get his property back, do you call that a redemption?

6 A That is correct.

7 Q Now, do you follow, in the ordinary course of
8 business, a procedure by which a person redeems his property?

9 MR. KANAREK: That's irrelevant and immaterial. It is
10 what happened in this case that counts, your Honor.

11 THE COURT: Overruled. You may answer.

12 A Yes.

13 Q BY MR. MANZELLA: And are certain documents
14 completed or information placed on certain documents at the
15 time a person redeems property he's pawned with you?

16 A Yes.

17 Q And are you required to keep those documents and
18 maintain those documents the same way you were required to
19 keep the pawn tickets?

20 A That is correct.

21 Q Now, referring to People's 55-A for identifica-
22 tion, the first document which you looked at.

23 A Yes.

24 Q Does that document indicate whether or not the
25 property which was pawned, that is the revolver, serial No.
26 2421, and a brown attache case, was redeemed?

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

28 THE COURT: Overruled.

11-11

1 A Yes.

2 Q BY MR. MANZELLA: And how does the document show
3 that the property was redeemed? What is on the document
4 which indicates that?

5 A That's the -- the ticket issued to the -- issued
6 to the person who pawned -- at the time of the loan he must
7 sign his name.

8 Q And is that -- is the name signed on People's
9 55-A for identification?

10 A Yes, yes, it is.

11 Q What is placed -- other than the -- strike that.
12 What signature appears thereon?

13 A "Donald Shea."

11b fls 13

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11b-1

1 Q Now, other than the signature of the person who
2 redeems the property, is any other writing or marking or
3 printing placed on the pawn ticket at the time the redemption
4 is made?

5 A Just it is stamped and the date of redemption.

6 Q All right. Does the date of redemption appear
7 -- strike that.

8 Is that stamp placed on the pawn ticket, the
9 redemption stamp placed on the pawn ticket in the ordinary
10 course of business?

11 A Yes, it is.

12 Q And is it stamped on the pawn ticket at the time
13 the property is redeemed?

14 A That is correct.

15 Q And is the date on which the revolver 2421 and the
16 brown attache case redeemed, does that date appear on
17 People's 55-A for identification?

18 A Yes.

19 MR. KANAREK: Object, not the best evidence. The
20 document speaks for itself.

21 THE COURT: The objection is overruled. The answer
22 may remain in the record.

23 Q BY MR. MANZELLA: What was that date?

24 A March.

25 MR. KANAREK: Again, it is not the best evidence. The
26 document speaks for itself.

27 THE COURT: The objection is overruled.

28 A March 5th, 1969.

11b-2

1 Q BY MR. MANZELLA: All right, directing your
2 attention to the second document, that's People's 55-B for
3 identification.

4 A Yes, sir.

5 Q The -- the pawn ticket reflecting the transaction
6 involving the revolver, serial No. 2422.

7 Does the -- does that pawn ticket indicate whether
8 or not the revolver was redeemed?

9 A Yes, it was.

10 Q Does it indicate the signature of the person that
11 redeemed that revolver?

12 A Yes, it does.

13 Q And what is that signature?

14 A "Donald Shea."

15 Q And did -- does the stamp, redemption stamp appear
16 on People's 55-B?

17 A Yes.

18 Q Does it -- is the date on which the redemption
19 is made indicated on People's 55-B?

20 A Yes.

21 Q What is that date?

22 A May 14, 1969.

23 Q Now, Mr. Launer, directing your attention to the
24 exhibits which have been marked People's 56 for identification.
25 Does 56 -- 56-A, 56-B, 56-C for identification, do you
26 recognize those three documents as having seen them before?

27 A Yes.

28 Q Can you tell us what they are?

11b-3

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A We --

MR. KANAREK: Object, hearsay, your Honor.

THE COURT: Overruled.

MR. KANAREK: May I make argument at the bench, your Honor?

THE COURT: No, you may not.

What are they, generally speaking?

THE WITNESS: These are all copies of the ticket here.

Q BY MR. MANZELLA: In other words, People's --

A These are the police copies and are copies that remain in our files as a police report. It is marked right here.

Q In other words --

A Pawnbroker's report to the Police Department.

Q People's 56-A for identification is a copy of People's 55-A for identification?

A That is correct.

Q And People's 56-B for identification is a copy of People's 55-B for identification?

A That is correct.

Q People's 56-C is a copy of People's 55-C for identification?

A That is correct.

12 fls.

12-1

1 Q And they are carbon copies; is that correct?

2 A That is correct.

3 THE COURT: We'll recess at this time, ladies and
4 gentlemen, until 1:45, rather than 2:00 o'clock. 1:45.

5 You are admonished that you are not to converse
6 amongst yourselves, nor with anyone else, nor permit anyone
7 else to converse with you on any subject connected with this
8 matter, nor to form or express any opinion on the matter
9 until it is finally submitted to you.

10 I will see you at 1:45.

11 (Whereupon, at 12:02 o'clock p.m., an adjournment
12 was taken until 1:45 o'clock p.m. of the same day,
13 Wednesday, September 15, 1971.)
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12a-1

1 LOS ANGELES, CALIFORNIA, WEDNESDAY, SEPTEMBER 15, 1971

2 1:53 P.M.

3 ---O---

4 THE COURT: All right. The record will show that the
5 jurors are all assembled. Both attorneys are now present.

6 Mr. Kanarek, we were waiting for you at 1:45.

7 MR. KANAREK: Yes, your Honor. I -- it's a --

8 THE COURT: I'll hear from you later.

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

10 THE COURT: Mr. Launer?

11
12 SAM LAUNER,

13 the witness on the stand at the time of the noon recess,
14 resumed the stand and testified further as follows:

15 THE CLERK: You are still under oath. Be seated and
16 state your name again.

17 THE WITNESS: Sam Launer; L-a-u-n-e-r.

18
19 DIRECT EXAMINATION (CONTINUED)

20 BY MR. MANZELLA:

21 Q Mr. Launer, directing your attention to the
22 documents which have been marked People's 57 for identification,
23 do you recognize those documents?

24 A Yes, I do.

25 Q And are those documents you found as a result of
26 the search of your records?

27 A Yes, I did.

28 Q All right. Directing your attention to the first

1 document in the series, People's 57-A for identification, does
2 that document represent a -- is that document a pawn ticket
3 representing a transaction that you personally handled?

4 A Yes.

5 Q And did you fill out -- does your writing appear on
6 that document?

7 A Yes, it does.

8 Q Did you fill that out in the ordinary course of
9 your business during the time you were conducting the
10 transaction?

11 A Yes.

12 Q Now, with whom did you have the transaction
13 reflected in People's 57-A?

14 A Donald Shea.

15 Q Is that the same man whose photograph you've
16 already identified?

17 A Yes.

18 Q Now, will you tell us, Mr. Launer, does the
19 property which was pawned -- which Mr. Shea pawned in that
20 transaction -- is that identified on People's 57-A?

21 A Yes, it is.

22 Q And did you enter or complete the description of that
23 document on -- strike that.

24 Did you complete the description of that property
25 on People's 57-A?

26 A Yes.

27 Q All right. What was that property that was
28 pawned?

1 A That was a revolver, Colt Dakota, .45 caliber, blue,
2 7-1/2 inch barrel; and brown attache case; serial number 2421.

3 Q And did you, on People's 57-A, enter the date of
4 the transaction?

5 A Yes, I did.

6 Q And what date did Mr. Shea pawn these items?

7 A July 28th, 1969.

13 1 Q Now, the signature of Donald Shea, which appears in
2 two places on that document, was that signed in your presence?

3 A Yes, it was.

4 Q Who signed that signature on the document?

5 A Donald Shea.

6 Q And the address which appears thereon, 8010 Holly-
7 wood Boulevard, who placed that address on the document?

8 A Donald Shea.

9 Q Now, in the ordinary course of your business, during
10 the time that you were conducting this transaction with
11 Mr. Shea -- strike that.

12 How much money did you loan on that -- on the
13 revolver, serial number 2421 in the brown attache case?

14 A \$25.

15 Q Now, in the ordinary course of business, during the
16 course of the transaction, did you enter on the document the
17 date on which the transaction took place?

18 A Yes.

19 Q And what date did the transaction take place?

20 A July 28, 1969.

21 Q Now, Mr. Launer, directing your attention to this
22 next document in the series, People's 57-B for identification?

23 A Yes, sir.

24 Q Is that a pawn ticket representing the
25 transaction which you personally handled?

26 A Yes, it is.

27 Q Does your writing appear thereon?

28 A Yes.

1 Q Did you, in the ordinary course of business,
2 during the course of that transaction, enter a description of
3 the property which was pawned?

4 A Yes.

5 Q What property was pawned?

6 A A revolver, Colt Dakota, .45 caliber, 7-1/2 inch
7 barrel, blue in color, serial number 2422.

8 Q Did you, in the ordinary course of business, during
9 the time that you were conducting that transaction, enter the
10 date on which the transaction occurred?

11 A Yes, sir.

12 Q And on what date did the transaction occur?

13 A July 25, 1969.

14 Q And with whom did you have that -- strike that.
15 Who pawned the revolver shown in People's 57-B
16 for identification?

17 A Donald Shea.

18 Q Now, directing your attention to the signatures of
19 Donald Shea which appears in two places on People's 57-B.

20 Were those signatures signed in your presence?

21 A They were.

22 Q Who signed those signatures?

23 A Donald Shea.

24 Q Is that the same man you've identified in the
25 photographs that I have shown you?

26 A Yes.

27 Q All right. Can you tell us how much you loaned
28 on that revolver, serial number 2422, on July 25, 1969?

1 A. \$20.

2 Q Is that reflected on the document, People's 57-B?

3 A. Yes, it is.

4 Q Now, Mr. Launer, the description which appears in

5 the lower portion of People's 57-B, just above the signature

6 of Donald Shea.

7 A. Yes.

8 Q Did you enter that description on the document?

9 A. Yes.

10 Q Was this during the time that you were conducting

11 the transaction?

12 A. That is correct.

13 Q And who is that description of?

14 A. The description of the party that signed it.

15 Q To whom does that description pertain?

16 A. Donald Shea, yes.

17 Q Now, Mr. Launer, do you recall how you arrived at

18 the figure which you loaned to -- the figure, the amount of

19 money which you loaned to Mr. Shea in the transactions repre-

20 sented on both People's 55 that you have already looked at and

21 People's 57, which are in front of you?

22 A. Well, he asked for that amount of money.

23 Q Now, Mr. Launer, during the 25 years you've been

24 a pawnbroker, have you handled guns before?

25 A. Many, many times.

26 Q Do you have some experience in determining the

27 value of guns?

28 A. Fairly good experience. Unless they're unusual,

1 unusual value put on it, but some other --

2 Q Please speak up.

3 A I wouldn't be an expert, but in my line of business
4 it isn't necessary to be an expert.

5 Q All right. And do you place the value that you
6 would be willing to loan on guns that are brought to you to be
7 pawned?

8 A Yes.

9 MR. KANAREK: Irrelevant, your Honor.

10 THE WITNESS: Approximately --

11 MR. KANAREK: The man has stated he is not an expert.

12 THE COURT: The objection is late. The answer may remain.

13 Q BY MR. MANZELLA: During the course of your 25
14 years as a pawnbroker, can you tell us, if you can, during how
15 many of those years you've taken guns into -- and loaned money
16 on guns?

17 MR. KANAREK: Irrelevant, immaterial.

18 THE WITNESS: I have no idea. So many times.

19 THE COURT: Overruled.

20 Q BY MR. MANZELLA: Please speak into the microphone.

21 A So many times. I have no idea how many times.
22 Hundreds of times.

23 Q Now -- strike that.

24 Directing your attention, Mr. Launer, to the guns
25 which have been marked People's 53-A and 53-B for identification.
26 I have examined those guns and neither is loaded.

27 Have you seen those guns before?

28 A Yes, sir.

14-1

1 Q And when and where have you seen those guns
2 before?

3 A These are the guns that were pledged on these
4 tickets.

5 Q Are those the guns that are shown in each of the
6 transactions about which you've testified so far?

7 A Yes. 2422, 2421; these are the serial numbers.

8 Q Now, can you tell us how you recognize the guns,
9 People's 53-A and 53-B?

10 A By the looks of the gun, and by the serial
11 numbers.

12 Q And did you, during the transaction which you
13 had with Mr. Shea on July 25th of 1969, did you have any
14 conversation with Mr. Shea with regard to either one or
15 both of those guns?

16 A I thought they were very nice guns. I remarked
17 about it, and he thought quite highly of them.

18 Q Who talked quite highly of them?

19 A Donald Shea.

20 Q Did he say that to you?

21 A Yes, sir, he did.

22 Q Now, Mr. Launer, you stated that you had placed
23 a value that you would be willing to loan on guns which were
24 not unusual, during the course of your 25 years as a pawnbroker.

25 Directing your attention to these guns, People's
26 53-A and -B for identification, would you say that they were
27 unusual?

28 MR. KANAREK: Object, your Honor. That's ambiguous, --

14-2

1 THE WITNESS: I really --

2 MR. KANAREK: -- and it --

3 THE WITNESS: They're matched guns, and -- and I imagine
4 they're fairly valuable. I have no idea of the exact amount.

5 Q BY MR. MANZELLA: Did you determine at the time
6 you were conducting these transactions with Mr. Shea the
7 maximum amount that you would loan on each gun?

8 A I figured about \$50 on each one.

9 Q On each gun?

10 A (Indicating affirmatively.)

11 Q I'm sorry; I didn't hear you.

12 A Yes. \$50 on each gun.

13 Q Now, Mr. Launer, directing your attention to the
14 next document in People's 57, do you recognize that document?

15 A Yes. This is a customer's copy.

16 Q Of the pawn ticket?

17 A Of the original pawn ticket.

18 Q And is 57-C a copy of one of the -- strike that.

19 Is People's 57-C the customer's copy of People's
20 57-A, which is the first document?

21 A Yes.

22 MR. KANAREK: Your Honor, I ask that that be stricken.
23 That calls for a conclusion, your Honor.

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

25 Q BY MR. MANZELLA: Now, on July 28th, 1969, the
26 date of the transaction reflected in People's 57-A, what was
27 done, and what did you do with People's 57-C for identification--
28 that is, the customer's copy -- if anything?

14-3

1 MR. KANAREK: Objected to. Calling for a conclusion.

2 THE WITNESS: I redeemed --

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

5 Q BY MR. MANZELLA: Now, under date of the original
6 transaction, --

7 A Oh, yeah.

8 Q -- when the gun was pawned, --

9 A Yes.

10 Q -- what if anything did you do with the customer's
11 copy, People's 57-C?

12 MR. KANAREK: Calling for a conclusion.

13 THE WITNESS: I gave it to Donald Shea.

14 MR. KANAREK: I -- may I --

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

17 MR. KANAREK: Would your Honor ask the witness to
18 refrain --

19 THE COURT: If there is an objection, wait until the
20 Court rules on the objection, if you would, sir.

21 THE WITNESS: Okay, sir.

22 Q BY MR. MANZELLA: You gave People's 57-C to
23 Donald Shea at the time that he pawned the guns; is that
24 correct?

25 A Yes, sir.

26 Q Now, is there anything -- any mark -- are there
27 any markings on People's 57-C, which indicates that the
28 revolver and the case were redeemed?

A Yes.

14a fls.

lra-1
1 Q And would you tell us what that marking is, which
2 indicates that?

3 A It's a REDEEMED stamp on there.

4 Q Is that the same redemption stamp about which
5 you've testified earlier?

6 A Yes.

7 Q And is that placed on there in the ordinary course
8 of business, at the time the articles are redeemed?

9 A Yes.

10 Q And in the ordinary course of business, during the
11 time of the transaction, when the article is being redeemed,
12 is the date that the article is being redeemed placed on the
13 customer's copy? That is, People's 57-C for identification?

14 A Yes.

15 Q Now, what was the date on which the revolver and
16 the case -- that is, revolver number 2421 -- were redeemed?

17 A September -- I can't read it too well. September
18 the 8th. It's kind of dark there, and I can't make it out too
19 well.

20 Q It appears to you to be September the 8th?

21 A Yes.

22 Q All right. Now, you have told us what is required
23 when you -- what information you require from the person who
24 is pawning certain items; that is, his description and
25 identification of property to be pawned.

26 A Yes.

27 Q Do you -- when that property is redeemed, in the
28 ordinary course of business, and at the time that the property

1 is being redeemed, do you place any information on the pawn
2 ticket, at the time the property is being redeemed?

3 A Yes.

4 Q What information is that?

5 A Just the signature of whoever redeems it.

6 Q Do you place -- do you require any identification
7 from the person who is redeeming the property?

8 A Yes.

9 Q And do you require that that person have the
10 customer's copy of the pawn ticket itself?

11 A That is the most important thing.

12 Q Now, directing your attention to -- to People's 57-0
13 for identification -- that is, the customer's copy which has
14 the redemption stamp (indicating) thereon --

15 A Yes.

16 Q -- has any identification of the person who
17 redeemed the property been placed on that ticket?

18 MR. KANAREK: Object, your Honor. Hearsay.

19 THE WITNESS: Yes.

20 MR. KANAREK: If I -- If I may, your Honor?

21 And also on foundation. I don't believe that --

22 THE COURT: Sustained. I'll strike the answer.

23 Q BY MR. MANZELLA: All right. Was that information
24 placed on the redemption ticket in the ordinary course of
25 business at the time that the property was redeemed?

26 A Yes.

27 MR. KANAREK: No foundation, your Honor.

28 THE COURT: Sustained. The answer is stricken.

1 Q BY MR. MANZELLA: All right. Mr. Launer, did you --
2 does that information appear in your handwriting?

3 A Yes, it does.

4 Q And did you personally handle that transaction?

5 A Yes, I did.

6 Q And did you place the -- a description of the
7 individual who redeemed the property on the back of People's
8 57-C? That is, the redemption ticket?

9 A Yes.

10 Q Now, what information did you place thereon?

11 A I've got it on the back here. Let's see.
12 Instructor's Permit -- that's a driver's license -- serial
13 number CC225346.

14 And the name of that -- issued to Richard Allen
15 Smith, 8350 Collegio Drive, L.A. 45.; and --

16 Q Did you place a description of the person on the
17 People's 57-C, the redemption ticket?

18 A Yes.

19 Q And what was that -- what description did you
20 place on the redemption ticket?

21 A What was on his ticket -- on his license.

22 Q All right.

23 A And that was: "Male, brown hair, brown eyes,
24 five feet five, 130 pounds, born June the 20th, 1942."
25 And issued in Nevada, Arizona.

26 Q All right. Now, directing your attention to
27 the front of People's 57-C, the redemption ticket, does the
28 signature of the person who redeemed one of the revolvers --

1 does that -- does the signature of that person appear on the
2 front of the redemption ticket?

3 A Yes.

14b

14b-1

1 MR. KANAREK: Conclusion and hearsay, your Honor; no
2 foundation.

3 THE COURT: Overruled. The answer may remain.

4 Q BY MR. MANZELLA: And was that signature placed
5 thereon in your presence?

6 A Yes, it was.

7 Q And what signature appears thereon?

8 A "R. A. Smith."

9 Q And was that the signature of the -- was that
10 signature placed on there by the person who presented to you
11 the driver's license from which you obtained the information?

12 A Yes, sir.

13 MR. KANAREK: Hearsay, conclusion; no foundation, your
14 Honor.

15 THE COURT: The answer is stricken. The Court sustains
16 the objection.

17 Q BY MR. MANZELLA: All right. Mr. Launer, was
18 the person who signed "R. A. Smith" on the front of -- of
19 People's 57-C for identification, was that the person who
20 presented to you the driver's license from which you obtained
21 the information which you placed on the back of People's 57 --

22 A Yes, sir.

23 Q -- C?

24 MR. KANAREK: Objection, your Honor.

25 Q BY MR. MANZELLA: And that was done in your
26 presence; is that correct?

27 MR. KANAREK: Conclusion; no foundation, your Honor.
28 Object to it on those grounds.

14b-2

1 THE COURT: The objection is overruled.

2 THE WITNESS: Yes.

3 Q BY MR. MANZELLA: Now, Mr. Launer, was the person
4 who signed the signature "R. A. Smith," was that Mr. Donald
5 Shea?

6 MR. KANAREK: Object, your Honor.

7 THE WITNESS: No.

8 MR. KANAREK: Calling for a -- may I --

9 THE COURT: All right. The answer is stricken.

10 You may complete your objection.

11 MR. KANAREK: Your Honor, it calls for a conclusion;
12 there's no foundation; hearsay; irrelevant and immaterial.

13 THE COURT: Sustained.

14 You may rephrase your question.

15 Q BY MR. MANZELLA: Mr. Launer, you personally
16 handled the transaction, as you've already testified; is
17 that correct?

18 A Yes.

19 Q And did you see the person with whom you had this
20 transaction?

21 A Yes.

22 Q And did you look at him and his face during the
23 course of the transaction?

24 A Yes, I did.

25 Q All right. Was the person who signed the
26 signature "R. A. Smith" on People's 57-G, about which you've
27 already testified, was that Donald Shea?

28 A No.

14b-3

1 MR. KANAREK: Object; calling for a conclusion; without
2 proper foundation, your Honor.

3 THE COURT: The objection is overruled. The answer may
4 remain in the record.

5 Q BY MR. MANZELLA: All right.

6 Mr. Launer, directing your attention to the
7 document marked People's 57-D for identification, which is
8 the last document in the series, is that one of the documents
9 which you obtained as a result of the search of your records?

10 A Yes, sir.

11 Q And would you tell us what that document is?

12 A That is on the revolver, Colt, Dakota, .45 caliber,
13 seven and a half inch barrel, blue, serial number 2422.

14 Q And does that document show that that revolver
15 was redeemed on a certain date?

16 A Yes, it does.

17 Q And did you -- does your handwriting appear on
18 that document?

19 A As a -- yes, sir.

20 Q And did you personally handle the redemption,
21 the transaction involving the redemption of that revolver,
22 serial number 2422?

23 A Yes, sir.

24 Q Now, during that transaction, the redemption of
25 revolver No. 2422, in the ordinary course of business, did
26 you place the date on which the redemption occurred on
27 People's 57-D?

28 A Yes, sir.

14b-4

1 Q And is that shown by your redemption stamp, again?

2 A Yes, sir.

3 Q And what date did you place on the document?

4 A September 22nd -- September 2nd, 1969.

5 Q Now, again, directing your attention to the front
6 of that document, and in particular the line wherein appears
7 the signature -- what appears to be "R. Smith," did the
8 person who redeemed revolver No. 2422 place his signature --

9 A Yes, sir.

10 Q -- on that line?

11 And did the person who placed his signature,
12 "R. Smith," on that line, was that Donald Shea, the man you
13 knew as Donald Shea?

14 A No.

14c fls.

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14c-1

1 Q Mr. Launer, directing your attention to People's
2 59 for identification, do you recognize what is shown in that
3 -- or, strike that.

4 Do you recognize that document?

5 A Yes, sir.

6 Q And is that document a copy of People's 57-D for
7 identification?

8 A Yes.

9 Q And that's a carbon copy; is that correct?

10 A That's correct.

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

13 THE COURT: Any questions, Mr. Kanarek?

14 MR. KANAREK: Yes. Thank you, your Honor.

15 (Pause in the proceedings while a discussion
16 off the record ensued at the counsel table between
17 Mr. Kanarek and Mr. Manzella.)
18

19 CROSS-EXAMINATION

20 BY MR. KANAREK:

21 Q Mr. Launer, directing your attention to these two
22 guns, sir, --

23 A Yes, sir.

24 Q -- are these the guns that were redeemed by the
25 person who called himself Mr. Smith?

26 A Yes, sir.

27 Q And --

28 THE COURT: Now, speak into the microphone.

14c-2

1 THE WITNESS: I looked at the numbers before, and these
2 are the same numbers that we have on our documents.

3 Q BY MR. KANAREK: And are those the same guns
4 that you tell us were pawned by Mr. Shorty Shea? The man
5 you called Mr. Shorty Shea?

6 A Yes.

7 Q And you tell us that you knew that Mr. Shea had
8 pawned those guns previously; is that right?

9 A The documents are here (indicating).

10 Q Well, I know the documents are there, sir.

11 A Well, which "previously" do you mean? Which --

12 Q Well, previous to this time.

13 A One of them would be the original one; and the
14 others would be -- then it would be previous to the
15 following ones.

16 It was put in more than one time.

17 Q Mr. Launer, if you would try to listen to my
18 question? Before -- before Mr. Smith redeemed these guns,
19 you had had transactions, you tell us, with Mr. Shea?

20 A That's correct.

21 Q And at the time that you gave these guns to Mr.
22 Smith, you tell us you knew Mr. Shea by sight?

23 A Yes, I did.

24 Q Now, was your state of mind such that you
25 thought that Mr. Smith was an agent of Mr. Shea?

26 A I don't remember anything like that.

27 Q At the time that you dealt with Mr. -- with the
28 person that you say is Mr. Shea, did you make any particular

14c-3

1 note of the transaction?

2 A No, except I remember --

3 Q Did you make any note of the transaction,
4 different than you made for all the other thousands of
5 transactions that you have entered into in the -- in your
6 business as a pawnbroker?

7 A Do you mean mentally? Or physically?

8 Q Well, let's say -- let's say physically.

9 A No, I didn't.

10 Q Now, directing your attention to Mr. Shea,
11 mentally, did you take any notice of Mr. Shea, as opposed
12 to the many, many thousands of other people that you have
13 dealt with in the pawnbrokering business?

14 A You mean the first time I saw him?

15 Q Well, let me ask you this.

16 A Yes, sir.

17 Q When was it that you first had occasion to recall
18 any transactions with Mr. Shea, in connection with the matter
19 that you are now testifying to?

20 A Oh, it was quite a while afterwards.

21 Q How long afterwards?

22 A I really don't remember the dates. I would have
23 to refer to my -- these documents.

24 Q Well, give us your best estimate, referring to the
25 documents if you so desire, Mr. Launer, and tell us when you
26 first had occasion to remember any transaction with Mr. Shea
27 after you -- after you had the transaction.

28 A The first transaction, according to the tickets --

14c-4

1 Q Would you listen to the question?
2 A Yes. I'm listening.
3 Q The question merely calls for a time answer.
4 I am asking you when --
5 A I would have to refer to the documents.
6 Q All right. Refer to the documents, and -- and
7 refresh your recollection, if you so desire, Mr. Launer.
8 A Yes, sir.
9 Q And then, if you would, tell us the time, the date.
10 A The date, February 3rd, 1969.
11 Q Is the first time that you recollected -- or is
12 that the date of the transaction?
13 A That was the date of the transaction -- I think
14 that was the date of the first transaction.
15 Q My question is: When, after that date, did you
16 first have occasion to recollect that transaction of
17 February 3rd, 1969?
18 A When he brought them in again.
19 THE REPORTER: I'm sorry? What was that?
20 THE WITNESS: When he brought them in to pawn again.
21 Q BY MR. KANAREK: When he brought them in to pawn
22 again?
23 A Yes.
24 Q When did you first have the occasion to recollect
25 this transaction of February 3rd, and the transaction when he
26 brought them in to pawn again, in connection with this
27 lawsuit that's now going on before Judge Choate?
28 A I don't -- I don't --

1 Q Well, at sometime, somebody --

2 A Yeah.

3 Q At sometime, did you talk to some law enforcement
4 officer concerning these transactions of February 3rd, 1969?

5 A I don't remember.

6 Q Well, may I ask you --

7 A Yeah.

8 Q -- when, if at all, did you have occasion to
9 recollect the transactions of February 3rd, 1969, after,
10 let's say, November of 1969?

11 If you ever had occasion to recollect?

12 A Oh, I don't -- I don't remember anything of that
13 sort.

14 Q You never --

15 A The only thing I would have here --

16 Q Just a minute. You never had any occasion to
17 recollect; no law enforcement officer came out and had any
18 discussions with you concerning any transactions pertaining
19 -- allegedly -- to this case?

15 fls.

20 A When was this?

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15-1

1 Q I'm asking you.

2 A I don't know. I know they did come afterwards,
3 after they were redeemed.

4 Q That's my question.

5 A Yes, that's true.

6 Q That's my question.

7 Would you tell us when that occurred, Mr. Launer?

8 A I don't remember the date.

9 Q Would you give us your best estimate of the date?

10 A I have no way of estimating it.

11 Q You don't know, then, when law enforcement people
12 first spoke to you concerning these transactions of February
13 3, 1969?

14 A I don't recall the date.

15 Q You don't recall the date when law enforcement
16 people first spoke to you concerning any of the transactions
17 that Mr. Manzella --

18 A No, I don't.

19 Q -- discussed with you?

20 A No, I don't recall any of those dates.

21 Q Is that right?

22 A I didn't mark them down, so I don't know what
23 they are.

24 Q So it is a fair statement the only reason that
25 you testified concerning these events and times is because it
26 is written down in your papers?

27 A That is correct, sir.

28 Q You have no recollection of these events, except

1 by virtue of reading the papers?

2 A That is correct.

3 MR. KANAREK: Your Honor, may I have --

4 (Whereupon, Mr. Kanarek conferred with Mr.
5 Manzella at the counsel table out of the hearing
6 of the jury.)

7 Q BY MR. KANAREK: Now, I have here the picture
8 that Mr. Manzella showed you.

9 THE COURT: Let's see, that, for the record, is what
10 number? I'm sorry.

11 MR. KANAREK: That's People's 46, your Honor.

12 THE WITNESS: Yes.

13 Q BY MR. KANAREK: Now, Mr. Launer, am I pronouncing
14 your name right, sir?

15 A That's correct.

16 Q Launer?

17 A That is right.

18 Q When Mr. Shea came to your establishment or the
19 man you call Mr. Shea on February 3, 1969, what was he
20 wearing?

21 A I have no recollection.

22 Q If I may.

23 A Certainly.

24 Q If I take these papers away from you, Mr. Launer,
25 and I ask you to describe Mr. Shea for us, would you do that,
26 please?

27 A I'd have to refer to the papers.

28 Q In other words --

1 A I don't carry --

2 Q You don't have in your mind a mental picture of
3 what Mr. Shea looks like, right?

4 A Except a picture, his face.

5 Q Well, you say the picture of his face?

6 A Yes, I remember his face.

7 Q You were shown this picture by law enforcement
8 people?

9 A That's correct.

10 Q Is that correct?

11 A That's right.

12 Q And before law enforcement people showed you this
13 picture, you had not carried in your mind any mental image of
14 Mr. Shea?

15 A No.

16 Q Is that right?

17 A That is right.

18 Q And it is a fair statement that you, as you sit
19 there on the witness stand, do not know what Mr. Shea, in
20 fact, looks like, do you?

21 A Except for that picture, yeah, that's correct.

22 Q And this picture suggested Mr. Shea to you by
23 virtue of your -- you're nodding your head up and down?

24 A It recalled it to me, yes.

25 Q It suggested to you, and you're nodding your head
26 up and down, meaning yes, I imagine?

27 A Yes.

28 Q It suggested it to you Mr. Shea by virtue of

1 the fact that the law enforcement people showed you this
2 picture?

3 A Yes.

4 Q When they came around discussing Mr. Shea?

5 A Yes.

6 Q Is that right?

7 And you don't know when that occurred the first
8 time?

9 A I don't remember.

10 Q You don't know whether it was in 1970, '69, or
11 whatever?

12 A I really don't, no.

13 Q Then, directing your attention to this man named
14 Mr. Smith, that you are speaking of.

15 A Yes.

16 Q That you have spoken of.

17 You don't know that Mr. Smith was not Mr. Shea
18 by virtue of any mental imagery that you may have in your
19 mind?

20 A Yes. I knew immediately it wasn't him.

21 Q You knew immediately that?

22 A Yes.

23 Q This man was not Mr. Shea?

24 A May I tell you what transpired?

25 Q No, Mr. -- you will just answer the question,
26 I'm sure Mr. Manzella --

27 A I'm sorry.

28 Q -- or maybe Mr. Manzella will have some questions

1 for you.

2 A All right.

3 Q But my question is, at sometime you had a trans-
4 action with these guns, wherein a person named R. A. Smith
5 or something like that, redeemed these guns?

6 A Yes.

7 Q Is that correct?

8 Now, did this person, R. A. Smith, pawn the
9 guns originally?

10 A No.

11 Q And directing your attention to the use of the
12 name "Smith," did that, in connection with this transaction,
13 raise in your mind any kind of question?

14 A Yes.

15 Q Directing your attention to this question that
16 you had in your mind concerning the matter, did you report
17 it to any law enforcement agency?

18 A No.

19 Q And in your work as a pawnshop operator, it is
20 not one of the requirements that any suspicious transaction,
21 wherein you engage in, uh, some kind of a financial or
22 other matter with a person off the street, that you report
23 this to law enforcement?

15a fls.

15a-1

1 MR. MANZELLA: Objection, your Honor, the question is
2 vague and ambiguous as it is phrased.

3 THE COURT: Overruled. You may answer. We -- he signed
4 "Donald."

5 Q BY MR. KANAREK: Well, would you answer that
6 question, Mr. Launer, please? My question is --

7 A Yes.

8 Q Would you answer that question or is the question
9 not clear to you at this time?

10 A It isn't.

11 Q I'll be glad to try --

12 A Okay.

13 Q -- try to rephrase it, sir.

14 Did you -- I'll withdraw that.

15 Is it your obligation as a pawnshop operator to
16 report to law enforcement, the Los Angeles Police Department or
17 other agencies, any suspicious transaction that occurs?

18 A Yes.

19 Q And did you -- did you report this transaction with
20 Mr. Shea to any law enforcement agency?

21 A No, sir.

22 Q And this transaction that you did not report to
23 law enforcement, occurred on what day?

24 A I don't remember. You got the records there.

25 Q You don't know?

26 A The records are there.

27 Q You don't know?

28 But if these records are mistaken, then your

1 answer would be mistaken, right?

2 A They can't be mistaken.

3 Q You never make a mistake?

4 A Not on records every day.

5 Q You never make a mistake in your records, is that
6 right, Mr. Launer?

7 A No, I wouldn't say that.

8 Q So that if these records are mistaken, then, you
9 would be mistaken, because the only answer you would give me
10 would be based upon what you would read off some papers?

11 A That's --

12 Q -- that are here, perhaps, in these folders that
13 I have in my hand?

14 A Those are the records, and we stand by them.

15 Q But if those are mistaken, you would be mistaken?

16 A Absolutely.

17 Q So the person -- well, at any time, at any time
18 before law enforcement spoke to you concerning this case that
19 we're now in trial on, did you make any written notation
20 concerning Mr. Smith in this transaction that you have testified
21 about?

22 A Mr. Smith came in to redeem --

23 Q Did you make any written notations, is all I am
24 asking you.

25 A Just on the ticket when he --

26 Q Just whatever is on the ticket?

27 A On the ticket, on the back of the ticket,

28 Q Now, on how many different occasions, Mr. Launer,

1 -- let's say since 19-- well, let's say since the Spring of
2 1969, have you spoken with people in connection with the pawn-
3 shop, with your pawnshop business; that is, people that you
4 have dealt with where you've loaned money and redeemed, and
5 they've redeemed property and all of that?

6 A It would be hundreds and hundreds of them, I
7 imagine.

8 Q When these transactions occurred concerning which
9 Mr. Manzella has spoken to you, was there anything about those
10 transactions that made you remember them specifically, other
11 than the other thousands that you may have entered into?

12 A Just the guns are very unusual. A matched pair,
13 which you very seldom see.

14 Q The guns were unusual?

15 A Yes.

16 Q But the people that you saw were not unusual?
17 Those people were people that were run-of-the-mill looking,
18 is that right?

19 A I don't know what you mean by that.

20 Q Well, you say the guns were unusual?

21 A Yes.

22 Q But there was nothing unusual about any of the
23 individuals involved that made you remember them, is that
24 correct?

25 A Which individuals are you referring to?

26 Q Any of the individuals who came to your store.

27 A Oh.

28 Q In connection with these guns.

1 A It was only Donald Shea came in and Smith.
2 According to our records.

3 Q According to your records?

4 A Yes.

5 Q But you say you have no mental image of these
6 people; you've said that?

7 A Right now, right.

8 Q You've said that?

9 If Mr. Shea walks in this courtroom and Mr. Smith
10 walks into this courtroom or Mr. -- whoever it might be that
11 may have been in your store in connection with these guns,
12 you wouldn't know them, would you?

13 A I would know Donald Shea, yes.

14 MR. MANZELLA: Objection -- I'll withdraw the objection.

15 Q BY MR. KANAREK; You would know Donald Shea?

16 A Yes, because he was in several times.

17 Q You would know Donald Shea because you have spoken
18 to law enforcement people about him?

19 A I spoke to him, too, about the guns.

20.

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15b-1

1 Q And he's pinpointed in your mind by this picture?

2 A Yeah --

3 Q But all because of the law enforcement --

4 A That was brought out, yes, certainly, to refresh my
5 memory on it.

6 Q Correct?

7 A Yes.

8 Q May I have a moment, your Honor?

9 (Pause.)

10 Q BY MR. KANAREK: Is it a fair statement that these
11 guns are, as far as the information that you have is concerned,
12 are mass-produced?

13 A I have no idea. I imagine they are. They were
14 at one time.

15 Q These guns are guns which are made by a well-known
16 gun manufacturer?

17 A Yes, sir.

18 Q Is that correct?

19 A That's correct.

20 Q And from your experience with the serial numbers,
21 for instance, it would indicate that these guns are not unique
22 in the sense that they are the only guns in the world that look
23 like they do? The ones that are sitting in front of you; is
24 that correct?

25 A Yeah.

26 Now, what is the question?

27 Q The question is, those guns are not the only
28 guns in the world that look exactly like that?

1 A That's correct.

2 Q Do you have in mind the person, these two persons,
3 Mr. Smith and Mr. Shea, is that correct?

4 A Yes.

5 Q You say you know those people?

6 A Well, I saw Mr. Smith after -- well, quite a while
7 back in the courts, so --

8 Q Oh, you saw Mr. Smith in the courts?

9 A Yes.

10 MR. MANZELLA: Your Honor, may I confer with Mr. Kanarek
11 for a moment?

12 THE COURT: Yes, you may.

13 (Whereupon, Mr. Manzella conferred with Mr. Kanarek
14 at counsel table, out of the hearing of the jury.)

15 MR. KANAREK: I have a picture, your Honor, a picture
16 which I think is People's 49 for identification.

17 THE COURT: Yes.

18 MR. KANAREK: And I believe it is a fair statement that
19 this picture is a picture of Mr. Manson.

20 THE COURT: Yes, it appears to be. The record may so
21 show.

22 Q BY MR. KANAREK: Is that the man who you saw in
23 the courts?

24 A No, sir.

25 Q Pardon?

26 A No, sir.

27 THE COURT: Speak into that microphone.

28 THE WITNESS: No.

1 Q BY MR. KANAREK: This is not the man that you are
2 saying is either Mr. Shea or Mr. Smith?

3 A That's right.

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

5
6 REDIRECT EXAMINATION

7 BY MR. MANZELLA:

8 Q Mr. Launer, in answer to one of Mr. Kanarek's
9 questions you said that there was a reason why you knew that
10 Smith was not Donald Shea.

11 Do you recall?

12 A Oh, yes.

13 Q Do you recall that?

14 A Yes.

15 Q Would you tell us what happened that --

16 MR. KANAREK: Your Honor, that would be hearsay and
17 conclusion, and there is no foundation, and calling for a
18 conclusion.

19 MR. MANZELLA: Your Honor, the witness merely asked to
20 explain one of his answers.

21 MR. KANAREK: He cannot explain one of his answers based
22 on what law enforcement or somebody else told him.

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

24 THE WITNESS: The man that came in to redeem that gun
25 and said he was Mr. Smith, he signed the name -- he signed
26 Shorty Shea's name.

27 And I said, "Well, you are not Mr. Shea. I can't
28 give you the gun unless you have some identification."

1 He has the ticket. I must deliver the gun.

2 I said, "But I must have your identification."

3 And that was Mr. Smith, a tall, lanky fellow.

4 And he was pointed out to me later as Mr. Grogan,
5 when I appeared in the trial. So --

6 MR. KANAREK: Well, then, I would ask to approach the
7 bench.

8 THE COURT: "He was pointed out to me as Mr. Grogan,"
9 that is stricken.

10 MR. KANAREK: Your Honor, then, I would ask to approach
11 the bench.

12 THE COURT: You may not.

13 Q BY MR. MANZELLA: Mr. Launer, you are saying it is
14 because of this conversation that you remembered Mr. Smith was
15 not Mr. Shea?

16 A I knew it wasn't Mr. Shea.

17 MR. KANAREK: I would object to the question. I object
18 on the grounds it is hearsay, conclusion. There is no foundation
19 for it. It is not relevant or material, and the prejudicial
20 value outweighs the probative value. And I would like, if I
21 may, to approach the bench.

22 THE COURT: No, you may not. The objection is overruled.
23 However, the conversation that is described here, that is
24 related by Mr. Launer, ladies and gentlemen, is not admitted
25 for the purpose of the truth of the matters uttered during the
26 course of the conversation, but simply to show Mr. Launer's
27 state of mind and the reason for his remembrance, if he does
28 remember the respective persons that he is talking about.

1 MR. KANAREK: Well, your Honor, may we --

2 MR. MANZELLA: Your Honor, the substance of the
3 conversation, was that stricken, your Honor?

4 I mean, I have no objection to that being stricken.

5 THE COURT: No, the Court has stricken the words of
6 the answer, "That person was later pointed out to me as
7 Mr. Grogan." That's stricken.

8 MR. MANZELLA: All right, thank you, your Honor.

9 MR. KANAREK: Well, your Honor, it is our request that
10 the entire conversation -- all this so-called reason -- to be
11 stricken on the grounds that his state of mind is not relevant
12 or material and that, -- and I would like, if I may, to approach
13 the bench to make argument, your Honor.

16-1

1 THE COURT: I'll hear from you at the bench.

2 MR. KANAREK: Thank you, your Honor.

3 MR. MANZELLA: Your Honor, the People have no objection
4 to the substance of the conversation being stricken, your
5 Honor. The words --

6 THE COURT: Will you approach the bench?

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

10 THE COURT: In effect, you asked him why he -- or, how
11 he remembers the difference between the two?

12 MR. MANZELLA: Well, all I am interested in --

13 THE COURT: The difference between the two men?

14 And so he related these reasons for remembering --

15 MR. MANZELLA: Well, I didn't know what he was going to say.
16 But all I was interested in was for his telling us why he
17 remembered it. And I think the fact that he had a conversation
18 with the fellow, with Smith, is enough.

19 And the words, themselves, I -- the words that
20 were spoken themselves, I have no objection to them being
21 stricken, if --

22 THE COURT: All right. If you have no objection, the
23 Court --

24 MR. KANAREK: Well, it's my position -- I would ask
25 further that your Honor admonish the jury further not to con-
26 sider that material for any matter; and mere admonishment not
27 sufficing, --

28 THE COURT: Well --

1 MR. KANAREK: -- I would ask for a mistrial, on the
2 grounds that Mr. Grogan is a named co-defendant, your Honor, in
3 this case.

4 THE COURT: I see nothing wrong with the People, if they
5 wish to pursue it, in having Mr. Grogan identified, if -- if
6 this man remembers Mr. Grogan, even if he was pointed out.

7 It would be a question for the jury to determine
8 the weight of it.

9 But for now, I will strike that answer. If the
10 People wish to pursue that other aspect of it, they can.

11 MR. KANAREK: May I have a ruling on my motion for mis-
12 trial?

13 THE COURT: Yes. The motion for mistrial is denied.

14 MR. KANAREK: Thank you.

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

17 THE COURT: All right. The Court will strike the entire
18 answer, ladies and gentlemen.

19 As the Court has previously admonished you, when
20 the Court strikes anything from the record, you are to treat it
21 as if it had never been uttered.

22 MR. MANZELLA: I have no further questions, your Honor.

23 THE COURT: All right.

24 MR. MANZELLA: May Mr. Launer be excused?

25 THE COURT: Mr. Kanarek?

26 MR. KANAREK: No, I have no further questions.

27 Thank you, Mr. Launer. Thank you, sir.

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

1 MR. MANZELLA: The People call Mr. James Fraser, your
2 Honor.

3 THE COURT: Let's see. It's a quarter to 3:00. At
4 this time, the jury has been sitting an hour.

5 So we'll take a short recess.

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

11 About ten minutes, ladies and gentlemen.

12 (Mid-afternoon recess.)
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1 THE COURT: All right, the record will show all jurors
2 are present.

3 Mr. Kanarek for the defendant, and Mr. Manzella
4 for the People.

5 You may proceed.

6 MR. MANZELLA: People call James Fraser, your Honor.

7 THE CLERK: Would you raise your right hand.

8 You do solemnly swear that the testimony you may
9 give in the cause now before this court shall be the truth,
10 the whole truth, and nothing but the truth, so help you God?

11 THE WITNESS: I do.

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

13 THE BAILIFF: Would you state and spell your name.

14 THE WITNESS: James K. Fraser, F-r-a-s-e-r.

15
16 JAMES K. FRASER,
17 called as a witness by and on behalf of the People, having
18 been first duly sworn, was examined and testified as follows:

19
20 DIRECT EXAMINATION

21 BY MR. MANZELLA:

22 Q Mr. Fraser, would you state your occupation,
23 please?

24 A Examiner of questioned documents for the Los
25 Angeles County Sheriff's Criminalistics Laboratory.

26 Q Are you the James Fraser that has previously
27 testified in this case?

28 A Yes, sir.

17-2

1 Q All right, Mr. Fraser, directing your attention
2 to the exhibit which has been marked People's 74 for identifi-
3 cation, the booking and property record, and in particular,
4 the two signatures appearing thereon, "R. A. Smith, Richard
5 Allan Smith and Richard A. Smith."

6 Have you seen that document and those signatures
7 before?

8 A Yes, sir, I have.

9 Q Directing your attention to the two pawn tickets
10 marked People's 57-C, 57-D for identification.

11 In particular, that portion of 57-C whereon
12 appears the signature "R. A. Smith," and that portion of
13 57-D whereon appears the signature "R. Smith."

14 Have you seen those documents and those signatures
15 before?

16 A Yes, sir, I have.

17 Q And did you compare the signatures appearing on
18 People's 74, "R. A. Smith and Richard Allan Smith and Richard
19 A. Smith," with signatures appearing on People's 57-C, and
20 57-D; that is, "R. A. Smith" and "R. Smith"?

21 A Yes, I did.

22 Q And after -- as a result of that comparison, did
23 you form an opinion as to whether or not the person that
24 wrote the signatures appearing on People's 74, the booking
25 and property record, was the same person that wrote the
26 signatures "R. A. Smith" on People's 57-C and "R. Smith"
27 appearing on People's 57-D?

28 A Yes, I did.

17-3

1 Q And what is your opinion?

2 A In my opinion the same person signed all the
3 Smith signatures, the R. A. Smith's questioned signatures on --

4 Q People's 57-C?

5 A -- People's 57-C, and R. Smith on People's 57- --

6 Q D?

7 A -- D was signed by the same person that signed
8 the booking slip exemplar.

9 Q Which is People's 74?

10 A People's 74.

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

13 THE COURT: Any questions?

14 MR. KANAREK: Yes.

15
16 CROSS-EXAMINATION

17 BY MR. KANAREK:

18 Q May I ask you, sir, when was it that you made
19 these comparisons?

20 A I originally examined a Xerox copy of the two
21 questioned pawn slips and the booking slips on December 16,
22 1970, and I examined these originals this morning here in
23 court.

24 Q And made your comparisons again this morning, is
25 that --

26 A Yes, sir.

27 Q Is that a fair statement, Officer?

28 A Yes, sir.

17-4

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

2 MR. MANZELLA: May Mr. Fraser be excused, your Honor?

3 THE COURT: Yes, you may be excused.

4 MR. KANAREK: Thank you, Mr. Fraser.

5 MR. MANZELLA: People call Mr. Peter Chamousis,
6 C-h-a-m-o-u-s-i-s.

7 THE CLERK: Raise your right hand.

8 You do solemnly swear that the testimony that
9 you may give in the cause now pending before this court shall
10 be the truth, the whole truth, and nothing but the truth, so
11 help you God?

12 THE WITNESS: I do.

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

14 THE BAILIFF: Would you state and spell your full name,
15 please.

16 THE WITNESS: Peter Chamousis, C-h-a-m-o-u-s-i-s.

17
18 PETER CHAMOUSIS,
19 called as a witness by and on behalf of the People, having
20 been first duly sworn, was examined and testified as follows:

21
22 DIRECT EXAMINATION

23 BY MR. MANZELLA:

24 Q Mr. Chamousis, would you state your occupation,
25 please.

26 A I am a deputy sheriff for the County of Los
27 Angeles, presently assigned to the fingerprint section of the
28 Technical Services Division.

17-5

1 Q How long have you been so assigned?

2 A 15 years.

3 Q And would you tell us what has been your back-
4 ground, training and experience in the field of examination
5 and comparison of fingerprints?

6 A I have taken a course given by the Los Angeles
7 City School System in the study of fingerprints, taken and
8 passed the course. I have made some 30,000 odd comparisons
9 between latent and physical fingerprints. I have testified
10 in Superior and Municipal Court in excess of 250 times as
11 a qualified expert.

12 Q And on those times when you've testified in court,
13 did you give your opinion that -- did you express an opinion
14 whether or not a particular person or particular prints were
15 made by one and the same person?

16 A Yes, sir, I did.

17 Q Mr. Chamousis, directing your attention to the
18 exhibit which has been marked People's -- strike that, I'm
19 sorry, your Honor.

20 Your Honor, I have here what appears to be a
21 photograph of a latent print. May I have that marked
22 People's 85 for identification?

23 THE COURT: So ordered.
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18 fls.

18 1 MR. KANAREK: May we approach the bench, your Honor?

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 THE COURT: Yes, Mr. Kanarek?

7 MR. KANAREK: Yes, your Honor. I would like an offer of
8 proof as to his print, although I -- I can represent to the
9 Court, I believe I know whose it purports to be. I think it
10 purports to be --

11 MR. MANZELLA: Davis; Bruce Davis.

12 MR. KANAREK: -- Bruce Davis' print.

13 But I would like to object, and I would like to
14 have an offer of proof, before it's taken up in the presence of
15 the jury.

16 And I would point out to the Court, we do have
17 separate trials, we do have separate trials, your Honor. And it
18 is so prejudicial, because Mr. Davis is a named defendant,
19 that we are denied the Sixth Amendment right to confront, right
20 to effective counsel, under the Sixth Amendment -- which is
21 incorporated into the due process clause of the Fourteenth
22 Amendment; and equal protection.

23 THE COURT: The People?

24 MR. KANAREK: I don't see --

25 MR. MANZELLA: Well --

26 MR. KANAREK: It has no relevancy or materiality to
27 Mr. Manson.

28 MR. MANZELLA: Does the Court desire an offer of proof,

1 your Honor?

2 THE COURT: Yes.

3 MR. MANZELLA: We are offering to prove that Mr. Davis'
4 palm print was found on one of the foot lockers that were found
5 by Sergeant Whiteley in the trunk of Mr. Shea's car, when he
6 found it -- sometime after he found it on December the 9th of
7 1969.

8 We believe the testimony is relevant, because of
9 Mr. Davis' association with the Family, Mr. Manson, and the
10 Manson Family; we believe it's admissible because Mr. Davis was
11 a co-conspirator in the killing of Mr. Shea.

12 MR. KANAREK: Well, that --

13 MR. MANZELLA: And we believe that -- both the prior
14 association and the fact that he was associated with Mr. Manson
15 make admissible evidence, which shows that he -- his palm print
16 was found on one of the lockers at the time that Mr. Shea's
17 car was found abandoned -- well, at least, Mr. Shea's car was
18 found.

19 MR. KANAREK: Well, your Honor, if I may --

20 THE COURT: Yes?

21 MR. KANAREK: -- first of all, there has been no
22 conspiracy alleged, as far as the Shea case is concerned.

23 Under People vs. Crovedi, we are entitled to prepare
24 -- and under the -- I am sure your Honor would agree with me
25 that we are entitled to notice of a criminal charge;

26 And in any event, the count in the Indictment
27 involving Mr. Shea does not involve a conspiracy. And I think
28 it's the -- the conspiracy only involves the conspiracy in

1 connection with the Hinman count.

2 I think your Honor would agree with me on that.

3 And furthermore, there's the prejudicial effect,
4 that Mr. Davis is a -- is a named defendant, in connection
5 with the Hinman -- in connection with that -- in connection with
6 the Hinman case; so that -- that is, the Hinman matter, the
7 conspiracy and all of that, including the substantive count.

8 And this just has such a prejudicial effect, your
9 Honor, that it --

10 THE COURT: It may be prejudicial, but the question is
11 whether or not it's of any probative value.

12 MR. KANAREK: No -- well, the point is, your Honor --
13 this idea of tying things up later and all of that, you can't
14 unring the bell.

15 I think that this is not the opportune time for
16 the People to just bring that print of Mr. Davis in; there has
17 to be some showing, some substantive connection between Mr.
18 Davis and Mr. Manson, other than just being a co-defendant.

19 There's nothing that has --

20 THE COURT: It has been established that Mr. Davis was
21 one of those who was in the Manson Family at the Spahn Ranch.

22 MR. KANAREK: But that's too tenuous.

23 MR. MANZELLA: And also, that he was one of those who
24 approached Mr. Shea, the evening that Ruby Pearl left at
25 approximately 11:00 p.m.

26 THE COURT: That's correct.

27 MR. KANAREK: That's too tenuous.

28 THE COURT: And it's -- it has some probative value to

1 prove that, in Mr. Shea's abandoned car, there was a footlocker
2 with Mr. Davis' palm print on it.

3 MR. KANAREK: Well, how can that be saddled onto Mr.
4 Manson? There's no conspiracy charge alleged. It's a violation
5 of the equal protection and due process clauses of the Fourteenth
6 Amendment, to -- to foist upon a defendant, a defense of a
7 crime that isn't even charged.

8 Mr. Davis -- we have a separate trial; the very
9 purpose of the separate trial is to avoid the prejudicial
10 effects of a co-defendant.

11 And we have the -- the Supreme Court has, by its
12 order, made the separate trials come about.

13 And to allow this in vitiates the purpose of the
14 separate trial.

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1 MR. MANZELLA: I believe --

2 MR. KANAREK: And it denies Mr. Manson a fair trial.

3 MR. MANZELLA: I believe it's settled law, however, that
4 the People need not allege a conspiracy in order to prove a
5 conspiracy, for the purpose of admitting the acts of co-
6 conspirators.

7 MR. KANAREK: Oh, your Honor, I can't -- that is, I can't
8 concede that --

9 THE COURT: The Court will permit you to proceed.

10 MR. KANAREK: I cannot concede that the law is settled
11 in connection with that, your Honor.

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

14 MR. MANZELLA: Your Honor, I have here what appear to be
15 two fingerprint and palm print exemplar cards. May I have them
16 marked respectively People's 86-A and People's 86-B for
17 identification?

18 THE COURT: So ordered.

19 MR. MANZELLA: Your Honor, I have here what appears to
20 be a blow-up of both a latent print and an inked print, both
21 of which are contained on the piece of cardboard.

22 May I have them -- may I have that exhibit marked
23 People's 87 for identification?

24 THE COURT: So ordered.

25 Q BY MR. MANZELLA: Mr. Chamousis, directing your
26 attention to the exhibit which has been marked People's 85 for
27 identification, will you tell us what that is? Strike that.

28 Have you ever seen that exhibit before?

1 A Yes, sir.

2 Q Can you tell us what that exhibit is?

3 A This is a lift off the trunk in --

4 Q Excuse me.

5 A -- a foot locker inside the trunk of the automobile.

6 Q And is that a photograph of a latent print, or is
7 that the latent print itself?

8 A That's the latent print itself.

9 Q And do you recall the date on which you lifted
10 that latent print?

11 A Yes. The 10th day of December, 1969.

12 Q And you lifted that print yourself; is that correct?

13 A Yes, sir.

14 Q And do you recall where you were when you lifted
15 that print?

16 A The address was 23528 Calabasas Drive. It was an
17 impound lot out there.

18 Q Now, directing your attention to the photograph
19 marked People's 61-I for identification, do you recognize what
20 is shown in that photograph?

21 A Yes, sir. This was the footlocker inside the
22 trunk of the car, from which I obtained the latent print.

23 Q If I may hold that up now, is the area on the foot-
24 locker from which you obtained the latent print, which is
25 People's 85 for identification, is that area shown or marked
26 in some way on the photograph marked People's 61-I for
27 identification?

28 A It's the vicinity of the circled mark on the right-
hand footlocker.

1 Q Right. And did you place that circle in black ink
2 on the photograph yourself in a prior proceeding?

3 A Yes, sir, I did.

4 Q There appears to be a -- an "X" of some sort on
5 the photograph. Did you also place that mark on there?

6 A I did.

7 Q And what significance has that mark?

8 A That was to indicate which footlocker it was.

9 Q And the area in which -- which is circled is the
10 area of -- the approximate area from which you obtained the
11 latent print which is shown in People's 85?

12 A Yes, sir.

13 Q Now, is the print shown in People's 85 a finger-
14 print or a palm print?

15 A It is a palm print.

16 Q Now, Mr. Chamousis, directing your attention to the
17 exhibit which has been marked People's 86-B for identification,
18 do you recognize that exhibit? Have you ever seen that before?

19 A Could I see the --

20 Q Directing your attention as well to People's
21 Exhibit 86-A for identification?

22 A Yes, sir. I initialed both of these.

23 Q And did you prepare -- strike that.

24 Have you seen both of those before?

25 A Yes, I have.

26 Q And did you -- would you tell us what they are?

27 A These are Sheriff's identification -- Sheriff's
28 fingerprints cards, on which the palm print, as well as the

1 fingers, are rolled.

2 Q And did you roll the prints appearing on one or both
3 of those exhibits? That is, People's 86 for identification?

4 A Yes. I rolled 86-B for identification.

5 Q And do you recall when it was that you rolled that --
6 those prints on People's 86-B for identification?

7 A I do not.

8 Q All right. If I mention the date December 11th of
9 1970, would that refresh your memory? That is, with regard
10 to at or about the time that you rolled the prints on People's
11 86-B?

12 A No, I don't think so. I don't recall -- I had
13 the information on the top of the card, and it's been removed;
14 and this is why I put that there.

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1 Q All right. Now, did you roll the prints on
2 People's 86-B yourself, personally?

3 A Yes, sir, I did.

4 Q And directing your attention to the person shown
5 in this photograph, which is People's 77-P for identification,
6 have you ever seen that person before?

7 MR. KANAREK: Object, your Honor. Irrelevant, immaterial;
8 improper foundation; based upon the Sixth Amendment, right to
9 confront, the Sixth Amendment right to effective counsel, which
10 is incorporated in the due process and equal protection of the --
11 under the Fourteenth Amendment.

12 THE COURT: The objection is overruled.

13 You may answer.

14 THE WITNESS: Yes, sir, that is the person whose palm
15 prints --

16 Q BY MR. MANZELLA: Is that the person -- the person
17 shown in People's 77-P, whose prints you rolled on People's
18 86-B for identification?

19 A Yes, sir.

20 Q And by what name did you know the person shown in
21 the photograph, People's 77-P?

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

23 THE COURT: The objection's overruled.

24 You may answer.

25 THE WITNESS: Davis is the name.

26 Q BY MR. MANZELLA: Now, Mr. Chamousis, directing
27 your attention to the other portion of People's 86 -- that is,
28 the other print exemplar card, People's 86-A -- I take it you

?????

1 did not roll the prints on that card; is that correct?

2 A. No, sir, I did not.

3 Q. Now, directing your attention to the exhibit
4 which has been marked People's 87 for identification, do you
5 recognize what is shown in that exhibit?

6 A. Yes, sir.

7 Q. And what is that?

8 A. That shows a -- the right palm on your right, the
9 latent impression; and the portion of the right palm on your
10 left, the rolled impression.

11 Q. All right. And those -- the latent impression is
12 marked "latent print" underneath on the exhibit; is that
13 correct?

14 A. Yes, sir.

15 Q. And the rolled impression is marked "Inked Print"
16 underneath on the exhibit; is that correct?

17 A. Yes, it is.

18 Q. Now, Mr. Chamousis, again directing your attention
19 to the latent print which is marked People's 85 for identifi-
20 cation, what portion of the palm does that print represent?

21 A. That would be the heel portion (indicating), the
22 lower right quarter of the right palm.

23 Q. And is that of the right -- the right palm?

24 A. Yes, sir.

25 Q. Now, is the latent print, which is People's eighty
26 -- I'm sorry -- People's 85 for identification, is that print
27 shown on People's -- the enlargements, People's 87 for identi-
28 fication?

1 A Yes.

2 Q And did you prepare this exhibit yourself, People's
3 87, for Court?

4 A No. It was prepared under my direction.

5 Q And which print is an enlargement of People's 85
6 for identification?

7 A On your right, the part marked "Latent Print."

8 Q All right. Now, is the print marked "Inked Print,"
9 in People's Exhibit 87, is that print an enlargement of the
10 portion of the print appearing on People's 86-B for
11 identification, the print exemplar card?

12 A It's a portion of 86-A.

13 Q 86-A; I'm sorry.

14 A Yes, it is. It's the right -- the lower right
15 quarter (indicating) -- of the right palm.

16 Q And again, directing your attention to
17 People's 86-A, is the area from which the enlargement of the
18 inked print is taken, is that print shown on the exemplar card
19 itself? That is, People's 86-A?

20 A Yes, it is.

21 Q And how is it shown?

22 A There's a dotted line that indicates where the
23 palm was photographed.

24 Q All right. Now, the area within that dotted line
25 on People's 86-A -- that is, the print exemplar card -- is
26 the area which is shown blown up on People's 87, of the Inked
27 Print; is that correct?

28 A Yes, sir.

18c-1

1 Q Now, Mr. Chamousis, did you compare the latent
2 print which is People's 85 for identification with the palm-
3 prints and prints appearing on the exemplar cards marked
4 People's 86-A and 86-B for identification?

5 A Yes, sir, I did.

6 Q You compared all three sets of prints; is that
7 correct?

8 A I did.

9 Q All right. And did you form an opinion as to
10 whether or not the three sets of prints were made by one and
11 the same person?

12 A I did.

13 Q And what is that opinion?

14 A In my opinion, the latent fingerprint, 85, the
15 rolled impression, 86-B, and the rolled impression, 86-A,
16 were all made by one and the same person, Mr. Davis, in this
17 case.

18 Q And the person whose prints appear on 86-B is the
19 person you've identified in this photograph marked People's 77-P
20 as Mr. Davis; is that correct?

21 A Yes, sir.

22 Q Now, Mr. Chamousis, directing your attention to
23 the numbers which appear on the Court exhibit marked People's
24 87 for identification, what do those numbers represent?

25 A Those numbers indicate the similarities between the
26 two impressions.

27 Q And those are -- in other words, known as points of
28 identification?

1 A Yes, sir.

2 Q And how many points of identification are marked
3 on the exhibit, People's 87, the enlargements?

4 A There's 14 points marked on that particular exhibit.

5 Q And is that the number of points of identification
6 that you found?

7 A There were more than that.

8 Q And why did you only mark 14 on the exhibit?

9 A Because that's -- we just felt that that was an
10 adequate number --

11 Q All right.

12 A -- to put on the exhibit.

13 Q All right. Mr. Chamousis, is there some standard
14 which you -- which you use to determine whether or not you
15 will -- whether or not two prints are made by one and the same
16 person, with regard to points of identification?
17 The number of points of identification?

18 A Just enough to satisfy the fingerprint deputy in
19 his own mind that they are or they are not the same.

20 Q All right. And is there some standard which is
21 generally accepted, in your profession, among fingerprint
22 experts?

23 A That rule varies, I think. Some people say ten.
24 It all depends on the fingerprint deputy himself.

25 Q All right. And is the number 10 -- that is, 10
26 points of identification -- the most widely accepted standard
27 that's used --

28 A Yes, I think it is.

1 Q -- in your profession?

2 All right. Now, Mr. Chamousis, on December 10,
3 1969, when you lifted the latent prints from the footlocker in
4 the vehicle you've identified, did you examine the interior of
5 that car for latent prints?

6 A I did.

7 Q And did you find any other latent prints on the
8 interior of that vehicle?

9 A No, sir.

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

11 THE COURT: Overruled. The answer may remain in the
12 record.

13 Q BY MR. MANZELLA: Your answer was "no"?

14 A No, I did not.

15 Q Mr. Chamousis, can you tell us why you were unable
16 to find other latent prints on the interior of the vehicle?

17 MR. KANAREK: Irrelevant, immaterial; no foundation;
18 calling for conjecture, your Honor.

19 THE COURT: Sustained.

20 MR. MANZELLA: All right. Thank you, your Honor.

21 I have no further questions.

22 THE COURT: Mr. Kanarek?

23

24

CROSS-EXAMINATION

25

BY MR. KANAREK:

26

27 Q Mr. Chamousis, directing your attention to the
28 date that the prints were rolled -- I am now referring to
People's Exhibit 43-B and People's Exhibit 43 -- no, I'm sorry.

1 A 86.

2 Q (Continuing) -- 86-A and 86-B -- I'm sorry -- on
3 what day did you roll those prints?

4 A I -- the day, I don't recall the day exactly.

5 Q Well, directing your attention to Mr. Davis, where
6 were you and where was he when you rolled those prints, Mr. --

7 A Central Jail.

8 Q You were in the Los Angeles --

9 A The I Room.

10 Q The I Room?

11 A The I Room, Los Angeles Central Jail.

12 Q And what does that mean, the I Room?

13 A That's where they print everybody for identification,
14 fingerprint and photograph.

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1 Q And Mr. Davis at that time was in the custody of
2 the Los Angeles Police Department; is that correct, --

3 A Well --

4 Q Or was he in the custody of the Sheriff?

5 A The Sheriff's Department.

6 Q And was that in the -- in the main jail, over
7 on Bauchet Street?

8 A Yes, sir.

9 Q And had Mr. -- when was Mr. Davis arrested?

10 A I do not know.

11 Q Now, to your knowledge, do you know how -- how
12 close to the time that you took these fingerprints of Mr.
13 Davis, that you rolled them, do you know how close to that
14 time he was put into custody?

15 A No, sir, I do not.

16 Q On August -- or, I'm sorry. On December the 10th,
17 1969, is when you obtained the latent print that you've
18 spoken of, from the footlocker; is that correct?

19 A Yes, sir.

20 Q Is it a fact that on that date, Mr. Davis was not
21 in custody, to your knowledge?

22 A I do not know.

23 Q When you took the prints of Mr. Davis on the day
24 that you took them -- you say you don't recall what date that
25 was?

26 A No, sir, I don't.

27 Q Someone has removed that information from the
28 exhibit; is that the situation? Or --

18d-2

1 A Well, the tops of the cars, with the names, dates
2 and places have been cut off.

3 Q That was cut off by someone other than yourself?

4 A Yes, sir. I did not do this.

5 Q And is it the normal procedure, in connection
6 with those exemplars, is to have the date when the prints
7 are rolled a part of the exemplar card; is that correct?

8 A Yes, sir, I assume it is.

9 Q In your experience, when you roll the prints of
10 a person, you put down his name, the date, and certain
11 allied information that goes along with the -- with the
12 prints themselves?

13 A Yes, sir.

14 Q What is -- well, may I ask you: In this case,
15 when you -- when you took the prints of Mr. Davis, did you
16 write down on a part of the exhibit that is now missing the
17 date that you actually rolled the prints?

18 A Yes, sir.

19 Q And did you put down the name of Mr. Davis, --

20 A Yes, sir.

21 Q -- is that correct?

22 A Yes, sir.

23 Q And those items are now missing?

24 A That is correct.

25 Q All right. And you did not yourself --

26 A No.

27 Q You have no knowledge of how that occurred?

28 A No, I do not.

1 MR. KANAREK: Thank you.

2 Thank you, your Honor.

3 MR. MANZELLA: Your Honor, I have here what appears to
4 be the top of the Los Angeles County Sheriff's Department
5 print exemplar card.

6 May I have that marked People's --

7 THE COURT: Show it to Mr. Kanarek first, please.

8 MR. MANZELLA: Yes, sir.

9 May I have that marked People's 86-B for identifi-
10 cation? Along with the other?

11 THE COURT: Did you say -B?

12 MR. MANZELLA: Yes, your Honor.

13 THE COURT: You already have an 86-B.

14 MR. MANZELLA: Yes, your Honor. I'm going to ask
15 permission of the Court -- I think I can lay the foundation --
16 to tape what I have just marked for identification to 86-B.

17 MR. KANAREK: We would object. We ask that it have a
18 separate number. It's a physical item, and --

19 THE COURT: Call it 86-C.

20 MR. MANZELLA: Thank you, your Honor.

21
22 REDIRECT EXAMINATION

23 BY MR. MANZELLA:

24 Q All right. Mr. Chamousis, directing your
25 attention to the exhibit which has been marked People's 86-C
26 for identification, do you recognize that exhibit?

27 A Yes, sir. This is --

28 Q Have you ever seen it before?

86-C Id.

1 A This is the top of this card.

2 Q All right. And was that -- the top of that card
3 -- that is, 86-C -- separated from the rest of the print
4 exemplar card, in another judicial proceeding?

5 MR. KANAREK: Object. Calling for a conclusion on
6 the part of this witness.

7 THE COURT: Sustained. You may not answer that.

8 Would you --

9 MR. MANZELLA: All right. Mr. -- yes, your Honor.

10 Q Mr. Chamousis, you testified in another proceed-
11 ing with regard to the Shea case; is that correct?

12 MR. KANAREK: Well, just a moment. I'll object to
13 that. That's calling for a conclusion, your Honor.

14 May we approach the bench?

15 MR. MANZELLA: I will withdraw the question.

16 Q BY MR. MANZELLA: Mr. Chamousis, did you testify
17 in another trial, at which -- during which time you referred
18 to the exhibit which has been marked People's 86-B for
19 identification, the print exemplar card?

20 A Yes, sir, I did.

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18e fls.

18e

1 Q All right. And at the time you testified, was
2 the top portion of that card, which was -- which is marked
3 People's 86-C now, was that attached to the rest of the card?

4 A Yes, it was.

5 Q All right. And so -- strike that.

6 Was it severed while -- during the time that you
7 were on the witness stand?

8 A No, it was not.

9 Q All right. So if it was severed at that proceeding,
10 it was severed after you left the stand?

11 MR. KANAREK: Objection, your Honor. Calling for
12 conjecture; irrelevant and immaterial; and no foundation.

13 THE COURT: Sustained as to form.

14 Q BY MR. MANZELLA: At the time you left the witness
15 stand -- in other words, when you completed your testimony in
16 that case -- was the exhibit still in one piece?

17 A Yes, sir.

18 Q All right. Now, can you tell us, is People's
19 Exhibit 86-C the top portion of People's 86-B for
20 identification?

21 A Yes, it is.

22 Q All right. By examining -- strike that.

23 Did you write the day on which you rolled those
24 prints on that portion of the card which is marked 86-C for
25 identification?

26 A Yes, I did.

27 Q And on what day did you roll those prints?

28 A The 11th day of December, 1970.

1 Q And does your name appear on People's 86-C?
2 That is, the top portion of the exemplar card?

3 A Yes, sir.

4 Q All right. Does Mr. Davis' name appear on that
5 People's 86-C, the top portion of the card?

6 A His signature and his name appear on it.

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1 MR. MANZELLA: Your Honor, the People would ask leave
2 of the Court to tape People's 86-C to 86-D for identification?

3 MR. KANAREK: We would object to that, your Honor.

4 THE COURT: It may remain separate.

5 MR. MANZELLA: No further questions.

6
7 CROSS-EXAMINATION

8 BY MR. KANAREK:

9 Q Officer, does this top, this -- well, what has
10 now been termed 86-C, does that refresh your recollection as
11 to the date that Mr. Davis was in fact arrested?

12 A That refreshes my recollection to the time I
13 fingerprinted Mr. Davis. I know nothing else outside of that.

14 Q And this booking number, 1358518, is that a
15 booking number, Officer, that was supplied to you as the
16 booking number for Mr. Davis?

17 A Yes, it was, by my dispatcher.

18 Q May I ask, sir, what is that; what do you mean by
19 your dispatcher?

20 A Well, my dispatcher is the one that sent me over
21 to the County Jail to fingerprint.

22 Q Was your state of mind such that you were finger-
23 printing someone who had very recently been arrested, as of
24 December 11th, 1970?

25 MR. MANZELLA: Objection, your Honor, it is not
26 relevant, and it calls for hearsay.

27 THE COURT: Sustained. Objection is sustained. You
28 need not answer it.

19-2

1 MR. KANAREK: Thank you very much, Officer.

2 Thank you, your Honor.

3 THE COURT: So you took the lift from the footlocker
4 at the Calabasas Garage?

5 THE WITNESS: Yes, sir, I did. I'm not sure whether it
6 was Calabasas Garage or not. The address was 23528 Calabasas
7 Drive.

8 THE COURT: Other than the lift from the fingerprint,
9 did you remove anything from the trunk of the car from the
10 automobile itself?

11 THE WITNESS: No, sir, I did not.

12 THE COURT: Or did you add anything to the contents of
13 the automobile in any way or the footlocker?

14 THE WITNESS: No, sir.

15 THE COURT: Gentlemen, any questions?

16 MR. MANZELLA: No, your Honor, thank you.

17 MR. KANAREK: Thank you, no.

18 THE COURT: You may step down.

19 MR. KANAREK: Thank you, Officer.

20 THE COURT: Call your next witness.

21 MR. MANZELLA: People call Sergeant Paul Whiteley, your
22 Honor.

23 THE CLERK: Would you state your name again.

24 THE WITNESS: Paul Whiteley.

25
26 PAUL WHITELEY,
27 called as a witness by and on behalf of the People, having been
28 previously duly sworn, resumed the stand and testified further

19-3

1 as follows:

3 DIRECT EXAMINATION

4 BY MR. MANZELLA:

5 Q Sergeant Whiteley, the address 23528 Calabasas
6 Drive, is that the Calabasas Garage about which you've
7 testified earlier?

8 A Yes, it is.

9 Q Were you present when Mr. Chamousis lifted the
10 prints from one of the footlockers?

11 A No, I was not.

12 Q All right, Sergeant Whiteley, as the chief
13 investigating officer in this case, have you been up to the --
14 in the course of your duties, have you been up to the Ballarat-
15 Goler Wash area of Death Valley?

16 A Yes, I have.

17 Q Approximately how many times?

18 A 14 times.

19 Q Between what dates; what two dates were you up
20 there?

21 A October, 1969, through July, 1970.

22 Q Have you traveled the road from Ballarat to the
23 mouth of Goler Wash?

24 A Yes, I have.

25 Q And what is the distance from Ballarat to Goler
26 Wash?

27 A Approximately 15 miles.

28 Q Now -- if I may just have a moment, your Honor.

19-4

1 Directing your attention, Sergeant Whiteley, to
2 the map which has been marked People's 76 for identification.

3 Do you recognize what is shown, what is depicted
4 in that map?

5 A Yes, I do.

6 Q Have you traveled portions of the area shown in
7 this map?

8 A Yes, I have.

9 Q Is the area that you traveled marked in any way
10 on the map?

11 A Some of the portions that I have traveled is
12 marked on the map, yes.

13 Q All right. Would you tell us the portions that
14 are marked on the map? What portions do they represent?

15 A That's the road from Ballarat to the mouth of
16 Goler Wash, through Goler Wash up to the Barker Ranch.

17 Q All right, at the top of the road which is marked
18 in red, now, is that the city or town of Ballarat?

19 A Yes, it is.

20 Q And where is the mouth of Goler Wash as shown on
21 this map, People's 76?

22 A It is where the light brown portion turns to dark
23 brown.

24 Q And is that where the red lines showing your
25 route begins to -- or is horizontal across the face of
26 People's 76.

27 A Yes, about one inch to the right.
28

19a fls.

19a-1

1 Q All right, and where is the -- is the Meyers' Ranch
2 and the Barker Ranch area marked in any way on the map?

3 A Yes, they're marked with a circle.

4 Q And is the designation Meyers' Ranch marked inside
5 of that circle?

6 A Yes.

7 Q Now, what county is this area in, the area depicted
8 in People's 76 for identification?

9 A Inyo County.

10 Q Now, would you describe for us the condition --
11 strike that.

12 Have you taken the road from Ballarat to the mouth
13 of Goler Wash, and then the route from the mouth of Goler Wash
14 to Barker and Meyers' Ranches?

15 A Yes, I have.

16 Q Would you describe the condition of that road
17 from Ballarat to Goler Wash?

18 MR. KANAREK: Irrelevant and immaterial, your Honor.
19 No foundation. Its prejudicial value far outweighs the
20 probative value.

21 THE COURT: Overruled. You may answer.

22 THE WITNESS: It is a dirt road. It is very hard to
23 traverse in a vehicle.

24 Q BY MR. MANZELLA: Approximately how many times
25 have you traveled that route, from Ballarat to the mouth of
26 Goler Wash?

27 A Three times.

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

19a-2

1 THE COURT: The answer may remain. The objection is
2 overruled.

3 Q BY MR. MANZELLA: The three times you traveled
4 that road, did you see any traffic other than police
5 vehicles on that road?

6 MR. KANAREK: Irrelevant and immaterial.

7 THE COURT: Sustained.

8 Q BY MR. MANZELLA: Along that route from Ballarat,
9 the route from Ballarat to the mouth of Goler Wash, the times
10 you made that trip, did you see any structures along that
11 road from --

12 MR. KANAREK: Irrelevant and immaterial. No foundation,
13 your Honor.

14 THE COURT: Overruled, your Honor, you may answer.

15 A There are no residences. There are a couple of
16 mines.

17 Q BY MR. MANZELLA: And are those the only structures
18 that you have observed at the times you have traveled that
19 route?

20 A Yes.

21 Q Now, directing your attention to the route from
22 the mouth of Goler Wash to the Barker-Meyers Ranches, would
23 you describe the passage through Goler Wash for us?

24 MR. KANAREK: No foundation, your Honor, irrelevant
25 and immaterial.

26 THE COURT: Overruled, you may answer.

27 A Goler Wash at its narrowest point is approximately
28 eight feet wide. It is a canyon approximately 150 feet high

19a-3

1 and it is very steep incline going up through Goler Wash,
2 going up towards the Meyers Ranch.

3 Q BY MR. MANZELLA: And how did you travel that
4 route to Barker and Meyers Ranch through Goler Wash?

5 A Both in a four-wheel drive vehicle and also on
6 foot.

7 Q Did you have any difficulty getting through
8 Goler Wash with a four-wheel drive?

9 MR. KANAREK: Your Honor, that --

10 THE COURT: Sustained.

11 Q BY MR. MANZELLA: Approximately what is the
12 distance from the mouth of Goler Wash to the Barker and Meyers
13 Ranches?

14 A Approximately six miles.

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

16 THE COURT: Yes, you may.

17 MR. MANZELLA: Your Honor, I have here a series of
18 photographs which are black and white photographs, approxi-
19 mately eight inches by ten inches, which I would like to
20 have marked People's 88-A through -I for identification.

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

22 THE COURT: Yes, you may.

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

26 MR. KANAREK: Your Honor, may I request an offer of
27 proof, if I may?

28 THE COURT: Yes, as to these? These pictures all show

19a-4

1 terrain.

2 MR. KANAREK: Yes, I don't see any --

3 THE COURT: Very rugged terrain, with an occasional
4 picture of a vehicle.

5 MR. KANAREK: I don't see the relevancy or materiality.

6 MR. MANZELLA: Your Honor, we believe they are relevant
7 for several reasons.

8 First of all, several of the statements made by
9 Mr. Manson to witnesses who will testify in this case, were
10 made at the -- at Meyers Ranch in Death Valley, which is the
11 ranch Sergeant Whiteley has referred to.

12 We also have photographs of that ranch in the area
13 where the conversations and the statements by Mr. Manson were
14 made.

15 Secondly, Mr. Shea --

16 THE COURT: How does that make the pictures material?

17 MR. MANZELLA: Secondly, the briefcase of Mr. Shea was
18 found along the road from Ballarat to Goler -- the mouth of
19 Goler Wash.

20 THE COURT: Yes, the Court remembers that.

21 MR. MANZELLA: What we are attempting to show, that this
22 area is almost an inaccessible area. That it is not --

23 THE COURT: It is not widely traveled.

24 MR. MANZELLA: It is not widely populated and not widely
25 traveled and that this is not a situation in which almost
26 anyone could have left that briefcase up there. That it
27 would have to have been somebody who was staying in the area.
28 And we intend to show that Mr. Manson and other members of

19a-5

1 the Manson Family, when they left Spahn Ranch, during the
2 first week of September, 1969, went to Barker and Meyers
3 Ranches, up in Death Valley, and that they took the route from
4 Ballarat to the mouth of Goler Wash and through Goler Wash
5 and it was sometime thereafter that Mr. Manson made several
6 statements with regard to the killing of Mr. Shea.

7 THE COURT: You're putting Mr. Manson in the area and
8 you are showing the character of the area as being remote by
9 means of the photographs?

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

11 MR. KANAREK: Your Honor, first of all, one initial point,
12 I think Mr. Whiteley is going to be here and purportedly these
13 other witnesses are going to be here, and to put this on at
14 this time serves no useful purpose.

15 MR. MANZELLA: Oh --

16 MR. KANAREK: Not even procedurally from the standpoint
17 of an ongoing trial, because it is out of context and there's
18 no necessity for it. Seeing that this can be done with each
19 of the witnesses and at that time we can take them up. But
20 it seems to me that Mr. Manzella's offer of proof shows the
21 prejudice against Mr. Manson. The witness is -- this is not
22 a subversive control board hearing, wherein a whole group of
23 people are being called Communists or wherein -- or where
24 the whole organization is being damned. This is a criminal
25 trial, where Mr. Manson is on trial alone.

26 MR. MANZELLA: May I --

27 MR. KANAREK: And I think that it invades against Mr.
28 Manson's right to a fair trial for this grouping -- this

19a-6

1 indictment of an entire body of people.

2 MR. MANZELLA: I had intended to put Sergeant Whiteley on
3 later in the case, but I ran out of witnesses today and --

4 THE COURT: I do want to utilize the time, as all of us
5 do.

6 MR. KANAREK: Well, I have a little bit of cross on
7 what he's already testified to.

8 THE COURT: Well, I'll permit you to proceed. It seems
9 to me --

10 MR. MANZELLA: All right.

11 THE COURT: -- to be probative on the points that Mr.
12 Manzella raises.

13 MR. KANAREK: Yes, your Honor, undoubtedly Mr. Manzella
14 is going to ask the same questions of these purported witnesses,
15 wherein Mr. Manson purportedly made statements in these areas.
16 It just seems redundant to have Mr. Whiteley --

17 THE COURT: If he does, I may control him in that
18 respect. We'll see.

19 All right, you may proceed.

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

23 MR. MANZELLA: Your Honor, I have a series of black and
24 white, eight inch by ten inch photographs, which I would like
25 to have marked People's 88-A through 88-I for identification.

26 THE COURT: All right, so ordered.

20 fls.

88A-I

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NDX
1 MR. MANZELLA: Your Honor, I have here what appears to
2 be a contour map of Death Valley.

3 May I have that marked People's 89 for identifi-
4 cation?

5 THE COURT: So ordered.

6 (Pause in the proceedings while the exhibit was
7 examined by Mr. Kanarek.)

8 Q BY MR. MANZELLA: All right. Sergeant Whiteley,
9 can you see People's 89 for identification from where you are
10 seated on the witness stand?

11 A Yes, sir, I can.

12 Q All right. And do you recognize what is depicted
13 in this map?

14 A Yes, sir, I do.

15 Q And can you tell us what that is?

16 A It has the greater portion of Inyo County,
17 starting with Owens Lake to the west, --

18 Q And --

19 A -- going into the Death Valley Monument to the east;
20 and south to the China Lake Naval Ordnance Station; and to
21 the north -- I can't see quite -- how far we go north on that.

22 Up past Furnace Creek Ranch.

23 Q All right. Now, you've identified the area --
24 the route marked in red on People's 41, the smaller map.

25 Is that same area shown on a smaller scale on
26 People's 89, the large map?

27 A Yes.

28 Q And is the same route marked? That is, the route

1 from Ballerat to the mouth of Goler Wash, and from the mouth of
2 Goler Wash across to the Meyer/Barker Ranch area?

3 A Yes.

4 Q And is that also marked in red?

5 A Yes.

6 Q Sergeant Whiteley, directing your attention to the
7 photographs which have been marked People's 88-A to 88-I for
8 identification, do you recognize what is shown in these photo-
9 graphs?

10 A Yes.

11 Q All right. Going through -- showing you one
12 photograph at a time, beginning with People's 88-A for
13 identification, would you tell us what's shown in that photo-
14 graph?

15 A That's the turn off the paved highway, from
16 Trona, going to Ballerat.

17 Q And directing your attention to the photograph
18 marked People's 88-B for identification, can you tell us
19 what is shown in that photograph?

20 A That's Ballerat, the small hamlet.

21 Q And is the area shown in these photographs, is
22 this an area that you have traveled yourself, between the dates
23 that you've given us?

24 A Yes.

25 Q Directing your attention to the photograph marked
26 People's 88-C for identification, do you recognize what is
27 shown in that photograph?

28 A Yes, sir. That's the turn-off to Goler Wash.

1 Q And how far from Ballerat is the area located in
2 People's 88-C?

3 A It's just down a couple of hundred yards from
4 Ballerat, to the turnoff.

5 Q Now, directing your attention to the photograph
6 marked People's 88-E for identification, do you recognize
7 what is shown in that photograph?

8 A Yes, sir.

9 Q And what is that?

10 A That is the road between Ballerat and Goler Wash.

11 Q Directing your attention to the photograph marked
12 People's 88-E for identification, do you recognize what is
13 shown in that photograph?

14 A Yes. That's just starting into the mouth of
15 Goler Wash.

16 Q And directing your attention to the photograph
17 which is marked 88-F for identification, do you recognize
18 what is shown in that photograph?

19 A Yes, sir. That is the dry falls area, inside
20 Goler Wash.

21 Q And what do you mean by the "dry falls area"?

22 A It's referred to as the dry falls area; this
23 (indicating) is all rock.

24 Q All right. Directing your attention to the
25 photograph marked People's 88-G for identification, will you
26 tell us what is shown in that photograph?

27 A Yes. That's one of the vehicles, as we were
28 traversing up through Goler Wash.

20a-1

1 Q Were these photographs taken on one of the trips
2 which you made through this area?

3 A Yes. A portion of them were.

4 Q All right. Now, directing your attention to
5 the photograph marked People's 88-H for identification, do
6 you recognize what is shown in that photograph?

7 A Yes. That's coming out at the top of the Goler
8 Wash, into the small valley.

9 Q And approximately how far -- if you know,
10 approximately what distance is it from where -- from the
11 mouth of Goler Wash to where you come out of the small --
12 into the small valley you've just identified?

13 A It's about two miles from the bottom of the
14 Goler Wash to the top.

15 Q Now, directing your attention to the photograph
16 marked People's 88-I for identification, do you recognize what
17 is shown in that photograph?

18 A Yes.

19 Q And what is that?

20 A That is halfway between the top of the Goler Wash
21 and to Meyers Ranch; it's also the cutoff to Mengel Pass,
22 which is shown on the map.

23 MR. MANZELLA: Now, I have here, your Honor, four
24 black and white 8 X 10 inch photographs, which I would like
25 to have marked People's 90-A through -D for identification.

26 THE COURT: So ordered.

27 I think we'll recess at this time, ladies and
28 gentlemen.

90-A - D Id

20a-2

1 9:30 tomorrow morning?

2 Mr. Kanarek, 9:30?

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

4 THE COURT: The Court then will excuse you this
5 evening, with the admonishment that you are not to converse
6 amongst yourselves nor with anyone else, nor permit anyone
7 to converse with you on any subject connected with this
8 matter, nor are you to form or express any opinion on the
9 matter until it is finally submitted to you.

10 Remember also the admonishment that I have
11 heretofore given to you in respect to publicity regarding
12 Mr. Manson, or anything connected with this case.

13 Good night.

14 (Murmurs of "Good night" from the members
15 of the jury.)

16 THE COURT: See you at 9:30.

17 Mr. Kanarek?

18 MR. KANAREK: Yes, your Honor.

19 (Pause in the proceedings while the members of
20 the jury had exited the courtroom.)

21 THE COURT: All right. The jury has left, entirely
22 left, the jury and alternates.

23 You were about eight minutes late, in calling
24 the afternoon calendar.

25 MR. KANAREK: No, I think it was four minutes, your
26 Honor.

27 THE COURT: The Court noted it was about eight minutes.
28 Do you have any explanation for it?

20a-3

1 MR. KANAREK: Yes, your Honor. The -- the -- there's a
2 difference in time, in clocks in various parts of the city.
3 I was in Burbank, and I gave myself --

4 THE COURT: You'd better adjust your clock or your
5 watch to the court's clock.

6 The Court has a watch which it -- I have a watch,
7 and I have made it -- I have coordinated it with the court
8 clock. And by this watch, on my wrist, I noted that you were
9 at least eight minutes late.

10 MR. KANAREK: I believe --

11 THE COURT: Now, what's the problem? Can't you make
12 it on time?

13 MR. KANAREK: No, your Honor. What I mean is -- well,
14 if your Honor wishes, I -- the reason I don't carry the
15 particular watch I own is because I am allergic to the metal.
16 And I will get a strap, a leather band, so that I don't
17 break out.

18 That is the reason I haven't been carrying the
19 watch. But I will coordinate it, your Honor, with the clock.

20 THE COURT: Get an hourglass or a sundial or whatever
21 you may need, but be here on time.

22 MR. KANAREK: Yes, your Honor. Thank you.

23 (Whereupon, at 4:04 o'clock p.m., an adjournment
24 was taken until 9:30 o'clock a.m. of the follow-
25 ing day, Thursday, September 16, 1971.)
26
27
28