

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.

148

No. A-267861

REPORTERS' DAILY TRANSCRIPT

Tuesday, September 21, 1971

VOLUME 48APPEARANCES:

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

For Defendant Manson: IRVING A. KANAREK, Esq.

WATKINS (Per) (PRIOR CONS. STATEMENTS  
WHITELEY — 7 DIGGING)

COPY

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

**L.H.B.E.K.****PEOPLE'S WITNESSES: DIRECT CROSS REDIRECT RECROSS**

**WATKINS, Paul** 7316 7340 7333  
(Recalled)

**WHITLEY, Paul** 7393 7423 7450 7450

1 LOS ANGELES, CALIFORNIA, TUESDAY, SEPTEMBER 21, 1971

2 9:38 A.M.

3 ---O---

4 THE COURT: All right. The case of People versus Manson.

5 Good morning, ladies and gentlemen.

6 (Murmurs of "Good morning, your Honor," were heard  
7 from the members of the jury.)

8 THE COURT: Good to see you all.

9 In the event it should become too cool for you --  
10 something I didn't ever think would happen, at least ten  
11 days ago -- let me know, and perhaps we can cut down on one  
12 or more of these air conditioners.

13 People versus Manson. The record will show  
14 Mr. Kanarek is present; Mr. Manzella for the People.

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

18 THE COURT: Mr. Manson, the Court will ask you again --

19 THE DEFENDANT: Good morning.

20 THE COURT: Good morning.

21 (Continuing) -- whether you believe that you can  
22 control yourself; and if --

23 THE DEFENDANT: Actually, I have been controlling my-  
24 self all along.

25 THE COURT: All right. Will you be quiet today, so  
26 that we can proceed without interruptions?

27 THE DEFENDANT: (No response.)

28 THE COURT: I do know that you wish to communicate with

1 your attorney from time to time, and it's difficult with you  
2 in the rear lockup here.

3 But nevertheless, we can't tolerate your interrupting  
4 the Court.

5 THE DEFENDANT: (No response.)

6 THE COURT: You may remain if you will be quiet.

7 THE DEFENDANT: (Smiling.)

8 THE COURT: And if you will promise the Court you will  
9 be --

10 THE DEFENDANT: I won't make a promise.

11 THE COURT: Then you'll have to remain in the back.

12 THE DEFENDANT: All right.

13 MR. MANZELLA: Your Honor, may I have about five minutes?  
14 Sergeant Whiteley isn't here yet with my witnesses. I believe  
15 we are ready for cross-examination on one of -- on Paul  
16 Watkins.

17 THE COURT: Oh, were you able to get those transcripts?

18 MR. KANAREK: Yes, your Honor. I have had them. In  
19 fact, I was up all night.

20 THE COURT: Do you wish to have him on the witness  
21 stand?

22 MR. KANAREK: Yes, Yes, your Honor.

23 THE COURT: All right.

24 MR. KANAREK: I located the transcript.

25 THE COURT: And let me say once again that in connection  
26 with anything that you may wish to read from prior testimony,  
27 that it should be -- it should not be read unless it is prior  
28 contradictory testimony; do you understand that?

1 MR. KANAREK: Yes, your Honor.

2 MR. MANZELLA: He is not -- Sergeant Whiteley isn't here  
3 yet with the witness, your Honor.

4 THE COURT: All right.

5 MR. MANZELLA: If I can have about five minutes, I can  
6 find out what --

7 THE COURT: All right. I'll grant you five minutes.  
8 But you should tell Whiteley that it displeases the Court to  
9 have to wait.

10 MR. MANZELLA: I realize that.

11 THE COURT: All right. We'll take a recess at this  
12 time for approximately five minutes.

13 MR. MANZELLA: All right. Thank you.

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

16 THE COURT: You can remain in place, or you can move  
17 about, if you wish, ladies and gentlemen. We will remain in  
18 recess for a few minutes.

19 (Short recess.)

20

21

22

23

24

25

26

27

28

AA

Aa-1

1 THE COURT: I suggest to the People that they should  
2 make a greater attempt to adhere to a schedule, so we won't  
3 be delayed as we have been this morning.

4 MR. MANZELLA: Yes, your Honor.

5 THE COURT: Are you ready with your next witness?

6 MR. MANZELLA: Yes, your Honor. I apologize for  
7 this morning's delay.

8 Yes, your Honor. Mr. Paul Watkins is here.

9 THE COURT: Mr. Watkins is recalled to the stand.

10 And, Mr. Watkins, you are still under oath.

11 THE WITNESS: Yes.

12  
13 PAUL WATKINS,

14 having been previously duly sworn, resumed the stand and  
15 testified further as follows:

16 THE COURT: Move the chair up a little bit, so you are  
17 close to the microphone.

18 THE WITNESS: Yes.

19 THE COURT: Any further direct?

20 MR. KANAREK: Yes -- well --

21 MR. MANZELLA: Mr. Kanarek was on cross-examination.

22 THE COURT: Yes. Continue with your cross-examination.

23 MR. KANAREK: Yes, your Honor.

24 May I inquire if the gentleman sitting in the  
25 front row (indicating) is going to be a witness? I --

26 MR. MANZELLA: No, your Honor.

27 MR. KANAREK: Thank you.  
28

## CROSS-EXAMINATION (Continued)

BY MR. KANAREK:

Q Mr. Watkins, is it a fair statement that from Oct -- well, from sometime in the latter part of 1969 -- that is, September, October, November of 1969, until -- oh, April or maybe May of 1970, you lived with Steve Grogan? The person you know as Clem?

A Yes.

Q You lived with him -- that is, shared quarters and all of that; is that right?

A Until -- what was the date that you put?

Q I said April or May of 1970.

A Yes, that's a fair statement.

1 fls.

1 Q Now, Mr. Watkins, as a matter of fact you have  
2 told us that you went to Las Vegas to see your mother. Do  
3 you remember that?

4 A My aunt.

5 Q Your aunt?

6 A Yes.

7 Q In fact, you went to Las Vegas in connection with  
8 an obligation concerning the military?

9 A Yes, the draft.

10 Q And you went there and were examined in Las Vegas,  
11 is that correct?

12 A No, it is not.

13 Q Well, you went through an induction ceremony in  
14 Las Vegas, is that correct?

15 A Yes.

16 Q So your purpose in going to Las Vegas was not  
17 to see your aunt, but was to visit the draft headquarters?

18 A Right. I didn't say that was my purpose. I just  
19 said I went to my aunt's house when I got there.

20 Q But your -- this was in the summer of 1969, right?

21 A Right.

22 Q Now, on occasion, Mr. Watkins, did you and the  
23 people you were living with, including Mr. Manson, did you  
24 take LSD in a group?

25 A Yes.

26 Q That included Mr. Poston, is that correct?

27 A On a few occasions, yes.

28 Q Well, Mr. Poston was in your observation



1 for weeks at a time without doing anything --

2 MR. MANZELLA: Objection.

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

4 MR. MANZELLA: Objection, your Honor, it is not relevant  
5 and material.

6 MR. KANAREK: It is relevant and material as to --

7 THE COURT: Sustained.

8 MR. KANAREK: Well, may I make an offer of proof, your  
9 Honor?

10 THE COURT: No, you may not.

11 Q BY MR. KANAREK: Will you describe for us,  
12 Mr. Watkins, what occurred when all of these people took LSD  
13 at the same time?

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

16 THE COURT: Sustained.

17 MR. KANAREK: It is relevant and material as to the  
18 state of mind.

19 THE COURT: The objection is sustained, If you wish  
20 to particularize an occasion, you may.

21 Q BY MR. KANAREK: Well, on one or more occasions,  
22 did you take LSD along with Mr. Poston and a group of other  
23 people, including Mr. Manson and other individuals that you  
24 were living with?

25 A Yes.

26 Q Would you describe for us -- would you describe for  
27 us what occurred on those occasions?

28 MR. MANZELLA: Same objection, on the same grounds.

1 MR. KANAREK: Your Honor --

2 THE COURT: Same ruling.

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

5 THE COURT: No, you may not.  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

2-1

1 Q BY MR. KANAREK: This -- at these times you were  
2 living with the Family, so-called, that you've termed the  
3 Manson Family -- is that right?

4 A Yeah.

5 Q And you were living with the Family during  
6 times that you've testified here in court; is that right?

7 A No, that's not right. I -- it was during  
8 Charlie's preliminary proceedings that -- that I was living  
9 with the Family. I never did give any testimony --

10 Q Well, you've testified -- I'm sorry.

11 A I never did give any testimony during those  
12 times.

13 Q Well, I mean, I am referring to your testifying  
14 here in court.

15 A Oh.

16 Q You've testified to certain times that you met  
17 Mr. Manson, and you lived with his group of people?

18 A Yes.

19 Q Now, it was during these periods of times that  
20 you've spoken of, that you took LSD as a group; is that  
21 right?

22 A I don't understand your question, Mr. Kanarek.

23 Q A large number of people, including you, Mr.  
24 Poston and others, were in a room in a house on many occasions  
25 when you took LSD together?

26 A As I testified before; is that what you are  
27 saying?

28 Q That's correct; right?

2-2

1 A Yes.

2 Q And would you tell us what occurred when you  
3 took LSD together?

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

6 MR. KANAREK: It's relevant, your Honor. May I  
7 approach the bench, your Honor?

8 THE COURT: You may approach the bench. It does not  
9 appear to be relevant. However, I will hear from you.

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

13 MR. KANAREK: This encompasses the very time periods  
14 we are speaking of, your Honor; and if --

15 THE COURT: Yes.

16 MR. KANAREK: -- these events -- if these LSD  
17 trips took place at times when Mr. Shea was --

18 THE COURT: How are they relevant?

19 MR. KANAREK: Because if these people were under a  
20 LSD trip, if these people were all taking LSD, they wouldn't  
21 be in any position to know anything about Shorty Shea.

22 The credibility of the man is in issue. If he  
23 was on a LSD trip --

24 THE COURT: The Court sustains the objection.

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

28 THE COURT: The Court sustains the objection. Let's

2-3

1. proceed.

2. Q BY MR. KANAREK: Mr. Watkins, I -- you kept no  
3. calendars, did you? At any time that you were living with  
4. these people that you've talked about?

5. A Right. I didn't keep a calendar.

6. Q And you don't know on what days you took these  
7. LSD trips together; is that a fair statement?

8. A Well, that's a fair statement, to say I don't know  
9. the number attached to the day.

10. Q Well, you don't know what days -- you did not  
11. keep a calendar?

12. A Yeah.

13. Q You don't know what days --

14. A I remember the days, but as to what the numbers  
15. were on the dates, I don't know.

16. Q You don't know when --

17. A The date.

18. Q -- you took these trips, do you?

19. A I know when; but the date, I can't tell you.

20. Q Well, what I am saying is: You can't tell us  
21. what days they were?

22. THE COURT: I think it's clear that he does not remember  
23. the dates.

24. Q BY MR. KANAREK: Now, on occasions when you were  
25. in the presence of Mr. Poston at a time when he was in the  
26. presence of the people that you call the Family, did Mr. Poston  
27. lay around for weeks at a time, immobile, not doing anything?

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

2-4

1 relevant.

2 MR. KANAREK: It has to do with the credibility of --  
3 as to whether or not --

4 THE COURT: Sustained.

5 MR. KANAREK: -- whether or not anybody can observe it.

6 THE COURT: Sustained. And do not argue unless you  
7 approach the bench.

2a fls.

8 The objection is sustained.

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

2-5

1 MR. KANAREK: Well --

2 Q On these occasions, Mr. Poston --

3 A Mr. Watkins.

4 Q Pardon me. Mr. Watkins.

5 On these occasions, when Mr. Poston was in your  
6 presence, he also took LSD; is that right?

7 A On some occasions, yes.

8 Q And do you know what days Mr. Poston took LSD?

9 A Hmm -- I'll go back and remember them, if you  
10 like.

11 Q Can you tell us what days they were? Name the  
12 days.

13 A Name the dates?

14 Q Yes.

15 A I've already told you, I won't -- or, I can't.

16 Q And was it your observation -- now, I'll withdraw  
17 that.

18 And these days that you can't name are within the  
19 time period that you have testified here in court; is that  
20 right?

21 A Within the time period that I have testified in  
22 court? I don't understand the questioning.

23 Q These days were within the period of time that you  
24 lived with the people that you have mentioned; is that  
25 right?

26 MR. MANZELLA: Your Honor, I'm going to object on the  
27 grounds that it's vague and ambiguous, as to exactly what that  
28 means.

2-6

1 THE COURT: Sustained.

2 Q BY MR. KANAREK: Now, did you observe -- did you  
3 observe Danny DeCarlo at the Barker-Meyers Ranch area.

4 A Yes.

5 Q And did you observe Danny DeCarlo at the Barker's--  
6 at the Barker-Meyers Ranch area in August and September and  
7 October of 1969?

8 A Not in August; but in September and -- and not in  
9 October.

10 Q Well, what was the last day that you saw Mr.  
11 DeCarlo at the Barker-Meyers Ranch area?

12 A It would be somewhere around the middle of  
13 September, was the last I saw him up there.

14 Q And did you see Mr. DeCarlo at the Spahn Ranch in  
15 the summer of 1969?

16 A Yes.

17 Q And did you see Mr. DeCarlo at the Spahn Ranch  
18 in the summer of 1969?

19 A Yes.

20 Q And did you see Mr. DeCarlo at the Spahn Ranch  
21 in the summer of 1969, at the same time that you saw Steve  
22 Grogan at the Spahn Ranch in the summer of 1969?

23 A Yes. On one occasion.

24 Q And was this on the occasion when you went to the  
25 Spahn Ranch, after having seen Mr. Manson at the Barker Ranch--

26 A No.

27 Q -- in the summer of 1969?

28 A No.



2-7

1 Q Well, when did you see Mr. DeCarlo at the Spahn  
2 Ranch in the summer of 1969?

3 A That was earlier, in -- in August, when I had made  
4 a trip to the Spahn Ranch.

5 Q And during August and September of 1969, you were  
6 at the Spahn Ranch; is that correct?

7 A I made a trip there in August. And I stopped  
8 there once in September, yes.

9 Q So in both of those months, you were at the Spahn  
10 Ranch?

11 A Yes.

12 Q And what days in August were you at the Spahn  
13 Ranch?

14 A I don't recall. It was early in the month.

15 Q And when you went to the Spahn Ranch, did you see  
16 Bill Vance?

17 A Many times.

18 Q And you saw Bill Vance in August of 1969 at the  
19 Spahn Ranch; is that right?

20 A No, that's not right. I don't recall seeing  
21 Bill at that time.

22 Q Did you see Bill Vance in September of 1969 at the  
23 Spahn Ranch?

24 A Yes.

25 Q When in September, 1969, did you see Bill Vance  
26 at the Spahn Ranch?

27 A It was around the 7th.

28 Q Were you at times, when you were with the people

2-8

1 that you have told us you were with, in the summer of 1969,  
2 were you at times stoned for days at a time, while in the  
3 company of those people?

4 A No.

5 Q Were you stoned most of the time during any  
6 period of time that you were with the people that you have  
7 told us you were with, during 1969?

8 A That's a pretty hairy question. Would you say  
9 that again?

10 MR. KANAREK: May that be read, your Honor?

11 THE COURT: Yes.

2b fls.

2-9  
1 (Whereupon, the record was read by the  
2 reporter as follows:

3 "Q Were you stoned most of the time during  
4 any period of time that you were with the people that  
5 you have told us you were with, during 1969?"

6 THE WITNESS: (No response.)

7 THE COURT: Do you understand the question?

8 THE WITNESS: It's huge. I mean, it encompasses a  
9 whole year. And if I say, "Yes," do I say "Yes" for a whole  
10 year? Or if I say, "No," do I say, "No," for a whole year?

11 Q BY MR. KANAREK: You may answer the question and  
12 then explain, if you wish, Mr. Watkins.

13 THE COURT: Perhaps you could rephrase it.

14 Q BY MR. KANAREK: During the year 1969, was there  
15 any period of time when you were stoned, most of the time  
16 that you were with the people that you have told us you were  
17 with?

18 A Yes.

19 Q And what were the days -- now, I'll withdraw that.  
20 What do you mean by "stoned"?

21 A I mean either smoking marijuana or -- most of  
22 the time, is what it was; and occasionally, taking LSD.

23 Q And what do you mean when you use the word  
24 "stoned"? What do you mean as to your mental state of mind?

25 A Uhhh -- well, when you smoke marijuana, your  
26 mental state of mind is just -- you are still aware of what  
27 is going on, and the same with LSD; you are still quite  
28 aware of what is going on. But it's just quite different

2-10

1       than the ordinary -- than your ordinary state.

2               And so, you -- you call that being stoned. And so  
3       therefore --

4               Q       And so when you say "stoned," you mean that you  
5       are under the influence of LSD or marijuana --

6               A       Yes.

7               Q       -- or both?

8               A       Um-hmm.

9               Q       For a continuous period of time, going on for day  
10       after day after day; is that right, Mr. Watkins?

11              A       Well, marijuana -- see, it only lasts for a few  
12       hours, if you smoke some.

13                     And then LSD only lasts for maybe ten, twelve  
14       hours, if you take some.

15                     So you don't really stay constantly stoned.

16              Q       Well, did you testify on August the 12th, 1971,  
17       that you were stoned most of the time? Did you so testify?

18              A       Yes, I was stoned most of the time.

19              Q       So that means that most of the time in a 24-hour  
20       day -- or, in a period of a week, or two weeks or three weeks,  
21       during that entire period of time, most of the time, you were,  
22       as you put it, stoned?

23              A       Yes.

24              Q       Is that correct?

25              A       Um-hmm.

26              Q       Would you answer "Yes" or "No"?

27              A       Yes.

28              Q       And on some of these occasions when you were

2-11

3 fls.

1 stoned, did you try to climb walls, Mr. Watkins?

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

3 MR. KANAREK: It's relevant to go with -- may I approach  
4 the bench?

5 MR. MANZELLA: I'll withdraw the objection.

6 THE WITNESS: I -- no, I didn't climb any walls.  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

1 Q BY MR. KANAREK: You didn't climb any walls?

2 A No.

3 Q Did you feel like you were losing your mind at any  
4 time while you were stoned?

5 A I have on occasions.

6 Q Felt like you were losing your mind?

7 A Uh-huh.

8 Q Is that correct?

9 A That's correct.

10 Q And this is during the period of time that you  
11 were living with the people that you told us about, right?

12 A While living with the Family, yes.

13 Q Did you testify that Brooks Poston for months and  
14 months he would be in -- and for weeks at a time he would be  
15 unconscious, just laying on the ground, laying in one place?

16 THE COURT: You needn't answer that.

17 MR. MANZELLA: Objection, your Honor, no foundation for  
18 that question.

19 THE COURT: Mr. Kanarek, would you approach the bench?

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

23 THE COURT: This is not the first time I have seen you  
24 engage in unethical conduct during the course of the trial,  
25 but this is a situation wherein I have told you that you are not  
26 to do this in front of the jury.

27 MR. KANAREK: Your Honor, if I may --

28 THE COURT: There is no foundation --

1 MR. KANAREK: Yes, there is, your Honor.

2 THE COURT: There is no foundation for it.

3 MR. KANAREK: Yes, there is, your Honor.

4 May I tell you --

5 THE COURT: There is no foundation for your having done  
6 what you did.

7 MR. KANAREK: May I --

8 THE COURT: Under the guise of asking a question, you  
9 are testifying, in effect, and there is no foundation --

10 MR. KANAREK: Can I tell the Court what the foundation  
11 is?

12 THE COURT: Yes.

13 MR. KANAREK: I'll tell the Court.

14 Under Green vs. California, your Honor, this is  
15 exactly the thing that Mr. Manzella did not do with Mary  
16 Brunner. We have a right, under Green, if your Honor's  
17 interpretation of Green vs. California -- this is previous  
18 testimony. It goes to the credibility of Mr. Poston as to  
19 whether he could observe.

20 THE COURT: If you wish to put this man on the witness  
21 stand as your own witness concerning Mr. Poston's conduct,  
22 you may do so. But this is not proper cross-examination.

23 MR. KANAREK: It is.

24 THE COURT: This is not proper cross-examination.  
25 Mr. Poston's conduct, as I remember, was not gone into on  
26 direct.

27 MR. KANAREK: Yes, it was.

28 THE COURT: Did you inquire of Mr. --

1 MR. MANZELLA: No, your Honor, I haven't gone into  
2 life style.

3 MR. KANAREK: Yes.

4 THE COURT: Would you be quiet, Mr. Kanarek?

5 MR. KANAREK: I'm sorry, your Honor.

6 THE COURT: Let somebody speak here.

7 MR. KANAREK: I'm sorry.

8 THE COURT: Did you discuss Mr. Poston's conduct on  
9 direct?

10 MR. MANZELLA: No, your Honor.

11 MR. KANAREK: May I --

12 THE COURT: If you do this again, Mr. Kanarek, I'm  
13 going to find you in contempt. I've warned you about it  
14 before, and you have persisted in doing it when you have a  
15 record in front of you and you do have records in front of you  
16 of previous testimony. You have the Grand Jury testimony, you  
17 have testimony of witnesses in previous trials, and you  
18 offer it before the jury by way of a question and answer  
19 given in previous testimony, and it has really no basis for --  
20 really no basis for being asked.

21 You have no reason to ask it. It is not prior  
22 inconsistent testimony.

23 Now, you need not tell the Court about Green vs.  
24 California, but this man did not state otherwise concerning  
25 Mr. Poston's conduct.

26 MR. KANAREK: If I --

27 THE COURT: This is the last time I will tell you about  
28 it.



1 MR. KANAREK: If your Honor will bear with me just a  
2 minute, I think the analysis your Honor is missing, if I  
3 may, is that one of the grounds for impeachment is credibility.  
4 And if a person is asleep and laying on the floor, they cannot  
5 observe. They cannot see what's going on. And if the man is  
6 asleep and unconscious, he can't see what's going on, your  
7 Honor, and that's the point. We have a right to put into  
8 evidence if somebody sees a witness sleeping.

9 THE COURT: You ask him, but don't ask him by reason --  
10 by way of the question and answer previously put to him in  
11 another court proceeding.

12 Let's proceed.

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

15 Q BY MR. KANAREK: Mr. Watkins, during the period of  
16 time that you were living with the people that you have spoken  
17 of, during 1969, did you see Mr. Poston laying in one place  
18 for months and months at a time?

19 MR. MANZELLA: Your Honor, I'm going to object on the  
20 grounds that it is vague and ambiguous as to time.

21 MR. KANAREK: Your Honor, --

22 MR. MANZELLA: It is vague and ambiguous as to what  
23 "those people" means.

24 THE COURT: Sustained.

25 MR. KANAREK: Well, may I make --

26 Q Well, you have told us, Mr. Watkins, what the  
27 Family means. You have used that gross term, grouping a bunch  
28 of people together and calling them a family, is that right?

A That's right.

3a-1

Q Now, having in mind this Family that you are speaking of, did Mr. Poston, at a time when you were living with this Family, lay in one place for months and months at a time?

A Not months and months.

Q He didn't lay for months and months at a time?

A Not for that long a time.

Q Did he lay for weeks at a time?

A Yes. I've seen him lay for weeks at a time.

Q So you're differentiating between Mr. Poston laying in one place for weeks at a time from months at a time, right?

A Yes.

Q Now, within your knowledge, then, for how many weeks at a time did Mr. Poston lay in one place?

A Never really laid in one place. Like he would, for weeks at a time, he'd just live in the bedroom. And then, he'd come down every once in a while and eat or stand around for a little while, and then he'd go back and lay in the bedroom. He spent most of his time, for weeks, in the bedroom. Just laying there.

Q Did he appear to you to be next to death?

A Yes.

Q Then, you were saying -- I'll withdraw that.

On August 12, 1971, did you testify referring to Mr. Poston "For months and months he would be in -- for weeks at a time he would be unconscious, just laying on the floor, laying in one place"; did you so testify?

3a-2

1 A Yes, but the months and months is a correction  
2 of myself.

3 MR. KANAREK: Well, your Honor, may that be stricken?  
4 I am asking him merely -- my question was whether he uttered  
5 those words and I asked if he --

6 THE WITNESS: Well, a yes and no answer doesn't fit.  
7 I have to say something --

8 THE COURT: The motion is denied.

9 Q BY MR. KANAREK: Mr. Watkins, if you would, listen  
10 to the question and I -- if you would just -- we are in a  
11 courtroom here, and if you would just answer the question,  
12 please. Mr. Manzella will be able to speak further with  
13 you.

14 MR. MANZELLA: Your Honor, I object to Mr. Kanarek's  
15 comments.

16 THE COURT: Sustained. And Mr. Kanarek's remarks are  
17 stricken, ladies and gentlemen.

18 Q BY MR. KANAREK: My question --

19 THE COURT: Mr. Kanarek, go on with your next question.

20 MR. KANAREK: Yes, your Honor.

21 THE COURT: He has answered the last question.

22 MR. KANAREK: My question was whether he uttered the  
23 words --

24 THE COURT: The Court heard an answer. Do you want  
25 to repeat it for him?

26 THE WITNESS: I did.

27 Q BY MR. KANAREK: What?

28 A I did.

3a-3

1 Q You did utter those words in a courtroom on  
2 August 12th, 1971?

3 A Yes.

4 Q Did Mr. Poston appear to you to look like a  
5 Zombie?

6 A Yes, he did.

7 Q Did he appear to you to be in a low state of  
8 consciousness, like walking death?

9 A Yes, he did.

10 Q Now, Mr. Watkins, in connection with the publicity  
11 that you partook in as far as your statements concerning Mr.  
12 Manson were concerned, did you pose for pictures, wherein  
13 these pictures of you were to be used for profit?

14 A Yes.

15 Q That was -- that was in the fall of 1969, after  
16 Mr. Manson was arrested; is that correct?

17 A That's correct.

18 Q Now, is it a fair statement, Mr. Watkins, that you  
19 considered yourself to be a member of what has been called,  
20 in this courtroom, the Family?

21 A Yes.

22 Q And you were a member of this Family as much as  
23 Steve Grogan, Sandy Good, Brooks Poston, just as much as  
24 anyone else that was a member of that Family; is that  
25 correct?

26 A You can say that, yes.

27 Q During the period of time that you were a member  
28 of this Family, Mr. Watkins, did you hear -- did you ever

1 hear any of the members of the Family sitting around planning  
2 to kill Shorty Shea?

3 A No.

4 fls.

5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

4-1

1 Q Did anyone, who was a member of this Family,  
2 ever mention Shorty Shea as one who was going to be killed?

3 A No.

4 Q Is it a fact that on occasion you became flipped  
5 out, upon using LSD?

6 A That all depends on what you call flipped out.

7 Q Have you used the term "flipped out"?

8 A Yes.

9 Q And have you been flipped out while under the  
10 influence of LSD?

11 A Yes.

12 Q And would you tell us, Mr. Watkins, what do you  
13 mean by "flipped out" on LSD?

14 A Out? "Flipped out" is in relation to the body.  
15 In relation to my body, if you take a big enough dose, it  
16 runs you out of any consciousness of being in a body, to  
17 where you don't have any consciousness that you have hands  
18 and legs and eyes and head.

19 So, when you don't have a consciousness of a body  
20 any more, then I would call that flipped out; because then you  
21 would be out of your body.

22 Q And you have been flipped out during the year  
23 1969, while under the influence of LSD; is that correct?

24 A Hmm -- that's correct, yes.

25 Q And you don't know what days these flipping outs  
26 occurred; right?

27 A Right.

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

4-2

1 THE COURT: Any redirect?

2 MR. MANZELLA: Thank you, your Honor.

3  
4 REDIRECT EXAMINATION

5 BY MR. MANZELLA:

6 Q Mr. Watkins, how do you remember the date that  
7 Mr. Manson told you about the killing of Shorty?

8 A How do I remember the date?

9 Q Right.

10 A Because my draft physical was on the 2nd; and  
11 then they sent me to L. A. on the 3rd; and then I left the  
12 desert, and I got to my aunt's house; and the next morning,  
13 I had to be at the draft place, which was on the 2nd.

14 Q Of September, 1969?

15 A Yes.

16 So that means I left on the 1st. I got there on  
17 the 2nd; went to L. A. on the 3rd.

18 Q And you spoke to Mr. Manson before you left  
19 Barker Ranch, to go to take your physical?

20 A Yeah, just about a day before that.

21 Q Now, do you recall talking to Sergeant Whiteley  
22 on October 14th of 1969?

23 A Yes, I do.

24 Q And did you tell Sergeant Whiteley about statements  
25 that Mr. Manson had made to you, on that date?

26 MR. KANAREK: Well, your Honor, that -- I'll object to  
27 that as calling for a conclusion. It's irrelevant and  
28 immaterial; without a proper foundation.

4-3

1 THE COURT: Overruled. You may answer.

2 THE WITNESS: I -- I told Mr. Whiteley about everything  
3 Charlie told me about that, then, yes.

4 Q BY MR. MANZELLA: All right. And that was on  
5 October 14th of 1969; is that correct?

6 MR. KANAREK: Well, I'll object --

7 THE WITNESS: Yes.

8 MR. KANAREK: -- to that as calling for a conclusion;  
9 and no proper foundation, your Honor.

10 THE COURT: Objection overruled. The answer may  
11 remain.

12 Q BY MR. MANZELLA: Now, Mr. Watkins, when was it  
13 that you first talked with someone about making money for  
14 information on the Manson Family?

15 A It wasn't until sometime later -- it was on into  
16 November, when Charlie's preliminary came up. It was -- yeah,  
17 it was on into November, late, around Thanksgiving.

18 Q Now, were you taking drugs at the time that Mr.  
19 Manson made the statement to you about the killing of Shorty?

20 MR. KANAREK: I'll object to that as calling for a  
21 conclusion; with no foundation; and ambiguous as to time,  
22 your Honor.

23 And I would like to inquire on voir dire.

24 THE COURT: The motion to inquire on voir dire is  
25 denied.

26 The question is: Were you taking drugs --?

27 (Whereupon the record was read by the reporter  
28 as follows:



4-4

1 "Q. Now, were you taking drugs at the time  
2 that Mr. Manson made the statement to you about the  
3 killing of Shorty?"

4 MR. KANAREK: I'll object to the form of the question.

5 THE COURT: The question is ambiguous in form. The  
6 Court sustains the objection.

4a fls.

7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

4a-1

1 Q BY MR. MANZELLA: Mr. Watkins, you testified that  
2 before -- I want to direct your attention to that time when  
3 Mr. Manson was speaking to you about the killing of Shorty,  
4 before you left for Barker Ranch to take your draft physical.

5 At that time, were you taking drugs, at the time  
6 Mr. Manson was speaking to you? Were you taking drugs?

7 MR. KANAREK: That's ambiguous, your Honor. Object to  
8 it.

9 THE COURT: Sustained.

10 When was the last time before he spoke to you that  
11 you had taken any drugs?

12 THE WITNESS: When I had left the Spahn Ranch in May.

13 Q BY MR. MANZELLA: Of 1969?

14 A Yes.

15 Q And when you left the Spahn Ranch in May of 1969,  
16 where did you go?

17 A I went to the Barker Ranch.

18 Q Now, from May of 1969 until September -- the  
19 beginning of September, 1969, who did you live with at  
20 Barker Ranch?

21 A Uh -- I believe I already answered that question.  
22 But it was Paul Crockett, Brooks Poston, myself, Juanita  
23 Wildbush, and occasionally there were our partners, Stan  
24 Berry, Tom Berry. But those who I lived with most of the  
25 time was Paul Crockett, Brooks Poston, Stan Berry -- no,  
26 not Stan Berry, but Bob Berry -- and Juanita Wildbush.

27 Q And when you left the Spahn Ranch in May of 1969,  
28 did Mr. Manson and the Family -- strike that.

1                   When you left Spahn Ranch in May of 1969, were  
2 Mr. Manson and the Family still at Spahn Ranch?

3           A       Yes.

4           Q       Now, Mr. Watkins, when and where did Brooks  
5 Poston appear next to death?

6           A       On several occasions. The first time I saw him go  
7 into it was in 1968 when we were living in the -- it was  
8 during the summer of 1968, when we was living in the back ranch  
9 house at Spahn's Ranch.

10                   And he took a dose of acid and lay down on the  
11 couch; and at that time, he didn't get up for three days.  
12 He just -- he just laid there; and then he began to show a  
13 little activity.

14                   And then he went into the same type thing again,  
15 later on in '69, as we were living in the Gresham house. And  
16 he started just laying around most of the time, and very  
17 pasty, white looking. He looked next to death to me.

18           Q       And on both of those occasions, the two of you  
19 were living with Mr. Manson and the Family; is that correct?

20           A       That's correct.

21           MR. MANZELLA: All right. Thank you. I have no  
22 further questions.

23           MR. KANAREK: Mr. Watkins --

24           MR. MANZELLA: I'm sorry. I do have two or three  
25 more questions. May I?

26           THE COURT: You may.

27           Q       BY MR. MANZELLA: Mr. Watkins, you referred to  
28 statements made at Barker Ranch with regard to Frank Retz,

1 before you left to take your draft physical.

2 Who made those statements?

3 MR. KANAREK: Well, that's ambiguous, your Honor.  
4 It's assuming facts not in evidence. It's -- there's no  
5 foundation.

6 The form of the question is -- is improper. You  
7 should take the transcript and show the man --

8 THE COURT: Overruled.

9 MR. KANAREK: -- what statements he's referring to.

10 THE COURT: Overruled.

11 Q BY MR. MANZELLA: You may answer.

12 A Charlie made the statements, that -- and he said --

13 Q Where were those statements made?

14 A In the -- that day --

15 MR. KANAREK: Your Honor, this is also outside the  
16 scope of cross-examination. If he wants to reopen, I think  
17 he should make a motion, your Honor.

18 THE COURT: The People?

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

20 THE COURT: Yes, you may.

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

24 THE COURT: It does appear to be outside of the scope of  
25 cross, but I can't quite remember --

26 MR. KANAREK: This wasn't --

27 THE COURT: It was mentioned previously, but I can't  
28 recall whether it was on direct or cross.

4b

1 MR. MANZELLA: This was brought out by Mr. Kanarek on  
2 cross-examination.

3 MR. KANAREK: Not about Frank Retz.

4 MR. MANZELLA: Right.

5 THE COURT: I think so, but I'm not sure.

6 MR. KANAREK: I don't think so.

7 MR. MANZELLA: That's right. It was brought out by  
8 Mr. Kanarek.

9 MR. KANAREK: About what?

10 MR. MANZELLA: About Frank.

11 THE COURT: About a conversation about Frank Retz, that  
12 was held --

13 MR. MANZELLA: Your Honor, they were made at Barker  
14 Ranch, earlier the same day that Mr. Manson made the  
15 statements about the killing.

16 THE COURT: That's correct.

17 MR. KANAREK: I don't recall any --

18 THE COURT: I do recall that it came up, but I can't  
19 recall whether it was on direct or on cross.

20 MR. MANZELLA: They were brought out on cross.

21 THE COURT: You say it was brought out on cross?

22 MR. KANAREK: I don't believe so. I don't believe I  
23 brought it out on cross.

24 MR. MANZELLA: Well, I can --

25 THE COURT: Let's find out.

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

28 Joyce, would you get yesterday's transcript?

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

4 THE COURT: Part of the conversation, I know, was gone  
5 into in the examination.

6 MR. KANAREK: I don't recall --

7 THE COURT: You can't recall?

8 MR. KANAREK: Not as to this witness, your Honor.  
9 I don't believe I interrogated him on Frank Retz; because  
10 there would be no -- it's just not -- I can't represent 100  
11 per cent to the Court that I didn't, but I sure don't believe  
12 I did.

5-1

1 MR. MANZELLA: Your Honor, can I get --

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

4 THE COURT: Need a recess?

5 We'll take a short recess. During the recess you  
6 are admonished that you are not to converse amongst yourselves,  
7 nor with anyone else, nor permit anyone to converse with you  
8 on any subject connected with this matter, nor are you to form  
9 or express any opinion on the matter until it is finally  
10 submitted to you.

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

14 MR. MANZELLA: Can I get my copy, too, your Honor?

15 THE COURT: Yes.

16 (Pause.)

17 THE COURT: 7191.

18 MR. KANAREK: That is, your Honor -- I submit that I was  
19 not -- there is nothing there.

20 THE COURT: Have you talked to him about what was said  
21 here?

22 MR. MANZELLA: Not -- uh, not really. No, I asked him  
23 if I hadn't heard the word right, and I asked him if he  
24 said Frank Retz. And he said yeah, they were talking about  
25 Frank Retz and the raid at the ranch. I'm not sure whether  
26 he said something about Frank Retz buying Spahn Ranch or trying  
27 to buy Spahn Ranch or talking to George Spahn or something  
28 like that.

1 MR. KANAREK: I submit that that is just a statement  
2 in passing, your Honor.

3 THE COURT: Do you know what he --

4 MR. MANZELLA: It was just a statement in passing, but --

5 MR. KANAREK: Well, I say it is outside the scope of  
6 cross.

7 THE COURT: Nevertheless --

8 MR. KANAREK: It didn't go in to any kind of substance  
9 about anything.

10 THE COURT: You don't know what he is going to say --  
11 or do you?

12 MR. MANZELLA: Well, I know what he is going to say  
13 to the extent that Manson said something about Frank Retz and  
14 Frank Retz was trying to buy the ranch from George Spahn or  
15 he was talking to George Spahn about buying a ranch.

16 THE COURT: I'll sustain the objection.

17 MR. MANZELLA: May I ask why, your Honor? Maybe I  
18 can lay a better foundation, I don't know.

19 THE COURT: Well, the -- in connection with the mention  
20 of the transaction or proposed transaction between Frank  
21 Retz and George Spahn, the only reason that it came into the  
22 case was because Frank Retz had persuaded George Spahn,  
23 apparently, to utilize Shorty Shea as a caretaker or watch-  
24 man.

25 MR. MANZELLA: Right, it is still relevant on those  
26 grounds.

27 THE COURT: It doesn't appear to be relevant in that  
28 way or in any way that I can --



1 MR. MANZELLA: Well, you see, my point is it is still  
2 relevant for the same reason and that is it shows Mr. Manson's  
3 knowledge.

4 THE COURT: Manson's knowledge --

5 MR. MANZELLA: That Frank Retz was talking -- was  
6 talking to Mr. George Spahn about buying his ranch.

7 In other words, I'm offering it for the same  
8 reason, and that is that it shows knowledge on the part of  
9 Mr. Manson and gives him a motive for the killing of Shorty.

10 THE COURT: Well, it doesn't show an extensive enough  
11 knowledge.

12 MR. MANZELLA: But we've shown that through other  
13 testimony.

14 In other words, I don't think it is required that  
15 the entire situation known to Mr. Manson be shown by each  
16 witness that testifies to it. We've already shown the  
17 knowledge that Mr. Manson had.

18 This is, I agree, -- shows less than what other  
19 witnesses have shown, but nevertheless it does show -- it  
20 does correspond with the other testimony that we've offered  
21 and I think that just because it is not as detailed as the  
22 other witness' testimony -- this is all he heard. This is all  
23 he remembered. He didn't know Mr. Retz.

24 MR. KANAREK: Your Honor, just because a man's name is  
25 mentioned, it doesn't mean that kind of a subject can be opened  
26 up.

27 THE COURT: I'll permit you to reopen for the purpose of  
28 showing that.

1                   What else do you have?

2           MR. MANZELLA: That's all. That's my last question or  
3 that's my last two or three. I don't know how many it will  
4 take to bring it out, but that's the last topic.

5           THE COURT: All right.

6           THE BAILIFF: Should I bring the jury back in?

7           THE COURT: We haven't given them ten minutes yet.  
8 Give them two or three more minutes, and then get them back  
9 in.

10                   (Short recess.)

5a-1

1 THE COURT: All right, I don't know what the last  
2 question is, perhaps you'd better start over.

3 The record will show that Mr. Kanarek is present.  
4 All the jurors are present.

5 Q BY MR. MANZELLA: Mr. Watkins, who made the  
6 statements about Frank Retz?

7 A Charlie.

8 Q Where were they made?

9 A In the ranchhouse at the Barker Ranch.

10 Q And this is inside the house?

11 A Yes.

12 Q Who was present when the statements were made?

13 A Paul Crockett and Bruce Davis and Tex Watson.

14 I don't remember if Brooks was there or not. I don't think  
15 he was there.

16 Q Now, would you tell us what -- strike that,  
17 Were these made during the day or night?

18 A During the day.

19 Q Would you tell us what Mr. Manson said?

20 MR. KANAREK: No foundation, hearsay, irrelevant and  
21 immaterial.

22 THE COURT: Overruled.

23 A He said there was this German guy named Frank  
24 Retz and he was trying to buy the ranch. That he was talking  
25 in George's ear and getting in his head.

26 Q BY MR. MANZELLA: Did you know Frank Retz?

27 A No.

28 Q When did Mr. Manson make that statement in

5a-2

1 relation to the statements he made about Shorty?

2 MR. KANAREK: Object, your Honor, assuming facts not  
3 in evidence. No foundation. Hearsay.

4 THE COURT: Overruled.

5 MR. KANAREK: Conjecture.

6 THE COURT: Overruled.

7 A Just about five or ten minutes before.

8 Q BY MR. MANZELLA: Before he made the statements  
9 about Shorty?

10 A Yeah.

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

13 THE COURT: Any recross?

14 MR. KANAREK: Yes, your Honor.

15  
16 RECROSS-EXAMINATION

17 BY MR. KANAREK:

18 Q Now, Mr. Watkins, you have spoken to law enforce-  
19 ment people, you have told us many times, is that right?

20 A Right.

21 Q And you have spoken concerning Mr. Retz with law  
22 enforcement people many times?

23 A Uh, that's not right.

24 Q Well, you and Mr. -- you and law enforcement  
25 people have discussed Mr. Retz before you stated what you just  
26 stated on the witness stand, right?

27 A Actually, no, it was a surprise to Mr. Manzella  
28 that I stated it on the witness stand. That's why he came back

5a-3

1 and asked the question.

2 Q It was a surprise to Mr. Manzella?

3 A Yes.

4 Q Is that right?

5 A Yes.

6 Q You're telling us that?

7 A Yes.

8 Q Well, you discussed Mr. Retz in a previous  
9 courtroom, right?

10 A Yes.

11 Q Mr. Manzella has a transcript of that previous  
12 testimony, right?

13 MR. MANZELLA: Objection, your Honor.

14 MR. KANAREK: Well, he has made a statement --

15 THE COURT: The objection is sustained.

16 Q BY MR. KANAREK: So your state of mind, Mr. Watkins,  
17 is that Mr. Manzella knew all about whatever you may have said  
18 concerning Frank Retz in another courtroom of the Superior  
19 Court for the County of Los Angeles?

20 MR. MANZELLA: Objection, your Honor, calls for specula-  
21 tion.

22 THE WITNESS: He -- he --

23 MR. KANAREK: May I approach the bench, your Honor?

24 THE COURT: No, you may not.

25 Would you rephrase your question?

26 MR. KANAREK: Yes.

27 Q Mr. Watkins, that was an untrue statement, the  
28 statement -- I'll withdraw that and reframe it.

5a-4

1           You knew that it was untrue when you stated that  
2           it was a surprise to Mr. Manzella by virtue of the fact that  
3           you knew that you testified concerning Mr. Retz in another  
4           courtroom in August of 1971, is that right?

5           MR. MANZELLA: Objection, your Honor, it calls for  
6           speculation.

7           MR. KANAREK: It goes to his state of mind. That's all  
8           it is offered for, anything except for this witness's truth-  
9           fulness.

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

5a-5

1 THE COURT: Mr. Kanarek, please do not argue. If you  
2 wish to approach the bench, please ask to do so.

3 If I wish to hear argument, I'll grant you the  
4 right to approach the bench.

5 MR. KANAREK: I'm sorry.

6 May I approach the bench, your Honor?

7 THE COURT: No, you may not. The objection is over-  
8 ruled. You may answer.

9 Do you understand the question?

10 THE WITNESS: No, I don't.

11 THE COURT: All right, Miss Briandi, would you read the  
12 question?

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

15 "Q Mr. Watkins, that was an untrue statement,  
16 the statement -- I'll withdraw that and reframe it.

17 "You knew that it was untrue when you  
18 stated that it was a surprise to Mr. Manzella by virtue  
19 of the fact that you knew that you testified concerning  
20 Mr. Retz in another courtroom in August of 1971, is that  
21 right?")

22 THE COURT: Do you understand the question now?

23 THE WITNESS: Yes. It appears to be two questions, and  
24 you have to excuse me, Mr. Kanarek, for making such a conclu-  
25 sion on what I observed in Mr. Manzella's surprise --

26 THE COURT: Just answer the question.

27 THE WITNESS: I knew that I testified to that before,  
28 but I just said that I observed it was a surprise to Mr.

5a-6q

1 Manzella. I didn't know that he didn't read it or if he did  
2 or not.

3 Q BY MR. KANAREK: Mr. Watkins, you were interrogated,  
4 spoken to by a Deputy District Attorney in that other court-  
5 room, right?

6 A Right.

7 Q You've seen Mr. Manzella with transcripts concern-  
8 ing that other trial, right?

9 MR. MANZELLA: Objection, your Honor, the witness has no  
10 way of knowing that.

11 THE COURT: Sustained.

12 Q Well, how do you -- very well, your Honor.

13 You have spoken with Mr. Manzella concerning your  
14 testimony in the other courtroom, is that correct, Mr. Watkins?

15 A No, I've spoken with Mr. Manzella concerning my  
16 testimony in this courtroom.

17 Q And you and he spoke about the fact that you had  
18 testified in another case involving another defendant in  
19 another courtroom of the Superior Court?

20 A No, we didn't talk about any other cases other  
21 than this one.

22 Q This case.

23 That you spoke about -- with Mr. Manzella -- the  
24 fact -- the matters pertaining to your previous appearance  
25 in the Superior Court in August of 1971, right?

26 MR. MANZELLA: Objection, your Honor, the question has  
27 been asked and answered.

28 THE COURT: Sustained.



5a-7

1 Q BY MR. KANAREK: And the witness -- the Deputy  
2 District Attorney in that other case was Mr. Katz, right?

3 THE COURT: That's immaterial. Let's proceed.

4 Q BY MR. KANAREK: Well, have you, prior to taking  
5 the witness stand, discussed these matters with Mr. Manzella;  
6 is that right, Mr. Watkins?

7 A That's right.

8 THE COURT: That's vague and ambiguous.

9 Q BY MR. KANAREK: You conferred with Mr. Manzella,  
10 is that right, Mr. --

11 A That's right.

12 Q Did you confer with Mr. Manzella in his office?

13 A Yes.

6 fls.

6  
1 Q And that's the same office that is occupied by  
2 Burton Katz, the man that you spoke to in the other trial; is  
3 that correct?

4 MR. MANZELLA: Objection, your Honor.

5 THE WITNESS: It is?

6 MR. MANZELLA: There's no relevance to that.

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

9 Q BY MR. KANAREK: Now, you say, then -- who were  
10 the people that were present at the time that this conver-  
11 sation took place, about where Mr. Retz was the person that --  
12 that was mentioned?

13 A Myself, Charlie Manson, Bruce Davis, Tex Watson,  
14 Paul Crockett.

15 Q That's all that was present?

16 A As near as I recall,

17 Q I see. Yesterday, Mr. Watkins, did you testify  
18 as follows?

19 "Q So you came in, and Mr. Manson  
20 was there. And then what happened?

21 "A Oh, there was -- they were already  
22 in the midst of a conversation, and they  
23 conversed for a while and talked on and on.

24 "Q Who's 'they'?

25 "A Oh, there was -- there was Brooks  
26 Poston, Paul Crockett, Bruce Davis, Charlie  
27 Manson, Tex Watson were all sitting around the  
28 table."

1 Did you so testify yesterday?

2 A Sure did.

3 Q Today, you testified that Mr. Poston was not  
4 present?

5 A I am talking about a different time.

6 Q Oh. This is a different time, now?

7 A Perhaps ten minutes later than the time I was  
8 speaking of there.

9 Q What was ten minutes later, Mr. Watkins?

10 A The conversation that we are talking about, with  
11 Frank Retz.

12 Q The conversation that you are talking about with  
13 Frank Retz occurred ten minutes later where?

14 A In the very same place, at the Barker Ranch.

15 Q Who was present?

16 A Bruce Davis, Tex Watson, Charlie Manson, Paul  
17 Crockett and I; and I'm not sure if Brooks was there or not.  
18 I don't recall him being there.

19 Q Well, Mr. Watkins, is there -- let me withdraw  
20 that.

21 Was Mr. Poston present or was Mr. Poston not  
22 present?

23 A I just got done telling you: I don't recall him  
24 being there.

25 THE DEFENDANT: (From within the detention room,  
26 through the screen in the door.) What happened to the three  
27 hours you went and meditated about?

28 THE COURT: Mr. Manson, now, you'll have to be quiet.

1 Q BY MR. KANAREK: Did Mr. Poston get up and leave,  
2 and then ten minutes later there was another conversation,  
3 Mr. Watkins?

4 A From when to when? What are you talking about?

5 Q You have just told us, Mr. Watkins, about another  
6 conversation ten minutes later.

7 A Okay.

8 Q Who was present at the conversation ten minutes  
9 later?

10 A All right. I told you those people.

11 Q Who?

12 THE COURT: Oh, that's asked and answered.

13 Q BY MR. KANAREK: Who was present -- I don't believe  
14 -- that -- very well, your Honor. I --

15 THE COURT: He has answered it twice.

16 Q BY MR. KANAREK: Well, who was present ten  
17 minutes earlier, Mr. Watkins?

18 A The same people, and I know Brooks was there then.  
19 And those -- there was a few girls around, but I don't know  
20 which ones they were, because they were wandering around the  
21 back rooms.

22 Q Now, you know Brooks was present then, ten minutes  
23 earlier?

24 A Yes.

25 Q And you know that Brooks was not present ten  
26 minutes later; right?

27 A I said: I'm not sure.

28 Q I see. And where was the first conversation, the

1 ten-minute earlier conversation? Where did that take place?

2 A Sitting around the table in the Barker Ranch house.

3 Q And where did the second conversation take place,  
4 ten minutes later?

5 A The same place.

6 Q And in between the ten minutes, in that period of  
7 time, what occurred?

8 A Talking.

9 Q So there was just one conversation; is that  
10 correct, Mr. Watkins? There was no two conversations?

11 MR. MANZELLA: Objection, your Honor. That's  
12 argumentative, the way it's phrased.

13 THE COURT: Sustained.

14 Q BY MR. KANAREK: There was one continuous  
15 conversation, Mr. Watkins, and you have made up two  
16 conversations for purposes of making your testimony look  
17 honest; is that correct, --

18 MR. MANZELLA: Objection.

19 Q BY MR. KANAREK: -- Mr. Watkins?  
20  
21  
22  
23  
24  
25  
26  
27  
28

6a-1

1 MR. MANZELLA: Objection, your Honor. The question is  
2 compound as it's phrased.

3 THE COURT: Sustained. It is argumentative.

4 Q BY MR. KANAREK: In fact, Mr. Watkins, there was  
5 no two conversations, was there?

6 A Well, we are calling it two conversations, so  
7 that we can look at it. But actually, we just sat around  
8 there and talked for an hour or so.

9 Q And actually, there was just one conversation?

10 A Well, we could cut that up into a thousand little  
11 parts, if you want to, --

12 Q Right.

13 A -- and call it a thousand conversations.

14 Q And you chose, a few minutes ago, in this court-  
15 room, to break it up into two conversations, to keep Mr.  
16 Poston in there or out of there, in order to make your  
17 testimony look honest; is that right, Mr. -- Mr. Watkins?

18 MR. MANZELLA: Objection, your Honor. That's  
19 argumentative, and it's --

20 MR. KANAREK: It goes to -- may I approach the bench,  
21 your Honor?

22 THE COURT: No, you may not. The objection is sustained.

23 Q BY MR. KANAREK: Looking into your mind and your --  
24 and your state of mind, Mr. Watkins, you deliberately inter-  
25 jected and turned this single conversation into two  
26 conversations, in order to -- in order to pull the wool over  
27 all of us in this courtroom? The wool over the eyes of all  
28 of us in this courtroom?

6a-2

1 MR. MANZELLA: Objection, your Honor. That's improper  
2 cross-examination.

3 THE COURT: The objection is sustained.

4 Move along, now, Mr. Kanarek.

5 MR. KANAREK: Yes, your Honor.

6 THE COURT: All right. It's after 12:00. The court  
7 will take a recess at this time, until 2:00 o'clock.

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

13 Be back at 2:00 o'clock.

14 THE WITNESS: Yes, sir.

15 THE COURT: Mr. Kanarek (indicating the detention room  
16 door)?

17 MR. KANAREK: Yes, your Honor.

18 (Whereupon, at 12:02 o'clock p.m., an adjournment  
19 was taken until 2:00 o'clock p.m. of the same day.)  
20  
21  
22  
23  
24  
25  
26  
27  
28

6b-1

LOS ANGELES, CALIFORNIA, TUESDAY, SEPTEMBER 21, 1971 2:15 P.M.

THE COURT: In the case of People vs. Manson, the record will show -- where's Mr. Kanarek?

THE REPORTER: I'll get him.

THE COURT: Is he in the hallway?

THE BAILIFF: I believe he's in the reporter's office, your Honor. She went to get him.

(Pause in the proceedings.)

THE COURT: The record will show the jurors to be all present, with Mr. Kanarek for the defendant.

You may proceed.

MR. KANAREK: Thank you, your Honor.

PAUL WATKINS,  
having previously been duly sworn, resumed the stand and testified further as follows:

CROSS-EXAMINATION (Continued)

BY MR. KANAREK:

Q Mr. Watkins, so, in fact, there were not two conversations, ten minutes apart, there was just one group of people sitting at the table, talking, --

A That's correct.

Q -- is that right?

A That's right.

Q So in fact, that is untrue about there being



1 two conversations, ten minutes apart?

2 MR. MANZELLA: Objection, your Honor. It assumes a  
3 fact which is not in evidence.

4 THE COURT: Sustained.

5 Q BY MR. KANAREK: Well, when you stated that there  
6 were two conversations ten minutes apart, that was untrue;  
7 is that correct?

8 MR. MANZELLA: Objection, your Honor. I don't believe  
9 the witness stated that.

10 It assumes a fact not in evidence.

11 THE COURT: Sustained.

12 Q BY MR. KANAREK: Well, were there two conversa-  
13 tions ten minutes apart?

14 A It was one conversation, in which we covered  
15 many subjects; and so I was -- and the Court was really call-  
16 ing it two, and I was just going along with it, because we  
17 were looking at different parts of it, two parts of the  
18 conversation.

19 Q Oh, the Judge said there were two; is that it?

20 A Well, no. The -- this just seemed to be the way  
21 it went, that we were calling it -- talking about one part,  
22 and then talking about another part; and, in order to have  
23 reference points, we was calling it two.

24 But you're right; it was just one flowing  
25 conversation.

26 Q And when is the first time in your life you  
27 ever heard this name, Frank Retz?

28 A The first time in my life?

1 Q Yes.

2 A It was on a trip to the Spahn Ranch, in -- in  
3 around August; early August.

4 Q That you heard about Frank Retz?

5 A Yes.

6 Q And when did you first have occasion to remember  
7 that Mr. Retz -- that his name came up, in this conversation  
8 at the desert?

9 A When did I first have occasion to remember?

10 Q Yes.

11 A Oh, it wasn't long after I heard it the first time,  
12 that I recall that I had heard it the first time.

13 I don't know exactly when it was. I have remembered  
14 it many times since then.

15 Q And you remembered it many times in your conversa-  
16 tions with law enforcement officers and District -- Deputy  
17 District Attorneys; is that right, Mr. Watkins?

18 A No, I don't believe I talked with many law  
19 enforcement officers about that. I think that's something  
20 that we didn't -- we didn't talk about; and I -- why, I  
21 don't know.

22 That's why I said it appeared to be a surprise  
23 to Mr. Manzella, when I -- when I said it.

24  
25  
26  
27  
28  
7 fls.

7-1

1 Q That's why you said it appeared to be a surprise  
2 to Mr. Manzella?

3 A Yeah.

4 Q And your state of mind is such that you feel that  
5 you must assist the prosecution in getting their -- in  
6 getting their matters across in this case, is that right?

7 A My state of mind is that the truth will set you  
8 free.

9 Q Mr. Watkins, was that your state of mind when you  
10 came to jail after Mr. Manson was arrested with a lawyer,  
11 trying to get Mr. Manson to sign rights for publicity, television,  
12 radio, and so forth?

13 MR. MANZELLA: Objection, your Honor, it assumes a fact  
14 which is not in evidence.

15 THE COURT: Sustained.

16 Q BY MR. KANAREK: Did you -- do you remember when  
17 Mr. Manson was arrested?

18 A Yes.

19 Q And he was in the Los Angeles County Jail?

20 A Yes.

21 Q Did you come with a lawyer to see Mr. Manson and  
22 ask Mr. Manson to sign papers so that you could participate,  
23 you and the lawyer participate in making money from the  
24 publicity surrounding Mr. Manson?

25 A That was the lawyer's idea.

26 Q That was the lawyer's idea?

27 A Yes.

28 Q You came with the lawyer to participate in the

1 publicity surrounding Mr. Manson, is that correct?

2 A That's correct.

3 Q Your state of mind when you came in to see Mr. Manson  
4 was to get Mr. Manson to sign papers with this lawyer so that  
5 money could be made from the plight that Mr. Manson was in in  
6 the County Jail, right?

7 MR. MANZELLA: Objection, your Honor, it is argumentative.

8 THE COURT: Sustained.

9 Q BY MR. KANAREK: When was it that you visited  
10 Mr. Manson in the County Jail with this lawyer?

11 A It seems like it was around December, as near as  
12 I recall. It was in December.

13 Q December of 1969?

14 A Yes.

15 Q And you and the lawyer came to the County Jail,  
16 and your state of mind was that you wanted to participate in  
17 the making of money by virtue of the publicity surrounding  
18 Mr. Manson, is that correct?

19 A I was interested in putting out that album.

20 Q Pardon?

21 A I was interested in putting out an album, and  
22 Charlie told me that I could just go ahead and do it. That I  
23 could do whatever I wanted with it. I said, "All right, that's  
24 just fine."

25 So I proceeded to do so. And, uh, it came to a  
26 position where we needed a signature from Charlie for me to  
27 participate and do so, and so we went about to get the  
28 signature.

1 Q Did you talk to the County Jail?

2 A Yes.

3 Q I'll repeat the question. If you would please  
4 answer it, Mr. Watkins.

5 You came to the County Jail with this lawyer,  
6 hoping -- your state of mind was that by virtue of the  
7 proceedings in the County Jail with Mr. Manson, to obtain his  
8 signature and make money off of the publicity surrounding  
9 Mr. Manson, is that correct?

10 A No, the idea was to make money from an album  
11 which was going to get put out.

12 Q And the album was to be put out was to have  
13 financial value because of the publicity surrounding  
14 Mr. Manson's name; that was your state of mind?

15 A Good thinking.

16 Q Well, would you answer the question?

17 A You're the one that's making the thought. Do you  
18 want me to agree with what you think?

19 MR. KANAREK: Your Honor, may I have an answer to the  
20 question?

21 THE COURT: Was there an answer to the question,  
22 Miss Briandi?

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

25 "A You're the one that's making  
26 the thought. Do you want me to agree with what  
27 you think?"

28 THE COURT: Well, was there a question and another

1 answer?

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

4 "Q And the album was to be put out  
5 was to have financial value because of the  
6 publicity surrounding Mr. Manson's name; that  
7 was your state of mind?

8 "A Good thinking.")

9 THE COURT: Would you answer the question? Was that your  
10 state of mind?

11 THE WITNESS: I don't -- I wouldn't say that sums up my  
12 state of mind at all, no.

13 Q BY MR. KANAREK: Was it in your mind that you  
14 were coming to the County Jail with the lawyer and seeing  
15 Mr. Manson, have Mr. Manson sign papers in order to make money  
16 out of the fact that Mr. Manson had publicity surrounding  
17 him?

18 A Yes.

19 Q What is the name of that lawyer?

20 A J. Freedman.

21 Q F-r-e-e-d-m-a-n?

22 A I believe so.

23 Q This was a lawyer of your choice?

24 THE COURT: You needn't answer that.

25 Q BY MR. KANAREK: Is that correct?

26 THE COURT: You needn't answer that. It is immaterial.

27 Q BY MR. KANAREK: Well, did you, Mr. Watkins --  
28 were you disappointed, Mr. Watkins, by virtue of the fact

1 that you did not make any money from this arrangement that  
2 you wanted to take place between yourself and Mr. Manson and  
3 Mr. Freedman?

4 A Was I disappointed?

5 Q Yes.

6 A I'd say so, yes.

7 Q You were disappointed, and you were disappointed  
8 because you couldn't make any money off of that, right?

9 A Well, I was disappointed because -- because  
10 Charlie lied to me. He said it was mine, I could do anything  
11 I wanted to do with it. And then, when it came right down to  
12 it, it wasn't mine. I couldn't do anything.

13 Q So by virtue of the fact that you couldn't make  
14 this money, you became mad at Mr. Manson? Is that correct?

15 A Not actually, no. I continued to stay around for  
16 quite some time.

17 Q I see. And you were unhappy, if I may ask it in  
18 that manner -- you were unhappy by virtue of the fact that  
19 this financial situation did not come about, right?

20 A No, actually I was still striving for it to come  
21 about in other ways. We still kept working on it. I -- even  
22 though we didn't have the signature that -- that -- I didn't  
23 really know where the money was coming from. We continued to  
24 work on the record and, in fact, the record did come out.  
25 Continued to work on other articles and, in fact, they did  
26 come out.

8-1

1 Q And the signature that you say you didn't have is  
2 the signature of Mr. Manson; is that right?

3 A That's right.

4 Q Mr. Manson refused to sign the paper; is that  
5 right?

6 A Refused to sign it over to Jay Freedman or I, yes,  
7 that's right.

8 Q He refused to sign it over to Jay Freedman and  
9 you, and -- is that right?

10 A Or I.

11 Q And he refused to sign it over to Jay Freedman or  
12 you?

13 A Yes.

14 Q Both ways, he refused to do it; right?

15 A You're tricky, Mr. Kanarek.

16 MR. KANAREK: Well, your Honor, I would ask the protec-  
17 tion of the Court. If the question -- if the question is not  
18 clear, I will be glad to reframe it.

19 I believe it's a clear question, however.

20 THE WITNESS: It is clear, but you are leading -- you  
21 are trying to get me to agree that both is right; that Jay  
22 Freedman and I wanted it to be signed over.

23 I said: Jay Freedman or I.

24 Q BY MR. KANAREK: I'll ask the question again.

25 A Okay.

26 Q You were unhappy because Mr. Manson wouldn't sign  
27 a paper giving you and Jay Freedman, collectively, any money;  
28 right?



8-2

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

A (No response.)

Q Both of you together?

A No. It was going to be signed over to me, --

Q I see.

A -- not Jay Freedman.

Q Not Jay Freedman?

A He was strictly just helping me.

Q And you see a trick in my question?

A Yeah, I do.

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

THE COURT: Sustained.

Q BY MR. KANAREK: And so you were unhappy because Mr. Manson would not sign?

THE COURT: Mr. Kanarek, now, you've asked that question in a half a dozen different ways.

Can't we get on to something else?

MR. KANAREK: Very well, your Honor.

I would like to ask this one question on that subject, if I may, your Honor, because of the -- because of the statement that Mr. Wat -- because of a statement that Mr. Watkins made.

May I?

THE COURT: You may.

MR. KANAREK: Thank you.

Q Then, Mr. Watkins, you were unhappy with Mr. Manson because he would not sign a paper giving you financial rights, --

8-3

1 MR. MANZELLA: Objection, your Honor.

2 Q BY MR. KANAREK: -- is that right?

3 MR. MANZELLA: The question has been asked and answered.

4 THE COURT: Sustained.

5 Q BY MR. KANAREK: Now, Mr. Watkins, did law  
6 enforcement officers promise you that you would not be  
7 prosecuted for anything that you had done in connection with  
8 your relationship with the people that you call the Manson  
9 Family?

10 A Did they say I wouldn't be prosecuted?

11 Q Yes.

12 A I have done nothing to be prosecuted for.

13 Q My question is: Did you have a conversation  
14 with law -- would you -- Mr. Watkins, I will be glad to try  
15 to make the question more clear, if you tell me the question  
16 is not clear.

17 My question is: Did you have a conversation  
18 with law enforcement officers wherein you stated to them that  
19 you were aware that they were promising you not be prosecuted  
20 for anything that you had done, while you were connected with  
21 the people that you call the Manson Family?

22 A That's a pretty far out question.

23 Q First, may I ask you, is the question clear?

24 A No.

25 Q The question is not clear?

26 A No. I understand what you are saying, but you  
27 put a lot of words into it that just cloud it all up.

28 Would you just say it in simple old English?

8-4

1 Q Did you have a conversation with law enforcement  
2 officers where it was your understanding that you, by virtue  
3 of your telling law enforcement officers matters against Mr.  
4 Manson, that you would be given immunity from prosecution  
5 for whatever you may have done while you were associated with  
6 the people you call the Manson Family?

7 MR. MANZELLA: Objection, your Honor. The question is  
8 compound.

9 THE COURT: Sustained.

10 Has anyone promised you any immunity in exchange  
11 for your testimony, or for talking to them?

12 THE WITNESS: I have never been promised immunity, no.

13 Although I have been told by officers --  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

8a fls.

8-5

1 THE COURT: Well, you needn't say what the officers  
2 said.

3 Q BY MR. KANAREK: Would you tell us, Mr. Watkins, --

4 A I would be glad to.

5 Q May I ask you this? Has any police officer or any  
6 representative of the District Attorney's office told you that  
7 you would not be prosecuted in connection with your testimony?

8 A Yes.

9 Q And you have -- you were told this by law enforce-  
10 ment officers in 1969, --

11 A Yes.

12 Q -- is that right?

13 A Yes.

14 Q And your state of mind was that that meant that  
15 you would not be prosecuted for anything that you had done  
16 while you were associated with the people that you call the  
17 Manson Family, --

18 A Yes.

19 Q -- is that right?

20 MR. MANZELLA: Objection, your Honor. It assumes a fact  
21 not in evidence.

22 MR. KANAREK: I am asking him, your Honor.

23 THE COURT: The Court overrules the objection.

24 Did you answer it?

25 THE WITNESS: Yes, I did.

26 THE COURT: The answer may remain.

27 Q BY MR. KANAREK: And your state of mind was that  
28 possession of LSD is a felony; is that correct?

8-6

1 A I believe that it is, yes.

2 Q Well, you knew that it was when the law enforce-  
3 ment officers were speaking to you, and you've known it -- you  
4 knew it before that, and you knew it during all the time up  
5 to this instant; right?

6 MR. MANZELLA: Objection, your Honor. This is all  
7 irrelevant.

8 THE COURT: The objection --

9 MR. KANAREK: It is most relevant, your Honor, to show  
10 state of mind.

11 THE COURT: The objection is overruled.

12 You may answer.

13 Q BY MR. KANAREK: What is your answer, Mr. Watkins?

14 A I said -- I already said: Yes, I know LSD,  
15 possession of LSD is a felony -- or, I believe such.

16 I don't actually know. I've never read the law.

17 Q And your state of mind has been that, at all times,  
18 that the possession of other narcotics and dangerous drugs  
19 that you have testified to possessing are crimes, for which  
20 you can be prosecuted; is that right?

21 MR. MANZELLA: Objection, your Honor. That assumes a  
22 fact not in evidence, that he could be prosecuted for --

23 THE COURT: Sustained.

24 MR. MANZELLA: -- possession of any of these drugs.

25 Q BY MR. KANAREK: Your state of mind was such that  
26 you knew the possession of the dangerous drugs, narcotics,  
27 that you testified to possessing, that that -- that each of  
28 those possessions was a crime; is that correct?

8-7

1 A Yes, I understand now.

2 Q And you understood it at all times?

3 A Yes.

4 Q Now, you did not enter the Army; is that correct,  
5 Mr. --

6 A That's correct.

7 Q -- Watkins? And you did not enter the Army because  
8 of mental infirmity; is that correct?

9 MR. MANZELLA: Objection, your Honor. This line of  
10 inquiry is irrelevant.

11 MR. KANAREK: It goes to state of mind of the --

12 THE COURT: Sustained.

13 MR. KANAREK: Then may I approach the witness -- or the  
14 Court, your Honor?

15 THE COURT: No, you may not. Sustained.

16 The objection is sustained.

17 Q BY MR. KANAREK: Were you inducted into the Army?

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

19 THE COURT: Asked and answered. Overruled -- or sustained,  
20 rather.

21 Q BY MR. KANAREK: Were you given a reason, Mr.  
22 Watkins, as to why the Army did not accept you?

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

24 THE COURT: Sustained.

25 MR. KANAREK: Then may we approach the bench, your  
26 Honor?

27 THE COURT: No, you may not.

28 Why the Army rejected him, if they did reject him,

8-8

1 if they did reject him, is immaterial.

2 Go ahead with your next question.

3 Q BY MR. KANAREK: Mr. Watkins, did you, in August  
4 of 1969, did you consider yourself to be a member of what you  
5 have termed The Family?

6 A No.

7 Q "Q" -- did you give these questions -- or, did  
8 you give these answers as indicated, on August the 12th,  
9 1971, in another courtroom?

10 "Q Did you tell them that you were through  
11 with the Family?

12 "A No.

13 "Q Were you through with the Family at that  
14 time?

15 "A No.

16 "Q Now, we are talking about the August  
17 following the May that you left the Family, are we  
18 not?

19 "A Yes."

20 Did you so testify?

21 A Yes.

22 Q Now, you've told us, Mr. Watkins, about a three-  
23 hour period, when you went off to meditate or something like  
24 that; do you remember that?

25 A These weren't my words.

26 Q Well, you went off and you tried to absorb the  
27 enormity of what you had heard; is that correct?

28 MR. MANZELLA: Objection, your Honor. That's

8-9

argumentative.

THE WITNESS: I didn't say that, either.

Q BY MR. KANAREK: Well, during this three-hour period that you've spoken of, Mr. Watkins, what did you do?

A The three-hour period that you are talking about is after Charlie told me about Shorty; and then before I asked any more questions, I just sort of wandered around the Barker Ranch there, and --

Q You wandered around the Barker Ranch for three hours?

MR. MANZELLA: Objection, your Honor. The question has been asked and answered.

THE COURT: Sustained.

Q BY MR. KANAREK: And after you had wandered around, you came back; is that right?

A I didn't leave.

Q Well, you -- you returned to some particular area; is that right?

A No. I stayed right there at the Barker Ranch. I mean, I just sort of wandered around at the Barker Ranch.

Q Well, did you, after this three-hour period, come to a particular area in the Barker Ranch?

A Yes.

Q And what area in the Barker Ranch did you come to?

A Well, I was standing over by the fence for a while.

9 fls.



1 Q And where were you physically located after the  
2 three-hour period was up?

3 A Uh, these are sure far out questions, Mr. Kanarek.  
4 After -- I didn't have a watch. I neither kept time of the  
5 three hours, and if I -- can I say what I am saying --

6 THE COURT: Just answer the question.

7 THE WITNESS: Huh, would you ask it again?

8 MR. KANAREK: May it be read, your Honor?

9 THE COURT: Read it.

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

12 "Q And where were you physically located  
13 after the three-hour period was up?"

14 THE COURT: Where were you at the end of the three-hour  
15 period?

16 THE WITNESS: There was no end to the three-hour period.  
17 What we're talking to be the end of a three-hour period is  
18 another anchor point that we have that we're calling another  
19 conversation that I had with Charlie, right? And this is  
20 where you want to know where I was, right?

21 Q BY MR. KANAREK: My question is, Mr. Watkins, you  
22 have told us, you have mentioned a time of three hours?

23 A Yes.

24 Q My question is, at the end of that three-hour  
25 period, where were you physically located? Where were you?

26 A Well, I was standing around on the porch, but  
27 around the front of the porch. And, uh, Charlie came  
28 wandering down from --

1 Q My question was, where you were located?

2 A Near the porch, towards the fence, the back gate.

3 Q And you had no watch and you don't know whether  
4 that period of time was three hours or not, correct?

5 A Right. I just approximated it.

6 Q And you don't know whether that three-hour period  
7 was one hour or not?

8 A I approximated it.

9 Q You mean it might be one hour?

10 A I didn't say that, you said that.

11 Q I'm asking. I am not saying anything. I am  
12 merely asking questions, Mr. Watkins.

13 And would you tell me, would you tell all of us,  
14 could that three hours have been one hour?

15 A There's very little chance of it. I approximated  
16 it to be three hours.

17 Q And you've made some approximation based on  
18 something.

19 Did you make a calculation or how did you arrive  
20 at that three-hour period of time?

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

22 THE COURT: Sustained.

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

24 Q BY MR. KANAREK: Mr. Watkins, at the present time  
25 is it a fair statement that you are a good friend of Brooks  
26 Poston?

27 A Yes.

28 Q And you are a good friend of Paul Crockatt?

1           A       Yes.

2           MR. MANZELLA: Objection, your Honor, this is all beyond  
3 the scope of redirect examination.

4           THE COURT: Sustained.

5           MR. KANAREK: Thank you, your Honor.

6           THE COURT: Any redirect?

7           MR. MANZELLA: No, your Honor, thank you.

8                 May Mr. Watkins be excused?

9           THE COURT: Mr. Watkins, you may be excused.

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

11          THE COURT: Yes, you may.

12          THE WITNESS: May I step down now and still be excused?

13          THE COURT: One moment.

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

17          MR. KANAREK: Your Honor, I wish -- there's -- I wish --  
18 there's certain statements he made previously. I do not wish  
19 him to be excused, because I wish -- there are two reasons:

20                 One is I may want to call him as a witness or I  
21 do -- I would like to have him be subpoenaed or be deemed  
22 subpoenaed as a witness or ordered back on a certain date.

23                 And, furthermore, I do not want him excused because  
24 there are portions that he has testified to that I wish to read  
25 to the jury and I want to make use of that provision that  
26 your Honor has deemed to be a provision wherein if he is not  
27 excused, then, his previous testimony can be read. Your Honor  
28 allowed Mr. Manzella to make use of that in connection with

1 Mary Brunner. We are asking for equal protection of the law.

2 THE COURT: If he has a prior inconsistent statement --  
3 are you talking about 1235?

4 MR. KANAREK: Well, I don't know the exact number  
5 right now.

6 THE COURT: If he has a prior inconsistent statement in  
7 the record, a statement that's inconsistent with his testimony  
8 here, then he has to be afforded the opportunity to explain it  
9 before it is -- before it is utilizable.

10 MR. KANAREK: Well, but your Honor made the point --  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

9a fls.

9a-1

1 THE COURT: Now, if you have some prior inconsistent  
2 statement that you wish to bring to his attention, you may  
3 call him on it now. If he has a prior inconsistent statement  
4 that you know about in the record in that previous trial, put  
5 it to him at this moment.

6 MR. KANAREK: All right, very well.

7 But the point I was raising is this: I think  
8 your Honor made the point in connection with Mary Brunner --

9 THE COURT: My point was, if you wish to question out-  
10 side of the scope of the direct examination or the redirect  
11 examination, then you may take him as your own witness, and  
12 then you may do that and the Court will ask that he be kept  
13 on call.

14 Where does he live?

15 MR. MANZELLA: Shoshone.

16 The point that I make is this, your Honor, I  
17 believe, adopted what -- what I don't agree is the law, but  
18 your Honor adopted this viewpoint, that if the witness is not  
19 excused, the witness, even though the witness was not on the  
20 witness stand, that witness' testimony could be read to the  
21 jury.

22 In fact, your Honor allowed Mary Brunner's  
23 testimony to be read.

24 THE COURT: I allowed it to be read under 1235 as a  
25 prior inconsistent statement.

26 MR. KANAREK: Right, right.

27 Now, what I am saying is this --

28 THE COURT: What are you asking? I don't understand you.

1 MR. KANAREK: I'm asking that he not be excused because  
2 I wish to read to the jury certain passages of the testimony  
3 of his, that provision.

4 THE COURT: Well, you must ask him about those  
5 provisions.

6 MR. KANAREK: Well --

7 MR. MANZELLA: I would like to inquire, can he go home  
8 and be on call?

9 MR. KANAREK: Well, maybe I'll ask him right now.

10 THE COURT: You have to give him the opportunity to  
11 be heard in respect to it.

12 MR. KANAREK: Very well. Very well.

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

15 Q BY MR. KANAREK: Now, will you tell us, Mr.  
16 Watkins, what did law enforcement tell you when they told  
17 you that they would not prosecute you for anything that you  
18 had said or that you would say or had done?

19 A Well, when I first was talking about any law  
20 enforcement officers about this in Inyo County, the first  
21 officers I talked to was Dave Steuber. And he kept saying,  
22 "Don't worry, we're not out to get you. We just want to  
23 know the truth." And I kept telling him that they couldn't  
24 get me because I hadn't done nothing that was worth getting.  
25 But they kept assuring me that they wasn't out to prosecute  
26 me for anything. And this is why I say yes, they did keep  
27 promising that they weren't going to prosecute me for anything.  
28 They were afraid I wouldn't talk or something.

1 MR. KANAREK: Well, your Honor, may that be stricken?  
2 I ask that --

3 THE COURT: "They were afraid I wouldn't talk," is  
4 stricken.

5 THE WITNESS: Can I -- can I tell the truth?

6 THE COURT: Listen to the question and answer the  
7 question and stop and wait for the next one.

8 MR. KANAREK: And, your Honor, may that last statement  
9 be stricken, the gratuitous statement?

10 THE WITNESS: Your Honor --

11 THE COURT: Now, Mr. Watkins, you are a witness in this  
12 case and you are to respond to questions and stop and wait  
13 for the next question. You are not up there to give  
14 speeches.

15 Q BY MR. KANAREK: Mr. Watkins --

16 THE COURT: Just a minute. Do you wish a ruling on your --

17 MR. KANAREK: Oh, yes, his last statement, which was a  
18 gratuitous --

19 THE COURT: Read the question. Which statement are you  
20 referring to?

21 MR. KANAREK: He made a statement while -- just a few  
22 instances ago which was not in response, I don't believe, even  
23 to a question by the Court, and the Court spoke after I did.

24 THE COURT: All right, any statement made other than a  
25 response to a question, ladies and gentlemen, is stricken.  
26  
27  
28

9b1]

1 Q BY MR. KANAREK: Did you, Mr. Watkins, on August  
2 12, 1971, referring to law enforcement, "They --" did you say  
3 they said, "Go ahead, tell us. Go ahead, you can talk, it is  
4 all right. You can talk. Anything that you may say -- won't  
5 press charges. Go ahead, talk."

6 Did you so testify in another courtroom?

7 A Yes.

8 MR. KANAREK: Thank you.

9 MR. MANZELLA: I have no questions, your Honor.

10 THE COURT: All right, thank you, and you may step down  
11 and you are excused.

12 MR. KANAREK: Thank you, Mr. Watkins.

13 THE WITNESS: Sure enough.

14 MR. MANZELLA: Brooks Poston is available if Mr.  
15 Kanarek has further questions of him, your Honor.

16 THE COURT: Mr. Kanarek, do you have any further  
17 questions of Brooks Poston?

18 MR. KANAREK: Well, may we approach the bench on that,  
19 your Honor?

20 THE COURT: You may.

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

24 MR. KANAREK: If I may, your Honor, I would like to --  
25 in the case of Mr. Watkins, have him available as a witness  
26 in case he is needed and if the prosecution represents that  
27 to me, because I do not have any questions at this time.

28 THE COURT: Well, I'm going to excuse them unless you



1 can show me that it is -- that the testimony that you wish to  
2 offer is relevant and material to the defense.

3 MR. KANAREK: Well, I don't think we have to do that  
4 with a witness. I think the prosecution brings their people  
5 in here. They have the funds. I think it is a -- I do  
6 allege it is a violation of equal protection of the Fourteenth  
7 Amendment for the prosecution not to have to disclose what  
8 they are going to say. They just go out and get them.  
9 There is a vast difference between Mr. Manson, who is indigent,  
10 and the People. And they do not --

11 THE COURT: First, Mr. Manson is not, in the Court's  
12 opinion, an indigent. And the Court believes that it is not  
13 unreasonable to require a showing before the County pays for  
14 the procurement, the transportation and lodging of witnesses.

15 MR. KANAREK: Well, the way it is administered is clearly  
16 a violation of equal protection and due process in the  
17 District Attorney having vast funds. They don't have to go  
18 through this. They just do what they want to do. And they  
19 just pay the money out of the tax money that belongs to all  
20 of us.

21 THE COURT: All right, now, you've indicated that you  
22 wish to speak -- wish to put Mr. Watkins on for further  
23 testimony?

24 MR. KANAREK: It is possible.

25 THE COURT: Before he leaves?

26 MR. KANAREK: No, no.

27 THE COURT: Is there anything further you want to put on?

28 MR. KANAREK: No, no. I do not wish to alter -- we do

1 not wish to put him on at this time.

2 MR. MANZELLA: Mr. Poston we're talking about?

3 THE COURT: Now, Mr. Poston.

4 MR. KANAREK: No, I do not wish to at this time. I wish  
5 to point out -- I am not excusing -- or not asking that either  
6 or both -- I'm asking that either or both of them not be  
7 excused from this courtroom and they be ordered back to this  
8 courtroom on a date certain.

9 THE COURT: No, the Court is not going to do this.

10 In the first place, there is no way that the  
11 Court or either counsel could predict a date certain that  
12 either of these men should return to offer testimony, and  
13 they are here from Shoshone, is that it?

14 MR. MANZELLA: Yes, your Honor.

15 THE COURT: And they are being maintained here in  
16 Los Angeles at the County expense; is that correct?

17 MR. MANZELLA: Yes, your Honor.

18 MR. KANAREK: Well, I have no objection to them being  
19 put on call as long as the District Attorney agrees to furnish  
20 them and the Court orders that the District Attorney --

21 THE COURT: The Court would ask you to inform them  
22 that they are to keep you apprised of their whereabouts in the  
23 next 30 days.

24 MR. MANZELLA: Yes, your Honor, I'll so inform them.

25 THE COURT: And in the event that it should be shown to  
26 me that the Court should cause them to come to Los Angeles  
27 County again, then, I'll handle that decision at the time  
28 that it is presented to me.

1 All right. Call your next witness.

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

4 THE COURT: Does anybody need a recess?

5 We'll take a recess of ten minutes.

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  
9 this matter, nor are you to form or express any opinion on  
10 the matter until it is finally submitted to you.

11 (Mid-afternoon recess.)  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

1 THE COURT: The record will show that the jurors are  
2 all present and ready to proceed,

3 MR. MANZELLA: The People call Sergeant Whiteley.

4  
5 PAUL WHITELEY,  
6 recalled as a witness by and on behalf of the People, having  
7 been previously duly sworn, resumed the stand and testified  
8 further as follows:

9  
10 DIRECT EXAMINATION

11 BY MR. MANZELLA:

12 Q Sergeant Whiteley, would you state your name for  
13 the record, please?

14 A Paul Whiteley.

15 Q Now, Sergeant Whiteley, directing your attention to  
16 the date of October 14th of 1969, on or about that date did  
17 you interview Paul Watkins and Brooks Poston?

18 A Yes, I did.

19 Q And when you interviewed Mr. Watkins, did --  
20 during the course of that interview, did he tell you --  
21 strike that.

22 Did he say anything to you about statements that  
23 Mr. Manson had made to him?

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

25 THE COURT: Very well. You may.

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

1 MR. KANAREK: First, your Honor, I would like to object  
2 under -- on the due process point, and equal -- and  
3 Mr. Whiteley being in court when these statements -- or, the  
4 testimony of Mr. Watkins occurred, and Mr. Poston occurred,  
5 if -- it vitiates the purpose -- the historical purpose of  
6 keeping a witness out of the courtroom when -- when another --  
7 when other witnesses testify.

8 Because this -- this obviously affects the  
9 testimony of the witness who stays in the courtroom and hears  
10 the proceedings.

11 So we would -- I would make a motion to suppress  
12 Mr. Whiteley's testimony, because --

13 THE COURT: Well, it's not offered to -- well, that  
14 motion is denied. It's --

15 MR. KANAREK: He was in the courtroom during --

16 THE COURT: Yes. But, of course, Officer Whiteley is  
17 the investigating officer, and --

18 MR. KANAREK: That could be a very important part  
19 of the case. How do we know what the jury considers important?  
20 And Mr. Manson is denied a fair trial and due process under  
21 the Fourteenth Amendment --

22 THE COURT: The Court does not --

23 MR. KANAREK: -- and --

24 THE COURT: -- believe so.

25 MR. KANAREK: I have a further --

26 THE COURT: Do you have --

27 MR. KANAREK: -- ground.

28 THE COURT: Yes?

1 MR. KANAREK: And that is, it's a synthetic rehabili-  
2 tation. The man has testified that he told the police  
3 officers these things at the time he spoke to them.

4 So what -- there's no necessity for Mr. Whiteley's  
5 testimony in that regard.

6 THE COURT: It's duplicative in part of what the  
7 previous witness testified to, but --

8 MR. KANAREK: And it solicits a conclusion.

9 THE COURT: -- but since the inference raised by your  
10 questions, some of your questions, was that it was a more or  
11 less recent fabrication --

12 MR. KANAREK: No, I -- I don't see that.

13 THE COURT: -- the Court believes that, again, simply  
14 the statement that it was -- the statement was reported --  
15 that is, Manson's statement was reported in October, to the  
16 officer, it is admissible.

17 I would overrule the objection.

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

20 THE COURT: The last question, Mr. Williams? Would you  
21 read it to the witness?

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

24 "Q And when you interviewed Mr.  
25 Watkins, did -- during the course of that  
26 interview, did he tell you -- strike that.

27 "Did he say anything to you about statements  
28 that Mr. Manson had made to him?"

10a 1 MR. KANAREK: Your Honor, that's hearsay; and no  
2 foundation.

3 THE COURT: The objection is overruled.

4 It is admitted only, ladies and gentlemen, to  
5 establish that the statement was made -- if, in your judgment,  
6 it does establish that.

7 You may answer.

8 THE WITNESS: Yes.

9 Q BY MR. MANZELLA: And who was present during  
10 your interview with Mr. Watkins?

11 A Deputy Charles Guenther and Sergeant Cecelia  
12 Kienast.

13 Q And in substance, what did Mr. Watkins tell you?

14 MR. KANAREK: Calling for a conclusion.

15 THE COURT: Sustained. The Court will sustain the  
16 objection.

17 MR. MANZELLA: Your Honor, may I be heard on that?

18 It goes to another few questions that I am going  
19 to ask Sergeant Whiteley, your Honor.

20 THE COURT: All right. I'll hear you.

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

24 MR. MANZELLA: I'm sorry. I would have brought it up  
25 before. I didn't realize that you had indicated that ruling.

26 My point is that it's a prior consistent  
27 statement. It's a statement made prior to the time that the  
28 motive for fabrication allegedly arises.

1 Mr. Kanarek made it clear that -- in his  
2 questioning with regard to Mr. Watkins and an attorney going  
3 to see Mr. Manson in the jail, wherein Mr. Manson refused  
4 to sign something, he then asked Mr. Watkins if Mr. Watkins  
5 was mad about that; if he became hostile at Mr. Manson over  
6 his refusal to sign -- or, refusal to consent to Mr. Watkins'  
7 making use of some album or some songs.

8 These statements -- Mr. Watkins testified that  
9 that occurred in December of 1969. The statements that  
10 Sergeant Whiteley will testify to occurred in October.

11 They occurred before the alleged motive for  
12 fabrication arose; and that therefore, the statements them-  
13 selves are admissible as prior consistent statements.

14 And this is how I am offering those statements,  
15 your Honor.

16 MR. KANAREK: Your Honor, the reason that --

17 MR. MANZELLA: In other words, that they're offered  
18 under -- I believe it's 1236. 1236 of the Evidence Code is  
19 Prior Consistent Statements.

20 MR. KANAREK: Your Honor, if --

21 THE COURT: Just one moment.

22 MR. KANAREK: Very well.

23 (Pause in the proceedings while the Court  
24 perused a volume.)

25 THE COURT: Well, under 791, a prior consistent  
26 statement is inadmissible unless prior inconsistent statements  
27 have been used to attack the witness' credibility, and the  
28



1 statement was made before the alleged inconsistent statement.

2 Or (b), there's a charge of recent fabrication  
3 of testimony.

4 I think that's probably admissible.

5 MR. KANAREK: No, no, your Honor. The point is, this  
6 is general impeachment. It's got nothing to do with any  
7 specific statements of Mr. Watkins.

8 On that rationale, every time you impeach some-  
9 body for something -- this is impeachment to show  
10 financial motive. It's got nothing to do with -- with the  
11 aspect of prior consistent statements or inconsistent  
12 or anything like that. It's just --

13 THE COURT: Well, you have asked him the question a  
14 number of times, --

15 MR. KANAREK: About --

16 THE COURT: -- indicating a question -- a question  
17 indicating that his memory was refreshed after he spoke to  
18 the officers; that his memory was jogged by the number of  
19 conversations he had with the officers.

20 MR. KANAREK: Not jogged. They told it to him 'way  
21 back then. There's nothing -- it has nothing to do with  
22 recent fabrication.

23 If anything, it has to do with his being  
24 programmed by them from the very beginning. It's got  
25 nothing -- it's not recent fabrication at all. The --

26 THE COURT: The Court --

27 MR. KANAREK: Take the hypothetical case of where a  
28 police officer -- let's say last October, ingrained it in his

1 mind as to what he had to say. That's got nothing to do  
2 with recent fabrication.

3 This is just general impeachment. The general  
4 impeachment of one witness, against the defendant -- or  
5 litigant -- because of financial considerations. It's got  
6 nothing to do with -- there's no showing of -- that this is  
7 a recent fabrication.

8 In fact, our position is that this was done 'way  
9 back then, when Mr. Manson was arrested.

10 THE COURT: I think it's admissible as an exception to  
11 the hearsay rule, for the purpose of rehabilitating the  
12 witness, in view of the nature of your questions and the  
13 inferences that they have raised.

14 The Court will permit it for that purpose.  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

11-1

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

THE COURT: Again, ladies and gentlemen, Sergeant Whiteley's statement as to what was said is admitted for the purpose of establishing, if it does, in your opinion, establish that the statement was made at the time that is testified to.

Q BY MR. MANZELLA: Sergeant Whiteley, would you tell us what Mr. Watkins said in that regard?

MR. KANAREK: Well, that -- I'll object to that as ambiguous. There's no foundation, your Honor. Hearsay, irrelevant and immaterial. That regard is --

THE COURT: Sustained.

Q BY MR. MANZELLA: All right, Sergeant Whiteley, you recall we were talking about Mr. Watkins, whether or not Mr. Watkins made a statement to you during the interview on October 14, 1969, in which he told you about a statement Mr. Manson made to him; do you recall that?

A Yes.

Q Would you tell us what Mr. Watkins said to you on October 14, 1969, in that regard?

A He told --

MR. KANAREK: Object on the grounds no foundation, hearsay, irrelevant, immaterial, calling --

THE COURT: Objection -- are you finished?

MR. KANAREK: Calling for a conclusion.

THE COURT: The objection is overruled. You may

11-2

1 answer.

2 A Mr. Watkins stated that Mr. Manson had told him  
3 that he and others of the Manson Family had killed Shorty  
4 Shea at Spahn's Movie Ranch and had buried his body somewhere  
5 in the vicinity of Spahn's Ranch.

6 Q BY MR. MANZELLA: Now, on that -- strike that.

7 Did this interview with Mr. Watkins and Mr. Poston  
8 occur in Inyo County?

9 A Yes, it did,

10 Q Whereabouts in Inyo County did it occur?

11 MR. KANAREK: That's assuming facts not in evidence. It  
12 assumes Mr. Poston was present.

13 THE COURT: The objection is sustained. It does assume  
14 Mr. Poston --

15 MR. MANZELLA: Was present where?

16 THE COURT: At the interview.

17 Is that your objection?

18 MR. KANAREK: That's correct, your Honor.

19 Q BY MR. MANZELLA: Where did the interview with  
20 Mr. Watkins occur?

21 A In the undersheriff's office -- Inyo County  
22 Sheriff's Office in Independence, California.

23 Q Did you also interview Mr. Poston at the same  
24 place on the same date, October 14, 1969?

25 A Yes, I did.

26 Q And did you interview Mr. Watkins and Mr. Poston  
27 separately?

28 A Yes, I did.

11-3

1 Q Who was present when you interviewed Mr. Poston?  
2 A Sergeant Cecelia Kienast and Deputy Charles  
3 Guenther.

4 Q And during the interview with Mr. Poston, did Mr.  
5 Poston say anything to you with regard to statements that Mr.  
6 Manson -- he had heard Mr. Manson make?

7 A Yes.

8 MR. KANAREK: Conclusion and hearsay, no foundation,  
9 your Honor, irrelevant and immaterial.

10 THE COURT: The objection is overruled.

11 Q BY MR. MANZELLA: And what did Mr. Poston tell  
12 you in that regard?

13 MR. KANAREK: Same objection, your Honor.

14 THE COURT: Overruled.

15 A He told me that Mr. Manson had stated to him  
16 substantially the same that Mr. Watkins had, that Shorty Shea  
17 had been killed at Spahn's Ranch, he had been stabbed to death  
18 and that his body was buried somewhere in the vicinity of  
19 Spahn's Ranch.

20 Q BY MR. MANZELLA: Now, Sergeant Whiteley, after  
21 you were assigned to the -- to this case, did you make any  
22 efforts, other than those you've testified to, to locate  
23 Donald Jerome Shea?

24 MR. KANAREK: Object, calling for a conclusion, no  
25 foundation.

26 May we approach the bench, your Honor?

27 THE COURT: Yes, you may.

28 (Whereupon, the following proceedings were had

11-4

1 at the bench among Court and counsel, outside the  
2 hearing of the jury:)

3 MR. KANAREK: Your Honor --

4 THE COURT: Observe that the prior inconsistent statement  
5 doesn't appear to me too consistent, as far as Poston is  
6 concerned, as far as I can remember his testimony.

7 I am inclined to strike it unless you wish  
8 to develop it any further.

9 MR. MANZELLA: Well, my point is at this time the state-  
10 ment is consistent because the substance of Mr. Poston's state-  
11 ment was that --

12 THE COURT: The substance of what?

13 MR. MANZELLA: My point is --

14 THE COURT: What both of them said that Manson said was  
15 that he, Shea, was stabbed, decapitated.

16 MR. MANZELLA: Uh-huh, and it is my position that that  
17 is sufficient to show -- that is sufficient to show  
18 consistency with what they testified to here in this court-  
19 room.

20 MR. KANAREK: Hardly, your Honor.

21 THE COURT: Let me --

11a fls.

11a-1

1 MR. MANZELLA: In other words, it would be  
2 tantamount to me, the distinction in saying Mr. Poston,  
3 testifying in this courtroom that Mr. Manson said that he  
4 killed Shorty Shea and that Sergeant Whiteley, on October 14th,  
5 said Mr. Manson said "We did him in," -- I mean, it is clear  
6 on October 14 Mr. Poston told Sergeant Whiteley that Manson  
7 had told him that he had killed Shorty Shea.

8 THE COURT: Your point is that it does show a consistency,  
9 in that it was reported and was not recently fabricated?

10 MR. MANZELLA: That's correct, your Honor, it occurred --

11 THE COURT: It occurred --

12 MR. MANZELLA: It occurred before.

13 THE COURT: It occurred before these events arose  
14 wherein Poston and --

15 MR. MANZELLA: And Crockett and Watkins were paid money.

16 THE COURT: And had the motive to be angry or disappointed  
17 in Manson?

18 MR. MANZELLA: That's correct, your Honor. We've  
19 established the date at which they were first contacted with  
20 regard to receiving money with regard to the Manson Family,  
21 and that was in December of 1969, and what my position is,  
22 that the fabrication is not with specific wording that they  
23 gave --

24 THE COURT: I suppose --

25 MR. MANZELLA: -- but the fabrication they killed Shorty  
26 Shea, and we just established that they did tell -- before  
27 this motive for fabricating -- they did tell someone about --  
28 Sergeant Whiteley, that they did tell that Manson --



1 MR. KANAREK: That is not the guise of the inconsistent  
2 statement, this over-all conclusion that Mr. Whiteley testi-  
3 fied. His statements are clearly not consistent. They are  
4 clearly not consistent. They are clearly not consistent.

5 THE COURT: Well, they are in that they describe -- and  
6 that they do state that Manson stated that Shorty Shea was  
7 killed at Spahn Ranch, consistent in that way only. They  
8 don't relate to conversation.

9 MR. KANAREK: Well, that's --

10 THE COURT: As each of the witnesses related it.

11 MR. KANAREK: That's correct, your Honor, and a statement  
12 is a statement, not an over-all conclusion, and it is irrele-  
13 vant, it is immaterial. There's no foundation for it. It is --  
14 the prejudicial effect on this jury is unbelievable from that  
15 -- from that coming from the lips of a police officer, a  
16 conclusionary statement that he made.

17 MR. MANZELLA: Sergeant Whiteley -- Sergeant Whiteley  
18 testified to what he did testify to, the substance of what  
19 they told him on that occasion.

20 THE COURT: Well, I think that's probably true. He  
21 testified in substance.

22 MR. MANZELLA: Which is perfectly proper for testimony  
23 with regard to a conversation.

24 MR. KANAREK: No, not when you're trying to show the  
25 consistency --

26 MR. MANZELLA: Your Honor, the difference between, I  
27 think -- to prove Mr. Kanarek's argument seems to lose sight  
28 of the fact we're talking about a man saying that he just



1 killed someone. If on a prior occasion the same witness told  
2 someone else that the man did indeed -- in other words, Mr.  
3 Manson did indeed say that he killed Shorty Shea, I don't  
4 know how you can get much more consistent than that.

5 MR. KANAREK: Well, your Honor, it is clear that what  
6 he testified to -- you can take the words and check them, they  
7 are not consistent statements. They just aren't.

8 THE COURT: It is sufficiently -- it is sufficiently  
9 corroborative of the statements of the two witnesses, so the  
10 Court believes it may remain. It is sufficiently consistent  
11 with --

12 MR. KANAREK: Well, I would ask --

13 THE COURT: It is sufficiently consistent with their  
14 testimony that the Court will permit it to remain in.

15 MR. KANAREK: Well, your Honor, I move that the Court  
16 order the statement stricken and admonish the jury not to  
17 consider the statements for any purpose and ask that -- and  
18 ask for a mistrial. Mere admonishment will not suffice,  
19 because this isn't -- this is a confession that supposedly is  
20 being given to the jury, with the jury supposedly to use it  
21 only for corroboration and not for the -- not to be used on  
22 the substance, and it is kind of -- it is the kind of  
23 distinction that this jury, a lay jury cannot possibly make.

24 THE COURT: I believe that it can. I believe the  
25 jurors can follow the Court's instructions as given.

26 MR. KANAREK: Well, I ask for a mistrial in connection  
27 with this purported -- this testimony.

28 THE COURT: Well, the motion for mistrial is denied.

11b-1

1 MR. MANZELLA: I believe the point we came up here for  
2 was my question to Sergeant Whiteley, have you made any  
3 further efforts to locate Donald Jerome Shea.

4 I expect him to testify that they took certain  
5 equipment and a certain number of men out to Spahn Ranch and  
6 surrounding areas beginning November, 1969, and began to  
7 dig up certain areas of Spahn Ranch and surrounding areas and  
8 that they were, as a result of those efforts, they were unable  
9 to locate the body of Donald Jerome Shea.

10 MR. KANAREK: Well, that's -- they can't do that.  
11 Why not dig in Tuscaloosa, Alabama, or anywhere, or Boise,  
12 Idaho? I mean, you can't do that.

13 THE COURT: I suppose it is because the Manson Family  
14 was not located in Tuscaloosa, Alabama, at the time Mr. Shea  
15 disappeared.

16 MR. KANAREK: That's the very viciousness and the  
17 prejudice of it because it focuses --

18 THE COURT: Why are the People --

19 MR. MANZELLA: Because we did it and we're stuck with it  
20 as a matter of trial tactics. We're stuck with it. I realize  
21 on the one side you can argue the inference --

22 THE COURT: Since nobody appeared, he might be --

23 MR. MANZELLA: They spent 4500 man hours -- between  
24 4500 and 5000 man hours on this job.

25 THE COURT: Are you sure you want to object to this?  
26 It shows nobody was found in the area where those screams were.  
27 and it could be argued that Mr. Shea is, therefore, off in  
28 Tuscaloosa, Alabama.

1 MR. KANAREK: No, they're going to argue this body is  
2 elsewhere. I mean, I can't accede to that.

3 MR. MANZELLA: I realize you can draw that inference.  
4 But I think that since we've made that effort to locate Shea,  
5 that we're stuck with it. And I feel, of course, that it is  
6 relevant. If the defense wanted to offer it, it certainly  
7 would be relevant.

8 THE COURT: How is it?

9 MR. MANZELLA: Well, it is relevant to show that --  
10 to avoid the inference that no attempts were made to locate  
11 Donald Jerome Shea.

12 What we are attempting to show is that efforts  
13 were made to look in what we considered to be likely areas  
14 where the body would have been buried.

15 MR. KANAREK: You can't boost yourself up by your  
16 bootstraps.

17 MR. MANZELLA: And we are unable to locate Shea as a  
18 result of those efforts.

19 THE COURT: It doesn't go toward proving death, does it,  
20 toward proving the corpus delicti at all?

21 MR. MANZELLA: No, but it does go towards the argument  
22 that no efforts were made to locate the body.

23 In other words, there's been testimony here, and  
24 it seems clear that our testimony is that Shea was buried or  
25 his remains were buried at some place at Spahn Ranch. And it  
26 does go to -- it does go to rebut any inference that no  
27 efforts were made to locate the body.

28 MR. KANAREK: That's irrelevant.

1 MR. MANZELLA: And it would seem clear to me that if  
2 the defense wanted to offer this kind of evidence it would be  
3 admissible and, therefore, it should be admissible when the  
4 People want to offer the same testimony.

5 MR. KANAREK: It is irrelevant and immaterial, your  
6 Honor. You can't generate your own evidence by this technique  
7 of making a -- making some kind of grandstand play before the  
8 jury. Knowing in advance there's going to be a trial, you  
9 go out and do various things, and then you parade this before  
10 the Court.

11 THE COURT: All right.

12 MR. MANZELLA: Sometimes I feel like some of our witnesses  
13 do.

14 The testimony, as I said, I feel is relevant to  
15 rebut the inference that no effort was made to locate Donald  
16 Shea in the area where the testimony shows his body might be.

17 MR. KANAREK: Who is making the inference, first of all?  
18 Donald Shea may still be alive and there's all kind of  
19 inferences somebody can make. Because somebody makes up an  
20 inference doesn't mean we can parade evidence before the jury,  
21 Mr. Manzella.

12-1

1 THE COURT: There is --

2 MR. KANAREK: This is a clear case of the prejudicial  
3 effect outweighing any probative value, your Honor, clearly.

4 MR. MANZELLA: That can't be true, because we didn't  
5 find a body.

6 MR. KANAREK: But that -- because you -- maybe the --  
7 maybe you should have dredged the Venice Canal or something  
8 like that.

9 THE COURT: If the inference could be taken that the  
10 body was hidden, then certainly some effort at search for  
11 the body would be relevant and material to prove that, to  
12 prove that the body was hidden, and not left on a hilltop in  
13 plain sight.

14 Very well. I'll permit it.

15 MR. KANAREK: But, your Honor, I -- it's my position  
16 that this denies Mr. Manson a fair trial, due process and  
17 equal protection under the 14th Amendment, to allow this  
18 horrendous amount of man-hours of work, of looking at -- of  
19 looking for Shorty Shea.

20 It's a synthetic -- they could spend a terrific  
21 number of man-hours in a million different places, and that  
22 doesn't mean anything.

23 MR. MANZELLA: I just thought of something. In the  
24 L. Ewing Scott case, there was testimony on the part of law  
25 enforcement officers that they dug up the back yard, the back  
26 yard of the Scott residence, and they found two pair of  
27 eyelashes and a portion of a denture; that they --

28 THE COURT: Yes.

12-2

1 MR. MANZELLA: -- were able to connect with Mrs. Scott.

2 THE COURT: Well, that was only discussed by way of  
3 summation in the case, was it not?

4 MR. MANZELLA: Well, your Honor, it was a circumstantial  
5 evidence case --

6 THE COURT: Yes.

7 MR. MANZELLA: -- and as part of the law of the case,  
8 the Court discussed circumstantial evidence. All of this  
9 evidence was admitted, and I believe -- no, I'm wrong. In  
10 the -- in the body of the case, where the Court discussed the  
11 law applicable to a no body case, where they summarized the  
12 two English cases -- which they considered to be landmark  
13 cases --

14 THE COURT: Yes.

15 MR. MANZELLA: -- the Court did number, I believe, seven  
16 or eight paragraphs, and one of those paragraphs was partly  
17 the discussion of the fact that the officers had dug up the  
18 back of the Scott's residence and had not found a body, but  
19 had found two pair of eyelashes and a denture.

20 That was in the portion of the opinion which  
21 dealt with the law, and which was one of the numbered  
22 paragraphs.

23 MR. KANAREK: So what? In that case, they found -- they  
24 found something.

25 THE COURT: Of course, that is materially different  
26 from this. But --

27 MR. MANZELLA: Well, they found no portion of her body.

28 MR. KANAREK: Well, the dentures --

12-3

1 MR. MANZELLA: That was no portion of her body. How can  
2 you say that? They were not teeth. They were dentures.

3 And so were the eyeglasses.

4 THE COURT: Well, nothing was found in this case, that  
5 you purport to show.

6 MR. MANZELLA: Your Honor, my point is that finding  
7 dentures and eyeglasses are like, say, finding Shea's guns.  
8 If --

9 THE COURT: Shea's guns weren't turned up during the  
10 course of the search, were they?

11 MR. MANZELLA: No. But the point is that they're the  
12 same -- if, in the course of the search of the Scott residence,  
13 they didn't find a body or any portion of the body, if you  
14 find somebody's --

15 THE COURT: But they found something of a personal  
16 nature, belonging to Mrs. Scott. And you can't say that this  
17 was the case in your search.

18 Nevertheless, I believe that there is sufficient  
19 inference that the body was disposed of, secretly, and that --  
20 evidence of a search of the area would tend to confirm that.  
21 I think it's admissible.

22 MR. KANAREK: I will object, your Honor --

23 THE COURT: The Court understands that. And your  
24 objection --

25 MR. KANAREK: -- on hearsay.

26 THE COURT: And your objection is part of the record.

27 MR. KANAREK: And also on lack of foundation, your Honor.  
28 This man didn't do the -- he -- just because he is a police



12-4

1 officer, he can't --

2 THE COURT: Well, we haven't heard whether he's offering  
3 the hearsay. If he were present at the time the search was  
4 made, he could testify to what was done.

5 I'll permit that.

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

9 Q BY MR. MANZELLA: Sergeant Whiteley, did you make  
10 any effort to locate Donald Jerome Shea, other than those  
11 efforts you've already told us about in your prior testimony?

12a fls.



12-1

1 MR. KANAREK: It's assuming facts not in evidence, your  
2 Honor.

3 THE COURT: Overruled.

4 MR. KANAREK: And it -- may I finish?

5 There's no foundation; it's calling for a  
6 conclusion; irrelevant, immaterial; there has to be a showing  
7 that Mr. Shea has passed away, and it's assuming that this --  
8 this assumes that Mr. Shea has passed away. And there's no  
9 showing that such has occurred.

10 It's assuming facts not in evidence.

11 THE COURT: Have you finished?

12 MR. KANAREK: (No response.)

13 THE COURT: Have you finished?

14 MR. KANAREK: Yes, your Honor.

15 THE COURT: The objection is overruled.

16 You may answer.

17 THE WITNESS: Yes, I did.

18 Q BY MR. MANZELLA: And what did you do in that  
19 regard?

20 A I --

21 MR. KANAREK: Object, your Honor. Irrelevant,  
22 immaterial; prejudicial effect outweighs the probative  
23 value; no foundation; calling for a conclusion.

24 THE COURT: Overruled. You may answer.

25 THE WITNESS: I made a physical search of Spahn's Ranch  
26 and the adjacent properties.

27 Q And when did you first begin a physical search?

28 A The last part of November of 1969.

1 Q And did you conduct this search by yourself?

2 A No.

3 MR. KANAREK: Your Honor, may I have a continuing  
4 objection on the grounds stated to this?

5 THE COURT: No, you may not.

6 Q BY MR. MANZELLA: Did you conduct a search on one  
7 occasion or on more than one occasion?

8 MR. KANAREK: Irrelevant, immaterial; no foundation,  
9 your Honor.

10 THE COURT: Overruled.

11 THE WITNESS: On numerous occasions.

12 Q BY MR. MANZELLA: Beginning in November, 1969?

13 A That's correct.

14 Q Now, in particular, would you just list the areas  
15 which you -- in which you conducted this physical search?

16 MR. KANAREK: Irrelevant, immaterial; cumulative;  
17 no foundation.

18 THE COURT: Overruled. You may answer.

19 THE WITNESS: Spahn's Ranch, Iverson's Ranch, Devil's  
20 Canyon, Ybarra Canyon; the property from Devil's Canyon to the  
21 top of Santa Susanna Pass, and across to the Southern Pacific  
22 Railroad tracks on the south of Spahn's Ranch.

23 Q BY MR. MANZELLA: Did any other agencies, at your  
24 request, assist you in this physical search?

25 MR. KANAREK: Irrelevant, immaterial; calling for a  
26 conclusion.

27 THE COURT: Overruled.

28 THE WITNESS: Yes.

1 Q BY MR. MANZELLA: What other agencies?

2 A I had the Los Angeles County Engineer's Office;  
3 the Los Angeles County Fire Department; the Los Angeles  
4 Sheriff's Emergency Services Bureau; scuba divers; I had the  
5 Aero Bureau with helicopters; I had the Los Angeles County  
6 Flood Control District; Mountain Rescue teams.

7 Q Sergeant Whiteley, directing your attention to  
8 the photograph which is marked People's 92 for identification,  
9 the aerial photograph of Spahn Ranch and the surrounding  
10 areas, does this photograph show the areas in which you  
11 conducted this physical search, with the assistance of the  
12 other agencies that you've mentioned?

13 A Yes. It shows a great portion of it.

14 Q Right. And would you point out the areas on  
15 People's 92 for identification, and identify them on the  
16 photograph, the areas in which you conducted the physical  
17 search?

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

19 THE COURT: Overruled.

20 THE WITNESS: The first search started at River Camp  
21 (indicating), in Devil's Canyon --

22 Q BY MR. MANZELLA: Is that marked on the map?

23 A Yes. It has a little blue mark here (indicating).  
24 That was in the last part of November of 1969.

25 We then moved up into the waterfall area  
26 (indicating), and we continued up into Devil's Canyon proper,  
27 and we searched the canyon up and down, up to a point  
28 approximately here (indicating).

1 Q That's about six inches from the top of the  
2 photograph, approximately in the center of the photograph?

3 A That's correct. We then moved down to Spahn's  
4 Ranch, and the S.P. Railroad track property, and we started  
5 up the creek that runs behind Spahn's Ranch.

6 We worked our way -- which would be west --  
7 all the way up to the Eucalyptus grove of Spahn's Ranch  
8 (indicating).

9 In the meantime, we had the Fire Department  
10 pump the water out of the creek, make it dry; and at the  
11 same time, we had scuba divers go down in the various wells  
12 that were located at this point (indicating) and at this point  
13 and approximately this point.

12b

12b-1

1 Q Now, these locations, are they shown better on  
2 the other photograph, People's 93 for identification?

3 A Yes, a little bit better.

4 Q Now, are there any other areas that show on  
5 People's 92 for identification, which you haven't told us  
6 about yet?

7 A Yes. We checked numerous caves that were in the  
8 Iverson property; also, there are three water tanks over on  
9 this part of Iverson's property that we drained and checked.

10 There's one -- one would be in this group right  
11 in here (indicating) --

12 Q Referring to approximately two inches above  
13 the red line which shows in the photograph, People's 92  
14 for identification, and approximately a foot from the left  
15 side of the photograph?

16 A Yes. And then there's one up in this area in  
17 here (indicating).

18 Q Is that directly north, approximately six or  
19 seven inches north of the first area you pointed out?

20 A Yes. And then there was another water tank which  
21 is off the top of the map, up here (indicating), that we  
22 drained.

23 Q You mean off the top of the photograph?

24 A Yes.

25 Q Are there any other areas shown on this photograph,  
26 People's 92 for identification, which you haven't told us  
27 about yet?

28 A No.

1           Q     Sergeant Whiteley, directing your attention to the  
2     aerial photograph of Spahn's Ranch, which is an enlargement  
3     of a portion of People's 92, the previous photograph, and  
4     this photograph being marked People's 93 for identification,  
5     do areas which you -- in which you conducted your physical  
6     search show in this photograph, People's 93?

7           A     Yes.

8           Q     Would you point those out for us, please?

9           A     As I stated on the other map, we came up along the  
10    creek and the railroad tracks here (indicating), and following  
11    it up, we dug out a cave at this location (indicating).

12          THE COURT:   Indicating where?

13          THE WITNESS:   It's --

14          MR. MANZELLA:   May I interrupt, your Honor?

15          THE COURT:   All right.

16          Q     BY MR. MANZELLA:   Are the railroad tracks shown  
17    on the -- on the railroad tracks marked on the photograph?

18          A     Yes.

19          Q     And are the two caves about which you have  
20    testified also marked on the photograph?

21          A     There's one cave; and the other one is a campsite.  
22    (Indicating.)

23                   We then continued up the creek, behind -- excuse  
24    me. It goes this way (indicating) -- behind Spahn's Ranch.  
25    At this point behind Spahn's Ranch is where the Fire Department  
26    drained the creek.

27          Q     Now, when you say "this point," are you referring  
28    to the mark on the photograph, marked "creek", which shows

1 right below the area of the photograph which has been  
2 identified as "Spahn Ranch," the "Main Building"?

3 A Yes.

4 Q Now, what did the Fire Department do at that  
5 location?

6 A They pumped the creek dry.

7 Q And what other areas did you physically search?

8 A It's designated "Well" here. This is where the  
9 scuba divers went down,

10 We also checked numerous caves in this rocky  
11 peak area (indicating).

12 Q And is that rocky peak area marked with those  
13 words on the aerial photograph, --

14 A Yes.

15 Q -- People's 93?

16 A Yes. We continued up through the creek to the --  
17 what's shown as "Farm house" here, or also known as the back  
18 house; and we continued on up to the Eucalyptus grove, shown  
19 as "Eucalyptus grove" at the far left of the map.

12c

12c-1

1 Q Now, did you pump dry the entire creek?

2 A Yes. From the point here at Spahn's Ranch  
3 (indicating), the creek was kept dry for half the day, all the  
4 way down to the right side of the photograph (indicating).

5 Q All right. Sergeant Whiteley, what type of  
6 equipment was used, if any, in this search?

7 A The Fire Department --

8 Q In this physical search?

9 A The Fire Department used their jockey pumps,  
10 off their pumpers.

11 The Los Angeles County Flood Control had bull-  
12 dozers which were used in the area up near the Eucalyptus  
13 grove, to excavate;

14 And that's about all I can think of, except for  
15 the helicopters.

16 Q And approximately how many manhours, if you know,  
17 were expended in this physical search?

18 MR. KANAREK: That, I'll object to, your Honor, on the  
19 ground --

20 THE COURT: Sustained.

21 Q BY MR. MANZELLA: Over what period of time was  
22 this physical search conducted?

23 MR. KANAREK: Irrelevant and immaterial.

24 THE COURT: Overruled.

25 THE WITNESS: Approximately three months.

26 Q BY MR. MANZELLA: And do you know approximately how  
27 many men were involved in this physical search?

28 A At one time, there were 45 to 50 men; and at



1 other times, it was just Deputy Guenther and myself.

2 Q Approximately how many times did you go to the  
3 areas you have described, to conduct the physical search?

4 A At the time -- this area, at least two straight  
5 months.

6 Q And when you say "this area," you are referring to  
7 the areas you have already testified about?

8 A Yes. I am speaking of the Spahn Ranch, Iverson's  
9 Ranch, Ybarra Canyon, and Devil's Canyon.

10 Q All right. Sergeant Whiteley, directing your  
11 attention again to both aerial photographs, 92 and 93 for  
12 identification, there appear certain labels on those  
13 photographs.

14 Do those labels accurately depict -- first of all,  
15 do the photographs accurately depict the areas they're  
16 supposed to depict?

17 A Yes.

18 Q And do the labels which appear on the two  
19 photographs, do they accurately depict the locations which they  
20 are supposed to depict?

21 A Yes.

13-1

1 Q Now, as a result of the efforts to which you've  
2 testified, were you able to locate Donald Jerome Shea?

3 MR. KANAREK: Irrelevant, your Honor, immaterial,  
4 calling for a conclusion.

5 THE COURT: Overruled, you may answer.

6 THE WITNESS: No, sir.

7 MR. MANZELLA: Thank you, I have no further questions.  
8

9 CROSS-EXAMINATION

10 BY MR. KANAREK:

11 Q Mr. Whiteley, sir, you say you were there con-  
12 tinuously for two months, is that right?

13 A I said I was out there at least two months.

14 Q Continuously?

15 A No.

16 Q Steadily -- what was your habit during those two  
17 months?

18 A I don't understand you.

19 Q How many days during those two months were you  
20 out there?

21 A I said I put in approximately two months out there.

22 Q During November and December?

23 A January, February, March and April.

24 Q And you spent two months during this period of  
25 time?

26 A Yes.

27 Q And during this period of time that you were  
28 searching for Mr. Shea at the ranch, were you aware of a

1 statement that Mr. Shea made to Marian Binder to the effect --

2 MR. MANZELLA: Objection.

3 Q BY MR. KANAREK: -- that the boy friend -- if I  
4 may finish, your Honor?

5 MR. MANZELLA: This material should be objected to  
6 before Mr. Kanarek finishes the question.

7 THE COURT: Yes, he has spoken to the Court about that  
8 previously.

9 Would you approach the bench?

10 MR. KANAREK: Yes, your Honor.

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

14 THE COURT: All right, what's the question?

15 MR. KANAREK: The relevancy -- the question is, we  
16 have a right to know what searching he did.

17 THE COURT: What's the question?

18 MR. KANAREK: Whether he followed up a lead. He's  
19 supposedly looking for Shorty Shea. We have a right to  
20 inquire.

21 THE COURT: What is the question?

22 MR. KANAREK: The question is whether or not he followed  
23 up a lead, wherein Marian Binder stated that Mr. Shea stated  
24 that Mr. Shea -- stated -- that he -- that a boy friend of  
25 his wife was out to kill him and that -- if they're going to  
26 bring in the searching for Donald Shea, we have a right to  
27 go into matters that pertain to it. They just don't have a  
28 right to give a one-sided version. We have a right to

1 cross-examine and find out whether this is a good faith  
2 investigation or not.

3 THE COURT: The question at this point, I believe, is  
4 whether or not your examination is in good faith.

5 MR. KANAREK: What --

6 MR. MANZELLA: My objection is on the grounds, one,  
7 it is outside the scope of direct examination. He's testified  
8 to statements made by Watkins and Poston and he's testified  
9 to making a physical search, digging up the areas. He's  
10 testified to -- the second objection is on the grounds -- on  
11 the grounds it is not relevant and calls for hearsay. I have  
12 not brought out anything -- any -- I have not brought out  
13 information hearsay that other people have told Sergeant  
14 Whiteley. I have not brought out any of that information  
15 except for Watkins and Poston on the grounds that it is a  
16 prior consistent statement. I have not asked Sergeant  
17 Whiteley what leads he received and what investigation he did  
18 because it does call for hearsay and it does not go to the  
19 state of mind of Donald Shea.

20 THE COURT: It concerns only the search of the Spahn  
21 Ranch area.

22 MR. KANAREK: They can't keep calling Mr. Whiteley to  
23 the witness stand. It opens up the entire issue.

24 THE COURT: If you wish to present Mrs. Binder on  
25 direct examination as part of your case to establish  
26 that Mr. Shea's state of mind was that he was going to be  
27 killed by somebody else, then, the Court will -- may permit  
28 that at the time that you will offer it, but you can't offer

1 it at this time.

2 MR. KANAREK: But this is relevant on a different  
3 subject, your Honor, of whether or not they are searching for  
4 Donald Shea or whether they are just trying to load it on the  
5 back of Mr. Manson. That goes to the very heart --

6 THE COURT: All right, the Court will sustain the  
7 objection.

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

10 THE COURT: The objection is sustained. You may  
11 ask your next question.

12 Q BY MR. KANAREK: Well, Officer, some of the ener-  
13 gies of these 45 people were out -- devoted out there at the  
14 Spahn Ranch, uh, digging away, supposedly looking for Mr. Shea,  
15 is that right?

16 A Yes, sir.

17 Q And in that -- in connection with your  
18 searching for Mr. Shea, the Los Angeles Sheriff's Department  
19 devoted many thousands of dollars under your jurisdiction  
20 to this task that you have portrayed for us, is that right?

21 A Yes, sir.

22 Q And when you were out there digging, Officer,  
23 you weren't anywhere else looking for someone who may have  
24 killed Mr. Shea, were you?

25 MR. MANZELLA: Objection, your Honor, it is irrelevant.  
26 It is improper. It is --

27 THE COURT: Sustained.

28 MR. MANZELLA: -- obvious.

1 THE COURT: Sustained.

2 Q BY MR. KANAREK: And, so, during November and  
3 December, and all of these months that you have told us about,  
4 all of these energies were focused upon Mr. Manson to prove  
5 Mr. Manson's guilt, that was your -- you might say -- your  
6 almost fervent intent, is that right?

7 A No, sir, it was to find Mr. Shea's body.

13a

1 Q I see.

2 But did you look for Mr. Shea's body for --  
3 under -- in the basement of Bill Vance?

4 A In the basement of Bill Vance?

5 Q Yes.

6 A Bill Vance was in Ohio.

7 Q I'm speaking, Mr. -- well, may I say this, Mr.  
8 Manson was in jail.

9 Did you look underneath his cell? Did you dig  
10 underneath his cell?

11 MR. MANZELLA: Objection, your Honor.

12 THE COURT: You need not answer that.

13 MR. MANZELLA: This questioning is improper. It is  
14 rude and insulting.

15 Q BY MR. KANAREK: I'm speaking, as you well know,  
16 Sergeant Whiteley, of the hole --

17 MR. MANZELLA: Objection, it is argumentative.

18 THE COURT: If that's a question, you may finish it.  
19 If it is a statement, do not go on with it.

20 MR. KANAREK: Yes, your Honor.

21 May I have a moment?

22 THE COURT: Yes.

23 (Whereupon, Mr. Kanarek conferred with Mr.  
24 Manzella at the counsel table, out of the hearing  
25 of the jury.)

26 MR. MANZELLA: Your Honor, may I have a moment?  
27 Mr. Kanarek has requested an exhibit.

28 THE COURT: Yes.

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

Q BY MR. KANAREK: Now, Officer, on some day, you, yourself, came upon an automobile located near Gresham and Independence Street concerning which you've already testified, is that right?

A Yes, sir.

Q And near that automobile, is a home which Bill Vance had occupied, is that correct?

A Yes, he was one of the occupants.

Q And Bill Vance is the person who used the alias of William Rex Cole or Rex William Cole or something like that?

A Yes.

Q Did you search the basement, did you dig up the basement of that home near Gresham and Independence?

A No, sir.

Q Did you -- you knew that Danny DeCarlo had lived in Inglewood with Barbara Hoyt, is that right?

A Yes.

Q Did you dig up the area around that home?

A No, sir.

Q To look for the body of Mr. Shea?

A No, sir.

Q You knew that Danny DeCarlo lived in Venice, is that right?

A Yes, sir.

Q And you knew that he was friendly with Mr. Springer, is that right?



1 A Yes, sir, I knew he was.

2 Q And you knew that Mr. Springer had an extensive  
3 police record, is that right?

4 MR. MANZELLA: Your Honor, that question is improper,  
5 and I object to it on that ground.

6 THE COURT: Well, the -- the Court sustains the objection.  
7 It is outside the scope of any cross --

8 MR. KANAREK: Well, the digging, your Honor --

9 THE COURT: Outside the scope of any direct.

10 MR. KANAREK: I'm speaking now of any digging --

11 THE COURT: If you are talking about cross-examination  
12 of any -- concerning what Sergeant Whiteley testified to on  
13 direct --

14 MR. KANAREK: That's what I am talking about.

15 THE COURT: You may go ahead. You may proceed.

16 Q BY MR. KANAREK: Did you dig in the Venice area,  
17 looking for Mr. Shea?

18 A No, sir.

19 Q Barbara Hoyt lived in Canoga Park, right?

20 A Yes, sir.

21 Q Did you dig around her house?

22 A No, sir.

23 Q Did you dig, Mr. Whiteley, in -- directing your  
24 attention to the area that the automobile was found.

25 Did you dig anywhere on Independence or Gresham  
26 Street looking for Mr. Shea?

27 A Uh, no.

28 Q Did you cause any mineral analysis to be made

1 concerning any of the dirt in the automobile that was found  
2 near Gresham and Independence Street concerning which you  
3 testified?

4 A No, sir.

5 Q Did you take any samples from any portion of that  
6 automobile, the floorboard, the trunk, the back seat, to  
7 determine what the characteristics of any dirt found or any  
8 soil found in that automobile might be?

9 A No, sir.

10 Q And so for a period of -- that spanned how many  
11 months did you proceed with this digging that you have told  
12 us about?

13 MR. MANZELLA: Objection, your Honor, the question is  
14 vague and ambiguous as stated.

15 THE COURT: Sustained.

16 Q BY MR. KANAREK: Over what period of time did  
17 this digging take place that you have told us about, Officer?

18 A From right after Thanksgiving of 1969 until  
19 sometime approximately April of 1970.

20 Q And in that period of time did you -- well, I'll  
21 withdraw that.

22 Your Honor, I wonder if we could approach the  
23 bench?

24 THE COURT: You may.

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

28 THE COURT: Yes.

1 MR. KANAREK: Yes, your Honor.

2 Now, in, uh, in connection with this witness's  
3 testimony, since counsel has reopened the subject matter  
4 of this attempt to look for Mr. Shea, it is my view that I  
5 can go into that other material.

6 THE COURT: What other material?

7 MR. KANAREK: That he brought in previously.

8 THE COURT: What other material?

9 MR. KANAREK: About sending out requests to these  
10 various agencies. It is the same subject matter.

11 THE COURT: Well, you wish to reopen cross with respect  
12 to that, the Court will let you. You have already done that  
13 with respect to the Gresham Street address.

14 MR. KANAREK: Well, I mean, -- but I haven't --

15 THE COURT: You may reopen cross.

16 MR. KANAREK: Thank you.

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

20 Q BY MR. KANAREK: Now, Officer, during this period  
21 of time that you were speaking of, did you speak -- did you  
22 talk to anyone concerning these -- or concerning friends of  
23 Mrs. Shea, Magdalene Shea?

24 A I believe -- would you repeat the question so I  
25 understand it?

26 Q Yes.

27 During this period of time that you have spoken  
28 of, when you were sending out these -- these, uh, these

1 telegrams and these letters, did you speak to any people  
2 concerning acquaintances of Magdalene Shea?

14 fls.

3 A Yes.

14-1

1 Q And who are the people that you spoke to concerning  
2 acquaintances of Magdalene Shea?

3 A I spoke to the Bickstons, Mr. Binder; and I spoke  
4 to a gentleman in Texas -- I can't remember his name offhand.  
5 I can't recall that right now.

6 Q Did you speak to Marion Binder?

7 A No. No, I don't believe so.

8 Q Has Marion Binder ever spoken to you in your  
9 lifetime?

10 A Yes.

11 Q And so you spoke to Marion Binder concerning  
12 Mr. Shea?

13 MR. MANZELLA: Objection, your Honor. That's argumentative,  
14 and it's not relevant, your Honor. And it calls for hearsay.

15 MR. KANAREK: I am asking him whether he spoke to her,  
16 your Honor, the fact of the conversation.

17 MR. MANZELLA: It's not relevant.

18 MR. KANAREK: It's relevant on what the man did to  
19 try to locate Shorty Shea.

20 We are not limited to -- to just what the District  
21 Attorney wishes to put on, your Honor.

22 THE COURT: The objection is overruled.

23 You may answer.

24 THE WITNESS: You prefaced this by saying: between  
25 November and April.

26 And I spoke to Mrs. Binder after April of 1970.

27 Q BY MR. KANAREK: Well, before April of 1970, did  
28 you try to talk to Mrs. Binder?

1 A I can't recall.

2 Q And --

3 A But I did speak with Mrs. Binder numerous times.

4 Q When is the first time you spoke with her?

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

6 THE COURT: Sustained.

7 MR. MANZELLA: And it's beyond the scope of direct  
8 examination.

9 THE COURT: The objection is sustained.

10 MR. KANAREK: Well, your Honor, I am trying to lay a  
11 foundation.

12 THE COURT: The objection is sustained.

13 Q BY MR. KANAREK: Well, did Mrs. Binder tell you --

14 MR. MANZELLA: Objection, your Honor. Excuse me, your  
15 Honor. I apologize for interrupting. But Mr. Kanarek is  
16 making statements and now testifying; and I object to that.

17 THE COURT: The objection is sustained.

18 MR. KANAREK: Well, then, your Honor, may I approach the  
19 bench?

20 THE COURT: Yes, you may.

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

24 MR. KANAREK: Your Honor, we are entitled to --

25 THE COURT: You can't.

26 MR. KANAREK: If he --

27 MR. MANZELLA: I can't believe that he's doing this.

28 THE COURT: You are not -- you can't persist on cross-

1 examination, in asking that question concerning what Mrs.  
2 Binder is purported to have said about a friend of Mrs. Shea  
3 killing -- offering to kill Mr. Shea.

4 MR. KANAREK: Your Honor, I'm not -- let me suggest this  
5 to the Court: Your Honor has allowed in hearsay upon hearsay,  
6 of a negative nature, that nothing was heard concerning  
7 Mr. Shea.

8 THE COURT: Well, that's --

9 MR. KANAREK: And as a matter of -- we have a right,  
10 by way of cross-examination --

11 THE COURT: You don't have the right to present this.

12 MR. KANAREK: -- to go into what examination we had  
13 with --

14 THE COURT: Put Mrs. Binder on, or Mrs. Shea on, and  
15 the Court will hear from you.

16 But this is outside of the scope of cross-  
17 examination.

18 MR. KANAREK: But we -- we are not limited to the  
19 agencies that -- we have a right to show that he deliberately  
20 didn't go to the sources where there might be the information.

21 MR. MANZELLA: There's no evidence of that whatsoever,  
22 your Honor. This offer of proof is made in bad faith, in my  
23 opinion. It's incredible.

24 THE COURT: The Court is of the same opinion.

25 MR. KANAREK: We have a right to show --

26 THE COURT: Now, you have been told about this by the  
27 Court, now, before; and -- as well as in chambers. We have  
28 discussed this off the record, about what you wish to show

1 in connection with the statement by Mrs. Binder.

2 Now, let's proceed.

3 MR. KANAREK: Well, we have -- how can we?

4 THE COURT: Just ask your next question. The Court is  
5 not limiting you, except that you are offering something  
6 that's inadmissible in the way that you are presenting it.

7 MR. KANAREK: Very well. I will try, your Honor.

14a

8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28



14a-1

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

Q BY MR. KANAREK: Officer, you -- you tell us that you have -- that you sent out circulars, and you sent out telegrams to the Registrar of Voters in Toledo, Ohio; and maybe the Coroner in Pittsburgh, Pennsylvania, that kind of thing; right?

A Yes, sir.

Q And in that regard, would you tell us -- would you tell us what acquaintances, closer to home, of Mr. -- of Mrs. Shea's you spoke to?

A You are speaking of Magdalene Shea?

Q Yes.

A I can't think of anyone, other than people that also knew Mr. Shea; and I -- you are directing this to someone that's a friend of hers, that was not a friend of Mr. Shea's?

Q If the question isn't clear, Officer, I will be glad to attempt --

A It's not clear, no.

Q -- to rephrase it.

Did you speak to any male friends of Magdalene Shea, that you believed were not friends of Mr. Shea?

A Yes.

Q And would you tell us the names of the male friends of Magdalene Shea, that you spoke to, that you believed were not friends of Mr. Shea?

A I can't recall the name of the gentleman.

Q You spoke to one man?

14a-2

1 A No, I talked to two. As a matter of fact, I  
2 can't recall either one of their names.

3 Q Well, do you have anything by way of a notation  
4 as to who these people are?

5 A No, they were no one to me.

6 Q No one -- you did not write down the names of  
7 these two individuals?

8 A One, I did; and the other, I didn't.

9 Q Do you have the name of that one individual?

10 A No, I don't.

11 Q Do you have any somewhere in your papers?

12 A Somewhere, yes.

13 Q I mean, do you have it so that you can, over the  
14 recess between now and tomorrow morning, bring it to us?

15 A Possibly.

16 Q And so you spoke to one person, who was a male  
17 friend of Magdalene Shea?

18 MR. MANZELLA: Objection, your Honor. The question has  
19 been asked and answered.

20 THE COURT: Sustained.

21 MR. KANAREK: Yes.

22 Q Now, where was it that you spoke to this person?

23 MR. MANZELLA: Objection, your Honor. It's beyond the  
24 scope of --

25 MR. KANAREK: Your Honor, it --

26 THE COURT: The objection is sustained.

27 MR. MANZELLA: -- of direct examination.

28 Q BY MR. KANAREK: Was anyone else present when you

14a-3

1 spoke to this person, Officer?

2 MR. MANZELLA: Same objection, your Honor, on the same  
3 ground.

4 MR. KANAREK: Your Honor, we have a --

5 THE COURT: The same ruling.

6 MR. KANAREK: May I approach the bench, your Honor?

7 THE COURT: No, you may not.

8 The objection is sustained.

9 Q BY MR. KANAREK: When was it that you spoke to  
10 this person, this one person, whose name you wrote down?

11 A In December of 1969.

12 Q And what was the relationship that you believed  
13 existed between this person and Magdalene Shea?

14 MR. MANZELLA: Objection, your Honor. It's beyond the  
15 scope of direct examination, and it's not relevant.

16 MR. KANAREK: May I approach the bench, then, your  
17 Honor?

18 THE COURT: It also calls for a conclusion. Sustained.

19 Q BY MR. KANAREK: What were you told was the  
20 relationship by this person?

21 THE COURT: You needn't answer that.

22 MR. MANZELLA: Objection.

23 THE COURT: The answer is -- the objection is sustained.

24 Q BY MR. KANAREK: Well, Officer, you've told us  
25 that you have -- you have spent, I imagine, a lot of money  
26 and energy sending out these letters to these various agencies  
27 that you spoke of; right?

28 MR. MANZELLA: Objection. The question has been asked

14a-4

1 and answered. It's argumentative.

2 THE COURT: Sustained.

3 Q BY MR. KANAREK: Directing your attention to those  
4 agencies, was there anyone in any of those agencies, that you  
5 spoke to, face to face?

6 A Yes.

14b fls.

14b-1

1 Q All right. What person did you speak to face to  
2 face?

3 MR. MANZELLA: Your Honor, it's not relevant, and it's  
4 beyond the scope of direct examination.

5 THE COURT: Sustained.

6 MR. KANAREK: This is the exact subject matter, your  
7 Honor, that --

8 THE COURT: The objection is sustained.

9 MR. KANAREK: Then may I approach the bench?

10 THE COURT: No, you may not.

11 Q BY MR. KANAREK: Well, what agency was that person  
12 connected with?

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

15 THE COURT: Overruled. You may answer.

16 THE WITNESS: I spoke with someone from the Internal  
17 Revenue Service, the Social Security Administration, the  
18 Veterans Administration, the Coroner's Office -- of this  
19 County and San Bernardino County -- in person. Also Santa  
20 Barbara County; also, the Las Vegas missing persons people.

21 Q BY MR. KANAREK: In person? You spoke to them  
22 in person?

23 A In person.

24 Q And that's about how many people? Eight, nine,  
25 ten, twelve?

26 A Ten people, let's say.

27 Q None of those people -- you didn't -- I'll  
28 withdraw that.

14b-2

1           You did not believe that any of those people had  
2           ever known Magdalene Shea; is that right?

3           MR. MANZELLA: Objection, your Honor. It's not  
4           relevant, and it's beyond the scope of direct examination.

5           THE COURT: Sustained.

6           Q       BY MR. KANAREK: Did you believe that any of  
7           those people had ever known Shorty Shea?

8           MR. MANZELLA: Objection, your Honor. It's not relevant,  
9           and it's beyond the scope of direct examination.

10          THE COURT: Sustained.

11          Q       BY MR. KANAREK: Did you, Mr. Whiteley, conduct,  
12          in your investigation, any interrogation with people who  
13          worked with Magdalene Shea, prior to the time that she met  
14          Shorty Shea?

15          A       No, sir.

16          Q       This one person that you spoke to, who you --  
17          who you say you don't remember the name of that person at  
18          this time, the person who -- the one name you wrote down?

19          A       Yes.

20                   And in fact, I stand corrected. I thought -- I  
21          spoke on the telephone also to Magdalene's father.

22          Q       Now, you spoke to Magdalene's father? How many  
23          times?

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

26          MR. KANAREK: Your Honor, it goes to show the diligence.  
27          We have a right to show -- to go into the subject matter.  
28          The District Attorney opened --

14b-3

1 THE COURT: Mr. Kanarek, I have asked you repeatedly  
2 not to argue, unless I ask for argument.

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

5 THE COURT: No, you may not.

6 The objection is overruled.

7 You may answer.

8 Q BY MR. KANAREK: How many times did you speak to--

9 A To Magdalene's father?

10 Q Yes.

11 A Twice; possibly three times.

12 Q And when was it that you spoke to him?

13 A In 1970. I can't -- I can't place the dates for  
14 you, because they were separate.

15 Q And did you keep -- did you keep a record of  
16 your calling to this gentleman?

17 A No.

18 Q You made no notations concerning these calls?

19 A No.

20 Q Or what was said? Is that right? You made no  
21 notations, no written notations of what was said?

22 A The type of conversation, you wouldn't take notes  
23 of -- or, I don't think that it would be necessary to.

24 Q Well, Officer, I might.

25 Would you just answer the question? Did you make  
26 any notes?

27 THE COURT: The question has been answered.  
28

14b-4

1 Go on to another question.

2 Q BY MR. KANAREK: So now we have this one gentle-  
3 man, other than Magdalene Shea's father, that you spoke to,  
4 and Magdalene Shea's father, and another person that you --  
5 you -- you never made any notation about.

6 MR. MANZELLA: Objection. The question is argumentative.

7 MR. KANAREK: I haven't finished.

8 THE COURT: Sustained.

9 Q BY MR. KANAREK: Outside of those three people,  
10 only one of whom knew Magdalene Shea before Mr. Shea met her,  
11 is it a fact that you spoke to no human being that knew  
12 Magdalene Shea before she met Mr. Shea?

14c fls.



14c-1

1 MR. MANZELLA: I object on the grounds that the ques-  
2 tion is vague and ambiguous. It may not be to the witness;  
3 it is to me.

4 THE COURT: Calling for a conclusion, likewise.  
5 Sustained.

6 Q BY MR. KANAREK: Did you -- did you attempt to  
7 find any person who knew Magdalene Shea, before Mr. Shea met  
8 her?

9 MR. MANZELLA: Objection --

10 Q BY MR. KANAREK: Other than the ones that you have  
11 spoken of, Officer?

12 MR. MANZELLA: Objection. The question has been asked  
13 and answered. It's beyond the scope of direct examination.

14 THE COURT: Overruled. You may answer.

15 THE WITNESS: Yes.

16 Q BY MR. KANAREK: All right. Who is that? Would  
17 you name that person or persons?

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

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

21 THE COURT: The objection is sustained.

22 MR. KANAREK: May we approach the bench?

23 THE COURT: No, you may not.

24 Q BY MR. KANAREK: Did you, Officer, send out any  
25 letters concerning the background of Magdalene Shea?

26 A Yes, sir.

27 Q And to whom did you send letters concerning the  
28 background of Magdalene Shea?

14c-2

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

2 THE COURT: Sustained.

3 MR. KANAREK: Then may I approach the bench on that,  
4 your Honor?

5 THE COURT: No, you may not.

6 Q BY MR. KANAREK: Then your purpose, Officer, was  
7 to find out information concerning Mr. Shea, that could be  
8 used against Charles Manson? That was the purpose of your  
9 sending out these fliers, these letters, these communications  
10 to these various agencies that you spoke of; is that right?

11 A No, I can't say fully that. I would have to say  
12 that my main purpose was to attempt to locate Mr. Shea.  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

15 fls.

15-1

1 Q Your main purpose was to -- the attempt -- what  
2 was that --

3 A To locate Mr. Shea.

4 Q And this intent to locate Mr. Shea has encom-  
5 passed a period of time that, uh -- begins when and ends  
6 when?

7 MR. MANZELLA: Objection, your Honor, it is irrelevant.

8 MR. KANAREK: We had -- then, may we approach the bench,  
9 your Honor?

10 THE COURT: No, you may not. It is overruled. You  
11 may tell him the period of time that is involved. The  
12 objection is overruled.

13 A It started in November of 1969, and it is  
14 actually still going on.

15 Q BY MR. KANAREK: Still going on, right?

16 A Yes.

17 Q Well, then, you don't know whether Mr. Shea is  
18 alive or not, right, Officer?

19 A My investigation would say that he's dead.

20 Q I'm asking you whether you know, Officer, whether  
21 Mr. Shea is alive or not?

22 MR. MANZELLA: Your Honor, that question is objectionable  
23 in that it calls for a conclusion on the ultimate fact  
24 to be determined by the jury in this case.

25 THE COURT: The objection is overruled, you may answer.

26 A I was not a witness to his death.

27 Q BY MR. KANAREK: My question --

28 Your Honor, that's not responsive. I'm asking

15-2

1 him whether he knows. That is what I am asking him, your  
2 Honor. That is not responsive, and I ask that that statement  
3 be stricken.

4 THE COURT: The objection -- the answer may remain.  
5 The objection is overruled.

6 Q BY MR. KANAREK: Then, you're continuing your  
7 investigation looking for Mr. Shea, is that right?

8 A Yes.

9 Q And so you do not know whether Mr. Shea is alive  
10 or not, Officer?

11 MR. MANZELLA: Objection, your Honor.

12 Q BY MR. KANAREK: Is that correct?

13 MR. MANZELLA: It calls for a conclusion on the  
14 ultimate question to be determined by the jury in this case.

15 MR. KANAREK: Well, based upon counsel's statement,  
16 then, I ask that his previous statement be stricken, be  
17 speaking -- this officer is talking about death, your Honor.

18 THE COURT: I will strike the questions and the answers.

19 THE DEFENDANT: (From within the holding tank.) Is  
20 the jury going to decide if Shea is dead?

21 THE COURT: The Court states that they are stricken.  
22 You are to disregard the question and answer.

23 Q BY MR. KANAREK: And so, Officer, there is a  
24 continuing investigation, you are telling us, looking for  
25 Shorty Shea, right?

26 A That's correct.

27 MR. KANAREK: Thank you.

28 THE COURT: All right, ladies and gentlemen --

15-3

## REDIRECT EXAMINATION

BY MR. MANZELLA:

Q Sergeant Whiteley, that continuing investigation is to determine the whereabouts of Shorty Shea dead or alive, is that correct?

MR. KANAREK: Object, object, your Honor, if I may.

THE COURT: Overruled.

MR. KANAREK: If I may object to the question on the grounds that -- and if your Honor wishes me to make argument, I would like to make argument at the bench.

THE COURT: The Court doesn't wish to hear argument. The objection is overruled.

A That's correct.

MR. MANZELLA: That's all.

THE COURT: Ladies and gentlemen --

MR. KANAREK: May I ask a question?

THE COURT: Yes, you may.

## RECROSS-EXAMINATION

BY MR. KANAREK:

Q Officer, you are prosecuting Mr. Manson for murder?

MR. MANZELLA: Objection, it is irrelevant.

MR. KANAREK: I haven't finished.

THE COURT: The statement is stricken, ladies and gentlemen. If it is a question you are going to ask, ask a question.

Q BY MR. KANAREK: The fliers and the brochures that

15-4

1 you say you have out at the present time, continuing the  
2 investigation, right?

3 A Yes.

4 MR. MANZELLA: Objection, your Honor, it is beyond the  
5 scope of redirect examination.

6 MR. KANAREK: Yes, it is. He says dead or alive.  
7 Let's find out who the agencies are.  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

15-5

1 THE COURT: Just a minute. You are arguing again.

2 Would you state your objection.

3 MR. MANZELLA: Yes, sir. My objection is the question  
4 is beyond the scope of redirect examination.

5 MR. KANAREK: He asked -- then, I have a right to  
6 inquire, your Honor.

7 THE COURT: I'll let Mr. Kanarek reopen.

8 Q BY MR. KANAREK: Tell us what agencies you now  
9 have looking for Shorty Shea?

10 MR. MANZELLA: Objection, your Honor, that assumes  
11 a fact not in evidence. Sergeant Whiteley did not testify  
12 to that.

13 MR. KANAREK: He testified to a -- does your Honor  
14 wish me to approach the bench?

15 THE COURT: I do not wish you to argue. I don't wish  
16 you to approach the bench.

17 Overruled, you may answer.

18 A The Coroner's Office of the states that I named  
19 before, the CII, California Investigation and Identification  
20 section, the Federal Bureau of Investigation section, the  
21 Army records in Kentucky, and the records of Texas, Massa-  
22 chusetts, Arizona and Nevada, especially, have all been tagged.

23 In other words, if Mr. Shea was killed or his  
24 body came up in one of those states when the fingerprints were  
25 rolled and compared with the tagged card, that I would be  
26 notified immediately.

27 MR. KANAREK: Well, your Honor, I ask that that be  
28 stricken. I only asked for the agencies, your Honor, and

15-6

1 counsel --

2 THE COURT: The motion is denied.

3 Q BY MR. KANAREK: Well, have you told us all of the  
4 agencies, Officer? The question is the agencies wherein  
5 Mr. Shea's -- the seeking of Mr. Shea is now actively  
6 being done. That is the question.

7 A Teletypes are sent out nationwide to missing  
8 persons' units throughout the nation.

9 Q Well, give us the agencies this encompasses?

10 A That would be all 50 states, and each state  
11 subdivides their teletypes individually, depending on,  
12 usually, the size of the state.

13 Q And these are actively being pursued right now,  
14 right?

15 A We send the teletypes out.

16 Q And they are active right now, is that correct?

17 A Yes, they are active.

18 Q These requests to these various agencies?

19 A Yes, sir.

20 MR. KANAREK: All right, thank you.

21 MR. MANZELLA: No further questions, your Honor.

22 THE COURT: You may step down.

23 Ladies and gentlemen, we will now take a recess  
24 until tomorrow morning at 9:30.

25 Remember the admonition, that is, that you are  
26 not to converse amongst yourselves, nor with anyone else,  
27 nor permit anyone to converse with you on any subject  
28 connected with this matter, nor are you to form or express



15-7

1 any opinion on the matter until it has finally been submitted  
2 to you.

3 And you are also to recall the admonition that  
4 I have heretofore given you concerning the publicity, you  
5 are not to hear, read or see any publicity concerning this  
6 case in any of the news media, nor are you to read, hear or  
7 see anything concerning Mr. Manson in any of the news media.

8 Thank you, good night.

9 (Whereupon, at 4:45 o'clock p.m. an adjournment  
10 was taken until 9:30 o'clock a.m. of the follow-  
11 ing day, Wednesday, September 22, 1971.)  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28