

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.

152

No. A-267861

REPORTERS' DAILY TRANSCRIPT

Thursday, September 30, 1971

VOLUME 52APPEARANCES:

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

For Defendant Manson: IRVING A. KANAREK, Esq.

SWARTZ (JOHN)

DEFENSE: SHEA (NIKKI)  
WHITELEY

COPY

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

PEOPLE 'S WITNESS:                      DIRECT   CROSS   REDIRECT   RECROSS

SWARTZ, John                      7967       7980

DEFENDANT 'S WITNESSES:

SHEA, Magdalene                      8015

WHITELEY, Paul J.                      8022       8025       8027

E X H I B I T S

DEFENDANT 'S:                      FOR IDENTIFICATION                      IN EVIDENCE

K - Picture                      7998

1 LOS ANGELES, CALIFORNIA, THURSDAY, SEPTEMBER 30, 1971 10:02 AM

2 - - - - -

3  
4 THE COURT: Good morning.

5 (Whereupon murmurs of "Good morning, your Honor,"  
6 were heard from members of the jury.)

7 THE COURT: Off the record.

8 (Whereupon a discussion off the record ensued  
9 among the Court and members of the jury.)

10 THE COURT: Do you gentlemen wish to approach the  
11 bench?

12 MR. MANZELLA: Yes, your Honor.

13 (Whereupon, proceedings were had at the bench  
14 among Court and counsel, which were not reported.)

15 THE COURT: We will allow the recess to continue until  
16 11:00 o'clock. You may be excused until 11:00 o'clock. We  
17 have a hitch in the proceedings here. So, remember the  
18 admonition, that you are not to converse amongst yourselves  
19 nor with anyone else, nor permit anyone to converse with you  
20 on any subject connected with this matter, nor to form or  
21 express any opinion on the matter.

22 You are excused at this time, and I will see you  
23 at 11:00 o'clock.

24 Mr. Kanarek?

25 (Whereupon, proceedings were had at the bench  
26 between the Court and Mr. Kanarek, which were not  
27 reported; after which, the following proceedings were  
28 had, still at the bench:)

1 THE COURT: Mr. Kanarek, I talked to the jail again, and  
2 I don't see that there is any prohibition that the jail  
3 authorities have set up which keeps anyone whom you want to  
4 take up to the jail as a potential witness from being taken  
5 up there to talk to him, to Mr. Manson.

6 They say that there is no -- there's no restric-  
7 tion whatsoever in that respect.

8 Now, if Mr. Manson thinks that there is, why, he  
9 should be informed that that is not the case.

10 The only restriction that's been imposed is by  
11 virtue of his being kept in a detaining tank over the noon  
12 recess, as is every prisoner who is in the course of trial,  
13 so that he doesn't get back to the jail where he can have  
14 noon visitations.

15 I do know that that's a source of irritation on  
16 Mr. Manson's part, but he should know that the jail tells me  
17 that there are no restrictions; that you can bring visitors  
18 up -- not visitors, but potential witnesses up.

19 MR. KANAREK: Well, your Honor has specifically, for  
20 instance, refused to allow me to confer with Ernest Shepard,  
21 with Mr. Manson --

22 THE COURT: With Mr. Manson present, that's right.  
23 Ernest Shepard is a --

24 MR. KANAREK: And also with Mr. Black.

25 THE COURT: -- a person who has been convicted of murder;  
26 is that right?

27 MR. MANZELLA: Yes, your Honor.

28 MR. KANAREK: Yes. And also Mr. Black. We need Mr. Black.

1 THE COURT: And he is in the County Jail. And the Court  
2 did tell you that Mr. Manson and Mr. Shepard could not confer  
3 together with you, but that I would have no objection to your  
4 conferring with Mr. Shepard, and separately with Mr. Manson,  
5 if that might constitute some sort of a problem for the jail, --

6 MR. KANAREK: Well, see --

7 THE COURT: -- but -- would you bring Mr. Manson out at  
8 this moment, so we could clarify that?

9 MR. MANZELLA: Your Honor, Mr. Swartz is here. He was  
10 in my office. He's coming up now.

11 THE COURT: All right.

12 (Whereupon the defendant was ushered out from the  
13 detention room to the bench, and the following proceed-  
14 ings were had:)

15 THE COURT: Mr. Manson, the Court has conferred with the  
16 jail authorities; and so far as I know, there's no restric-  
17 tion, and the jail people tell me there's no restriction on  
18 your seeing any person who is a potential witness for you.

19 The Court has imposed a restriction upon Mr.  
20 Kanarek, who has asked -- in this respect only: He asked that  
21 Ernest Shepard, who was convicted of murder, be allowed to  
22 converse with you and him, Mr. Kanarek, together.

23 THE DEFENDANT: I never --

24 THE COURT: And except for that, the Court has imposed  
25 no restriction.

26 THE DEFENDANT: I never did tell Mr. Kanarek what Mr.  
27 Shepard was supposed to testify about. I haven't told Mr.  
28 Kanarek anything.

1 THE COURT: Well --

2 THE DEFENDANT: I haven't told any lawyer anything.

3 THE COURT: Well, I would urge that you cooperate with  
4 Mr. Kanarek. He is in the course of presenting your defense.

5 THE DEFENDANT: He is not presenting my defense.

6 THE COURT: But he's -- the Court wishes to make it  
7 clear that there has been no restriction imposed upon Mr.  
8 Kanarek, --

9 THE DEFENDANT: That's what --

10 THE COURT: -- none at all.

11 THE DEFENDANT: That's what the Court says, but that  
12 isn't exactly the way it is.

Aa fls.

Aa-1

1 THE COURT: Well, the Court can't be there at such time  
2 as Mr. Kanarek brings people up to the jail, and I have no  
3 way of knowing whether such people are refused admittance  
4 when they're with Mr. Kanarek.

5 But the jail tells me that it is the case that  
6 no one who is a potential witness, who is brought up to talk  
7 with you, is refused an interview with you.

8 THE DEFENDANT: I don't see how you see through all the  
9 confusion.

10 THE COURT: Well, there appears to be no confusion on  
11 that point.

12 THE DEFENDANT: Oh, there's much confusion where I stand.  
13 You know -- like here, let me tell you. I'll try to explain  
14 it in words. It's almost impossible to explain it in words.

15 The jailer keeps me in an anteroom, during the  
16 noon hour. During the noon hour is when the visiting is  
17 allowed. Without the visiting, I can't move my thought.

18 I have a thought that I am trying to present to  
19 your Honor. The attorney said that the Judge said, in the  
20 evenings, that they have been coming up a whole lot of times,  
21 and that we've kind of took -- taken advantage of the witness  
22 interview --

23 THE COURT: No.

24 THE DEFENDANT: Well, this is what I --

25 MR. KANAREK: Well, your Honor shakes his head. But  
26 your Honor -- your Honor, this is exactly what your Honor told  
27 me. Your Honor conferred with -- I think it was Captain  
28 Kennedy or the man that's the head of the jail, and your Honor

1 told me, in -- your Honor himself told me that you were  
2 informed by the -- by the jailer that these visits with these--  
3 with the particular friends of Mr. Manson were visits which  
4 were social, and they frowned upon them.

5 And in fact, the --

6 THE COURT: I reported to you -- yes, I reported to Mr,  
7 Kanarek that that's what the jail says; that there's some  
8 doubt in the minds of the jailers up there that these people  
9 are potential witnesses.

10 THE DEFENDANT: You said it. There's some doubt in  
11 their minds. This is exactly the whole problem.

12 THE COURT: But that doesn't --

13 THE DEFENDANT: Wait a minute, Brother. There's some  
14 doubt in their minds. And this doubt in their minds is what  
15 I have to labor under.

16 Let me explain this to you, please.

17 THE COURT: Well, let me say this: So far as the Court  
18 has determined, however -- and so far as I told the jail in  
19 connection with that remark -- they were not -- and they have  
20 not been in any way restricting those visits, as a result of  
21 their suspicions about whether or not --

22 THE DEFENDANT: When they mention it to you --

23 THE COURT: Just a minute now. (Continuing) -- as a  
24 result of their suspicions that these really are not  
25 potential witnesses.

26 And so far as the Court is concerned, I'll rein-  
27 force that order: That you are permitted, in the evenings,  
28 to have such persons visit you who are potential witnesses --

1 THE DEFENDANT: All right.

2 THE COURT: -- in the company of your attorney.

3 THE DEFENDANT: Thank you. Thank you.

4 Now, let me say this, your Honor. Those witnesses  
5 save you and me quite a bit of trouble, because what I do, I give  
6 them a picture to take to someone else that is in the jail, so  
7 that they don't have -- so that we don't have to have the --  
8 too many witness visits from -- in through the transportation.

9 In other words, it's easier for me to tell them to  
10 tell Mary something than it is to have Mr. Kanarek get a  
11 court order and go through all that, to have Mary brought over  
12 to the jail where I can visit her.

13 So actually, when I visit one of them, I am  
14 sending thoughts to Mary and Gypsy and whoever else is in  
15 jail.

16 There's a lot of people in jail. I have got a lot  
17 of friends that are locked up.

18 THE COURT: Well --

19 THE DEFENDANT: And we are trying to get out --

20 THE COURT: I think that clarifies it, however. And  
21 there is, so far as the Court understands, and so far as the  
22 Court has ordered, no restriction upon your visiting with  
23 persons who are potential witnesses in the evening, in the  
24 company of your attorney.

25 All right.

26 That's it.

27 (Proceedings had on unrelated matters.)

28 (Recess.)

Ab fls.

Ab-1

1 THE COURT: All right. In the case of People vs.  
2 Manson, the record will show that the jurors and alternates  
3 are all present. We are ready to proceed.

4 MR. MANZELLA: May Mr. Kanarek and I approach the bench,  
5 your Honor?

6 THE COURT: Yes, you may.

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

10 THE COURT: Mr. Kanarek, would you ask your client  
11 whether or not he will refrain from interrupting the proceed-  
12 ings with remarks? If he will do so, the Court will allow  
13 him to come out.

14 (Whereupon, a discussion off the record ensued  
15 at the detention room door between Mr. Kanarek and the  
16 defendant.)

17 MR. KANAREK: No. I can't --

18 THE COURT: Go ahead.

19 MR. KANAREK: Mr. Manson, as your Honor -- I mean, I  
20 am sure your Honor heard -- said that he is not going to  
21 refrain from anything.

22 THE COURT: All right.

23 MR. MANZELLA: Your Honor, the People move to reopen  
24 their case, to call Mr. John Swartz. I believe I have already  
25 stated the grounds that I wish to reopen, previously, on the  
26 record; and for the reasons stated, the People move to reopen  
27 their case to call Mr. John Swartz to the stand.

28 MR. KANAREK: Well, we -- we oppose the calling of

1 Mr. John Swartz, your Honor, in that the -- it's a bifurcation;  
2 it's a -- it interferes with the continuity of the defense.

3 I mean, People vs. Carter is a case which -- in  
4 which -- which indicates the philosophy upon which I oppose  
5 the reopening.

6 THE COURT: There's no particular continuity that the  
7 Court has observed, to be interrupted by such an introduction  
8 of evidence.

9 MR. KANAREK: Well, let's be --

10 THE COURT: Nor does there appear to be any problem  
11 raised which would be similar to the one that arose in the  
12 case of People vs. Carter.

13 You are talking about the Red Hat case?

14 MR. KANAREK: Yes. Well, I am talking about -- but the  
15 point is the undue emphasis. What I mean is, it's a due  
16 process and fair trial and equal protection under the 14th  
17 Amendment, in that -- in that it -- it creates an emphasis  
18 at this time -- by allowing the prosecution to put on a  
19 witness -- it creates an emphasis which denies Mr. Manson  
20 a fair trial.

21 Clearly, this is going to be evidence that's most  
22 -- most discriminating of Mr. Manson, and --

23 THE COURT: Well, the Court doesn't --

24 MR. KANAREK: -- from what I know, from what counsel  
25 has stated in connection with this offer of proof -- and I  
26 would oppose it also on the failure to make discovery. We --  
27 again, we have not been given any question and answer -- all  
28 we are given is a sort of a paragraph form of discovery,

1 where somebody in the Sheriff's Office -- or some law  
2 enforcement or Deputy District Attorney --

3 THE COURT: Has told you the gist of what he intends to  
4 testify?

5 MR. KANAREK: The gist of it.

6 And they can leave out -- by not doing -- giving  
7 us the question and answer form of the interrogation, it's  
8 just not -- it's just not living up to the -- to the spirit,  
9 as well as the law, of discovery.

10 Because we -- this "gist" is set out by the  
11 people who are out to convict Mr. Manson.

12 THE COURT: The objection will be overruled. The  
13 Court --

14 MR. KANAREK: Well, we would ask for a hearing, outside  
15 the --

16 THE COURT: The hearing is -- the request for a  
17 hearing is denied.

18 The Court would permit the People to introduce  
19 this witness.

20 MR. MANZELLA: Yes, your Honor. There's one matter I  
21 wanted to raise; I'm not sure if Mr. Kanarek is aware of it  
22 or not.

23 I believe it is contained in transcripts of prior  
24 proceedings, in the Tate-La Bianca case, however. Mr. Swartz  
25 was charged with a forgery, and the -- I believe at the  
26 request of the Los Angeles Police Department, for his testimony  
27 in the Tate-La Bianca case, the forgery was made a misdemeanor,  
28 and Mr. Swartz was sentenced on the forgery as a misdemeanor.

1 THE COURT: There was a plea negotiation in that  
2 respect, then?

3 MR. MANZELLA: I believe so, your Honor, with the Los  
4 Angeles Police Department.

5 THE COURT: And part of the plea negotiation with Mr.  
6 Swartz involved an agreement on his part to testify in the  
7 Tate-La Bianca case?

8 MR. MANZELLA: Yes, your Honor.

9 THE COURT: Was anything said about this case?

10 MR. MANZELLA: No, your Honor.

11 THE COURT: That you know of?

12 MR. MANZELLA: No.

13 MR. KANAREK: Your Honor, the hearing that I am  
14 requesting is an evidentiary hearing, wherein Mr. Swartz  
15 would testify outside the presence of the jury; and that way  
16 -- that is the kind of discovery that would approach being  
17 meaningful.

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18 THE COURT: The request for the hearing is denied.  
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1 (Whereupon, the following proceedings were had in  
2 open court within the presence and hearing of the jury:)

3 MR. MANZELLA: Your Honor, the People call Mr. John  
4 Swartz.

5 THE COURT: The People are moving to reopen their case  
6 for the purpose of calling Mr. Swartz?

7 MR. MANZELLA: Yes, your Honor.

8 THE COURT: All right, the motion is granted. The Court  
9 will permit the People to reopen your case for the purpose of  
10 calling Mr. Swartz.

11 MR. KANAREK: Your Honor, may our points which we  
12 raised at the bench be deemed operative and inserted after  
13 Mr. Manzella made his motion?

14 THE COURT: Very well. The record is clear, I'm sure.

15 MR. KANAREK: Thank you, your Honor.

16 THE COURT: Mr. Swartz, you may take the witness stand.  
17 Raise your right hand.

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

22 THE WITNESS: Yes, I do.

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

24 THE BAILIFF: Would you state and spell your name,  
25 sir?

26 THE WITNESS: John Swartz, Jr., S-w-a-r-t-z.

27  
28 JOHN SWARTZ,

1 called as a witness by and on behalf of the People, being  
2 first duly sworn, was examined and testified as follows:

3  
4 DIRECT EXAMINATION

5 BY MR. MANZELLA:

6 Q Mr. Swartz, did you know Donald Shorty Shea?

7 A Yes, I did.

8 MR. KANAREK: Well, I'll object -- I'll object to the  
9 form of the question. It assumes facts not in evidence, your  
10 Honor, the past tense, did he. Object to that.

11 THE COURT: All right, sustained.

12 Q BY MR. MANZELLA: Mr. Swartz, when did you meet  
13 Donald Shorty Shea?

14 A Oh, approximately 1963.

15 Q Where did you meet him?

16 A At the ranch.

17 Q Spahn Ranch?

18 A Yes.

19 Q And at that time did you begin working at Spahn  
20 Ranch?

21 A Off and on, yes, I did.

22 Q How were you employed at Spahn Ranch?

23 A Oh, cleaning the barns out, mostly.

24 Q And did you work for George Spahn and Ruby Pearl?

25 A Yes, I did.

26 Q Now, Mr. Swartz, bringing you up to 1969, were  
27 you arrested in the August 16th raid on Spahn Ranch?

28 A Yes.

1 called as a witness by and on behalf of the People, being  
2 first duly sworn, was examined and testified as follows:

3  
4 DIRECT EXAMINATION

5 BY MR. MANZELLA:

6 Q Mr. Swartz, did you know Donald Shorty Shear?

7 A Yes, I did.

8 MR. KAMARAK: Well, I'll object -- I'll object to the  
9 form of the question. It assumes facts not in evidence, your  
10 Honor, the past tense, did he. Object to that.

11 THE COURT: All right, sustained.

12 Q BY MR. MANZELLA: Mr. Swartz, when did you meet  
13 Donald Shorty Shear?

14 A Oh, approximately 1963.

15 Q Where did you meet him?

16 A At the ranch.

17 Q Spain Ranch?

18 A Yes.

19 Q And at that time did you begin working at Spain  
20 Ranch?

21 A Off and on, yes, I did.

22 Q How were you employed at Spain Ranch?

23 A Oh, cleaning the barns out, mostly.

24 Q And did you work for George Spain and Ruay Pearl?

25 A Yes, I did.

26 Q Now, Mr. Swartz, bringing you up to 1969, were  
27 you arrested in the August 15th raid on Spain Ranch?

28 A Yes,

1 Q Did you spend some time in jail after your arrest  
2 on August 16, 1969?

3 A I spent two days. It was 48 hours.

4 Q And when you left the jail, where did you go?

5 A Right back to the ranch.

6 Q Did you go back with someone? Did someone take you  
7 back to the ranch?

8 A Yes.

9 Q Who was that?

10 A Shorty.

11 Q Now, after you got back to the ranch, did Shorty  
12 leave the ranch or did he continue to stay at the ranch?

13 A He stayed at the ranch. He started sleeping in his  
14 car.

15 MR. MANZELLA: May I approach the witness, your Honor?

16 THE COURT: Yes, you may.

17 Q BY MR. MANZELLA: Mr. Swartz, directing your  
18 attention to these photographs which have been marked 61-A  
19 through 61-J for identification.

20 Do you recognize the car which is shown in these  
21 photographs?

22 A Yes. This is Shorty's car.

23 Q Is that the car that he had with him at Spahn  
24 Ranch?

25 A Yes, it is.

26 Q Now, did you continue to stay at Spahn Ranch after  
27 your release from jail during the latter part of August of  
28 1969?

1 A Yes, I did.

2 Q And some time after your release from jail, and  
3 while at Spahn Ranch, did you have a conversation with Shorty?

4 A Yes, I did.

5 Q Who was present during that conversation besides  
6 you and Shorty?

7 A Just Shorty and myself.

8 Q Where did the conversation take place?

9 A Oh, it was on the boardwalk in front of the ranch.

10 Q Is that in front of the main buildings on the  
11 ranch?

12 A It is in front of the main row of buildings.

13 Q And did this conversation, if you recall, take  
14 place during the day or at night?

15 A It was during the day.

16 MR. MANZELLA: Your Honor, this conversation is being  
17 offered for the state of mind of Donald Shea, if it does show  
18 the state of mind.

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

20 THE COURT: All right, 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: May I inquire as to what --

25 THE COURT: What do you anticipate the testimony to be?

26 MR. MANZELLA: The testimony will be that during a  
27 conversation Shea told him that he had gotten a job offer from  
28 Frank Retz for about \$80 a week as a night watchman and he was

1 going to take the job.

2 THE COURT: That was his intention, to take the job?

3 MR. MANZELLA: Right.

4 MR. KANAREK: Well, your Honor --

5 THE COURT: It sounds as though it is admissible.

6 MR. KANAREK: Well, I'm going to object on the grounds  
7 it is irrelevant, immaterial, and that there's --

8 THE COURT: It comes in --

9 MR. KANAREK: That it is hearsay, notwithstanding the  
10 so-called state-of-mind exception.

11 THE COURT: It shows an expression of intention to follow  
12 a course of action.

13 It is material, now, in what way, Mr. Manzella?

14 MR. MANZELLA: Your Honor, we believe it is material to  
15 support the People's contention that Shea intended to remain  
16 in the area. That he intended to take the job with Frank Retz  
17 and that, therefore, he would not have disappeared without  
18 notifying anyone.

19 In other words, we offer it as a present statement to  
20 do a future act, intent to do a future act under Section 1250  
21 of the Evidence Code.

22 MR. KANAREK: Well, but, your Honor, the point is,  
23 the prejudicial effect outweighs any probative value, and  
24 that's the reason that it is not --

25 THE COURT: The Court finds to the reverse in that  
26 respect.

27

28

1a-1

1 MR. KANAREK: Well, because the record is replete with  
2 the fact that this man is an itinerant --

3 THE COURT: Well, isn't this a matter of argument?

4 MR. KANAREK: Yeah, but not --

5 THE COURT: And not a matter of admissibility?

6 MR. KANAREK: No, not when it is as prejudicial as  
7 this.

8 THE COURT: The Court finds otherwise. The Court will  
9 admit it.

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

13 Q BY MR. MANZELLA: Mr. Swartz, would you tell us  
14 what Shorty said during the conversation?

15 MR. KANAREK: Well, then, we object, your Honor, on the  
16 grounds of foundation, in addition to the points that we  
17 raised at the bench.

18 THE COURT: The objection is overruled.

19 A Shorty told me that Frank Retz had bought the  
20 adjoining property or half the property from Mr. Spahn and  
21 had offered him a job as a watchman and that he was going  
22 down that evening and see about it, go see Mr. Retz.

23 Q BY MR. MANZELLA: Now, sometime after you had  
24 that conversation with Shorty, did you become aware or did  
25 you notice that you did not see Shorty at the ranch any more?

26 MR. KANAREK: Object, calling for conclusion, leading  
27 and suggestive, no foundation.

28 THE COURT: Sustained.

1a-2

1 Q BY MR. MANZELLA: All right, sometime after you  
2 had this conversation with Shorty, did you have a conversation  
3 with Charles Manson?

4 A Yes, I did.

5 Q Now, you know Charles Manson, the defendant in  
6 this case?

7 A Yes, I do.

8 Q From where do you know him?

9 A From the ranch.

10 Q From Spahn Ranch?

11 A Yes.

12 Q Now, approximately how long after your release  
13 from jail, after the August 16th raid, did you have this  
14 conversation with Charles Manson?

15 A Oh, two weeks, I guess, ten days, approximately.

16 Q And where was the conversation -- strike that.  
17 Where did you have this conversation with Charles  
18 Manson?

19 A It was on the boardwalk in front of the ranch.

20 Q Who was present besides yourself and Mr. Manson  
21 at the time of the conversation?

22 A No one.

23 Q Now, did the conversation take place at night or  
24 during the day?

25 A I can't really remember.

26 Q Now, would you tell us what the conversation was  
27 that you had with Mr. Manson?

28 MR. KANAREK: Object on the grounds there's no foundation,

1a-3

1 hearsay, not relevant or material, no showing of any corpus  
2 delicti, the prejudicial effect outweighs any probative  
3 value.

4 THE COURT: Overruled. You may answer.

5 A Well, I had missed, uh --

6 MR. KANAREK: Well, your Honor, we're asking --  
7 supposedly the request was for conversation and I think the  
8 witness is -- from his just uttered words, sounds like he's  
9 going to say something other than conversation.

10 Q BY MR. MANZELLA: Mr. Swartz --

11 A Okay.

12 Q -- just tell us what you said and what Mr. Manson  
13 said.

14 A Okay, I asked Charlie if he had seen Shorty  
15 around, and he said that a friend of his in San Francisco  
16 needed someone to work or had a job. That he told Shorty  
17 about it and gave him a few dollars and that he had left  
18 for San Francisco.

2 fls.

2-1

1 Q And that Shorty had left for San Francisco?

2 A Yes.

3 Q Now, sometime after that, Mr. Swartz, did Mr.  
4 Manson leave the Spahn Ranch with other people? Some  
5 other people?

6 A Yes.

7 Q Now, sometime after that, did you see Bill Vance  
8 and Danny DeCarlo at Spahn Ranch?

9 A Yes.

10 MR. KANAREK: Ambiguous as to time, your Honor, and --

11 THE COURT: The answer may remain in.

12 The objection is overruled.

13 Q BY MR. MANZELLA: And approximately how long  
14 after Mr. Manson left the ranch did you see Mr. Vance and  
15 Danny DeCarlo at Spahn Ranch?

16 A Three or four days.

17 MR. MANZELLA: May I approach the witness, your Honor?

18 THE COURT: Yes, you may.

19 Q BY MR. MANZELLA: Mr. Swartz, showing you  
20 People's 77-E for identification, do you recognize the person  
21 shown in that photograph?

22 A That's Bill Vance.

23 Q Showing you the photograph which is marked 73  
24 for identification, do you recognize the person shown in  
25 that photograph?

26 A Yes, I do. It's Danny DeCarlo.

27 Q Now, where were you when you saw Bill Vance and  
28 Danny DeCarlo?

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1 A In the last building on the western front  
2 street. It was on the east end of the street, the last  
3 building there.

4 Q Is that on the left, as you are facing the  
5 buildings?

6 A (Pause.) Yes, it is. Yes, it is.

7 Q And does that room have any particular name or  
8 designation?

9 A Well, the people at the ranch called it the  
10 prop room, because we kept a lot of motion picture equipment  
11 in there.

12 Q Have you ever heard it referred to by any other  
13 name, by people at the ranch?

14 A Well, I heard it called the "gun room" a couple  
15 of times, but just --

16 Q The gun room?

17 A Yes. Not very often, though.

18 Q Now, were you in the gun room at the time you saw  
19 Bill Vance and Danny DeCarlo?

20 A Yes, I was.

21 Q And did they come into the gun room?

22 A Yes.

23 Q Now, did Mr. Vance and Mr. DeCarlo have anything  
24 with them -- strike that.

25 Did they come in together?

26 A Yes, they did.

27 Q Did they have anything with them when they came  
28 into the gun room?

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A Yes, they did.

Q What was that?

A An attache case with a set of matched pistols.

Q And have you ever seen that attache case and those matched pistols before?

A Yes, I had.

Q And in whose possession had you seen those before?

A In Shorty's.

Q Had you seen them once or more than once in Shorty's possession?

A Two or three times. He showed them to me.

Q Mr. Swartz, directing your attention to the exhibit which has been marked 54 for identification, do you recognize this attache case?

A Yes.

Q And had you seen that attache case in Shorty's possession?

A Yes, I did.

Q And is that the attache case about which you have been testifying?

A Yes.

Q Now, directing your attention to the pistols which have been marked People's 53-A and 53-B for identification -- I've examined both of them and neither is loaded -- have you ever seen those pistols before?

A Yes, I have.

Q And are those the pistols that you saw in

1 Shorty's possession?

2 A Yes.

3 Q Now, are those the pistols that you saw in the  
4 possession of Bill Vance and Danny DeCarlo when they entered  
5 the gun room?

6 A Yes, they are.

7 Q Now, what did Mr. Vance and Mr. DeCarlo do  
8 with these pistols, if anything, after they entered the  
9 gun room?

10 A Well, they came in, and each one of them took  
11 the pistols and broke it down and started to cleaning it.

12 Q And they cleaned the pistols in the gun room?

13 A Yes, they did.

14 Q Now, were you aware -- strike that.

15 Do you know if Shorty Shea kept anything else  
16 in the attache case which you have identified, People's  
17 54?

18 MR. KANAREK: Object. That's calling for a conclusion,  
19 your Honor; --

20 THE COURT: Sustained.

21 MR. KANAREK: -- without any --  
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2a fls.

2a-1

1 Q BY MR. MANZELLA: You had seen Mr. Shea with the  
2 attache case, People's 54; is that correct?

3 A Yes.

4 Q And you had seen him with the guns, People's 53-A  
5 and -B for identification?

6 A Yes.

7 Q And had you ever seen him place the guns in the  
8 attache case?

9 A Yes.

10 Q Had you ever seen anything else in the attache  
11 case?

12 A Yes.

13 Q What was that?

14 A It was a bowie knife.

15 Q Now, Mr. Swartz, after you had the conversation  
16 with Shorty with regard to the job offer from Frank Retz, did  
17 you see Shorty at the ranch after that?

18 MR. KANAREK: Object, your Honor, on the grounds it's  
19 ambiguous as to time; no foundation.

20 THE COURT: Overruled. You may answer.

21 THE WITNESS: As far as I can remember, I don't remember  
22 really seeing him after that.

23 MR. KANAREK: Then I ask that that answer be stricken,  
24 on the grounds that --

25 THE COURT: Overruled.

26 MR. KANAREK: -- it's a statement of conjecture.

27 THE COURT: The motion is denied.

28 Q BY MR. MANZELLA: Now, have you ever seen or heard

1 from Shorty Shea again, since August of 1969?

2 MR. KANAREK: Irrelevant, immaterial; no foundation.

3 THE COURT: Overruled.

4 MR. KANAREK: There's no showing --

5 THE COURT: You may answer.

6 MR. KANAREK: -- here -- well --

7 THE WITNESS: No.

8 MR. MANZELLA: All right. Thank you, Mr. Swartz.

9 No further questions, your Honor.

10 MR. KANAREK: I wonder if we could adjourn at this time,  
11 your Honor?

12 THE COURT: All right. We will adjourn until 2:00  
13 o'clock, ladies and gentlemen. You are admonished, during the  
14 course of the recess, you are not to converse amongst yourselves  
15 nor with anyone else, nor permit anyone to converse with you  
16 on any subject connected with this matter, nor to form or  
17 express any opinion on the matter until it is finally  
18 submitted to you.

19 2:00 o'clock. The Court's in recess.

20 (Whereupon, at 12:01 p.m., an adjournment was  
21 taken until 2:00 o'clock p.m. of the same day.)  
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1 LOS ANGELES, CALIFORNIA, THURSDAY, SEPTEMBER 30, 1971 2:08 PM

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4 THE COURT: In the case of People vs. Manson, the record  
5 will show that the jurors and alternates are all present, Mr.  
6 Kanarek for Mr. Manzella -- excuse me; Mr. Manzella for the  
7 People, and Mr. Kanarek for the defendant.

8 You may proceed. The People? Do you have the  
9 witness here --

10 MR. MANZELLA: Mr. Swartz?

11 THE COURT: -- for cross-examination?

12 You may cross-examine.

13  
14 JOHN SWARTZ,  
15 having been previously duly sworn, resumed the stand and  
16 testified further as follows:

17  
18 CROSS-EXAMINATION

19 BY MR. KANAREK:

20 Q Mr. Schwartz -- am I pronouncing your name right?

21 A Right.

22 Q Is it Schwartz or Swartz?

23 A Swartz.

24 Q S-c-h-w-a-r-t-z?

25 A S-w-a-r-t-z.

26 Q S-w-a-r-t-z. I'm sorry.

27 Now, when you spoke to law enforcement people  
28 last summer, you had a forgery charge pending against you;

1 is that correct?

2 A No.

3 Q Did you get a favor in connection with a forgery  
4 charge, from law enforcement?

5 A Oh, I had a forgery charge, but I -- that's been  
6 taken care of. I have been in court on that already.

7 Q That's been taken care of.

8 But is it a fair statement that, in speaking to  
9 you, law enforcement personnel discussed with you a beneficial  
10 result in that forgery charge?

11 A No.

12 Q Did you have a felony forgery charge pending  
13 against you?

14 A Yes, I did.

15 Q And did you discuss that forgery charge with law  
16 enforcement officers who were in -- in matters pertaining  
17 to Mr. Manson?

18 A Not pertaining to Mr. Manson, no.

19 Q Not pertaining -- the forgery charge -- I'm not  
20 asking you whether the forgery charge was pertaining to  
21 Mr. Manson, Mr. Swartz.

22 My question is: Did you speak -- did you  
23 discuss this forgery charge with people in law enforcement  
24 who were conducting matters pertaining to Mr. Manson?

25 A Well, I would like to clarify something. It  
26 wasn't a forgery charge. It was a non-sufficient funds  
27 check.

28 2c fls.

2c-1

1 Q That was a felony charge, involved with forgery, a  
2 forgery -- you call it non-sufficient funds; right?

3 That's the way you term it, Mr. Swartz?

4 Well, let's call it that, then. It was a felony  
5 charge involving non-sufficient funds; is that right?

6 A Right.

7 Q And you -- you discussed this felony charge with  
8 law enforcement officers who were conducting matters pertaining  
9 to Mr. Manson; is that correct?

10 A Well, if I did, I can't remember.

11 Q Well, my question is: Did that come up in any  
12 conversations you had with law enforcement officers?

13 A No, absolutely not.

14 Q And when was that charge pending, Mr. Swartz?

15 A About a month ago; six weeks.

16 Q A month or six weeks ago; is that right?

17 A Yes.

18 Q And in connection with that charge -- when were you  
19 arrested on that charge?

20 A Well, I wasn't arrested. I went in voluntarily.

21 Q When did you speak to any law enforcement people  
22 concerning this charge?

23 A What, the non-sufficient funds --

24 Q Yes.

25 A -- check? Well, the -- the officers at the  
26 Devonshire Police Station, I talked to them.

27 Q You talked to them. And did you ever appear in  
28 court in connection with this charge?

1 A Yes, I did.

2 Q You appeared in court?

3 A Yes, I did.

4 Q So there was a charge filed; is that correct?

5 A That's right.

6 Q And you spoke with the police officers, and you  
7 discussed with them the fact that you were a witness in  
8 connection with Mr. Manson? That was part of your discussion?

9 A Well, that was -- that was part of my discussion, --

10 Q And you --

11 A -- yeah.

12 Q -- discussed this with them, and you received a  
13 benefit in connection with that case, because of your  
14 conversations with those law enforcement officers; is that  
15 correct?

16 A I don't think so, no.

17 Q You don't think so?

18 A (Indicating negatively.)

19 THE COURT: Answer out loud, please.

20 THE WITNESS: I says: "I don't think I did."

21 Q BY MR. KANAREK: You don't -- what court did you  
22 appear in, Mr. Swartz?

23 A Van Nuys.

24 Q And could you tell us what court in Van Nuys you  
25 appeared in?

26 A I think it was Division 72. I'm not certain.

27 Q And do you know the name of the judge that was  
28 there?

1 A I can't think of his name right now.

2 Q And in connection with this case -- I am speaking  
3 now of the -- of the -- what you call the non-sufficient funds  
4 case -- in connection with that case, you appeared in court,  
5 and there was a resolution of that case, favorable to you, in  
6 the sense that the charge was less than that which you had  
7 originally gone to the Devonshire Police Station for; is  
8 that right?

9 A That's right.

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1 Q And this felony was made a misdemeanor; is that  
2 correct?

3 A That's right.

4 Q Now, directing your attention to the guns that  
5 you've spoken of, Mr. Swartz, at the time that those guns  
6 you saw in the hands of Mr. Vance and Mr. DeCarlo, what  
7 date was that?

8 A Huh! I don't know. It's been two years ago.

9 Q You laugh. You don't know?

10 A No. I have been asked dates so many times that  
11 I --

12 Q You have been -- you have spoken to law enforce-  
13 ment officers on many, many occasions concerning Mr. Manson;  
14 is that correct?

15 A That's right.

16 Q So many you can't count 'em?

17 A That's right.

18 Q And so my question is: If you would, give us  
19 your best estimate of the date that you saw the guns that you  
20 spoke of, when Mr. Manzella was speaking with you.

21 A All I know is that it was about two, three, four  
22 days after Charlie and some of his girls went to the desert.

23 Q And so these guns were in the possession of Bill  
24 Vance and Mr. DeCarlo at a time when Mr. Manson was not even  
25 in the County of Los Angeles; is that right?

26 A As far as I know, yes.

27 Q And directing your attention, Mr. Swartz, to this  
28 conversation that you had concerning Mr. Shea -- I'll withdraw

2d-2

1 that.

2 Directing your attention to a conversation that  
3 you say you had with Mr. Shea, when you had that conversation,  
4 was there any reason for remembering the date that that  
5 conversation occurred?

6 A No, I don't believe there was.

7 Q Pardon?

8 A No. As a matter of fact, I don't remember what  
9 day it was.

10 Q Might have been in -- might have been in October  
11 or November of 1970, for all you know?

12 A No, no. It was right --

13 Q Would you say -- pardon?

14 A It was right after we got out of jail.

15 Q Well, was there any reason for remembering that  
16 conversation, Mr. Swartz?

17 A Oh, there's probably no reason for remembering it,  
18 but I did.

19 Q Would you say -- do you know the term "brain-  
20 wash"?

21 MR. MANZELLA: Objection, your Honor. It's not  
22 relevant, whether the witness knows that term.

23 THE COURT: Sustained.

24 MR. KANAREK: Well, I think --

25 THE COURT: The objection is sustained.

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

27 THE COURT: No, you may not. Ask your next question.

28 Q BY MR. KANAREK: Have you ever had the experience

2d-3

1 in life, Mr. Swartz, of being told that something happened,  
2 often enough so that you believe that it happened, when in  
3 fact it didn't?

4 MR. MANZELLA: Objection, your Honor. It's not  
5 relevant as phrased. It's vague and ambiguous.

6 THE COURT: Sustained. You may rephrase the question.

7 MR. KANAREK: Your Honor, may I approach the bench on  
8 this subject?

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THE COURT: No, you may not.

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1 Q BY MR. KANAREK: Mr. Swartz, can you tell us the  
2 date that you had this conversation with Mr. Shea?

3 A No.

4 Q Can you tell us what month it was?

5 A It was in August.

6 Q And directing your attention to Mr. Shea, were  
7 you in the presence of anyone else when you had this conversa-  
8 tion with Mr. Shea?

9 A No.

10 Q And where were you when you had this conversation  
11 with Mr. Shea?

12 A Around the boardwalk, in front of the ranch.

13 Q And the ranch had many, many human beings on it  
14 at this time; is that right?

15 A Quite a few, yeah.

16 Q And you didn't like some of these people that  
17 were at the ranch, did you, Mr. Swartz?

18 A Sure, I got along extremely well with most of  
19 them.

20 Q My question is: --

21 A In fact, all of them.

22 Q My question was: There were some of those people  
23 that you didn't like; is that right?

24 A No, I can't think of one.

25 Q You liked them all?

26 A Oh, I got along with them.

27 Q My question --

28 A I didn't hate them.

2e-2

1 Q Well, it is possible to get along with someone  
2 you don't like; you -- are we agreed on that, Mr. Swartz?

3 MR. MANZELLA: Objection, your Honor. That's not  
4 relevant, whether the witness agrees.

5 THE COURT: Overruled. You may answer, Mr. Swartz.

6 THE WITNESS: Would you repeat it, please?

7 Q BY MR. KANAREK: Yes.

8 Do you agree that it's possible to get along with  
9 someone that you don't like?

10 A I agree it's possible.

11 Q All right. My question is whether you --  
12 whether there were some of these people that you didn't like?

13 A No.

14 Q And where had you been, just prior to the time  
15 that you were on the boardwalk, speaking to Mr. Shea?

16 A I can't remember where I had been.

17 Q Well, had anything -- well -- uh -- I will with-  
18 draw that.

19 Where were you just immediately after this  
20 conversation with Mr. Shea?

21 A Oh, I probably walked off somewhere. I can't  
22 remember where it was.

23 Q And is there any reason for remembering you were  
24 on the boardwalk?

25 A Sure, because that was where we were.

26 Q Well, other than just that -- you say that you  
27 were there -- is there some reason that at this time in  
28 history, you remember where you were, when that -- when you

1 say that conversation took place, in view of the fact you  
2 say you don't remember where you were just before and you  
3 don't remember where you were just afterwards?

4 A Well, the ranch covers a lot of property. Two  
5 years ago, I can't remember where I was before or after I  
6 talked to him.

7 Q And there is no reason for remembering where you  
8 were when you were talking?

9 A Oh, I guess not.

10 Q And so perhaps you don't remember where you were--

11 THE COURT: You needn't answer that.

12 THE WITNESS: As a matter of fact, I do remember where  
13 I was: Right there on the boardwalk.

14 Q BY MR. KANAREK: You do remember that, --

15 A Right.

16 Q -- but -- well, what time of day was this, Mr.  
17 Swartz?

18 A I got no idea at all.

19 Q You don't know what time of day it was?

20 A No, I don't.

21 Q Day or night?

22 A It was daylight.

23 Q Daylight. But in August, we have long days. So  
24 it could have been any time that it was daylight; is that  
25 right?

26 A Right.

27 Q And -- and do you remember where you were at  
28 any time that day?

1 A No. No, I don't.

2 Q And when you had this conversation with Mr. Shea,  
3 can you tell us what Mr. Shea was wearing?

4 A No, I can't.

5 Q Can you tell us what you were wearing that day?

6 A Oh, probably blue jeans and a shirt, a pair of  
7 boots.

8 Q Pardon?

9 A The same thing I'm wearing right now.

10 Q You say "probably"? Or do you remember?

11 A Oh, I wear the same thing every day, 365 days  
12 out of the year.

13 Q I see. And what day of the week was it?

14 A I've got no idea at all.

15 Q How long did this conversation last, Mr. Swartz?

16 A A few minutes. Three minutes, five minutes,  
17 ten minutes; I don't know how long we set there and talked.

18 Q Well, can you give us your best estimate of how  
19 long it was?

20 A Oh, I don't think it was over 15 minutes; could  
21 have been longer; could have been less.

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1 Q And can you tell us everything that was said in  
2 that 15-minute conversation?

3 A Well, I didn't say it was a 15-minute conversation.

4 Q You mean you were with Mr. Shea at this time,  
5 and there were long periods of silence; is that right? You  
6 just sat there and -- with Mr. Shea, saying nothing?

7 A I told you: It could have been three minutes, or  
8 it could have been 15 minutes; I got no idea at all how long I  
9 sat there.

10 Q And during this period of time that you were  
11 sitting there, Mr. Shea was sitting there with you; is that  
12 right?

13 A That's right.

14 Q And so you could have discussed this for 15 minutes?

15 A Well, we probably could have discussed many other  
16 things, too.

17 Q So you don't know in fact what Mr. Shea said,  
18 do you?

19 A Sure, I know what he said. I know what he told me,  
20 about the job offer.

21 Q Well, what words did he say? What were the  
22 exact words that came out of his mouth, Mr. Swartz?

23 A He told me that he was going this evening to see  
24 Frank Retz, because George had talked to Frank about putting  
25 a guard up there at the other end of the property, and George  
26 was trying to get Shorty the job, and Shorty was going to go  
27 down that evening and see him.

28 Q Did Shorty refer to himself as "he"?

1 A Refer to who?

2 Q Himself --

3 A Himself? No.

4 Q -- as "he."

5 And he didn't use the word "he" in any respect, as  
6 far as himself is concerned?

7 A Oh, he probably used the word "me" or "I."

8 Q So you don't know whether he used these words --  
9 these first person pronouns -- or not; is that right?

10 A Well I don't know about that.

11 But I know what he told me, anyway.

12 Q And --- and what did he tell you, Mr. Swartz?

13 A He told me that Frank Retz had offered him a job;  
14 that he was going to go down and see Frank Retz that evening, as  
15 a night watchman, on the adjoining property.

16 Q Now, is it a fair statement that you like Frank  
17 Retz; right?

18 A Well, I don't really know the man, offhand. I was  
19 introduced to him once and seen him two or three times at the  
20 ranch, and that's the extent of it.

21 Q Well, but -- then you have no particular friend-  
22 ship for Frank Retz; is that right?

23 A Not really, no. I don't know the man that well.

24 Q You've never done any work for Frank Retz?

25 A Never.

26 Q And in your life, you've never had any relationship  
27 with Mr. Retz at all, --

28 A Never.

1 Q -- is that right?

2 A That's right.

3 Q And did Shorty speak to you about any other jobs?

4 A No.

5 Q Didn't he tell you about some mad urge that he had  
6 to become a movie star?

7 MR. MANZELLA: Objection, your Honor. That question is  
8 argumentative.

9 THE COURT: Overruled. I will permit him to answer.

10 THE WITNESS: Well, he's been trying to get into pictures  
11 for years and years and years. And I'd hear it every time I'd  
12 see him.

13 Q BY MR. KANAREK: You hear that every time you see  
14 him?

15 A That's what he talks about most of the time.

16 Q Did he talk about getting into the movies on this  
17 occasion, Mr. Swartz?

18 A Well, he talked about one picture somebody was  
19 going to make; but -- and that he was waiting for a part in.  
20 But I don't know whether it was on this occasion or before.

21 Q My question is: What he talked about during this  
22 15-minute period that you are speaking of. That's what my  
23 question is. Not on other occasions. On this occasion.

24 A Well, I can't recall whether he mentioned it  
25 during that conversation.

26 Q And -- so you don't know, in fact, all of the  
27 subjects that you discussed with Mr. Shea on this 15-minute  
28 occasion?

1 A No, I don't.

2 Q You may have discussed ten, 15 or 20 different  
3 subjects; is that right?

4 A Right.

5 Q And this might -- might have been one of those  
6 10 or 15 or 20; right?

7 A Well, we could have discussed anything, like going  
8 down for a six-pack, or -- could have been anything, you know.

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1 Q Now, at the time that you were arrested, Mr.  
2 Swartz -- do you remember that?

3 A Yes, I do.

4 Q And your state of mind was that you believed that  
5 you were arrested because of the presence of what you called  
6 "hippies" on the Spahn Ranch; is that correct?

7 A Well, I don't believe I've ever called 'em "hippies."

8 Q Well, these people, then, these people that were  
9 arrested on the Spahn Ranch on that day. Having in mind  
10 those people, is it a fair statement that you felt that you  
11 were arrested because you were where these people were on that  
12 day; is that right?

13 A Yeah, that's right. I was a little irritated.

14 Q You were a little irritated?

15 A (Indicating affirmatively.)

16 Q And you were irritated with --

17 A I wasn't irritated at the people. I was irritated  
18 because I was dragged out of bed at 6:00 o'clock in the  
19 morning.

20 Q Right. And in your mind, this happened because of  
21 these people that were living at the Spahn Ranch?

22 A Well, I hadn't thought about that exactly at that  
23 moment.

24 Q Well, you've thought about it --

25 A I might have thought about it later.

26 Q -- plenty of times, including right now; right?

27 A Right. Right.

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

1 THE COURT: You may.

2 (Whereupon, a discussion off the record ensued at  
3 the clerk's desk between Mr. Kanarek and the clerk.)

4 Q BY MR. KANAREK: Now, when you were -- when you  
5 were arrested Mr. --

6 May I approach the witness, your Honor?

7 THE COURT: Yes, you may.

8 Q BY MR. KANAREK: Mr. Swartz, I have here a group of  
9 pictures, and would you tell me whether you see yourself any-  
10 where in those pictures? Would you -- as quickly as possible  
11 -- go through them and --

12 A That looks like me right there (indicating), but  
13 I wouldn't swear to it. It's a terrible picture.

14 Q Are you referring to the person that's leaning  
15 over (indicating)?

16 A Yes. There's a lot of pictures of helicopters.

17 Q You don't see any B-52's, though, do you?

18 A No. A lot of storm troopers.

19 THE COURT: What exhibit is that, Mr. Kanarek?

20 MR. KANAREK: Well, these -- I haven't asked that they  
21 be marked, your Honor. They have been --

22 THE WITNESS: That's (indicating) the only one.

23 MR. KANAREK: Thank you.

24 THE COURT: They are what?

25 MR. KANAREK: They are -- I think your Honor would wish  
26 me to say this at the bench.

27 THE COURT: You needn't say it at the bench. What are  
28 they?

1 MR. KANAREK: Oh, very well. These are the pictures  
2 that are being used in the Tex Watson trial.

3 THE COURT: Do you wish to have them marked for  
4 identification?

5 MR. KANAREK: Yes, your Honor.

6 However, at this point, I would like to ask that  
7 this --

8 THE COURT: Do you wish just to have this one marked?

9 MR. KANAREK: At this point, just one -- although for  
10 the matter of convenience for the clerk, it would be agreeable  
11 with me to mark them all, with the exhibit number that they  
12 now have. They're part of --

13 THE COURT: The Court will permit the one to be marked  
14 as -- K?

15 THE CLERK: K, yes.

16 THE COURT: -- K for identification.

17 MR. KANAREK: Very well, your Honor.

18 Thank you.

19 Q Now, you say, Mr. Swartz, that this looks like  
20 you.

21 Do you recall being in that position, as a result  
22 of this arrest?

23 A No, I don't. Might have been getting up, or  
24 setting down.

25 Q Were you handcuffed?

26 A Oh, you better believe it.

27 Q Well, do you own any clothing that appears to be  
28 on the person that is leaning over, in what we have marked as

K id

1 People's K?

2 A Oh, well, they're blue jeans and a 'shirt.

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1 Q Does that -- does the person appear to have a  
2 sweater over the shirt?

3 A No.

4 Q That is just -- those are just blue jeans, and  
5 they look like your blue jeans?

6 A Yes.

7 Q Would you say the hairline appears to be your  
8 hairline?

9 A Yes.

10 Q And would you say there's no question in your  
11 mind that this appears to be a picture of you?

12 A No question at all.

13 Q And you were -- you were made to suffer some  
14 indignities, handcuffed, arrested, handcuffed and taken down  
15 in a patrol car and all of that, is that right?

16 MR. MANZELLA: Objection, your Honor, the question is  
17 irrelevant.

18 THE COURT: Overruled.

19 THE WITNESS: Indignities? Don't think so. I wasn't  
20 really --

21 Q BY MR. KANAREK: Pardon?

22 A I wasn't really that bad. All I was was a  
23 little bit irritated, that's all. I got over that real  
24 quick.

25 Q And you were booked on a felony charge of  
26 stealing automobiles, right?

27 A Right.

28 Q And that didn't make you unhappy, is that right?

3-2

1 A Well, I don't think it made anybody unhappy. I  
2 think I felt just like everybody else did.

3 Q My question is, just to you. I'm not asking for  
4 anybody else.

5 A Well, I wasn't too particularly overjoyed, no.

6 Q And you felt you were innocent of any wrongdoing  
7 and you were being thrown in jail because you happened to be  
8 where these other people were in connection with this raid,  
9 is that right?

10 A Why don't you repeat that again.

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

12 THE COURT: Miss Briandi.

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

15 "Q And you felt you were innocent of any  
16 wrongdoing and you were being thrown in jail because  
17 you happened to be where these other people were in  
18 connection with this raid, is that right?"

19 A That's correct. But I knew that I hadn't stolen  
20 any automobiles or anything like that and they could only keep  
21 me for three days at the most, so I just relaxed and waited  
22 until some time went by and we got out. Just relaxed.

23 Q BY MR. KANAREK: And during this three-day period  
24 you were just as content there as you would have been at home?

25 A Absolutely not. It was just two days we were in.

26 Q And so it came to pass that you were released,  
27 is that right?

28 A Yes.

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1 Q Mr. Shea -- you spoke to Mr. Shea, is that right,  
2 about coming back from custody?

3 A About coming back from custody, I don't understand--

4 Q When you were released, were you released over  
5 here on Bauchet Street, downtown here near Macy and Alameda?

6 A Down at the new County Jail?

7 Q Down at the new County Jail, downtown?

8 A That's right.

9 Q On Bauchet -- right, in the downtown area, is that  
10 right?

11 A Right.

12 Q And so you had the necessity of going back to the  
13 ranch, is that right?

14 A The necessity?

15 THE COURT: You wanted to go back to Spahn Ranch?

16 THE WITNESS: Oh, right, right.

17 Q BY MR. KANAREK: And how did you arrange that  
18 trip to go back to Spahn Ranch?

19 A I called and asked if there was any cars to come  
20 and get us, and Shorty was there, and so he come down and got  
21 us.

22 Q And so you considered Mr. Shea a pretty good  
23 friend of yours?

24 A A pretty good friend for a lot of years.

25 Q A lot of years you liked Mr. Shea, is that right?

26 A That's right.

27 Q And you have known Mr. Shea, you tell us, since  
28 1963, is that right?

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A That's right.

Q So Mr. Shea came down and you went back with Mr. Shea, is that right?

A That's correct.

THE COURT: Get a little closer to that microphone.

THE WITNESS: Okay.

THE COURT: Move that chair forward.

THE WITNESS: Okay.

Q BY MR. KANAREK: And in going back with Mr. Shea, did you indicate -- did you indicate your unhappiness about having been arrested?

A No, heck, no. I was so tickled to get out, I couldn't have been unhappy.

Q You didn't say you were unhappy about being in --

A No, no, I don't believe I did.

Q And so you and Mr. Shea went back, is that right?

A Went back to the ranch, yes.

Q Did you go back with anyone else?

A Oh, Larry Jones and Larry Craven was released at the same time. They rode back in the same automobile with me.

Q With you and Mr. Shea?

A Right.

3a fls.

3a-1

1 Q And is Larry Craven a cowboy?  
2 A Thinks he is.  
3 Q I see.  
4 A It is the only answer I can give you.  
5 Q Pardon?  
6 A It is the only answer I can give you.  
7 Q And Larry Jones is a cowboy, right?  
8 A Larry Jones, no.  
9 Q Does he do -- has he done work around the Spahn  
10 Ranch?  
11 A Oh, yeah, he's -- helped out a little bit.  
12 Q Does he consider himself a cowboy?  
13 THE COURT: You needn't answer that.  
14 Let's move the cross-examination.  
15 MR. KANAREK: Yes, your Honor, I am.  
16 Q BY MR. KANAREK: Would you say that Larry Jones  
17 has also done work in connection with the horses and all of  
18 that?  
19 MR. MANZELLA: That's immaterial.  
20 Q BY MR. KANAREK: Now, Mr. Shea, and you, then,  
21 spoke when you were coming back from the County Jail, is  
22 that right?  
23 A Right, right, of course.  
24 Q Did Mr. -- well, did Mr. Shea tell you anything  
25 about this job with Frank Retz?  
26 A Not at that time, no.  
27 Q Well, how long after you got out of the jail did  
28 Mr. Shea say anything about this job?

1 A I can't remember how long it was.

2 Q Maybe a couple of weeks, three weeks or a month?

3 A Oh, a week or ten days.

4 Q Could have been longer?

5 A It was the latter part of the month.

6 Q Pardon?

7 A It was the latter part of the month. What day  
8 it was or -- or what the date was, I don't know.

9 Q You don't know what month it was, in fact?

10 A August, the latter part of August.

11 Q And part -- and is there some reason that you  
12 remember that it was August and not September?

13 MR. MANZELLA: Objection, the question has been asked  
14 and answered, your Honor.

15 THE COURT: Well --

16 MR. KANAREK: No, it hasn't, your Honor.

17 THE COURT: It hasn't been asked in quite that way,  
18 so the objection is overruled. You may answer.

19 A It wasn't September. It was a few days after I  
20 got out of jail I had the conversation with him.

21 Q BY MR. KANAREK: Now, you say it was a few days  
22 after?

23 A I don't know when it was.

24 MR. MANZELLA: Objection, your Honor, the question is  
25 argumentative.

26 THE COURT: The objection is sustained.

27 Q BY MR. KANAREK: Was it a few days or days --

28 A It was a few days.

1 Q You include ten days as possibly being a few  
2 days?

3 A I don't include ten days. I just say a few days  
4 went by and we had the conversation. I don't know how many  
5 days it was.

6 Q Well, a few moments ago you said ten days --

7 A I said it might have been a few days.

8 MR. MANZELLA: Objection, your Honor, it's argumenta-  
9 tive.

10 Q BY MR. KANAREK: As a matter of fact, Mr. Swartz,  
11 the reason you say that it was August and not September, is  
12 because you've talked to so many police officers concerning  
13 these matters pertaining to Mr. Manson that you have come to  
14 accept what the police officers tell you?

15 A No, no, no, no.

16 Q That's not --

17 A Never happened. Not a bit.

18 Q Then, sometime after you tell us you spoke to  
19 Mr. Manson --

20 A That's right.

21 Q And how long did that conversation last, when you  
22 spoke to Mr. Manson?

23 A Just a passing conversation. We stood there for  
24 just long enough to have a conversation, the conversation I  
25 told you about. And that was it. That was the extent of it.

26 Q And what day was that?

27 A Oh, boy, I -- I know it was about -- it was the  
28 latter part of August. I don't know what day it was.

1 Q It might have been in September?

2 A No, it was not in September.

3 Q Is there any reason why you know your conversa-  
4 tion with Mr. Manson was not in September?

5 A Well, I say it wasn't in September, but I've got  
6 no reason to, uh -- I just know it wasn't in September. It  
7 was in August.

8 Q And you've spoken about these matters as you've  
9 said many times with police officials, right?

10 A Well, when they ask you something, you've got  
11 to answer them.

3b fls.

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1 Q My question is, you have spoken with them many times  
2 concerning these matters, right?

3 A Sure.

4 Q And so you, as far as this conversation with Mr.  
5 Manson was concerned, it was a passing conversation that may  
6 have taken just a few seconds, is that right?

7 A Right.

8 Q There was no reason to remember it, was there,  
9 Mr. Swartz?

10 A Well, if Shorty hadn't disappeared, I probably  
11 wouldn't have remembered it.

12 Q Mr. Swartz, you never made any missing person's  
13 report on Mr. Shea? He was a friend of yours?

14 A No. You know why he didn't, too.

15 Q Pardon?

16 A You know why he didn't, too?

17 MR. KANAREK: Well, your Honor, my question is merely  
18 -- was whether he made it or not. And I ask his gratuitous  
19 statement be stricken.

20 THE COURT: What do you want stricken?

21 MR. KANAREK: The part about, "I know why he didn't--" --

22 THE COURT: Would you read it, I'm sorry, I missed it.

23 MR. KANAREK: May the question be read also, and I  
24 think your Honor would agree with me.

25 MR. MANZELLA: Your Honor, to save time, I stipulate  
26 that we have no objection to having it stricken.

27 THE COURT: Well, read it to me, would you, please?

28 (Whereupon, the record was read by the reporter

1 as follows:

2 "Q Mr. Swartz, you never made any missing  
3 person's report on Mr. Shea? He was a friend of yours?

4 "A No. You know why he didn't, too.

5 "Q Pardon?

6 "A You know why he didn't, too?"

7 THE COURT: The answer "No," may remain in. The answer  
8 "No" may remain in. The balance is stricken.

9 Q BY MR. KANAREK: And, Mr. Swartz, you knew that  
10 Mr. Manson was arrested in October, October 12, 1969? You  
11 heard about that, right?

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

13 THE COURT: Sustained.

14 Q BY MR. KANAREK: After you heard of Mr. Manson  
15 being arrested, you made no missing person's report concern-  
16 ing Shorty Shea to any law enforcement officials, did you?

17 A No, I never did.

18 Q Never did, right?

19 A Right.

20 Q And so, Mr. Swartz, you made no notation of this  
21 conversation that you say took a few seconds with Mr. Manson,  
22 right?

23 A Oh, I didn't write it down, no.

24 Q And you spoke to many people on that ranch during  
25 the summer of 1969, during the year of 1969, is that right?

26 A Probably had spoken to everybody.

27 Q Now, in connection with these guns, Mr. Swartz --  
28 no, no, I'll withdraw that and ask you, where was it that you

1 saw Mr. DeCarlo and Mr. Vance with these guns?

2 A Where?

3 Q Yes.

4 A In the prop room at the east end of the boardwalk.  
5 The east end of the western front street.

6 Q And you call it the prop room, right?

7 A Right, that's what it is.

8 Q That's a room where Danny DeCarlo spent many,  
9 many hours, is that right?

10 A Right.

11 Q You also tell us you saw the attache case, is  
12 that right?

13 A That's right.

14 Q And that was -- you tell us -- or I'll withdraw  
15 it and ask you where was it that you saw the attache case?

16 A All the time that Vance and DeCarlo came into  
17 the prop room with the attache case, and they had the two  
18 weapons with them, at that time or the time before that, or  
19 the time before that, you know, I've seen it two or three or  
20 four different times.

21 Q I'm speaking of the time when you saw these guns  
22 in the immediate presence of Bill Vance and Danny DeCarlo.

23 What date was that?

24 A I don't know what day it was, the exact date,  
25 now.

26 Q Can you -- would you give us your best estimate  
27 of that date?

28 A Well, I think it was between the time we got out

1 of the jail and the end of the month.

2 Q You don't know for sure?

3 A It is about -- it was in that time. Somewhere.

4 Q You don't know -- you don't know whether it was  
5 August or September, do you, Mr. Swartz?

6 A Sure do. It was August.

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1 Q You know for sure it was August?

2 A Sure, it was August.

3 Q You don't know whether it was September 1st or  
4 the 2nd? It had to be either August 30th or 31st that the  
5 latter -- right?

6 A It was in the latter part of August sometime.

7 Q When you say the latter part of August, to your  
8 best estimate, what in the latter part of August --

9 MR. MANZELLA: Objection, the question has been asked  
10 and answered.

11 THE COURT: The objection is sustained.

12 Q BY MR. KANAREK: Mr. Swartz, you had no reason  
13 for making any kind of a demarcation between August 31st and  
14 September 1, did you?

15 MR. MANZELLA: Objection, the question has been asked  
16 and answered.

17 THE COURT: Overruled. You may answer.

18 THE WITNESS: Sure, because it wasn't -- why don't you  
19 ask me that again.

20 Q BY MR. KANAREK: Yes.

21 In your mind, you had no reason for making any  
22 kind of a determination on the difference between August 31st  
23 and September 1st, right?

24 A None, whatsoever.

25 Q And you had no reason in your mind for making  
26 any demarcation between September 1st and September 2nd,  
27 right?

28 A No.

1 Q And you had no reason in your mind for making  
2 any demarcation between September 3rd and September 4th?

3 MR. MANZELLA: Objection, your Honor.

4 Q BY MR. KANAREK: Is that right?

5 MR. MANZELLA: This could go on all day. Object on  
6 the ground it is irrelevant.

7 THE COURT: Have you answered the question yet?

8 THE WITNESS: No, no reason at all.

9 Q BY MR. KANAREK: And you had no reason for making  
10 any demarcation between September 5th and September 29th, is  
11 that right?

12 A That's right.

13 Q Is that right, Mr. Swartz, correct?

14 A Right.

15 Q And no different --

16 THE COURT: Let's stop there.

17 (Laughter.)

18 MR. KANAREK: Thank you, Mr. Swartz. Merry Christmas.  
19 Thank you, Mr. Swartz.

20 THE WITNESS: Happy New Year.

21 MR. MANZELLA: I have no questions, Mr. Swartz.

22 THE COURT: You may step down. You are excused.

23 Counsel approach the bench.

24 Mr. Kanarek, you have foregone -- you have a  
25 witness available at this time?

26 MR. KANAREK: I believe I do, your Honor.

27 If we could take a short recess, your Honor --

28 THE COURT: Yes, all right.

1 Well, we'll recess for ten minutes, ladies and  
2 gentlemen, approximately ten minutes.

3 During the recess you are obliged not to converse  
4 amongst yourselves, nor with anyone else on any subject  
5 connected with this matter, nor are you to form or express  
6 any opinion on the case until it has finally been submitted  
7 to you.

8 Between ten or fifteen minutes.

9 (Recess.)  
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1 THE COURT: The last witness, ladies and gentlemen, was a  
2 People's witness presented out of order.

3 The defendant may proceed.

4 MR. KANAREK: Excuse me just a moment, your Honor.

5 (Pause in the proceedings while a discussion off  
6 the record ensued at the counsel table between Mr. Kanarek and  
7 Mr. Manzella.)

8 MR. KANAREK: Call Magdalene Shea, your Honor.

9  
10 MAGDALENE SHEA,  
11 called as a witness by and on behalf of the defendant, having  
12 been previously duly sworn, resumed the stand and testified  
13 further as follows:

14 THE COURT: Mrs. Shea, you are still under oath.

15 (Pause in the proceedings while a discussion off  
16 the record ensued at the counsel table between Mr. Kanarek and  
17 the bailiff.)

18 MR. KANAREK: Your Honor, may I have a moment to speak  
19 to --

20 THE COURT: Yes, you may.

21 MR. KANAREK: -- Mr. Manson?

22 (Pause in the proceedings while a conversation off  
23 the record ensued at the detention room door between Mr.  
24 Kanarek and the defendant.)

25  
26 DIRECT EXAMINATION

27 BY MR. KANAREK:

28 Q Mrs. Shea --

1 THE COURT: Use the microphone, Mr. Kanarek, please.

2 MR. KANAREK: Yes, your Honor.

3 Q -- did you leave a note for Mr. Shea at the  
4 Wilcox Street address?

5 A No.

6 Q You left no writing whatsoever concerning yourself  
7 and Mr. Shea?

8 A No, I didn't.

9 Q And -- nor did you cause to be delivered to Mr. Shea  
10 any note?

11 A No.

12 Q Now, when you were in Las Vegas with Mr. Shea, did  
13 -- were you turned down by any apartment house, because of the  
14 fact that you were of the black or Negro race, and he was of  
15 the Caucasian or white race?

16 A Yes.

17 Q What place were you turned down by?

18 A I don't remember.

19 Q You don't remember the name of the place?

20 A No.

21 Q Where was the place?

22 A I don't remember. I don't know that much about  
23 Las Vegas. I couldn't tell you. The onliest thing I know  
24 about is the strip. I could tell you about that. But as far  
25 as streets, I don't know.

26 Q Well, you know quite a bit about the strip in  
27 Las Vegas; is that right?

28 A Yes, because that is Las Vegas; that's --

1 Q All right.

2 A -- where everybody knows.

3 Q And there are black -- black or Negro people in  
4 Las Vegas, who work in the pits as dealers; right?

5 MR. MANZELLA: Objection, your Honor. That's not  
6 relevant.

7 MR. KANAREK: Well, she has --

8 THE COURT: Sustained.

9 Q BY MR. KANAREK: Within your observation, your own  
10 personal observation, Mrs. Shea -- well, I'll withdraw that.

11 You have been to Las Vegas on many occasions?

12 A No.

13 Q You have been to Las Vegas on occasions other than  
14 that one occasion?

15 A No.

16 Q That's the only time in your life you've ever  
17 been to Las Vegas?

18 A Yes.

19 Q How many apartments did you go to, to obtain  
20 lodgings with Mr. Shea?

21 A We stayed in two apartments.

22 Q You rented two apartments?

23 A Yes.

24 Q In the time that you were there with Mr. Shea?

25 A Yes.

26 Q How many apartments did you go to, where you  
27 and Mr. Shea were turned down for housing?

28 A About three or four.

1 Q And where are those apartments, Mrs. Shea?

2 A I don't know. All I know is, they was behind the  
3 Strip.

4 Q They -- you went there with Mr. Shea, to the  
5 managers, and they wouldn't give you any apartments?

6 A They said they had no vacancies, but they had a  
7 VACANCY sign out there on the -- you know, to be rented. But  
8 when they saw us together, it was no vacancies.

9 When he called a couple of times, they had  
10 vacancies; but when we went there, they didn't -- they didn't  
11 have any.

12 Q Oh, you and he called --

13 A He called.

14 Q He called?

15 A Yes.

16 Q And then you and he went together, and you were  
17 turned down, --

18 A Yes.

19 Q -- is that right?

20 A Yes.

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1 Q Now, did you -- on what days, Mrs. Shea, did this  
2 occur?

3 A I don't know what days. I know we had a hard time  
4 finding a place to stay there.

5 Q And this is the reason that you split up; is that  
6 right? That's the reason you left Las Vegas, is because you  
7 couldn't get any housing --

8 MR. MANZELLA: Objection, your Honor --

9 THE WITNESS: We had an apartment.

10 Q BY MR. KANAREK: Pardon? You had an apartment?

11 A Yes.

12 Q And when you left Las -- left Las Vegas, what  
13 apartment were you living at?

14 A The Sahara Motor Apartments.

15 Q And you and Mr. Shea were living there together?

16 A Yes.

17 Q And that was on what day, last?

18 A I don't remember. It was in July.

19 Q And on some day, you decided to leave Las Vegas;  
20 is that right? And Mr. Shea stayed?

21 A I left on a Sunday.

22 Q You left on Sunday, living in an apartment in  
23 Las Vegas?

24 A Yes.

25 Q And you left and Mr. Shea remained; is that correct?

26 A For a week.

27 Q Pardon?

28 A Yes.

1 Q And you never lived in Las Vegas again together?

2 A No.

3 Q Is that correct?

4 A No.

5 Q Is that incorrect?

6 A Would you repeat the question again, please?

7 Q Did you ever live in Las Vegas again together?

8 A No, we never lived in Las Vegas again together.

9 Q So then you voluntarily, on your own, departed  
10 housing that you had with Mr. Shea, when you left Las Vegas?

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

12 THE COURT: Overruled. You may answer.

13 THE WITNESS: No.

14 Q BY MR. KANAREK: Pardon?

15 A No.

16 Q That's not correct?

17 A May I have the question again, please?

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

19 THE COURT: Well, would you rephrase it?

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

21 Q When you left Las Vegas, Mrs. Shea, and left  
22 Mr. Shea in Las Vegas, you left of your own free will; is  
23 that right?

24 A Yes, I came to Los Angeles.

25 Q You were not evicted from --

26 A No.

27 Q -- from any premises?

28 A No.

1 Q You were not asked to leave because you were black  
2 or Negro, and your husband was Caucasian or white?

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

5 THE COURT: Overruled. You may answer, Mrs. Shea.

6 THE WITNESS: No.

7 Q BY MR. KANAREK: Pardon?

8 A No.

9 Q Well, when you say, "No," do you mean, "No, that  
10 is not correct," you were not asked to leave?

11 A Well --

12 Q No landlord or manager of the apartment house  
13 asked you to leave?

14 A Where we were staying?

15 Q Yes.

16 A No.

17 MR. KANAREK: Thank you.

18 Thank you, your Honor.

19 THE COURT: Anything more --

20 MR. MANZELLA: No, your Honor.

21 THE COURT: -- of Mrs. Shea?

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

23 MR. MANZELLA: No, your Honor.

24 THE COURT: Thank you, Mrs. Shea. You may step down.  
25 You are excused.

26 Call your next witness.

27 MR. KANAREK: Yes, your Honor. Call Mr. Whiteley --  
28 well, if he wishes to --

1 MR. WHITELEY: Excuse me just a second.

2 MR. KANAREK: Yes, certainly.

3

4

5 PAUL J. WHITELEY,  
6 called as a witness by and on behalf of the defendant, having  
7 been previously duly sworn, was examined and testified as  
8 follows:

9

THE COURT: State your name.

10

THE WITNESS: Paul Whiteley.

11

DIRECT EXAMINATION

12

BY MR. KANAREK:

13

14

Q Mr. Whiteley, did you interview Barbara Jean Hoyt  
on 12 -- on December the 2nd, 1969?

15

A I can't recall the date.

16

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

17

THE COURT: Yes, you may.

18

19

Q BY MR. KANAREK: I show you what appears to be a  
report, 070-02378-1076-016, and ask you if that is a report  
that you made?

20

21

A Are you asking me if that's a report I made?

22

Q Yes.

23

A Yes.

24

Q And did you, in this report --

25

THE COURT: Would you wait until you get to the micro-  
phone?

26

27

MR. KANAREK: Yes, certainly, your Honor.

28

4b-1

1 Q BY MR. KANAREK: Did you state that "Miss Hoyt  
2 recalls hearing screams that sounded as if they were coming  
3 from the creek area; these screams sounded as if they were  
4 from a male."

5 Did you --

6 A No.

7 Q You didn't put that in your report?

8 A I put that in the report, but you must preface  
9 what you are saying --

10 Q I am asking you: Are those words in your report?  
11 That's all I am asking you at this time, Mr. Whiteley.

12 And Mr. Manzella will -- may have something.  
13 But I would ask for an answer of that question, your Honor.

14 MR. MANZELLA: Objection, your Honor. It's not relevant,  
15 if those words are in the report.

16 MR. KANAREK: It's most relevant, because it reflects  
17 his interview with Miss Hoyt; and under Green vs. California --

18 THE COURT: Excuse me just a moment.

19 MR. KANAREK: Yes, your Honor. I'm sorry.

20 THE COURT: The objection is overruled.

21 You may answer it. Did you put that in the report?

22 THE WITNESS: Yes, I put those words in the report.

23 Q BY MR. KANAREK: And Mr. -- in connection with  
24 your investigation of this case, you say you've investigated  
25 the guns, as part of your -- part of what you have done in  
26 this case, concerning Mr. Shea; right?

27 A Yes.

28 Q Did your investigation reveal that Mr. Shea,

1 in October or November or December of 1968, obtained these  
2 guns for a camera from Arch Hall?

3 A Would you repeat the question?

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

5 THE COURT: Yes. Mr. Williams?

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

8 "Q Did your investigation reveal  
9 that Mr. Shea, in October or November or December  
10 of 1968, obtained these guns for a camera from  
11 Arch Hall?"

12 THE WITNESS: It was prior to that. But yes, he did  
13 obtain the guns.

14 Q BY MR. KANAREK: It was -- your investigation  
15 revealed that it was prior to -- to October of 1968?

16 A Yes, I believe so.

17 MR. KANAREK: If I may have a moment, your Honor?

18 THE COURT: Yes, you may.

19 (Pause in the proceedings.)

20 Q BY MR. KANAREK: Directing your attention to the  
21 time that your investigation indicates that these guns were  
22 to -- were exchanged for the camera, what date do you say  
23 your investigation reveals that this occurred?

24 A Just off the top of my head, I would say it was in  
25 the middle of the year. It was sometime around July.

26 Q When you say off the top of your head, you mean  
27 that you do not know what the date was; is that correct?

28 A That's correct.

1 Q Your -- I mean, your -- you're making a -- an  
2 estimate; but you do not remember; is that correct?

3 A That's correct.

4 Q Do you have your notes with you, in connection  
5 with your interview with Arch Hall?

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

8 THE COURT: Sustained.

9 Q BY MR. KANAREK: Well, then, I'll ask you,  
10 Mr. Whiteley, what date in 1968 was it that Mr. Hall traded  
11 the camera for the two guns?

12 MR. MANZELLA: Objection, your Honor. It assumes a fact  
13 not in evidence.

14 THE COURT: Sustained.

15 Q BY MR. KANAREK: Well, did your investigation reveal  
16 that Mr. Hall traded the two guns for a camera to Mr. Shea?

17 A No.

18 Q Your investigation revealed that there was no  
19 trade for a camera; is that right?

20 A That's correct.

21 MR. KANAREK: Thank you.

22 That's all at this time, your Honor.

23  
24 CROSS-EXAMINATION

25 BY MR. MANZELLA:

26 Q Sergeant Whiteley, the words that Mr. Kanarek read  
27 to you from your report, were those words stated to you by  
28 Barbara Hoyt?

1 A. No.

2 Q. From where did those words come?

3 A. I was quoting what Philip Sartuche had written  
4 in his report regarding his interview with Barbara Hoyt.

5 Q. And Philip Sartuche was the sergeant of the  
6 Los Angeles Police Department who testified for Mr. Kanarek in  
7 this case?

8 A. Yes.

9 MR. MANZELLA: No further questions.

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## REDIRECT EXAMINATION

1 BY MR. KANAREK:

2 Q Now, there's no question, Mr. Whiteley, that this  
3 is part of your report?  
4

5 MR. MANZELLA: Objection. That's not relevant.

6 MR. KANAREK: I am asking him.

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

8 THE COURT: It's asked and answered.

9 Q BY MR. KANAREK: Well, what I read to you, were  
10 you correct, when you stated it was from your report?

11 A Yes, it was part of my report.

12 MR. KANAREK: Thank you, your Honor.

13 MR. MANZELLA: No questions.

14 THE COURT: You may step down.

15 Call your next witness.

16 (Pause in the proceedings.)

17 THE COURT: You may call your next witness.

18 MR. KANAREK: Yes, your Honor. I am just waiting --

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

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

23 THE COURT: Yes, you may.

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

27 MR. KANAREK: Your Honor, my next witness would be Mr.  
28 Black.

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1 THE COURT: All right. He will be here tomorrow  
2 morning, I am informed, from San Luis Obispo Men's Colony.

3 Do you have any other witnesses to proceed with  
4 now?

5 MR. KANAREK: No, I don't.

6 THE COURT: All right.

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

10 THE COURT: Ladies and gentlemen, the Court will excuse  
11 you for this afternoon, and admonish you that you are not to  
12 converse amongst yourselves nor with anyone else, nor permit  
13 anyone to converse with you on any subject connected with  
14 this matter, nor to form or express an opinion on it until  
15 it is finally submitted to you.

16 What does the calendar look like tomorrow, Joyce?

17 (Pause in the proceedings while a discussion  
18 off the record ensued at the bench between the Court  
19 and the Clerk.)

20 THE COURT: Be here at 9:40, would you, ladies and  
21 gentlemen? The Court would order you to return at 9:40.  
22 And good night.

23 We are in recess.

24 (Whereupon, at 3:40 o'clock p.m., an adjournment  
25 was taken in this matter until 9:45 o'clock a.m. of the  
26 following morning, Friday, October 1, 1971.)  
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