

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.

156
No. A-267861REPORTERS' DAILY TRANSCRIPT

Thursday, October 7, 1971

Friday, October 8, 1971

VOLUME 56APPEARANCES:

For the People:

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

For Defendant Manson: IRVING A. KANAREK, Esq.

BLACK (MRS. ALMA) DEFENSE: KASABIAN
WHITELEY

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WHITELEY, Paul J. 8546

REBUTTAL:

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1 LOS ANGELES, CALIFORNIA, THURSDAY, OCTOBER 7, 1971

2 10:25 A.M.

3 ---O---

4 THE COURT: The case of People versus Manson.

5 Is Mr. Manzella outside?

6 THE BAILIFF: They're checking, sir.

7 (Pause in the proceedings.)

8 THE COURT: The record will show that all jurors and
9 alternates are present.

10 May I see both counsel at the bench?

11 MR. KANAREK: Yes, your Honor.

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

15 THE COURT: It's 10:25, --

16 MR. KANAREK: Yes, sir.

17 THE COURT: -- and the Court would like to know why you
18 are late.

19 MR. KANAREK: Well, I asked for a priority, your Honor,
20 in the Court of Appeal, and I got -- and as soon as my case was
21 heard, I came right over.

22 In fact, I only argued for three minutes. I asked
23 for three minutes.

24 THE COURT: Do you mean you were in the Court of Appeal
25 from 9:00 o'clock until --

26 MR. KANAREK: Oh, no.

27 THE COURT: It starts at 9:30?

28 MR. KANAREK: It starts at 9:30.

1 THE COURT: And you were there from 9:30 until just a
2 few minutes ago?

3 MR. KANAREK: No. No, I wasn't. Because they have a
4 motion calendar first, and they do not call the calendar, the
5 regular calendar, until the motion calendar is called.

6 The minute they called my case -- I asked for a
7 priority, and they granted it to me.

8 THE COURT: All right. And Mr. Manzella, were you late
9 this morning?

10 MR. MANZELLA: Yes, your Honor.

11 THE COURT: What is your explanation?

12 MR. MANZELLA: I wasn't watching the clock, your Honor. I
13 was in my office, and I wasn't watching the clock.

14 THE COURT: Well, it was five after 10:00 when the Court
15 called this, and then we had your office called, and you
16 appeared after the call.

17 But because Mr. Kanarek was late, you didn't delay
18 the proceedings. However, the Court would warn you that it's
19 your obligation to keep that clock in mind.

20 MR. MANZELLA: Yes, your Honor.

21 THE COURT: Do you wish to ask Mr. Manson now whether
22 he wishes to be in the courtroom? And if he does wish to be
23 in the courtroom, whether he will be quiet during the course
24 of this?

25 MR. KANAREK: Yes, sir.

26 THE COURT: Not be quiet, but -- of course, he may
27 converse with you. But will he not interrupt the proceedings?
28 Do you want to find that out?

1 MR. KANAREK: Yes, your Honor.

2 THE COURT: Go ahead.

3 (Whereupon, a discussion ensued off the record
4 through the detention room door screen between Mr. Kanarek and
5 the defendant.)

6 MR. KANAREK: Your Honor, he says he can't make that
7 representation.

8 THE COURT: He will?

9 MR. KANAREK: He will not.

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1 THE COURT: He will not. If he will not make that
2 representation to the Court, it will be -- it would be just
3 futility to allow him to come in to the courtroom, because
4 of his demonstrated conduct in the past. He would simply
5 interrupt the proceedings, I am sure.

6 Therefore, we'll proceed without him. However,
7 the sound should be made available --

8 THE BAILIFF: Yes, sir, it is.

9 THE COURT: -- to him in the detention room.

10 He will be able to hear the proceedings, at
11 least, as he has during the course of the trial.

12 Let's proceed.

13 MR. MANZELLA: Your Honor, would the Court consider
14 recalling the bench warrant for Linda Kasabian at this time?
15 Or would the Court rather have it outstanding for --

16 THE COURT: I haven't seen her yet, and I will have it
17 outstanding until such time as I --

18 MR. MANZELLA: Yes, your Honor.

19 THE COURT: -- talk to her about it. I won't take that
20 time at this time.

21 MR. MANZELLA: Yes, your Honor.

22 THE COURT: Not when the jury is all assembled and we
23 are ready to proceed.

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

27 THE COURT: All right, Mr. Kanarek, you may call your
28 next witness.

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1 MR. KANAREK: Linda Kasabian, your Honor.

2 (Pause in the proceedings.)

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

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

8 THE WITNESS: Yes.

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

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

14 THE BAILIFF: Will you state and spell your full name?

15 THE WITNESS: Linda Kasabian; K-a-s-a-b-i-a-n.

16 THE COURT: You may proceed, Mr. Kanarek.

17 MR. KANAREK: Yes, your Honor. Before we start, would
18 your Honor indicate to the jury that I was in another court
19 this morning and that I was not late because of any personal
20 matter?

21 THE COURT: You've so indicated.

22 MR. KANAREK: Thank you.

23
24 DIRECT EXAMINATION

25 BY MR. KANAREK:

26 Q Mrs. Kasabian, where is it that you reside?

27 A I don't feel I should answer that question.

28 MR. KANAREK: Your Honor, may I have an answer to that

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1 question?

2 THE COURT: You may answer that.

3 THE WITNESS: Uhh -- where do I live?

4 Q BY MR. KANAREK: Yes.

5 A In a house.

6 Do you mean -- do you want the address?

7 THE COURT: Give us the general location.

8 THE WITNESS: Back East.

9 THE COURT: What state do you live in?

10 THE WITNESS: I live in two states, off and on. New
11 Hampshire and Massachusetts.

12 Q BY MR. KANAREK: And would you please tell us what
13 city in New Hampshire that is?

14 A (No response.)

15 THE COURT: You may answer.

16 THE WITNESS: Milford.

17 MR. KANAREK: Your Honor, under Smith vs. Illinois,
18 it is our request that we have the address of where this
19 lady lives.

20 THE COURT: Do the People wish to be heard?

21 MR. MANZELLA: The People oppose the --

22 THE COURT: Do you wish to approach the bench?

23 MR. MANZELLA: Yes, your Honor.

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

27 MR. MANZELLA: If I may, I will be heard on my objec-
28 tion to any further interrogation on that point. Mr. Kanarek

1 cross-examined this witness for some days in the Tate-La
2 Bianca trial --

3 THE COURT: I think it was eight.

4 MR. MANZELLA: Yes. He had the opportunity at that time
5 to get whatever information he wanted, and which the Court
6 would permit him to get at that time.

7 At this point, in this case, for one thing, it's
8 really not relevant what her home address is, and under Smith
9 vs. Illinois, the purpose of that is for defense counsel to
10 be able to investigate the community in which the witness
11 resides, for the purpose of obtaining witnesses, perhaps,
12 as to the witness' bad character for telling the truth and
13 so on and so forth.

14 In this situation, there certainly isn't that --
15 that rationale certainly does not apply.

16 Secondly, it's the position of the People that
17 revealing the witness' address, specific address, would
18 cause her to be harassed by members of the press and by
19 other persons who have an interest in the case; in other
20 words, by members of the press, publicity, journalists, that
21 sort of thing.

22 She has testified that her home is in Milford,
23 New Hampshire. It's the People's position that that is
24 sufficient to meet the requirements of the Smith case.

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1 THE COURT: Well, the fact that you might be bothered by
2 members of the press is not impressive to the Court.

3 However, the Court has heard some testimony
4 previous to this, in the Winhoven-Lopez motion that the People
5 made before the Court, pre-trial.

6 I'll hear from you.

7 MR. KANAREK: Well, it's our position, your Honor, that
8 we are entitled to this under Smith vs. Illinois --

9 THE COURT: To know her address?

10 MR. KANAREK: Yes. (Continuing) -- because there's
11 always a possibility of a motion for new trial. And we have a
12 right to be able to investigate this person --

13 THE COURT: Have you not had the opportunity prior to
14 this time --

15 MR. KANAREK: No.

16 THE COURT: -- to investigate her?

17 MR. KANAREK: No. The District Attorney's Office, the
18 Deputy Sheriffs and the Los Angeles Police Department have
19 formed a phalanx around her at all times -- plus her lawyers,
20 Mr. Fleischman and Mr. Goldman; and we have never had the
21 opportunity of --

22 THE COURT: To investigate her?

23 MR. KANAREK: To -- that's correct. We have no way of
24 getting information concerning her, except in court, for what-
25 ever it may be worth, from the witness stand.

26 We have no way of getting this information. And I
27 say Smith vs. Illinois is continually applicable to this
28 witness.

1 MR. MANZELLA: Well --

2 MR. KANAREK: So that we can determine -- we believe she
3 may have made statements; there may be other matters which we
4 could -- which we could ferret out if we had -- if we knew
5 where to find her.

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1 MR. MANZELLA: Your Honor, at that point --

2 THE COURT: You haven't previously requested her address--

3 MR. KANAREK: Oh, yes, we have.

4 THE COURT: -- of this court?

5 MR. KANAREK: No, not of this court, I believe. I
6 don't know.

7 THE COURT: You may have in Department 104, the previous
8 case.

9 MR. KANAREK: I have of the District Attorneys and they
10 walk away from me.

11 THE COURT: In the previous case?

12 To the Court's knowledge, you haven't previously
13 asked for her address.

14 MR. KANAREK: But I --

15 THE COURT: The Court believes the People's position is
16 well taken. The Court finds that there's no merit in your
17 contention that investigation is required at this time.

18 The Court also believes that in view of the
19 evidence submitted in the Winhoven-Lopez motion pre-trial,
20 that there's ample justification for not revealing in
21 evidence her address.

22 MR. KANAREK: Well, we -- it is our belief --

23 THE COURT: I'll sustain the objection.

24 MR. KANAREK: We do allege the Winhoven-Lopez -- so-
25 called Winhoven-Lopez motion that --

26 THE COURT: That pertained --

27 MR. KANAREK: -- that much of it is incompetent
28 hearsay. It has no relevance or materiality to this request.

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1 THE COURT: Well, the Court finds it does, bearing
2 largely on the revelation or the question of whether or not
3 there should be a revelation of a witness's name prior to the
4 time of trial. The Court did hear sufficient evidence to
5 believe that it is possible that a witness might be harassed
6 by persons who while not under the control of Mr. Manson, at
7 least are friendly with Mr. Manson, and who are not connected
8 with this case.

9 MR. KANAREK: Even if taking the People's position
10 that at best under the Winhoven-Lopez theory, Barbara Hoyt
11 went voluntarily with those individuals, that is, if you
12 assume anything that she said indeed happened.

13 In this case, it is obvious that this witness is
14 so antagonistic to the friends of Mr. Manson that the chances
15 of her going anywhere voluntarily with anyone -- it just
16 doesn't exist. And, therefore, it is our belief, just
17 answering that one point, your Honor --

18 THE COURT: The Court doesn't know that or what her
19 state of mind is. I hadn't heard anything from her. I do
20 know from having read parts of the transcript of the Tate-
21 La Bianca trial of her testimony -- let's proceed.

22 MR. KANAREK: Very well, your Honor.

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

25 THE COURT: You need not respond to the last question.

26 THE WITNESS: Thank you.

27 THE COURT: Concerning your address.

28 Q BY MR. KANAREK: Now, Mrs. Kasabian, do you know

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1 Susan Atkins?

2 A Yes, I do.

3 Q Have you gone creepy-crawling with Susan Atkins?

4 MR. MANZELLA: Objection, your Honor, it does not
5 appear to be relevant to any issue in the case.

6 MR. KANAREK: Well, your Honor --

7 THE COURT: The objection --

8 MR. KANAREK: -- may we --

9 THE COURT: The objection is sustained.

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

11 THE COURT: Yes, you may.

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

15 MR. KANAREK: Your Honor, we are not limited to the
16 prosecution's theory of this case. This girl may well have
17 killed Gary Hinman and --

18 THE COURT: All right, you may ask her whether or not
19 she's gone to the Hinman house on any sort of --

20 MR. KANAREK: Well, but I have a right -- I have a
21 right to --

22 THE COURT: Mr. Kanarek, the Court is not going to
23 allow you to do the recross in the Tate-La Bianca case.

24 MR. KANAREK: I am not -- I have a right to ask
25 questions.

26 THE COURT: That are relevant.

27 MR. KANAREK: This is relevant.

28 THE COURT: In what way?

1 Now, you have approached the bench and the
2 objection was sustained on the grounds of irrelevancy and
3 immateriality. Now, let's hear how is it relevant and
4 material?

5 MR. KANAREK: Well, her relation with Susan Atkins --
6 well, I'll try to lay a foundation, your Honor.

7 THE COURT: All right.

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

11 Q BY MR. KANAREK: Mrs. Kasabian, did you live at
12 the Spahn Ranch in the summer of 1969?

13 A Yes, I did.

14 Q And while you lived there, did you come to know
15 Susan Atkins?

16 A Yes.

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1 Q Did you on occasion go -- leave the Spahn Ranch in
2 the company of Susan Atkins?

3 MR. MANZELLA: Objection, your Honor, it doesn't appear
4 to be relevant to any issue in this case.

5 THE COURT: Overruled. You may answer it.

6 A Yes.

7 Q BY MR. KANAREK: And on occasion did you leave
8 the Spahn Ranch and go to the Gary Hinman house in the company
9 of Susan Atkins?

10 A No.

11 Q Now, have you been given immunity for seven
12 counts of murder and one count of conspiracy to commit
13 murder in connection with matters pertaining to Mr. Manson?

14 MR. MANZELLA: Objection, your Honor, at this stage it
15 doesn't appear to be relevant to the issues in the case.

16 THE COURT: Sustained.

17 MR. KANAREK: It -- well, your Honor, may we approach
18 the bench?

19 THE COURT: Yes, you may.

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

23 MR. KANAREK: It is --

24 THE COURT: Mr. Kanarek, I found you in contempt before
25 for arguing before the jury, and I simply want to tell you,
26 I don't want to deprive you of any legitimate opportunity to
27 argue a point of the Court's ruling at the bench, but don't
28 over-do it.

1 MR. KANAREK: But, your Honor, this is --

2 THE COURT: Now --

3 MR. KANAREK: This is clear, it is a denial of a fair
4 trial under the 14th Amendment and equal protection --

5 THE COURT: Now, first, you are attempting to impeach
6 her?

7 MR. KANAREK: Not impeach her. Not impeach her. I
8 only want to show bias and prejudice.

9 THE COURT: What has she testified to that would
10 indicate that she shows bias and prejudice?

11 MR. KANAREK: Anything --

12 THE COURT: You want to show that she's biased and
13 prejudiced in her statements thus far?

14 MR. KANAREK: That's right.

15 THE COURT: That she's gone off the ranch with Susan
16 Atkins?

17 MR. KANAREK: That's right.

18 THE COURT: She states she's not gone to the Gary Hinman
19 house with Susan Atkins. Then, you come on with this question
20 which tends to show bias and prejudice.

21 MR. KANAREK: Well, yes, your Honor.

22 THE COURT: Why?

23 MR. KANAREK: Well, it shows she could be lying. That
24 she is denying it because of her prejudice against Mr. Manson.

25 THE COURT: Has she been granted any immunity in this
26 case?

27 MR. KANAREK: She has been granted --

28 MR. MANZELLA: No, your Honor.

1 MR. KANAREK: She -- she testified in the penalty phase
2 of the Hinman -- at the Tate-La Bianca case -- she testified
3 concerning Hinman and she was granted immunity in this
4 particular case.

5 MR. MANZELLA: That's false, your Honor. She has not
6 been granted immunity for testifying in this case.

7 THE COURT: Well, in any event, the objection at this
8 point seems to be well taken. You are putting on a witness
9 whom you say is hostile to you, and this is of your own
10 choice, and thus far I haven't heard any testimony that
11 really has any bearing on this case except this last
12 question concerning Gary Hinman.

13 MR. KANAREK: Well, then, I will proceed.

14 THE COURT: Do you have any further questions?

15 MR. KANAREK: Yes, yes, I certainly do.

16 THE COURT: I don't mean to preclude you at a later
17 date, a later time in your examination, but it doesn't
18 appear to me to be necessary at this time.

19 MR. KANAREK: Very well.

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

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1 THE COURT: The objection is sustained. You need not
2 answer it.

3 (Whereupon, Mr. Kanarek conferred with the
4 Clerk.)

5 THE COURT: You may proceed with your question.

6 MR. KANAREK: Yes, I'm waiting for an exhibit that the
7 Clerk is getting me.

8 THE COURT: Perhaps you can give Mrs. Holt requests
9 for all of your exhibits you need so we won't have such
10 delays.

11 MR. KANAREK: There is another trial in this building
12 that's going on that --

13 THE COURT: If you give Mrs. Holt the list of exhibits,
14 she will do her best so there will not be a delay.

15 MR. KANAREK: Yes, your Honor.

16 Q BY MR. KANAREK: Now, Mrs. Kasabian, can you see
17 these pictures from where you are?

18 A Yes.

19 THE COURT: You're holding up what exhibit?

20 MR. KANAREK: People's 37, your Honor.

21 Q BY MR. KANAREK: You see the lady in the upper
22 left-hand corner?

23 A Yeah.

24 Q Who is that lady?

25 A That's Sadie.

26 Q And do you see the -- in the lower row, the man
27 on the extreme left, who is that?

28 A Uh, Bobby.

1 Q Bobby. What is his last name?

2 A Beausoleil.

3 Q And do you see the person immediately to the --
4 in the center row in the top; who is that?

5 A Charlie.

6 Q Charlie Manson?

7 A Yes.

8 Q Now, when you were at the Spahn Ranch, was that
9 during the month of July, 1969?

10 A Yes.

11 Q While you were at the Spahn Ranch did you have
12 occasion to eat dinner with other people that lived at the
13 Spahn Ranch?

14 A Sure, many times.

15 Q Many times, right?

16 A Yeah.

17 Q Every night?

18 A Just about, yeah.

19 Q Just about every night you ate around the campfire,
20 is that correct?

21 A Not always the campfire, no.

22 Q Would you tell us where you ate?

23 A Well, wherever we were living at the time.

24 Q Pardon?

25 A Wherever we were living at the time within that --

26 Q Well, name the various places you were living
27 at the time.

28 A Well, the ranch itself. Up behind the ranch in

1 a cave. Uh, in Devil's Canyon, two different places, the
2 waterfall and in the canyon itself.

3 THE COURT: Get a little closer to the microphone.
4 Thank you.

5 THE WITNESS: And the back house.

6 Q BY MR. KANAREK: Have you named all the places
7 that you have eaten, that you have eaten dinner while living
8 at the ranch?

9 A Yes.

10 Yeah, I think so.

11 Q Now, on these -- well, let's start when you --
12 when you first came to the Spahn Ranch in July of 1969.

13 What day was it when you first came?

14 A July 4th.

15 Q That was the first day that you were there, right?

16 A Right.

17 Q On that day did you eat dinner at the Spahn Ranch?

18 A No.

19 Q On July 5th, did you eat dinner at the Spahn
20 Ranch?

21 A Hmm, I don't think we ate at the ranch. It was
22 in -- back up in the caves.

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1 Q And throughout the month of July, on many, many
2 occasions, you ate dinner at the Spahn Ranch; is that right?

3 A Yeah.

4 Q And after dinner, were you in the company of
5 other people?

6 A Yeah.

7 Q Would you tell us the -- whether on these occasions
8 when you ate dinner, did you -- what -- what did you do,
9 other than eat dinner?

10 Now, I am asking not for a conversation, at this
11 point. I am asking for what physical things you did or what
12 was done. I am not asking for words that were uttered.

13 A Uh -- well, conversation. We talked. We'd
14 sing. We danced. We'd sit there. We'd remove dishes, wash
15 dishes, throw away garbage.

16 That's it.

17 Q And in connection with these conversations that
18 you -- that you had, did you participate in the conversations?

19 A I'm sure.

20 Q You participated?

21 A Yeah.

22 Q And you -- did you discuss -- did you talk to
23 Bobby Beausoleil during this month of July, 1969?

24 A Sure.

25 Q On many occasions? Is that correct?

26 A Not many. A couple.

27 Q And did you have sexual relations with Bobby
28 Beausoleil?

1 MR. MANZELLA: Objection, your Honor. That doesn't
2 appear to be relevant.

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

4 MR. MANZELLA: That doesn't appear to be relevant in any
5 --

6 THE COURT: The objection is sustained.

7 You may approach the bench and argue.

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

11 MR. KANAREK: Your Honor, I -- I believe that this
12 witness -- if this witness testified truthfully, she would
13 testify that Bobby Beausoleil and she did have sexual
14 relations; that she is --

15 THE COURT: So?

16 MR. KANAREK: So, it shows a close relationship between
17 her and Bobby Beausoleil, and -- and in connection with our
18 defense, if we can show that she and Bobby Beausoleil in fact
19 committed these murders, we have a right to do it. And then
20 -- and sexual activities is relevant and material to show
21 affinity, to show a relationship, clearly.

22 MR. MANZELLA: All right. I would like to be heard now
23 on this point, your Honor, of showing evidence of other
24 suspects, and I would like to cite some authority to the
25 Court.

26 It's my position that the offer of proof made by
27 Mr. Kanarek is not sufficient to make what he proposes to put
28 into evidence admissible.

1 Any evidence -- or, some evidence of the complicity
2 of another person in a crime with which a defendant is charged
3 is not sufficient to render that evidence admissible.

4 This -- the Supreme Court, in the case of People
5 vs. Mendez, M-e-n-d-e-z, at 193 Cal. 39, at Page 52, said
6 that -- and I'm not quoting the case here, but the Court said
7 that evidence which simply affords a possible ground of a
8 possible suspicion against another person should be inadmissible.

9 The Court said that the cases on that point are
10 unanimous. The Court said -- and this is, I think, instructive
11 -- that mere evidence of motive in another person or of
12 motive, coupled with threats in another person -- this is a
13 person other than the defendant -- is not admissible, unless
14 coupled with other evidence tending to directly connect --
15 directly connect such other person with the actual commission
16 of the crime charged.

17 Now, in this case, Mr. Kanarek's offer of proof
18 doesn't even say that she has got a motive or has made threats.

19 MR. KANAREK: Well, your Honor --

20 MR. MANZELLA: I'm not finished, Mr. Kanarek.

21 All right. I have got one more point. In the case
22 of People vs. Arline, A-r-l-i-n-e, which is a 1969 case, I
23 believe -- 1969 or 1970 -- it's at 13 Cal. Ap. 3d 200, and
24 the discussion begins at Page 204.

25 The Court cited the case of People vs. Buono,
26 B-u-o-n-o, in the opinion, which says that the mere
27 possibility that some third person did it is not enough; there
28 must be some competent and substantial proof of a probability

1 that this happened.

2 The Court in Arline said that if the defense pro-
3 poses to offer testimony that somebody else committed the
4 crime, that the People -- strike that.

5 Assuming that their offer of proof would be
6 sufficient, then the People are entitled to a hearing outside
7 the presence of the jury, in which the defense puts on its
8 evidence that it thinks it has.

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1 In this situation, however, I don't feel that
2 Mr. Kanarek's offer of proof should be dignified by a hearing
3 outside the presence of the jury. His offer of proof in itself
4 is insufficient to render this necessary.

5 THE COURT: Your offer of proof is what?

6 MR. KANAREK: My offer of proof? I'm asking a question;
7 that's all.

8 THE COURT: Well --

9 MR. KANAREK: And we can only ask one question at a
10 time. Otherwise, it's compound.

11 THE COURT: This is your case, --

12 MR. KANAREK: Yeah.

13 THE COURT: -- your witness, --

14 MR. KANAREK: Yeah, right.

15 THE COURT: -- and you have some purpose, I assume, for
16 putting this witness on; and you have a direction or a trend --

17 MR. KANAREK: Right.

18 THE COURT: -- which you think this examination will go.

19 MR. KANAREK: Yes.

20 THE COURT: What is the relevancy or materiality of
21 asking her whether she had sexual relations with anybody on
22 the ranch?

23 MR. KANAREK: Because it shows affinity with Bobby
24 Beausoleil, who did kill Gary Hinman; and she participated.
25 We have a right to try to prove that.

26 THE COURT: In view of that, the objection is sustained.

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

1 THE COURT: The objection is sustained. You need not
2 answer that question.

3 Q BY MR. KANAREK: Now, Mrs. Kasabian, during the
4 time that you were at the Spahn Ranch, did you discuss Gary
5 Hinman with Susan Atkins?

6 A Physically at the ranch? Or was I just -- that was
7 my living quarters? I don't --

8 Q Now, Mrs. Kasabian, you were served with a sub-
9 poena in this case on September the 7th, 1971; right?

10 MR. MANZELLA: Objection. That's not relevant now.

11 THE COURT: That's sustained. Would you -- you may
12 continue your other line of questions.

13 MR. KANAREK: Well, your Honor, it's my belief that is
14 material and relevant.

15 THE COURT: You may --

16 MR. KANAREK: May I approach the bench?

17 THE COURT: -- approach the bench.

18 You may approach the bench and argue that, yes.

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

22 MR. KANAREK: Her refusal to honor the subpoena, her
23 refusal -- her ducking out, and not coming to this court,
24 when she was ordered to is relevant and material to show her
25 state of mind concerning Mr. Manson.

26 We have a right --

27 THE COURT: Has she stated anything at this time,
28 Mr. Kanarek, that --

1 MR. KANAREK: I can only ask one question at a time.

2 THE COURT: -- which indicates to you that her testimony
3 is damaging to Mr. Manson, in any way?

4 MR. KANAREK: Yes, your Honor.

5 THE COURT: In what way?

6 MR. KANAREK: Her refusal to tell the truth. That's --

7 THE COURT: Concerning what?

8 MR. KANAREK: Concerning her relationship, her being at
9 the Hinman house.

10 I have a right -- I have a right to -- I'm not
11 bound by her self-serving --

12 THE COURT: The tenor of your questioning now is in
13 what direction? You are going to establish that you served
14 her?

15 MR. KANAREK: And she ducked out, right. And this is
16 her -- and this shows bias and motive and prejudice.

17 She didn't duck out when she came to testify
18 against Mr. Manson, but when we -- when we subpoenaed her to
19 testify in his behalf --

20 THE COURT: Well, I won't foreclose you, at some time,
21 from examining on that question. However, you should realize
22 that I have issued a bench warrant for her, as a result of your
23 having served her -- as a result of your having signed an
24 affidavit that you served her --

25 MR. KANAREK: Yes.

26 THE COURT: -- and her failure to appear.

27 MR. KANAREK: Yes. The jury doesn't know that, however,
28 your Honor.

1 THE COURT: That's right, the jury does not know that.

2 MR. KANAREK: And the jury --

3 THE COURT: But she is in a circumstance where she --
4 she may be called upon to explain to the Court why she failed
5 to appear.

6 MR. KANAREK: So what?

7 THE COURT: Well --

8 MR. KANAREK: Why can't I -- we have a right to show her
9 bias, her thinking, her state of mind concerning Mr. Manson.

2b

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1 MR. MANZELLA: She hasn't testified to anything yet.
2 You can't call a witness just to show bias and prejudice.
3 What the hell -- excuse me. What does that have to do with
4 it?

5 THE COURT: You have called her and put her on the
6 stand. Nothing I have heard thus far --

7 MR. KANAREK: Well, your Honor is sustaining objec-
8 tions to material matters. When you won't allow me to
9 interrogate her concerning her relationship with Bobby
10 Beausoleil --

11 THE COURT: The Court will sustain the objection at
12 this time.

13 You may -- at a later time, you may wish to
14 renew that inquiry --

15 MR. KANAREK: Very well.

16 THE COURT: And I will rule, if there is an objection
17 at that time.

18 MR. KANAREK: Very well, your Honor.

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

22 THE COURT: The objection is sustained.

23 You need not answer that question.

24 The Court did not hear the question -- the
25 question and answer previously put, before the question to
26 which the objection was sustained. If you would, please,
27 Mr. Williams?

28 (Whereupon the record was read by the reporter

2b-2

1 as follows:

2 "Q Now, Mrs. Kasabian, during the time that
3 you were at the Spahn Ranch, did you discuss Gary
4 Hinman with Susan Atkins?

5 "A Physically at the ranch? Or was I just --
6 that was my living quarters? I don't --")

7 THE COURT: Mr. Kanarek?

8 BY MR. KANAREK:

9 Q Now, Mrs. Kasabian, did you discuss Gary Hinman
10 with Susan Atkins at the Spahn Ranch?

11 A No.

12 Q At no time while you were at the Spahn Ranch did
13 you discuss Susan Atkins with Gary Hinman; right?

14 A Hmmm -- right.

15 Q Where did you discuss Susan Atkins with Gary
16 Hinman?

17 A She discussed it with me.

18 Q And you were at the Spahn Ranch during July and
19 August of 1969; right?

20 A Right.

21 Q Now, did you ever discuss Susan Atkins with Gary
22 Hinman in the shopping center of Old Topanga?

23 A No.

24 Q Where did you speak with Gary Hinman?

25 A I never spoke to him.

26 Q You never have spoken to Gary Hinman?

27 A That's right.

28 Q You lived in Old Topanga; is that right?

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A No.

Q You lived in Topanga; right?

A Right.

Q What is the difference between Topanga and Old Topanga?

A I don't know. I guess Old Topanga was up in the hills more. I'm not really sure.

THE COURT: Get a little closer to the microphone, would you, Miss Kasabian?

THE WITNESS: I guess Old Topanga is in the hills more than Topanga Canyon. I don't really know.

Q BY MR. KANAREK: In the time that you were at the Spahn Ranch, did you discuss Gary Hinman with Bobby Beausoleil?

A No.

Q And the only time you ever heard the word "Gary Hinman" is when you were away from the Spahn Ranch; is that correct?

A Right.

Q So --

If I may have a moment, your Honor?

(Pause in the proceedings while a discussion off the record ensued at the Clerk's desk between Mr. Kanarek and the Clerk.)

Q BY MR. KANAREK: Can you see these pictures clearly from where you are, Mrs. Kasabian?

A Uhh --

Q Would you like for me to bring them closer?

A Yeah, I think that would be better.

2b-4

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

2 THE COURT: You may.

3 For the record, you are holding up eight photo-
4 graphs of the Spahn Ranch, Exhibit --

5 MR. KANAREK: 36, I believe, your Honor.

6 THE COURT: All right.

7 Q BY MR. KANAREK: Now, Mrs. Kasabian, would you
8 tell us, beginning -- if you do recognize -- beginning, as
9 you view it, on the left and going over across the top, and
10 then on the left going over across the bottom, what each of
11 those pictures represents to you?

12 THE COURT: Mrs. Kasabian, there is a portable micro-
13 phone there. Hold it right close to your lips, if you
14 would, please.

15 THE WITNESS: Okay. The first picture is the corral.

16 THE COURT: What do you mean by "the corral"?

17 THE WITNESS: Where the horses were kept.

18 Q BY MR. KANAREK: And how close is that to the road?

19 A I don't know. I can't say in distance.

2c fls.

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1 Q Well, just -- is it generally near the road, near
2 Santa Susana Pass Road?

3 A Yeah.

4 Q Pardon?

5 A Yes.

6 Q Yes. Would you answer -- yes. All right.

7 Now, would you go on to the next --

8 THE COURT: You may use the pointer, if you would.

9 THE WITNESS: This is the road, Santa Susana Road,
10 leading to the ranch, in front of the main buildings.

11 Q BY MR. KANAREK: Yes. Go ahead.

12 A Uh -- this --

13 THE COURT: Hold it so that the jury can see it, too,
14 Mr. Kanarek.

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

16 THE COURT: You may put it on the board if you wish to.

17 MR. KANAREK: All right.

18 Thank you, Mr. Kuczera.

19 THE WITNESS: The third picture is a front view of the
20 end of the main buildings, near the corral.

21 Q BY MR. KANAREK: And the corral would be to the
22 left of that area, --

23 A Right.

24 Q -- is that right?

25 A Yeah.

26 Q Sort of close to that --

27 A Haystack.

28 Q -- Santa Susana Pass Road?

1 A Right.

2 Q All right.

3 A The next picture is a picture of the truck, in
4 front of the ranch.

5 Q And indicating -- do you see the buildings, the
6 Long Horn Saloon?

7 A Yeah.

8 Q And all of these buildings that are, say, to the
9 left of the Long Horn Saloon, what are those buildings?

10 A I can't tell if that's the bunkhouse -- I'm not
11 sure if that's the bunkhouse or the room where the ranch hands
12 did their -- I don't know -- horse thing.

13 Q Where on these pictures is Danny DeCarlo's gun
14 room?

15 A I guess it's the last building, by the buckboard.

16 Q On the right of the Long Horn Saloon?

17 A Right.

18 Q And on occasion, you have been in Danny DeCarlo's
19 gun room; is that correct?

20 A Yeah.

21 Q And did you know Danny DeCarlo?

22 A Yes.

23 Q And he was at the ranch while you were there, --

24 A Yes.

25 Q -- is that correct?

26 A Yes.

27 Q Now, would you go down to the bottom row, the
28 first picture on the left?

1 A It's a front picture of the ranch. Looks like
2 it's coming in the other side of the ranch, as opposed to
3 picture No. 2.

4 Q Would you point to that with the pointer?

5 A This is the other entrance to the main buildings,
6 as opposed to this entrance (indicating).

7 Q In other words, it's sort of an arc of a circle,
8 the road that went into the ranch off of Santa Susana Pass
9 Road? That road -- that -- there were two entrances off
10 Santa Susana Pass Road to the ranch; is that right?

11 A Right.

12 Q All right. And what is the next picture?

13 A Looks like standing up here where the trailer was.

14 Q Pardon?

15 A Where the trailer was on the ranch.

16 And it shows the truck and the end of the kitchen,
17 and it shows sort of a little bit of the back of the ranch
18 (indicating); and I think George's --

19 Q Use your pointer there, would you, Miss Kasabian?

20 A There was like -- back shacks in here (indicating).
21 This is George's house, and I think the trailer was possibly
22 right around here (indicating) where those rocks are.

23 THE COURT: Indicating in the right foreground of the
24 picture?

25 THE WITNESS: Yeah.

26 MR. KANAREK: The second from the left on the bottom,
27 your Honor.

28 THE COURT: Picture No. 6 on the exhibit?

1 MR. KANAREK: Yes, your Honor -- well, I don't know.

2 THE WITNESS: Picture No. F.

3 MR. MANZELLA: They have been identified by the letters
4 that appear on the exhibit, your Honor.

5 THE COURT: F? Thank you.

6 MR. KANAREK: I don't see the "F", oh, yes, I see it.
7 I see. I'm sorry. Yes, picture F, right.

8 Q And what is shown on the next picture, Mrs.
9 Kasabian?

10 A A further back view of more of the ranch, like
11 sort of a side angle of the ranch, the trucks and the side and
12 back of Mr. Spahn's house, and the hills.

13 Q And directing your attention to the last picture
14 at the bottom, picture 8, what does that represent?

15 A Looks like Santa Susana Pass Road.

16 Q And is that the entrance to the ranch that is
17 close to Ventura County?

18 A I don't understand that. I don't --

19 Q Well, this is the entrance to the ranch that is
20 furthest away from Los Angeles; is that right?

21 A Yeah.

22 Q Now, have you had occasion, Miss Ka -- Mrs.
23 Kasabian, to be in the parachute room?

24 A Yeah.

25 Q And have you seen Mr. Manson in the parachute
26 room sleeping?

27 A Yes.

3 fls.

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3-1

1 Q Have you seen Mr. Manson in the parachute room
2 sleeping with a female named Stephanie Schram?

3 A Yes.

4 Q Now, directing your attention to the parachute
5 room.

6 Would you describe the parachute room for us?

7 A Uh, it was just a shack. Uh, there was like
8 different colors and the patterns of cloth stapled to the
9 walls. And I can't ever really recall seeing a parachute.

10 Uh, there was a few paintings in there and a bed.

11 Q And --

12 A And some bureaus with clothing.

13 Q And it is called the parachute room?

14 A Right.

15 Q I mean, the people that were there, that you were
16 there with, called it the parachute room?

17 A Right.

18 Q And you called it the parachute room, is that
19 right? Is that correct?

20 A Yes.

21 Q Now, did you leave the ranch one night with Susan
22 Atkins on a night that you and she discussed Gary Hinman, is
23 that correct?

24 A Yeah.

25 Q And on a night -- now, is that -- uh, -- where
26 were you and where was Susan Atkins when you talked about
27 Gary Hinman?

28 A Uh, we were on our way to Topanga Canyon Lane, and

1 we were, uh -- I don't know the streets. I know that -- I
2 don't know, it was before the shopping center. Quite a ways
3 before the shopping center, walking down the road.

4 Q What were you and Susan Atkins doing that night?

5 A Uh, we were on our way to speak to somebody.

6 Q Pardon?

7 A We were on our way to speak to somebody.

8 Q You were on your way to speak to somebody?

9 A Right.

10 Q And after you spoke to somebody, where did you go?

11 A Uh, to a house near the Malibu feedback.

12 Q And what did you do in that house?

13 MR.MANZELLA: Objection, your Honor. It doesn't appear
14 to be relevant to any issue in this case.

15 MR. KANAREK: Then, may I approach the bench?

16 THE COURT: The objection is sustained. You may approach
17 the bench.

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

21 MR. KANAREK: It is most relevant and most material
22 because this may well be one of the nights that Gary Hinman
23 was supposedly in his house and being killed, and we have a
24 right -- we have a right to know what she did in the presence
25 of Susan Atkins when they talked about Gary Hinman. It is
26 part of the -- it is the defense of the People's case.

27 THE COURT: You haven't established that she did talk
28 to Gary Hinman any further.

1 MR. KANAREK: Well, I'm not limited, your Honor, to
2 this witness's -- to what she says. She is obviously an
3 adverse witness and I can cross-examine her.

4 THE COURT: I don't see the bearing of what she did after
5 she discussed Gary Hinman.

6 MR. KANAREK: Well, she may have gone in and killed him.

7 THE COURT: Is that your offer of proof?

8 MR. KANAREK: How do I know, I wasn't there. She's a
9 witness --

10 THE COURT: So you are not making an offer of proof?

11 MR. KANAREK: How can I make the offer of proof when
12 I wasn't there.

13 MR. MANZELLA: The People's position is the same as it
14 was before, that in the Mendez, Arline, Buono cases, Mr.
15 Kanarek's offer of proof doesn't even come up sufficient --
16 and under 352(a) and 352(b) of the Evidence Code -- to even
17 consume the Court's time, and I agree the so-called testimony
18 that -- he has brought her here --

19 MR. KANAREK: Well, his idea --

20 Well, may I be heard, your Honor?

21 THE COURT: You have been.

22 MR. KANAREK: Those cases he speaks of do not involve
23 people who are -- and counsel -- that's why we ask your Honor
24 to read those cases, because those cases involve much --

25 THE COURT: The Court is familiar with one of them.

26 MR. KANAREK: But they involve peripheral matters.
27 This witness is actually percipient.

28 THE COURT: To what?

1 MR. KANAREK: Well, could well be the murder of Gary
2 Hinman. Because she's a prosecution witness, doesn't mean
3 she couldn't participate.

4 THE COURT: May I remind you, she is not a prosecution
5 witness. You've introduced her.

6 MR. KANAREK: I have a right to show that she is
7 biased and prejudiced towards Mr. Manson, obviously.

8 THE COURT: You have the right to show that she is
9 biased and prejudiced.

10 MR. KANAREK: And in favor of the People's case.

11 THE COURT: Of course, she hasn't taken the witness
12 stand before you introduced her.

13 MR. KANAREK: I am stuck with the witnesses I have,
14 if the prosecution --

15 THE COURT: All right, the Court will not preclude you
16 from inquiring concerning the relationship concerning Gary
17 Hinman, certainly, but at this moment the objection seems to
18 be well taken. The Court does sustain the objection.

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

22 MR. KANAREK: If I may just have a moment, your Honor.

23 (Whereupon, Mr. Kanarek conferred with the
24 Clerk.)

3a fls. 24

3a-1

1 Q BY MR. KANAREK: Now, directing your attention to
2 the place that you stopped with Susan Atkins, Mrs. Kasabian,
3 where was that?

4 MR. MANZELLA: Objection, it doesn't appear to be
5 relevant to any issue in the case.

6 THE COURT: Overruled, you may answer.

7 A Topanga Canyon Lane.

8 Q BY MR. KANAREK: And what -- would you tell us
9 any of the landmarks or what else about that location other
10 than Topanga Canyon Lane which is a road?

11 MR. MANZELLA: Objection, that doesn't appear to be
12 relevant.

13 THE COURT: Overruled.

14 Q BY MR. KANAREK: Can you identify the place on
15 Topanga Canyon Lane where you stopped?

16 A Uh, a house.

17 Q And this is a house that -- I show you a house
18 which has several different views of it.

19 THE COURT: You're holding up People's Exhibit --

20 MR. KANAREK: 5, your Honor.

21 Q BY MR. KANAREK: Can you see that, Mrs. Kasabian?

22 A Not very clearly.

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

24 THE COURT: You may.

25 Q BY MR. KANAREK: Can you see that house?

26 A Yeah -- yes.

27 Q Is that the house?

28 A No.

1 Q Did you, in the presence of Susan Atkins, see
2 this house?

3 A No.

4 Q At no time?

5 A I've never seen it before, never.

6 Q You've never seen this house before in your
7 life?

8 A Right.

9 Q You can say that quickly without no --

10 MR. MANZELLA: Objection, the question has been asked
11 and answered and the question in that form is argumentative.

12 THE COURT: Yes, it is stricken, and Mr. Kanarek's
13 remarks are stricken and the objection is sustained.

14 Q BY MR. KANAREK: Now, Mrs. Kasabian, has the
15 District Attorney of Los Angeles County extended certain
16 benefits to you?

17 MR. MANZELLA: Objection, your Honor, that doesn't
18 appear to be relevant at this stage.

19 MR. KANAREK: Well, then, may I approach the bench, your
20 Honor?

21 THE COURT: No, the objection is overruled and you may
22 answer.

23 MR. MANZELLA: I would like to be heard on that objec-
24 tion, if I may?

25 THE COURT: You may not be. The Court will overrule the
26 objection.

27 A I didn't quite understand what you are referring
28 to.

1 Q BY MR. KANAREK: I mean benefits like immunity.
2 MR. MANZELLA: Objection, that's not relevant, your
3 Honor.

4 THE COURT: Overruled, you may answer.

5 A Did he give me immunity or have I gotten immunity
6 in other cases; is that what you mean?

7 Q BY MR. KANAREK: That question is not clear?
8 I'll try to rephrase it, Mrs. Kasabian.

9 Has the District Attorney's Office of Los Angeles
10 County given you certain benefits?

11 A Okay.

12 Yeah.

13 Q Would you tell us what they are?

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

15 THE COURT: Overruled.

16 A Immunity.

17 Q BY MR. KANAREK: Immunity from what?

18 MR. MANZELLA: Same objection on the same grounds.

19 THE COURT: Overruled.

20 A From prosecution, I guess. I don't know. I
21 don't really understand.

22 Q BY MR. KANAREK: You don't understand?

23 A I guess that's the wording that you use, immunity
24 from prosecution.

25 Q Prosecution from what, Mrs. Kasabian?

26 A Murder.

27 Q Would you tell us what murders?

28 A The Tate and La Biancea murders.

1 Q And how many murders?

2 THE COURT: You needn't answer that.

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

4 THE COURT: You may.

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

4 MR. KANAREK: Your Honor, the law is clear, the extent
5 of the immunity is one -- one of the matters which goes to
6 show a bias or prejudice of the witness, and we have the right
7 -- I think, in other words, if it is just for a parking ticket
8 or whether it is for murder and how many murders, that is most
9 relevant and most material, and the cases that it -- and it is
10 a matter of -- of the --

11 THE COURT: Well, first, Mr. Kanarek, I'm not sure, but
12 Mr. Manzella's objection may be well taken.

13 MR. KANAREK: We have a right -- we have a right to show
14 that she is lying in order to help the prosecution because of
15 the benefits she received. We certainly --

16 THE COURT: Lying about what?

17 MR. KANAREK: Lying about not recognizing the house.
18 Which it is up to the jury to determine whether the credibility
19 and immunity is one of the factors.

20 THE COURT: I believe she's testified sufficiently that
21 she has been granted immunity from prosecution in the Tate-
22 La Bianca case and that it is for murder and you can't
23 hope for much more than that, Mr. Kanarek.

24 MR. KANAREK: We're entitled to know the number of murders.

25 THE COURT: We're not going to retry the Tate --

26 MR. KANAREK: I'm not trying to.

27 THE COURT: We're not going to retry the Tate-La Bianca
28 case.

1 MR. KANAREK: We have a right that the jury know the
2 extent of the immunity.

3 THE COURT: All right, I'll let her answer that one
4 question.

5 MR. MANZELLA: I would like to be heard briefly.

6 It seems obvious to me that what Mr. Kanarek is
7 trying to do, is to establish that Linda Kasabian killed
8 Gary Hinman. I thought I made it clear from my position
9 before, the cases say his offer of proof is not sufficient to
10 allow him to bring out this evidence. 352(a) of the Evidence
11 Code says that the Court can keep out evidence that consumes
12 too much time and 352(b) says the Court can keep out evidence
13 that might confuse the jury.

14 It seems to me Mr. Kanarek, when he brings Linda
15 Kasabian 3000 miles out here and wastes money --

16 MR. KANAREK: May he be asked to lower his voice, your
17 Honor?

18 MR. MANZELLA: -- it doesn't mean Mr. Kanarek ought to
19 be allowed to ask questions which are immaterial under the case
20 law, and under the Evidence Code which are not relevant and
21 not admissible. His offer of proof is hogwash. He's got
22 no evidence, whatsoever, that this girl, Linda Kasabian, had
23 anything to do with the killing of Gary Hinman. If he
24 can't prove it by this witness, he's got no other proof and
25 he's got no other witnesses and he cannot represent he has
26 any other witnesses and, therefore, all of this talk about
27 the Tate-La Bianca case, whether or not she knows Gary Hinman's
28 home and so on, in the attempts to impeach her, is irrelevant,

1 because she hasn't testified to anything at this point.

2 THE COURT: It appears to be irrelevant, but I'll allow
3 her to answer in view of what Mr. Kanarek has said and in view
4 of the tenor of this examination. It appears to be irrelevant.

5 MR. MANZELLA: My point is, the whole tenor of this
6 questioning is to try to create the impression she killed
7 Gary Hinman.

8 THE COURT: It seems to be simply exploratory to me.

9 MR. KANAREK: Not if she gave truthful answers, your
10 Honor.

11 THE COURT: And probably a little indicative, in that
12 you cross-examined her for eight days before.

13 MR. KANAREK: Nothing personal about it at all.

14 THE COURT: The Court -- I'm going to sustain the
15 objection. I think perhaps you are correct.

16 MR. KANAREK: We have a right to know the extent of the
17 immunity.

18 THE COURT: All right, let's proceed.

19 MR. KANAREK: Your Honor --
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1 (Whereupon, the following proceedings were had in
2 open court, within the presence and hearing of the jury:)

3 Q BY MR. KANAREK: You were granted immunity in the
4 Tate-La Bianca case?

5 A Yes.

6 Q And this is the case that resulted in a prosecu-
7 tion for some seven homicides; is that right?

8 A Yes.

9 Q And also conspiracy to commit murder?

10 MR. MANZELLA: Objection. It's not relevant to the issue
11 of this case, your Honor.

12 MR. KANAREK: Your Honor, it's part of the same case.

13 THE COURT: Is that right?

14 THE WITNESS: Yes.

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

16 MR. KANAREK: Thank you, your Honor.

17 Q Now, Mrs. Kasabian --

18 THE COURT: Incidentally, Mrs. Kasabian, you were
19 granted no immunity with respect to anything involved in this
20 case, were you?

21 MR. KANAREK: Object, your Honor, --

22 THE WITNESS: No.

23 MR. KANAREK: -- if I may, to the Court's question, on
24 the grounds it's calling for a conclusion on the part of this
25 witness.

26 Because our position is that she has -- and if we
27 may approach the bench, your Honor? I must object to the
28 Court's question.

1 THE COURT: The -- her answer may remain. The objec-
2 tion is overruled.

3 MR. MANZELLA: I didn't hear the answer, your Honor.

4 THE COURT: Did you get the answer?

5 THE REPORTER: I believe so.

6 THE COURT: Would you read it, please? Along with the
7 question?

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

10 "THE COURT: Incidentally, Mrs. Kasabian,
11 you were granted no immunity with respect to any-
12 thing involved in this case, were you?

13 "THE WITNESS: No.")

14 THE COURT: The objection was late. The answer may
15 remain in the record.

16 MR. KANAREK: Well, your Honor -- your Honor, Mr. Gary
17 Fleischman, her lawyer, is here. I ask that he be excluded
18 from the courtroom, because he may be a witness on this point.

19 THE COURT: You -- and he may not be. Go ahead.

20 MR. KANAREK: That is my motion, your Honor.

21 THE COURT: Your motion is denied.

22 BY MR. KANAREK:

23 Q Well, Mrs. Kasabian, you testified previously at
24 the penalty phase of the Tate-La Bianca case, when the --
25 when you testified concerning the Gary Hinman murder; is that
26 correct?

27 MR. MANZELLA: Objection, your Honor. At this point,
28 that's not relevant.

1 THE COURT: Sustained.

2 MR. KANAREK: Then may I approach the bench?

3 THE COURT: Yes, you may.

4 MR. KANAREK: Thank you.

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

8 MR. KANAREK: She was clearly given immunity, your Honor,
9 for Gary Hinman's murder, --

10 MR. MANZELLA: Your Honor?

11 MR. KANAREK: -- in that she testified at the penalty
12 phase of the Tate-La Bianca case, and I ask your Honor to read
13 the immunity papers that were signed by Judge Older.

14 There's no question in my mind, she was given --
15 that she was given immunity for that.

16 MR. MANZELLA: All right. Your Honor, I would like to
17 make one point. Mr. Kanarek has done this several times
18 during the trial.

19 He raises a collateral matter that's really not
20 relevant to any issue in the case. If he doesn't get the
21 exact answer he wants, he starts to impeach, or wants to
22 impeach on a collateral matter.

23 Not only is it irrelevant whether she ever got
24 immunity for anything --

25 THE COURT: Yes, the Court has noted that tactic.

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

27 MR. MANZELLA: -- and then he wants to impeach --

28 MR. KANAREK: Your Honor, the Court raised the question.

1 Your Honor raised the question.

2 THE COURT: The Court has noted that that is a tactic,
3 and the Court does believe at this time that it's -- the
4 objection should be sustained.

5 The Court will sustain the objection.

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

8 THE COURT: We'll take a short recess. Thank you,
9 Mr. Kuczera.

10 Were you sending distress signals to Mr. Kuczera?
11 I'm sorry to keep you in that box so long.

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

17 We will take 15 minutes.

18 (The following proceedings were had at the bench
19 among Court and counsel, outside the presence and hearing of
20 the jury:)

21 THE COURT: Go ahead, Mr. Kanarek. The Court didn't
22 wish to interrupt.

23 MR. KANAREK: Well, your Honor raised the -- it was your
24 Honor's question.

25 THE COURT: The reason the Court raised the question,
26 of course, was because there was a possibility that there
27 might be some confusion as to the extent of the immunity.

28 MR. KANAREK: But it's clearly extending to this, and I

1 ask your Honor to read the immunity papers.

2 THE COURT: All right. Now, what is your next -- what
3 do you have to say?

4 MR. KANAREK: I wanted your Honor to overrule the --

5 THE COURT: All right. The objection is sustained.

6 (Short recess.)
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1 THE COURT: You may proceed, Mr. Kanarek.

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

3 THE COURT: The record will show that the jurors and
4 alternates are all present.

5 BY MR. KANAREK:

6 Q Now, Mrs. Kasabian, can you see these four pic-
7 tures?

8 A Yes.

9 Q Have you ever seen that bus?

10 A Yes.

11 Q And have you ridden in that bus?

12 A No.

13 Q Never rode in it?

14 A No, I never have.

15 THE COURT: You are holding up Exhibit -- when you hold
16 up an exhibit, identify it, please.

17 MR. KANAREK: 58.

18 Q And when you were at the Spahn Ranch, you rode in
19 automobiles; is that right?

20 A Yes.

21 Q And did you make notes of what automobiles you rode
22 in and what automobiles you didn't ride in?

23 MR. MANZELLA: Objection. That doesn't appear to be
24 relevant, your Honor.

25 THE COURT: Sustained.

26 Q BY MR. KANAREK: Now, is it a fair statement,
27 Mrs. Kasabian, that you were friendly with Robert Beausoleil?

28 A Yes.

1 Q And you and he were good friends; right?

2 MR. MANZELLA: Objection, your Honor. That doesn't appear
3 to be relevant.

4 THE COURT: It's asked and answered. Sustained.

5 Q BY MR. KANAREK: I'll show you --

6 May I approach the witness, your Honor?

7 THE COURT: No, you need not approach her. You may ask
8 her questions.

9 Q BY MR. KANAREK: Do you see this knife?

10 A Yes.

11 MR. KANAREK: Well, your Honor, I would like for her to --

12 THE COURT: Ask your question.

13 MR. KANAREK: Well, I don't see how anyone could see this
14 knife from where she is, with the detail that I am going to ask
15 her about.

16 THE COURT: The Court can see it, and I am sure the
17 jurors can see it.

18 And you need not approach her.

19 MR. KANAREK: Very well.

20 Q Do you recognize this knife?

21 A Would you move that thing just a little bit?

22 MR. KANAREK: Your Honor, it denies a fair trial.

23 I just want to --

24 THE COURT: Mr. Kanarek, would you proceed?

25 MR. KANAREK: Well, I am asking --

26 THE COURT: If it becomes necessary for you to approach
27 the bench, I will let you do that.

28 But ask the question.

1 MR. KANAREK: I am asking her to take the knife and
2 look at it and see if she remembers it.

3 THE COURT: Would you please ask your next question?

4 MR. KANAREK: That is my next question, your Honor.

5 THE COURT: All right. The Court will not allow you
6 to approach the bench.

7 MR. KANAREK: Not the bench, your Honor. The witness.

8 THE COURT: The witness.

9 Q BY MR. KANAREK: Well, do you recognize this knife,
10 Mrs. Kasabian?

11 A I assume it's a knife that belonged to Bobby
12 Beausoleil.

13 MR. KANAREK: Then may I --

14 THE COURT: Mrs. Holt, would you --

15 All right. Then you may approach the bench -- or,
16 the witness, Mr. Kanarek.

17 Q BY MR. KANAREK: Would you -- would you tell us,
18 Mrs. Kasabian, if you recognize that knife?

19 A Yes, sir, I do.

20 Q And would you tell us, what is there about that
21 knife that you recognize, from all other knives?

22 A Uh -- the shape of it and the handle.

23 Q You recognize the shape and the handle. Do you
24 mean -- when you say the shape, what particular part of the
25 knife are you referring to?

26 A Uh -- down here (indicating), I guess.

27 Q You are referring to -- may the record reflect --

28 THE COURT: She has indicated the blade.

1 MR. KANAREK: The cutting edge, yes, your Honor.

2 Q You recognize the cutting edge; right?

3 A Yeah.

4 Q And do you -- and you recognize the handle?

5 A Right.

6 Q And you have seen that knife before; right?

7 A Yes.

8 Q And you have handled that knife before?

9 A Uh -- yes.

10 Q You have used that knife yourself?

11 A No.

12 Q You -- you -- you sort of played with it; is that
13 right?

14 A No, I didn't play with it.

15 Q Now, I show you --

16 THE COURT: The knife you are referring to, Mr. Kanarek,
17 is the --

18 MR. MANZELLA: People's 18 for identification.

19 MR. KANAREK: I'm sorry. People's 18.

20 Well, I think -- yes, that's correct, your Honor.

21 Q Now, I show you People's 18-A, and ask you if you
22 recognize that.

23 A Yes, I do.

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1 Q BY MR. KANAREK: And you have -- have you seen
2 that? See that knife upon the person of any individual?

3 A Yes.

4 Q And what person?

5 A Bobby.

6 Q And you have had this -- what would you call that?

7 A It's a sheath.

8 Q And you have had that sheath in your hands also;
9 is that right?

10 A Yeah.

11 Q And you, yourself, carried a knife; is that right,
12 Mrs.--

13 A Yes.

14 Q -- Kasabian?

15 You carried a buck knife; right?

16 A Yes.

17 Q About the same size and shape as that; right?

18 A Uh --

19 Q As that knife?

20 A No.

21 Q I mean generally. It's about the same size of
22 knife? Not identical in size, but it -- the blade is somewhat
23 like that; is that correct?

24 MR. MANZELLA: Objection. The question has been asked
25 and answered.

26 THE COURT: Sustained.

27 Q BY MR. KANAREK: In what way did your knife differ
28 from that?

1 A Uh -- mine was more of a kitchen knife, and it
2 folded.

3 Q And you carried this kitchen knife with you every-
4 where you went; right?

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

6 THE COURT: Sustained.

7 Q BY MR. KANAREK: I mean, you carried that knife on
8 your person; is that correct?

9 MR. MANZELLA: Same objection, --

10 THE WITNESS: At times.

11 MR. MANZELLA: -- on the same grounds.

12 MR. KANAREK: It's most -- may we approach the bench?

13 THE COURT: No, you may not. The objection is overruled.

14 The answer may remain in the record.

15 MR. KANAREK: Thank you. What was the answer?

16 THE WITNESS: At times, I carried it, yes.

17 Q BY MR. KANAREK: You carried the knife with you;
18 right?

19 A Sometimes.

20 Q When you weren't in the kitchen?

21 A Yeah.

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

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

26 Q BY MR. KANAREK: And this night that you were with
27 Susan Atkins, and you were talking about Gary Hinman, did you
28 have your knife with you?

1 MR. MANZELLA: Objection, your Honor. I believe that
2 assumes a fact not in evidence; that is, that this witness was
3 talking about Gary Hinman.

4 THE COURT: Sustained.

5 Q BY MR. KANAREK: Well, do you recall testifying
6 previously that you and Susan Atkins spoke of Gary Hinman, on
7 a particular night?

8 A. She spoke --

9 MR. MANZELLA: Objection --

10 THE WITNESS: I'm sorry.

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

12 THE WITNESS: She spoke to me, yes.

13 Q BY MR. KANAREK: You -- she spoke to you, and you
14 had a conversation with her; right?

15 A. Uh -- not really, no.

16 Q You didn't say anything?

17 A. No.

18 Q You uttered no words; is that right?

19 A. Not that I recall, no.

20 Q On that night -- well, I'll withdraw that.

21 When you say "not that I recall," do you mean that
22 you do not necessarily recall everything that occurred that
23 night? Is that right?

24 A. No, that's not right.

25 Q Well, what do you mean by "not that I recall"?

26 A. Well, she simply stated to me --

27 Q I'm not asking you what she told you -- or what
28 you say she told you.

1 I am asking you what you mean, that you do not
2 recall?

3 Does it mean that you don't know for sure, or
4 what?

5 MR. MANZELLA: Objection --

6 THE WITNESS: I do know for sure.

7 MR. MANZELLA: All right. I'll withdraw the objection.

8 Q BY MR. KANAREK: You know for sure that you don't
9 recall?

10 A I know for sure I didn't say anything.

11 Q I see. To Susan Atkins?

12 A Concerning what she said to me, yes.

13 Q And -- now, directing your attention to People's
14 Exhibit 1, can you see that from there, Mrs. Kasabian?

15 A Yes.

16 Q Have you ever seen that automobile before?

17 A I guess so.

18 MR. KANAREK: Well, your Honor, may I approach the
19 witness, so she can look at it?

20 THE COURT: Yes, you may.

21 Q BY MR. KANAREK: Would you take that?

22 A Yes, I've seen this before.
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1 Q You've seen this.

2 And have you seen Bobby Beausoleil drive that
3 automobile?

4 A Yes.

5 Q Have you seen Bobby Beausoleil drive this Volks-
6 wagen?

7 A No.

8 THE COURT: Indicating --

9 MR. MANZELLA: Your Honor, may the record reflect that
10 Mr. Kanarek's first reference was to People's 1 for
11 identification, and the second reference was to People's 2?

12 THE COURT: The record may so show.

13 Q BY MR. KANAREK: Now, besides the -- referring to
14 People's 36, concerning which you've testified, but you say
15 that that -- the pictures in People's 36 represent that
16 portion of the Spahn Ranch which was closest to the road,
17 Santa Susanna Pass Road?

18 A What's 36? I don't --

19 Q That's these eight pictures concerning which
20 you've already testified.

21 A Yeah. Now, what's the question?

22 Q The question is, those areas that are depicted
23 in the eight pictures in People's 36, are areas of the Spahn
24 Ranch that are closest to the road?

25 A Yes.

26 Q Is that correct?

27 A Yes.

28 Q Now, would you say that you were a good friend of

1 Susan Atkins?

2 MR. MANZELLA: Objection, your Honor, at this stage it
3 doesn't appear to be relevant to any issue in the case.

4 THE COURT: Sustained.

5 Q BY MR. KANAREK: Well, then, may I approach the
6 bench on that, your Honor?

7 THE COURT: Ladies and gentlemen, you are granted a
8 recess until 2:00 o'clock, and the Court admonishes you that
9 you are not to converse amongst yourselves, nor with anyone
10 else, nor permit anyone to converse with you on any subject
11 connected with this matter, nor are you to form or express any
12 opinion on the matter until it is finally submitted to you.

13 See you at 2:00 o'clock.

14 (Whereupon, the jury retired from the courtroom
15 at approximately three minutes after 12:00, and the following
16 proceedings were had:)

17 THE COURT: Mrs. Kasabian, 2:00 o'clock.

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

21 THE COURT: Where do you expect your exploration will
22 take you in connection with this?

23 Now, do you intend to offer --

24 MR. KANAREK: Well, your Honor, what do I intend to
25 offer?

26 THE COURT: Yes.

27 MR. KANAREK: I intend to offer evidence to show that
28 she and Susan Atkins were -- it is a preliminary type of

1 question. She and Susan Atkins were friendly.

2 THE COURT: Were good friends?

3 MR. KANAREK: Yes.

4 THE COURT: Where will you go from there?

5 What is your offer of proof with this?

6 MR. KANAREK: I don't have to give an offer -- just
7 because she is a witness, your Honor, I don't have to give an
8 offer of proof for a witness that is adverse and antagonistic
9 that this witness is.

10 THE COURT: You've gone through a travelogue at Spahn
11 Ranch with her.

12 MR. KANAREK: Well --

13 THE COURT: I would think that you would be willing to
14 move this examination along. The purpose of examining her
15 relationship with Susan Atkins is what?

16 MR. KANAREK: Well, I will leave it to the Court to
17 decide. She has been at the -- she has been at the area of
18 the Hinman house with Susan Atkins.

19 THE COURT: That hasn't been shown yet.

20 MR. KANAREK: She said so.

21 THE COURT: No, she said that she was in the -- she said
22 that she was in old or new Topanga, I can't recall, but that
23 hasn't been indicated. When you say in the area of the Hinman
24 house, I suppose that could be within -- perhaps within the
25 same canyon, if that's -- I'm not sure that's true.

26 MR. MANZELLA: Your Honor, all Mr. Kanarek's questions
27 are going to -- so that he can argue that Linda Kasabian
28 killed Gary Hinman. My position is still the same, that based

1 on the cases that I cited to the Court, that none of this
2 testimony is relevant because he's got no evidence to connect
3 her with the killing of Gary Hinman. All of these questions
4 go to that point.

5 THE COURT: Is that your purpose, to show that Linda
6 Kasabian did the killing?

7 MR. KANAREK: I can't make a representation to the Court
8 that -- but I believe that she certainly participated in the
9 killing.

10 MR. MANZELLA: Your Honor, that statement alone is
11 sufficient to render inadmissible all of the questions he's
12 asked so far of Linda Kasabian under the cases as cited to the
13 Court. The courts say that this kind of inquiry must be
14 strictly limited and unless it's evidence to connect the
15 particular person with the commission of the crime, that
16 motive, and even motive coupled with threats, are not suffi-
17 cient, are not admissible.

18 THE COURT: I think you are correct.

19 MR. KANAREK: He misconceives -- things can be
20 admissible on different issues.

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1 THE COURT: I think you are correct, Mr. Manzella, but
2 the point is, that she was in close association with the
3 Family. She was in close association with co-conspirators
4 here. Not her co-conspirators, because there's nothing in
5 the record to show that she was involved in this killing,
6 and if Mr. Kanarek -- I'm not sure in what direction he wishes
7 to go.

8 MR. MANZELLA: That's the direction he wishes to go.

9 THE COURT: Then he --

10 MR. KANAREK: I certainly do, and --

11 THE COURT: -- is not where he wants to go.

12 MR. KANAREK: And there are matters --

13 THE COURT: Apparently from the record at this time, he
14 doesn't know what he wishes to establish with this witness.

15 MR. KANAREK: Well, I have -- your Honor will see that
16 there is a definite and absolute --

17 THE COURT: Well, if I do see, it will be a great
18 disclosure to me.

19 MR. KANAREK: Well --

20 THE COURT: And the Court will be pleased to see in
21 what direction you are going.

22 MR. KANAREK: Well, things --

23 THE COURT: However, I'll overrule --

24 MR. MANZELLA: I haven't made an objection. There's
25 been no objection now, has there?

26 THE COURT: I think you did object to the question as
27 to whether or not she was a good friend of Susan Atkins. I
28 sustained the objection.

1 MR. MANZELLA: Oh, right, right.

2 THE COURT: I'll allow her to answer that question if
3 you wish to reask it.

4 MR. KANAREK: Thank you, your Honor.

5 THE COURT: But, Mr. Kanarek, so far you have not done
6 anything except wander from point to point.

7 MR. KANAREK: Well --

8 THE COURT: And I should think that it might hurry this
9 along so that we can close this examination this afternoon --

10 MR. KANAREK: Well, I will try, but I can't represent
11 to the Court --

12 THE COURT: Well, the Court may --

13 MR. KANAREK: Well, the Court -- the Court has the power
14 -- the bailiff does what the Court orders, and so I follow --
15 I have no alternative, and I -- I -- I respect the Court's
16 orders even though I don't agree with them. So I'll do what
17 they say.

18 THE COURT: You think it may -- the Court didn't wish
19 to interrupt you.

20 MR. KANAREK: I think -- I mean, there's nothing before
21 the Court except for the Court's making the gratuitous
22 statement that --

23 THE COURT: That's true.

24 MR. KANAREK: I have a definite -- I have a --

25 THE COURT: That's true, it is gratuitous because it is
26 -- but it is said because thus far I haven't seen --

27 MR. KANAREK: Well --

28 THE COURT: The development of what you have indicated --

1 MR. KANAREK: Well --

2 THE COURT: -- you will pursue, and that is some showing
3 that Linda Kasabian was involved in this Hinman killing.

4 MR. KANAREK: Things have -- evidence is admitted on
5 more than one issue, and that is not the -- that is not --
6 that is, in fact, an inferior issue on what I am offering
7 this evidence, and I represent to the Court, I will prove it
8 to the Court after it is all in.

9 THE COURT: Very well.

10 MR. MANZELLA: Your Honor, that's hogwash. You are
11 required to make an offer of proof under the cases I have
12 cited, Mr. Kanarek. Under the cases I have cited, Mr. Kanarek
13 is not permitted to sit back and say, "Let's wait and see,
14 when it is all through it will become clear," where he has
15 attempted to show somebody committed the crime, he is
16 required to show an offer of proof.

17 THE COURT: If he starts out on a line of questioning
18 that is objected to and which objection is sustained, he
19 ordinarily would be required to make an offer of proof.

20 Now, it seems to me that he doesn't have anything
21 in mind at this point, other than exploration, but because of
22 the nature of this relationship between the Family and these
23 various co-conspirators and Mrs. Kasabian, I will let him
24 cross-examine her or let him examine her further, and we'll
25 hear from you later about it, Mr. Manzella.

26 MR. MANZELLA: All right.

27 (Whereupon, at 12:10 o'clock p.m. the noon
28 recess was taken until 2:00 o'clock p.m. of the
same day.)

1 LOS ANGELES, CALIFORNIA, THURSDAY, OCTOBER 7, 1971 2:06 P.M.

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4 THE COURT: The jurors are all present, the record will
5 show.

6 Miss Kasabian, you may come forward.

7
8 LINDA KASABIAN,
9 having been previously duly sworn, resumed the stand and
10 testified further as follows:

11 THE COURT: Mr. Kanarek, you may resume your examination.

12
13 DIRECT EXAMINATION (Continued)

14 BY MR. KANAREK:

15 Q Mrs. Kasabian, you have spoken with representatives
16 of the District Attorney's office on many occasions; is that
17 correct?

18 A Yes.

19 Q And with Sheriff's Deputies on many occasions; is
20 that right?

21 A Uh -- is he (indicating) a Sheriff's Deputy? I
22 mean, that -- in uniform?

23 I don't quite understand "Sheriff's Deputies."
24 Is he (indicating) a Sheriff's Deputy? I don't really know.

25 Q My question is: Have you spoken with Sheriff's
26 Deputies?

27 A I don't know how to distinguish between a Sheriff's
28 Deputy and -- or a detective or --

1 Q Well, you've spoken with many law enforcement
2 officers; is that right?

3 A Yes.

4 Q And this is outside of the courtroom; is that
5 right?

6 A Yeah.

7 Q And outside the courtroom, you have refused to talk
8 to me; right?

9 A Right.

10 Q Or any other lawyer representing any defendant in
11 any case in which you've testified; is that right?

12 A No.

13 Q Pardon?

14 A No.

15 Q What other lawyer -- what other defense lawyer --
16 what defense lawyer have you spoken with? Would you tell us?

17 A I spoke --

18 THE COURT: You needn't answer that. That's immaterial.

19 MR. KANAREK: May I make an offer of proof on that, your
20 Honor?

21 THE COURT: You may approach the bench.

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

25 MR. KANAREK: My offer of proof is that she -- she has
26 stated that she has refused and would not talk to any lawyer
27 representing any defendant in any of these cases.

28 She so testified.

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

2 MR. MANZELLA: Are we going to get mileage for coming
3 up here?

4 THE COURT: Your remark, Mr. Manzella, was an improper
5 one.

6 MR. MANZELLA: I'll withdraw it.

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

10 Q BY MR. KANAREK: Do you recall stating, during the
11 Tate-La Bianca case, in the summer of 1970, that you did not
12 trust any defense lawyer? Do you remember stating that in
13 open court?

14 THE COURT: You needn't answer that. It's immaterial.

15 MR. KANAREK: Well, may I make an offer of proof on
16 that, your Honor?

17 THE COURT: Do you want to approach the bench again?

18 MR. KANAREK: Well, I have no -- in view of the Court's
19 order, this --

20 THE COURT: The Court will hear from you at the bench,
21 if you wish to argue.

22 MR. KANAREK: Very well.

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

26 MR. KANAREK: This -- well, your Honor is the one that's
27 -- that's making the rulings. And it -- we have a right to
28 show the bias and prejudice of this witness against people on

1 our side of the counsel table.

2 That's an aspect of bias and prejudice.

3 THE COURT: All right.

4 MR. KANAREK: And we have a right to show it. And it
5 goes to the lawyers, and there's law to that effect.

6 THE COURT: The Court sustains the objection.

7 MR. KANAREK: Well, your Honor, my offer of proof is
8 that she so testified.

9 THE COURT: The Court sustains the objection.

10 MR. KANAREK: She testified that she distrusted and
11 wouldn't speak to any defense lawyer.

12 THE COURT: The Court sustains the objection.

13 MR. KANAREK: Well -- well, I would welcome your Honor
14 looking at the transcript.

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

18 THE COURT: Ask your next question, Mr. Kanarek.
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1 (Pause in the proceedings while a discussion off
2 the record ensued at the clerk's desk between Mr. Kanarek and
3 the clerk.)

4 MR. KANAREK: Your Honor, I allege a violation of due
5 process of law, in connection with the photos, in connection
6 with my examination of this lady, your Honor.

7 We need those photos.

8 THE COURT: You need the photographs that are in front
9 of you?

10 MR. KANAREK: I need -- yes. But I also need the photos
11 that are in another courtroom.

12 THE COURT: Have you asked Mrs. Holt to --

13 MR. KANAREK: Yes, your Honor. It's not Mrs. Holt's
14 fault.

15 (Pause in the proceedings while a discussion off
16 the record ensued at the bench between the Court and the
17 clerk.)

18 THE COURT: Can you proceed without them now?

19 MR. KANAREK: I will -- I will -- I will certainly do
20 so, your Honor -- or attempt to do so.

21 THE COURT: You are speaking of exhibits, Mr. Kanarek?

22 MR. KANAREK: Yes, your Honor, photos and exhibits that
23 are in another department of the Superior Court.

24 THE COURT: Have you provided Mrs. Holt with a list of
25 them?

26 MR. KANAREK: Yes.

27 THE COURT: How many do you not have, Mrs. Holt?

28 THE CLERK: (No response.)

1 MR. KANAREK: They're -- I don't -- the numbers, I
2 don't know. The exact number, I would have to add them up,
3 your Honor.

4 THE COURT: Well, I see that you have --

5 MR. KANAREK: Yes, I have, I can --

6 THE COURT: -- ten or twelve in your hand now.
7 Will that suffice, so that you could go ahead --

8 MR. KANAREK: Yes. I certainly am --

9 THE COURT: -- with your examination?

10 MR. KANAREK: Yes, that's correct.

11 THE COURT: Very well. You may do so.

12 MR. KANAREK: May I approach the witness?

13 THE COURT: Yes, you may.

14 BY MR. KANAREK:

15 Q I show you, Mrs. Kasabian, a picture, what
16 appears to be an aerial photograph, and ask you if you
17 recognize that aerial photograph.

18 A Yes, I do.

19 Q Which is People's 29.

20 Now, directing your attention to the -- you
21 recognize that aerial photograph as a picture of what?

22 A The ranch.

23 Q Spahn Ranch?

24 A Uhm-hmm.

25 Q Now, directing your attention to this photograph,
26 would you point out on this photograph for us areas in the
27 Spahn Ranch that you inhabited, other than the areas that
28 you showed us this morning, that were close to the Santa

1 Susanna Pass Road?

2 A Well, I didn't really hear all your question. I
3 was trying to follow the first one.

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

5 THE COURT: Yes, it may.

6 Use that pointer when you answer the question.

7 THE WITNESS: Okay.

8 THE COURT: And you may use that microphone that
9 Mr. Kanarek has in his hand, likewise.

10 Now, if Mr. Kanarek will turn the picture so that
11 the jury and you can see it at the same time while you are
12 pointing it -- thank you, Mr. Kanarek.

13 Now, you may bring that portable microphone right
14 to your face, if you would.

15 THE WITNESS: I don't know what he's asking.

16 THE COURT: He's going to read it now.

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

19 "Q Now, directing your attention to
20 this photograph, would you point out on this
21 photograph for us areas in the Spahn Ranch that
22 you inhabited, other than the areas that you
23 showed us this morning, that were close to the
24 Santa Susanna Pass Road?"

25 THE WITNESS: Down this dirt road (indicating), by the
26 trailer. You can't see it, but there's a house down there
27 (indicating). Maybe this is the marking; I'm not sure.

28 But there is a house down there. I stayed there.

1 And I stayed up in these hills (indicating) --
2 I guess up there. I don't know. I can't tell from this.

3 And I stayed --

4 THE COURT: Well, when you said, "up in these hills,"
5 you pointed to the upper left corner of the photograph?

6 THE WITNESS: Yeah. Up in here (indicating) somewhere.

7 THE COURT: Very well.

8 THE WITNESS: And across the street, in the woods
9 (indicating).

7-1

1 Q BY MR. KANAREK: Any other areas that you stayed
2 in?

3 A No.

4 Q Is it a fair statement -- you may use that,
5 perhaps.

6 Is it a fair statement that you, while you were
7 at the Spahn Ranch, covered, as far as location goes, the
8 entire ranch?

9 A Say that again?

10 Q Is it a fair statement that as far as the Spahn
11 Ranch is concerned, that you at one time or another were at
12 all areas of the Spahn Ranch?

13 A Unless there were other areas that I didn't know
14 about.

15 Q But to the best of your -- well, I'll withdraw
16 that.

17 No one restricted -- and the District Attorney --
18 well, I'll withdraw that. I'll withdraw that.

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

20 THE COURT: Yes, you may.

21 Q BY MR. KANAREK: I show you, in connection with
22 People's Exhibit 9, I show you particularly the picture which
23 is labeled "A," in the upper left-hand corner.

24 Do you see that, Mrs. Kasabian?

25 A Yes.

26 Q Now, you'll notice in this picture there appears
27 to be written the word "Politic" -- or I see p-o-l-i-t-i-c.

28 THE COURT: Mr. Kanarek, the jurors are having trouble

7-2

1 hearing you. Would you use the microphone?

2 JUROR NO. 4: Uh --

3 THE COURT: Yes.

4 JUROR NO. 4: Excuse me, is it possible for him to put
5 it around a little more, about where he's standing, where we
6 all can view it a little more?

7 MR. KANAREK: You mean the board?

8 JUROR NO. 4: Yes.

9 THE COURT: Turn the board so it can be seen.

10 MR. KANAREK: Yes, thank you.

11 JUROR NO. 4: Thank you.

12 THE COURT: Better, Mr. Williams?

13 JUROR NO. 4: Thank you.

14 MR. KANAREK: Perhaps Mrs. Kasabian can step down. It
15 might facilitate --

16 THE COURT: Direct your question to her.

17 Q BY MR. KANAREK: Directing your attention, Mrs.
18 Kasabian, to the word -- what appears to be p-o-l-i-t-i-c,
19 and then an a-l underneath, piggy; do you see those? See
20 that from where you are?

21 A Yes, I do.

22 Q Now, in that connection, in connection with those
23 words, did you have any discussion with Bobby Beausoleil?

24 A No.

25 Q Did you discuss with Bobby Beausoleil his being
26 present at the Spau -- at the Hinman house?

27 A No.

28 Q You never did?

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A No.

THE COURT: Indicating "No"?

THE WITNESS: "No."

Q BY MR. KANAREK: And you've only -- you tell us you've only discussed Mr. Hinman with Sadie off of the Spahn Ranch, is that right?

A With Sadie?

Q Pardon?

A With Sadie? I discussed with Sadie?

Q Would you speak --

A Did you say did I discuss with Sadie?

Q Yes, did you ever heard the word "Hinman"?

THE COURT: Well, how about your previous question? Are you withdrawing that?

MR. KANAREK: Yes, I'll --

Q Well, do you understand the previous question, Mrs. Kasabian?

A Hmm, the one you just asked me right now, no, I don't know the one before that, I'm sorry.

Q You have never discussed Gary Hinman or heard Gary Hinman mentioned except off of the Spahn Ranch with Sadie on that one occasion?

A Right, his name.

Q Right. You never heard that other than on that one occasion with Susan Atkins?

A Right, I had never heard his name.

Q You had never heard his name?

A Right.

1 Q Did you discuss Gary Hinman with Bobby Beausoleil?

2 A Yes.

3 Q At the Spahn Ranch?

4 A No.

5 Q You never mentioned the name Hinman to him and he
6 never mentioned the name Hinman to you?

7 A No.

8 Q Is that right?

9 A Right.

10 Q Now, did you, with Mary Brunner, in fact, discuss
11 Gary Hinman at the Spahn Ranch?

12 A Yeah, she told me some things.

13 Q So you -- pardon?

14 A She told me some things.

15 Q And so, in fact, then, you didn't tell us the truth
16 this morning about Gary Hinman, is that right?

17 MR. MANZELLA: Objection.

18 Q BY MR. KANAREK: Mrs. Kasabian, when you said the
19 only time you spoke concerning Gary Hinman was off of the Spahn
20 Ranch, that was untrue?

21 MR. MANZELLA: Objection, it's argumentative.

22 THE COURT: Sustained.

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1 MR. KANAREK: Then, may I have -- may I approach the
2 bench?

3 THE COURT: The objection is sustained.

4 Do you wish to approach the bench?

5 MR. KANAREK: If I may?

6 THE COURT: As to this last ruling?

7 MR. KANAREK: Well, does your Honor wish me to make
8 argument --

9 THE COURT: No, the Court will allow you to approach
10 the bench.

11 MR. KANAREK: Very well.

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

15 MR. KANAREK: Your Honor, this -- I'm asking her the
16 question -- it is not argumentative.

17 THE COURT: It certainly is argumentative.

18 MR. KANAREK: I'm asking her. I'm asking her.

19 THE COURT: And I'm making a ruling that it is argumen-
20 tative.

21 MR. KANAREK: Very well, your Honor.

22 THE COURT: Do you have any further argument?

23 MR. KANAREK: No, not if your Honor --

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

26 Q BY MR. KANAREK: Now, when you and Susan Atkins
27 were on Topanga Canyon Lane, did you and she discuss the
28 home of Gary Hinman?

1 MR. MANZELLA: Objection, that question has been asked
2 and answered, your Honor.

3 MR. KANAREK: I don't believe it has, your Honor.

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

5 THE WITNESS: Yes.

6 Q BY MR. KANAREK: On what day was this, Miss
7 Kasabian -- Mrs. Kasabian?

8 A I don't know the date. I know it was the end of
9 July.

10 Q Well, would you tell us what day of the week was
11 it?

12 A I have no idea.

13 Q What day of the month?

14 A I have no idea.

15 Q When you say it is the end of July, do you know
16 that it wasn't August the 1st?

17 A No.

18 Q So it could have been August 1st?

19 A Yeah.

20 Q It could have been August 2nd?

21 A I don't know. I didn't know then and I don't
22 know now the dates or the days.

23 Q I see. And when you say that it is the end of
24 July, you are saying that as a result of having spoken with
25 law enforcement officers and several deputy district attorneys
26 who have suggested that to you, is that correct?

27 MR. MANZELLA: Objection, that's argumentative, your
28 Honor.

1 THE COURT: Sustained.

2 That question is stricken, ladies and gentlemen.

3 As a matter of fact, ladies and gentlemen, the
4 Court will later on instruct you to -- in more substance, a
5 question is not evidence. It only -- it only supplies meaning
6 to an answer at times. It is not to be considered as evidence
7 except as it supplies meaning to an answer.

8 Q BY MR. KANAREK: And on some particular night,
9 Mrs. Kasabian, did Bobby Beausoleil come to your immediate
10 presence and lie down and sleep with you?

11 A. No.

12 MR. MANZELLA: Objection, that doesn't appear to be
13 relevant.

14 MR. KANAREK: Your Honor, I --

15 THE COURT: The objection is sustained.

16 MR. KANAREK: May I approach the bench?

17 THE COURT: Yes, you may.

18 MR. MANZELLA: I'll withdraw the objection, your Honor.

19 THE COURT: The objection is withdrawn. You needn't
20 approach the bench.

21 MR. KANAREK: Very well, may the question be read?

22 THE COURT: Miss Briandi, would you read the question
23 back, please?

24 (Whereupon, the question and answer were read by
25 the reporter as follows:

26 "Q And on some particular night,

27 Mrs. Kasabian, did Bobby Beausoleil come to
28 your immediate presence and lie down and sleep

"with you?")

THE COURT: The Court hadn't heard the answer. The answer -- since you have withdrawn the objection, the answer may remain in the record.

1 Q BY MR. KANAREK: Did Bobby Beausoleil lay himself
2 down near you?

3 A Yes.

4 Q And did Bobby Beausoleil speak with you con-
5 cerning Gary Hinman?

6 A No.

7 Q When Bobby Beausoleil -- where were you and where
8 was Bobby Beausoleil when he came in and laid himself down
9 beside you?

10 A In the saloon.

11 Q And did you and Bobby Beausoleil have conversation?

12 MR. MANZELLA: Objection. It doesn't appear to be
13 relevant.

14 THE COURT: Sustained.

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

17 THE COURT: Yes, you may.

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

21 MR. KANAREK: It couldn't -- it couldn't be more
22 relevant, your Honor, because I believe that this witness --

23 THE COURT: What is your offer of proof in respect to
24 it?

25 MR. KANAREK: My offer of proof is that if she told the
26 truth, that this is what she would say.

27 THE COURT: What?

28 MR. KANAREK: Pardon?

1 THE COURT: What?

2 MR. KANAREK: That there was conversation.

3 THE COURT: And the conversation was about what?

4 MR. KANAREK: Gary Hinman.

5 THE COURT: She has already answered that there was no
6 conversation about Gary Hinman.

7 MR. KANAREK: Well, this is cross-examination.
8 She is an adverse witness. Your Honor is -- I don't see how
9 your Honor could foreclose me, because this is --

10 THE COURT: Your offer of proof is that there was a
11 conversation about Gary Hinman?

12 MR. KANAREK: As I say, in connection with this witness,
13 I have not ever been allowed to speak with her outside of the
14 courtroom. She's -- so therefore --

15 THE COURT: She has denied that there was conversation
16 about Gary Hinman.

17 The objection is sustained.

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

21 THE COURT: The Court notes that the exhibits which
22 you requested have been delivered from Department 107,
23 Mr. Kanarek.

24 MR. KANAREK: Yes, your Honor. I want to thank Mrs. Holt,
25 if I may.

26 BY MR. KANAREK:

27 Q. And what did Bobby Beausoleil do in your presence,
28 when he came and -- on this occasion?

1 A I --

2 MR. MANZELLA: Objection, your Honor. It doesn't
3 appear to be relevant to any issue in this case.

4 THE COURT: Sustained. You needn't answer.

5 MR. KANAREK: Well, then, your Honor, I would like to
6 approach the bench on constitutional grounds of equal
7 protection.

8 THE COURT: You may approach the bench.

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

12 MR. KANAREK: Your Honor, your Honor has allowed
13 innumerable acts and conduct, which we have deemed to be --
14 and which we have objected to -- to be irrelevant and
15 immaterial; and this is the very --

16 THE COURT: What is your offer of proof? What you
17 believe the answer will disclose to this question, to which
18 I have sustained the objection?

19 MR. KANAREK: It's a little difficult to say with this
20 particular witness, because I believe that she's not telling
21 the truth. I think that she -- that she -- she -- she
22 states whatever comes into her mind, whatever will help the
23 prosecution's case.

24 And so I -- because, as I say, I've never been
25 allowed, nor has any other defense attorney been allowed, to
26 speak with her in connection with these matters.

27 And so, on equal protection, we are entitled to
28 have before the jury the -- certainly, we are entitled to go

1 into the very same area of time that the prosecution claims
2 there was a conspiracy.

3 THE COURT: The objection is sustained.

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

6 THE COURT: You may proceed. Ask your next question.

7 BY MR. KANAREK:

8 Q Did Bobby Beausoleil tell you that he had killed
9 Gary Hinman?

10 A No.

11 Q Did he tell you that he had been to Gary Hinman's
12 home?

13 A No.

14 Q Did you hear the name Gary Hinman that night?

15 A I don't think so.

16 Q You don't think so?

17 A No, I don't think that was the night that I heard
18 his name.

19 Q Pardon?

20 A I don't think that was the night that I heard his
21 name.

22 Q That's not the night you heard the name?

23 A I don't think it is referring to the night that I
24 did hear his name.

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1 Q And the one night that you heard his name was
2 when you were with Susan Atkins; is that correct?

3 A Yes.

4 Q And other than that one occasion, you never had
5 heard his name?

6 A No.

7 Q Is that right?

8 A Yes.

9 Q That is correct; no question?

10 A I don't think so, no.

11 Q What do you mean, "I don't think so"?

12 A I don't think I ever heard his name, other than
13 that time.

14 Q Well, did you or didn't you, Mrs. Kasabian?

15 A I don't think I did, no.

16 Q Well, is your answer yes or no?

17 A No.

18 Q Your answer is that you never heard it except the
19 one time that Susan Atkins mentioned his name on Topanga
20 Canyon or Old Topanga Canyon Lane or -- is that right?

21 A Yes.

22 Q Mrs. Kasabian, did you, in your handwriting,
23 state that Mary Brunner told you about matters concerning
24 Gary Hinman?

25 A Uh -- yeah, I think I did.

26 Q Then you have heard the name Gary Hinman, other
27 than from Susan Atkins?

28 A I don't recall her saying "Gary Hinman", no.

1 Q You didn't hear her say "Gary Hinman"?

2 A No, not --

3 Q What did you hear her say?

4 A I don't know. Like when I walked into the
5 conversation -- like I got just bits and pieces of it. So I
6 don't recall her saying any name.

7 Q I see.

8 May I approach the witness, your Honor?

9 THE COURT: You may.

10 Q BY MR. KANAREK: I show you a paper and ask you:
11 Does that appear to be in your handwriting?

12 A Yes.

13 Q Is it in your handwriting?

14 A Yes, it is.

15 Q Did you write, "I was in the saloon, sleeping,
16 and Bobby came in and laid beside me. And he looked exhausted
17 and very upset. He asked me to get him some coffee. I did.

18 "He feel asleep. I saw Mary a while later, and she
19 told me part of what happened."

20 MR. MANZELLA: Objection, your Honor.

21 Q BY MR. KANAREK: Is that correct? Is that in your
22 handwriting?

23 MR. MANZELLA: Objection, your Honor, on the grounds
24 that there's no foundation for reading that to the jury, and
25 I ask that the question be stricken.

26 THE COURT: The objection is sustained. The answer is
27 stricken -- the question is stricken.

28 MR. KANAREK: May I approach the bench on that, your Honor?

1 THE COURT: Yes, you may.

2 MR. KANAREK: In view of the Court's request that we do
3 approach the bench, each instance -- on occasions like this.

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

7 MR. KANAREK: This girl is lying, your Honor, when she
8 says that she -- it is obvious that she is not telling the
9 truth when she says that the only time she heard the matters
10 pertaining to Gary Hinman was when Susan Atkins stated Gary
11 Hinman's name.

12 This impeaches her. There's no question about it.

13 THE COURT: So?

14 MR. KANAREK: Pardon?

15 THE COURT: So?

16 MR. KANAREK: So therefore, it's admissible.

17 THE COURT: Your last question and the answer, --

18 MR. KANAREK: Yes.

19 THE COURT: -- would you read it to him, Mr. Williams?

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

22 "Q Did you write, 'I was in the saloon,
23 sleeping, and Bobby came in and laid beside me.
24 And he looked exhausted and very upset. He asked
25 me to get him some coffee. I did.

26 'He feel asleep. I saw Mary a while
27 later, and she told me part of what happened.'

28 "Is that correct? Is that in your

1 "handwriting?")

2 MR. KANAREK: That impeaches her. That impeaches her,
3 when she states --

4 THE COURT: The People?

5 MR. MANZELLA: Yes, your Honor. She never testified
6 that Mary Brunner didn't tell her what happened.

7 She testified that Mary Brunner did not use the
8 name "Gary Hinman."

9 This statement obviously doesn't impeach that.

10 THE COURT: That's the way the Court heard it.

11 MR. KANAREK: Well, the point --

12 THE COURT: The objection is sustained.

13 MR. KANAREK: There's a clear inference --

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

THE COURT: The question remains stricken.

BY MR. KANAREK:

Q Mrs. Kasabian, this night when -- when Bobby Beausoleil came, you say, to where you were in the saloon --

A May I make a correction?

MR. KANAREK: Well, your Honor, may I finish my question?

THE COURT: Yes.

MR. KANAREK: And Mr. Manzella will have a chance to interrogate her when I am finished.

THE COURT: Let him finish his question.

THE WITNESS: Okay. I'm sorry, Mr. Kanarek. Go ahead.

Q BY MR. KANAREK: Now, directing your attention, Mrs. Kasabian, to this time when you say that Bobby Beausoleil came to you, and he laid down next to you and so forth, on this night when you say you were in the saloon, did that happen before or after the time that you were with Susan Atkins, on Old Topanga Road, the time that you tell us is the only time you ever heard the words "Gary Hinman"?

A First, I have something else I wanted to say.

MR. KANAREK: Well, your Honor, may -- may I have an answer to the question? If she has something that she wishes to -- I object to --

THE COURT: Excuse me just a minute.

MR. KANAREK: Yes.

THE COURT: You may answer the question, and then explain it.

8b-2

1 THE WITNESS: Okay. It was before.

2 Bobby Beausoleil came to me in the morning, not
3 at night.

4 MR. KANAREK: Well, your Honor, may this be stricken as
5 not an answer? I am only asking before and after; and I ask
6 that these last words be stricken.

7 It's either before or it's after. It's obviously
8 impossible to be contemporaneous, because it's a different
9 place.

10 THE COURT: The motion to strike is denied.

11 Q BY MR. KANAREK: Then may I ask you, Mrs. Kasabian,
12 directing your attention to the time that you had this incident
13 with Bobby Beausoleil, when he lay next to you, exhausted,
14 did that happen before or after the time you tell us that you
15 were with Susan Atkins, the one time you heard the name Gary
16 Hinman, in the Old Topanga Canyon Road?

17 A It was before.

18 Q And did Mary Brunner and you have the conversation
19 just after Bobby Beausoleil fell asleep?

20 A Yes.

21 Q And you discussed Bobby Beausoleil in that conver-
22 sation; is that correct?

23 A No.

24 Q You never mentioned his name?

25 A No.

26 Q Now, while you were at the Spahn Ranch, Mrs.
27 Kasabian --

28 May I approach the witness, your Honor?

8b-3

1 THE COURT: Yes, you may.

2 Q BY MR. KANAREK: I show you People's 46, and ask
3 you: Have you ever seen -- did you ever see the person
4 depicted in People's 46 at the Spahn Ranch?

5 A No, I never did.

6 Q I'll show you People's 47, and ask you: Have you
7 ever seen the person depicted in People's 47 at the Spahn Ranch?

8 A Would you hold it --

9 THE COURT: Would you turn it right side up?

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

11 THE WITNESS: No.

12 Q BY MR. KANAREK: I have another picture. Can you
13 see -- I don't have to -- can you see it from there?

14 A Yes, I can.

15 Q Do you know who that is?

16 A Yes.

17 Q Who is that?

18 A Danny DeCarlo.

19 MR. KANAREK: May the record reflect I held up People's
20 32-F, your Honor?

21 THE COURT: Yes, the record may so show.

22 Q BY MR. KANAREK: Have you seen this person at the
23 Spahn Ranch?

24 A Yes.

25 Q Who is this person?

26 A Tex Watson.

27 MR. KANAREK: May the record reflect that I held up
28 what is, I believe, our exhibit -- People's Exhibit 50, your

1 Honor?

2 THE COURT: The record may so show.

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

4 THE COURT: Yes, you may.

5 Q BY MR. KANAREK: I show you People's 68 and ask
6 you: Have you ever seen that person at the Spahn Ranch?

7 A No.

8 Q Now, Mrs. Kasabian, while you were at the Spahn
9 Ranch, directing your attention to the name "Donald Shea" or
10 "Mr. Shea" or "Shorty Shea" -- do you understand?

11 A Yeah.

12 Q Now, do you see Mr. Williams here, the court
13 reporter (indicating)?

14 A Yeah.

15 Q Now, Mr. Williams is a male adult, I think we'd
16 agree; right?

17 A Sure.

18 Q All right. Did you ever see a person -- a male
19 adult -- at the Spahn Ranch, who, in your presence, was
20 addressed as "Donald Shea"?

21 A No.

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1 Q While you were at the Spahn Ranch, did you ever
2 see a male adult in your presence addressed as Shorty?

3 A No.

4 Q While you were at the Spahn Ranch, did you ever see
5 a male adult in your presence addressed as Donald Shea?

6 A No.

7 Q In your presence did you ever see anyone at the
8 Spahn Ranch, a male adult, in your presence addressed as
9 Donald Jerome Shea?

10 A No.

11 Q Did you, in your presence, at the Spahn Ranch,
12 have any person addressed as Shorty Shea?

13 A No.

14 Q Or Donald Shea?

15 A No.

16 Q Or Donald Jerome Shea?

17 A No.

18 Q Or O'Shea?

19 A No.

20 Q Or Mr. O'Shea?

21 A No.

22 Q Or Mr. Shea?

23 A No.

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

25 THE COURT: Yes, you may.

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

27 THE COURT: Yes, you may.

28 Q BY MR. KANAREK: I show you, Mrs. Kasabian,

9-2

1 People's 67, which is an exhibit -- well, I believe in our --
2 yes, I believe in our -- I believe this is People's 67-A
3 through 67-N.

4 Would you look at those pictures and take your time
5 and look at each of those pictures.

6 A Look at all of these pictures?

7 Q If you would, please.

8 A Am I looking for anything?

9 Q Well, would you scan those pictures, if you would.

10 A (Witness complied.)

11 Q You have scanned those?

12 You have scanned these pictures, is that right?

13 A Yes. Yes, I have.

14 Q Now, looking at 67-A, you see that a "D.S." and a
15 circle with a male face there?

16 A Yes.

17 Q Have you ever in your lifetime seen that person?

18 A No.

19 Q Have you, while you were at the Spahn Ranch, did
20 you see that person?

21 A No.

22 Q Referring to 67-B, there's a "D.S." at the top and
23 a person circled or head circled.

24 Would you look at that.

25 Is that person -- have you ever seen that person
26 in your lifetime?

27 A No.

28 Q Have you seen that person at the Spahn Ranch?

9-3

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A No.

Q I show you 67-E, there appears to be a "D.S." and a circle -- a person's head circled.

Have you ever seen that person in your lifetime?

A No.

Q At the Spahn Ranch?

A No.

Q I show you 67-N, and there is a person with the label "D.S."; have you ever seen that person in your lifetime?

A No.

Q Or at the Spahn Ranch?

A No.

Q I show you 67-L, and ask you, have you seen that person at the Spahn Ranch?

A No.

Q Or in your lifetime?

A No.

Q I show you 67-J, and ask you, have you seen that person in your lifetime or at the Spahn Ranch?

A No.

Q Or ever?

A No.

Q I show you 67-H and ask you if you have seen that person who is labeled "D.S." at the Spahn Ranch or in your lifetime or ever?

A No.

Q And I show you 67-G, and ask you, have you seen that person in your lifetime or at the Spahn Ranch or ever?

9-4

1 A This person?

2 Q This person that is labeled D --

3 A The "D.S."?

4 Q -- "D.S.," yes.

5 A No, I never have.

6 Q And directing your attention to 67-F, have you

7 seen that person that is labeled "D.S." in your lifetime or

8 at the Spahn Ranch or ever?

9 A No.

10 Q Now, you were in the gun room -- may I approach

11 the witness, your Honor?

12 THE COURT: Yes.

13 Q BY MR. KANAREK: You were in the gun room, Danny

14 DeCarlo's gun room, is that correct?

15 A Yes.

16 Q And I show you two guns and ask you, have you seen

17 those guns before?

18 A Hmm, I don't think so. I don't know.

19 Q Well, you may look at them closely, if you would,

20 please.

21 A I wouldn't know if I did. I mean, guns look like

22 guns to me.

23 Q All guns look the same to you?

24 A Basically, yes.

25 Q What do you mean "basically"?

26 MR. MANZELLA: I'm going to object on the grounds it

27 is argumentative.

28 MR. KANAREK: I'm trying to --

9-5
1 THE COURT: Sustained.

2 Q BY MR. KANAREK: These two guns appear to be
3 similar, is that right?

4 MR. MANZELLA: Objection, the witness's opinion is not
5 relevant, your Honor.

6 THE COURT: Overruled.

7 A Yeah, they look exactly the same.

8 Q BY MR. KANAREK: Well, does the word -- you say
9 they look exactly the same, you prefer that.

10 Very well. Now, having in mind Danny DeCarlo's
11 gun room, did you see these guns -- I'll withdraw that.

12 Did you see two guns that looked exactly alike in
13 Danny DeCarlo's gun room?

14 A No, not that I can recall.

15 Q And you were in there many times, is that right?

16 A Yes.

17 THE COURT: We'll take a recess now for approximately
18 ten to fifteen minutes.

19 During the recess, you are obliged not to converse
20 amongst yourselves, nor with anyone else, nor permit anyone to
21 converse with you on any subject connected with this case, nor
22 are you to form or express any opinion on the matter until it
23 is finally submitted to you.

24 Mrs. Kasabian, be back in ten minutes.

25 (Afternoon recess.)
26
27
28

10 fls.

10-1

1 THE COURT: Miss Kasabian?

2 The record will show the jurors and alternates
3 are present.

4 Ask your next question, Mr. Kanarek.

5 MR. KANAREK: Yes, your Honor.

6 BY MR. KANAREK:

7 Q Now, Mrs. Kasabian, after that night when Bobby
8 Beausoleil lay exhausted beside you, did Mr. Beausoleil leave
9 the ranch area?

10 MR. MANZELLA: Objection, your Honor. It doesn't appear
11 to be relevant.

12 THE COURT: Sustained.

13 Q BY MR. KANAREK: Did Bobby Beausoleil --

14 Then may I approach the bench, your Honor?

15 THE COURT: Yes, you may.

16 MR. MANZELLA: I'll withdraw the objection, your Honor.

17 THE COURT: Did he leave the ranch thereafter?

18 THE WITNESS: Yes.

19 Q BY MR. KANAREK: And after he -- let me withdraw
20 it.

21 Did you see him leave the ranch, after that night
22 when he lay there exhausted?

23 MR. MANZELLA: Objection. The question has been asked
24 and answered.

25 THE COURT: Overruled. You may answer.

26 THE WITNESS: Yes.

27 Q BY MR. KANAREK: You saw him leave?

28 A Yes.

1 Q And in what automobile did he leave?

2 A The white automobile.

3 Q The white Fiat?

4 A Yes.

5 Q That's this (indicating), People's --

6 THE COURT: 2.

7 MR. KANAREK: No, I think it's People's Exhibit 1, your
8 Honor.

9 THE COURT: 1?

10 MR. KANAREK: Yes.

11 Q BY MR. KANAREK: This People's Exhibit 1
12 (indicating)?

13 A Yes.

14 Q That's the automobile he left in.

15 And how long was it after he came in to put --
16 to where you were, exhausted, how long was it after that that
17 he left in the white Fiat?

18 A I'm not really sure right now. Maybe a couple of
19 days.

20 THE COURT: A couple of -- days, did you say?

21 THE WITNESS: Maybe a couple of days. I'm not really
22 sure.

23 Q BY MR. KANAREK: When you say you're not sure, you
24 mean you are not sure that he left, or --

25 A I'm positive he left.

26 Q And you're not sure when he left?

27 A Right.

28 Q You mean he might have left the following morning?

1 A Yes, it's possible.

2 Q It's possible?

3 A I can't really --

4 Q Or a few hours after you had seen him, exhausted;
5 is that right?

6 A No, I think he stayed there that day.

7 Q What is your answer, Miss Kasabian?

8 A Was there a question?

9 THE COURT: Yes. Mr. Williams, you may read the
10 question.

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

13 "Q Or a few hours after you had seen
14 him, exhausted; is that right?"

15 THE WITNESS: That he left?

16 Q BY MR. KANAREK: Yes.

17 A No. I'm pretty sure he stayed that day, and
18 possibly the next day or the day after that; I'm not sure when
19 or how long he stayed.

20 Q So you don't know whether it was a few hours or
21 a few weeks; is that it?

22 THE COURT: That's been asked and answered,
23 Ask your next question.

24 Q BY MR. KANAREK: Now, Miss -- yes, your Honor.
25 Now, Mrs. Kasabian, did you know a person by the
26 name of Ella Jo Bailey?

27 A Yes, I knew Ella.

28 Q And did you eat dinner with her?

1 A Sure.

2 Q Did you eat dinner with her practically every
3 night?

4 A Yeah.

5 Q And you and she, and all the group, ate dinner
6 together?

7 A Most of the time, yes.

8 Q You talked together?

9 A Sure.

10 Q Now, Mrs. Kasabian, have you received certain
11 moneys as a result of stories that you have given concerning
12 your relations at the Spahn Ranch, and the People there?

13 A No.

14 MR. MANZELLA: Objection, your Honor. That doesn't
15 appear to be relevant.

16 THE COURT: The objection is overruled.

17 You may answer.

18 THE WITNESS: No.

19 Q BY MR. KANAREK: Did you have a contract with one
20 Joan Didion, to make -- to make your life story?

21 A Yes.

22 Q And you -- uh -- have you made arrangements -- do
23 you have any contracts at the present time concerning your
24 life story?

25 MR. MANZELLA: Objection. It doesn't appear to be
26 relevant.

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

28 THE COURT: Will you wait until I rule?

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

2 THE COURT: And then you may approach it, if you wish to.

3 The objection is overruled.

4 THE WITNESS: What was your question again?

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

6 THE COURT: Mr. Williams?

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

9 "Do you have any contracts at the present
10 time concerning your life story?"

11 THE WITNESS: Yeah.

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11 1 Q BY MR. KANAREK: Would you tell us what those
2 contracts are?

3 THE COURT: You needn't do that.

4 MR. KANAREK: Well, then, may we approach the bench?

5 THE COURT: Yes, you may.

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

9 MR. KANAREK: We are entitled to know -- the jury is
10 entitled to know in evaluating her credibility whether it is
11 a million dollars.

12 THE COURT: Concerning what?

13 MR. KANAREK: Her bias and prejudice for pecuniary
14 reasons, money reasons. That's --

15 THE COURT: Most of what you brought out here is
16 irrelevant and immaterial, and it really has been a great
17 wastage of time.

18 MR. KANAREK: I disagree, your Honor.

19 THE COURT: Would you point out to me some salient part
20 of this testimony which you have extracted from her and tell
21 me how you believe it is material and --

22 MR. KANAREK: Well, I will do it.

23 THE COURT: And why you should impeach her?

24 MR. KANAREK: I would be glad to outside the presence
25 of Mr. Manzella.

26 THE COURT: All right.

27 MR. MANZELLA: All right, I will go back to counsel
28 table. I'd like, at least, for somebody to know what's going

1 on here.

2 THE COURT: No, you needn't do that.

3 Now, you are asking her for the interpretation of
4 the contract?

5 MR. KANAREK: Yes, I am asking for her state of mind.

6 THE COURT: Excuse me just a minute, you are asking for
7 her interpretation of the contract?

8 MR. KANAREK: No, not at all. Your Honor misconceives
9 the purpose. The purpose is to elicit her state of mind.
10 It isn't -- that's what's important, what she thinks she's
11 going to get. Maybe the contract is worthless, but it is
12 her state of mind that dictates what she does here in the
13 courtroom.

14 THE COURT: You brought her here from Connecticut or
15 wherever it may be to ask her these questions, most of which
16 are immaterial and irrelevant --

17 MR. KANAREK: They certainly are not.

18 THE COURT: -- most of which are irrelevant and
19 immaterial.

20 MR. KANAREK: I don't think they are irrelevant and
21 immaterial.

22 THE COURT: I think probably if anything is brought out
23 to be material -- as yet, I don't see anything.

24 MR. KANAREK: You mean your Honor can really say that?
25 How can your Honor say that? I think if Mr. Manzella were --

26 THE COURT: This is my viewpoint at the present time.

27 MR. KANAREK: At the present time, your Honor is in camera --

28 THE COURT: The Court will permit you to ask questions

1 concerning whether or not she expects to get any rewards,
2 but to ask her to interpret the contract is ridiculous.
3 Her state of mind as to what she will receive as a result
4 of the contract might be important. I'll permit you to
5 ask the question.

6 MR. KANAREK: All right, thank you.

7 MR. MANZELLA: Your Honor, I would like to be heard
8 briefly, since Miss Kasabian has really not testified to
9 anything that incriminates --

10 THE COURT: Mr. Manson.

11 MR. MANZELLA: -- anybody or Mr. Manson in this case,
12 the only reason that Mr. Kanarek is seeking to impeach her
13 is to show she is lying and had something to do with the
14 killing of Gary Hinman. And that gets back to my previous
15 point, Mr. Kanarek has no evidence that this witness was
16 involved in the killing of Gary Hinman and that, therefore,
17 that testimony would be irrelevant. Since the testimony is
18 irrelevant, impeaching her on that testimony is also
19 irrelevant.

20 THE COURT: I'll permit the question.

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

23 THE COURT: You may reframe your question.

24 MR. KANAREK: Yes, your Honor.

25 Q Would you tell us what the financial arrangements
26 are in connection with the moneys you are going to get,
27 Mrs. Kasabian?

28 THE COURT: Well, that assumes a fact not in evidence.

1 Were you to receive any money, so far as you know,
2 from any of these contracts?

3 THE WITNESS: Yeah, if the story ever gets written,
4 which I understand --

5 THE COURT: Get a little closer to the microphone.

6 THE WITNESS: If the story ever gets written, and I
7 understand the impression of the powers of yes or no, and I
8 haven't decided one way or the other.

9 THE COURT: In other words, you've given somebody an
10 option, and if the story is written, you'll receive some
11 moneys?

12 THE WITNESS: Yes.

13 Q BY MR. KANAREK: And what is the amount you'll
14 receive --

15 A I think it is -- I don't know, because I read the
16 contracts and I was confused when I read them, because I didn't
17 understand them. But I think it is 2 per cent. I don't
18 know. It is -- I don't know. Something like 2 per cent.

19 Q Well, what's the amount of money that you think
20 that you are going to get?

21 A I have no idea.

22 MR. MANZELLA: Objection, it assumes a fact not in
23 evidence.

24 Q BY MR. KANAREK: 2 per cent of what?

25 THE COURT: The objection is overruled. The answer is
26 in.

27 MR. MANZELLA: Then I object to this question on the
28 grounds it assumes a fact not in evidence.

1 THE COURT: The objection is sustained.

2 Q BY MR. KANAREK: Mrs. Kasabian --

3 THE COURT: Go on to some other subject. Ask your
4 next question.

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

6 THE COURT: Yes, you may approach the witness.

7 Q BY MR. KANAREK: I show you a group of pictures,
8 Mrs. Kasabian, and ask you if you can recognize --

9 THE COURT: Step back from her and let her shuffle
10 through them unless you have a particular picture that you
11 wish to show her.

12 MR. KANAREK: Very well, your Honor. I was trying to
13 do it so I would be as expeditious as possible, your Honor,
14 but very well.

15 Q Would you look at each of those pictures, Mrs.
16 Kasabian?

17 A (Witness complies.)

18 Q Do you recognize each of those pictures as a
19 scene at the Spahn Ranch?

20 A Yes.

21 Q And you recognize the geography and the things
22 depicted in those pictures, is that correct?

23 A Yes.

24 MR. KANAREK: May the record reveal that Mrs. Kasabian
25 has looked at People's Exhibits 31-A through 31-H, your
26 Honor?

27 THE COURT: Yes, those are the exhibits she's looked at.
28 Let's move this along, Mr. Kanarek, please.

1 MR. KANAREK: Your Honor, there are some exhibits that
2 I need that are in another department of this court.

3 THE COURT: Well, you have, let's see, a number of
4 exhibits in front of you. Proceed with what you have in front
5 of you.

6 MR. KANAREK: I understand, your Honor, there are --

7 Q Now, directing your attention, Mrs. Kasabian, to
8 Bobby Beausoleil, on this night that you say that he came back
9 exhausted.

10 MR. MANZELLA: Objection, that assumes a fact not in
11 evidence, your Honor.

12 THE COURT: Sustained. Objection is sustained.
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12-1

1 Q BY MR. KANAREK: Well, did he return exhausted,
2 Mrs. Kasabian?

3 A He seemed to be, yes.

4 Q Then directing your attention to this night when
5 he came back exhausted, had he left that evening -- at about
6 what time that evening had he left?

7 MR. MANZELLA: Objection. That assumes a fact not in
8 evidence: That he returned at night, your Honor.

9 THE COURT: Sustained. Sustained.

10 Q BY MR. KANAREK: Mrs. Kasabian, did Bobby Beausoleil
11 return at night?

12 A No, he didn't.

13 Q And when he returned, you were sleeping in the
14 saloon; right?

15 A Hmmm -- I don't think I was sleeping. I was
16 laying down, maybe --

17 Q You were not sleeping?

18 A Maybe with my eyes shut. But I was awake.

19 Q You had your eyes shut. Did you say in your own
20 handwriting that you were sleeping, Mrs. Kasabian?

21 A Maybe so, yeah.

22 Q Did you say in your own handwriting, "I was in
23 the saloon sleeping"?

24 A On the couch.

25 Q Well, were you sleeping, Mrs. Kasabian, or were
26 you just there with your eyes shut, as you have told us a
27 few minutes ago?

28 A It could be both.

12-2

1 Q Either way?

2 A Right.

3 Q I see. And which -- you don't know which it is
4 now?

5 MR. MANZELLA: Objection, your Honor. It's all
6 irrelevant.

7 THE COURT: Sustained.

8 Q BY MR. KANAREK: Now, Mrs. Kasabian, when Bobby
9 Beausoleil came back on this occasion, then in fact, you don't
10 remember whether it was day or night; is that right?

11 A No, that's not right.

12 Q You remember that it was what time?

13 A It was in the morning.

14 Q It was in the morning?

15 A Yes, daylight.

16 Q What time?

17 A I don't know what time.

18 Q Well, give us your best estimate, Mrs. Kasabian.

19 MR. MANZELLA: Objection, your Honor.

20 THE WITNESS: I really don't know.

21 Q BY MR. KANAREK: How long had Bobby Beausoleil
22 been gone, Mrs. Kasabian?

23 A I wasn't keeping track. But I guess maybe a day,
24 two days. I don't really --

25 Q You guess maybe a day or two days?

26 A Yes.

27 Q And -- you mean, when you say you guess, Mrs.
28 Kasabian, you don't know how long he was gone; is that right?

12-3

1 A Two days.
2 Q Pardon?
3 A Two days.
4 Q Two days, now?
5 A Yes.
6 Q You are not guessing, now?
7 A No.
8 Q I see. And directing your attention to the time
9 you say it was daylight, was it before noon or was it after
10 noon?

11 THE COURT: You needn't answer that.

12 MR. KANAREK: Well, then, may I approach the bench,
13 your Honor?

14 THE COURT: Yes, you may.

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

18 THE COURT: All right.

19 MR. KANAREK: This has to do with --

20 THE COURT: She says she doesn't remember. You asked
21 her several questions concerning the time. She doesn't
22 know.

23 MR. KANAREK: Well, I -- if I may --

24 THE COURT: Yes?

25 MR. KANAREK: The point is that this refers to the very --
26 ostensibly to the very time in question.

27 THE COURT: The time in question that what?

28 MR. KANAREK: This purportedly relates to the very time

12-4

1 in question that the People say that certain events occurred.

2 And we have a right to --

3 THE COURT: I haven't any way of knowing that.

4 MR. KANAREK: Pardon?

5 THE COURT: I haven't any way of knowing that.

6 How do you know that?

7 MR. KANAREK: Pardon?

8 THE COURT: How do you know that?

9 MR. KANAREK: I -- I deduce that from what this witness
10 has testified to; from the -- the bits and pieces that she's
11 testified to.

12 THE COURT: I see. And how is this all material?

13 MR. KANAREK: How is it material?

14 THE COURT: Yes. How is it material?

15 MR. KANAREK: Yeah. I -- as I say, I'll tell the Court
16 in camera, if your Honor will seal it, and so Mr. Manzella
17 doesn't --

12a fs.

1a-1

1 MR. MANZELLA: Your Honor, I would like the Court to
2 know.

3 THE COURT: Well, I think on the record, you -- Mr.
4 Manzella, could you step over there?

5 MR. KANAREK: No, I don't want -- if the Court would
6 seal it --

7 MR. MANZELLA: You could just tell him. It doesn't
8 have to be sealed. You can tell him off the record.

9 MR. KANAREK: I'm not interested in Mr. Manzella stepping
10 away in the presence of the jury and all of that.

11 The fact of the matter is, it is most material and
12 most relevant.

13 MR. MANZELLA: And I say that's not true; that Mr.
14 Kanarek has no evidence whatsoever.

15 THE COURT: I can't think of --

16 MR. KANAREK: We are putting on a defense here, and --

17 THE COURT: The Court sustains the objection.

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

21 THE COURT: The objection is sustained. Ask your next
22 question.

23 MR. KANAREK: Yes, your Honor.

24 (Pause in the proceedings.)

25 THE COURT: Are you looking for something to --

26 MR. KANAREK: Yes, your Honor. I need an exhibit that's
27 in the other courtroom.

28 THE COURT: Have you given the number to Mrs. Holt?

12a-2

1 MR. KANAREK: Yes, I have, your Honor.

2 THE COURT: You can't proceed without it?

3 MR. KANAREK: Well, I'll try to, your Honor.

4 THE COURT: Try.

5 BY MR. KANAREK:

6 Q Mrs. Kasabian, have you ever -- did you ever hear
7 any screams while you were at the Spahn Ranch?

8 A No.

9 Q Did you ever hear any male voice screaming in the
10 night?

11 A No.

12 Q Now, directing your attention to the creek area,
13 do you know where the creek is?

14 A On the other side of the highway, or back of the
15 ranch?

16 Q Well, you're familiar with that area; right?

17 A Yes.

18 Q You got to know it quite well; right?

19 A Yes.

20 Q And directing your attention -- you say that there
21 are two creeks there, --

22 A Yes.

23 Q -- is that right?

24 Well, directing your attention to the creek at
25 the -- that is, on the -- the ranch side of Santa Susana Pass
26 Road -- do you have that creek in mind?

27 A Behind the ranch?

28 Q You call it behind the ranch?

12a-3

1

A Yeah.

2

Q Is it -- is the creek part of the ranch?

3

A I don't understand.

4

Q Well, you say "behind the ranch"?

5

A Yeah.

6

Q Is the creek in fact part of the ranch?

7

A I still don't understand.

8

THE COURT: Keep your voice up. You are going to have to get just a little closer, Mrs. Kasabian.

10

THE WITNESS: I still don't understand.

11

Q BY MR. KANAREK: You don't. When I ask you, "Is the creek part of the ranch," that's not clear to you?

13

A It'd down behind the ranch. I mean, like immediately -- uh -- yeah, I guess you'd say it's part of the ranch.

15

Q BY MR. KANAREK: All right. Now, directing your attention to the creek area, is that a wooded area?

17

A Yeah.

18

Q A lot of trees there?

19

A Yeah.

20

Q And how far -- do you -- and you slept in the area next to the Santa Susana Pass Road; is that right? You slept in the saloon there, and other places there; is that right?

24

A Yes.

25

Q And you have told us about the parachute room --

26

A Yes.

27

Q -- is that right?

28

Now, did you -- now, did you have occasion to --

12a-4

1 Well, your Honor, I would like to approach the
2 bench before I go -- if I may, so that I can follow the
3 Court's orders.

4 THE COURT: You may. You may approach the bench.

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

8 MR. KANAREK: Your Honor, now, my view of it is that this
9 witness has immunity for this case, and I believe that she --
10 I mean, so there's no question about it, in connection with
11 anything that she may say, that -- that would incriminate her,
12 or that would -- that would show bias and prejudice, due to the
13 fact that -- that she has immunity, I would like for your Honor
14 to allow me to determine her state of mind concerning immunity
15 as to this particular case.

12b fls.

12b-1

1 You see, she got immunity, which included -- and
2 Mr. Fleischman told me that, after we recessed, that she got
3 immunity as to anything that she testifies to concerning
4 Charles Manson.

5 And so --

6 THE COURT: Do you know that to be true?

7 MR. MANZELLA: No, that's not true.

8 MR. KANAREK: Well -- well, then, your Honor, Mr. -- Mr.
9 Fleischman told me that, and I ask your Honor to look at the
10 record.

11 THE COURT: She has answered, with her best judgment,
12 I suppose, as to whether she has immunity. She believes --
13 really, what is important is not whether she has immunity,
14 but what her state of mind is as to whether or not she has
15 immunity.

16 MR. KANAREK: Well, your Honor wouldn't allow her to
17 answer the question. You sustained the objection.

18 MR. MANZELLA: No, that's not true. The Court did
19 inquire about immunity.

20 MR. KANAREK: Then I have -- I have -- I have the right
21 to ask more than just the initial question.

22 THE COURT: I can't see its materiality at this point.

23 MR. KANAREK: Well, because I want to -- I am going to
24 go into matters -- I believe that this woman participated in --

25 THE COURT: How much longer do you anticipate that you
26 will question this lady?

27 MR. KANAREK: I don't know.

28 THE COURT: What do you mean, you don't know?

12b-2

1 MR. KANAREK: Well, I don't. I don't have -- it's --
2 it's incredible, the --

3 THE COURT: It's incredible that you can't give an
4 answer to that question.

5 MR. KANAREK: Oh, I can give an answer, but I don't
6 want to make a misrepresentation to a Court.

7 THE COURT: All right. Give me your best judgment, without
8 making a misrepresentation.

9 MR. KANAREK: I really -- I really don't know, your Honor.
10 In terms of -- I would say probably could be an hour and a
11 half.

13 fls.

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1 THE COURT: It is 20 to 4:00 now, we'll go to 4:30 and
2 I may or may not allow you to continue.

3 MR. KANAREK: Well, as I say, your Honor has the power.
4 The fact of the matter is, that this immunity is most important
5 to your state of mind and for your Honor to -- I have a right
6 to be able to go into it and determine from her --

7 THE COURT: All right, I'll permit you to a certain
8 extent to go into it.

9 MR. KANAREK: Thank you.

10 THE COURT: I realize the People are objecting -- the
11 People have objected to it, Mr. Kanarek. Of course, the
12 important thing is her state of mind.

13 MR. KANAREK: Very well. I understand that.

14 THE COURT: All right, let's more or less limit it to
15 that.

16 All right, let's proceed.

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, Mrs. Kasabian, do you
21 remember testifying concerning matters pertaining to Gary
22 Hinman in the so-called Tate-La Bianca case, is that correct?

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

25 THE COURT: Sustained.

26 Q BY MR. KANAREK: In connection with the immunity,
27 Mrs. Kasabian, that you have, is it your state of mind that
28 you have been given immunity as to matters concerning which

1 you testify?

2 MR. MANZELLA: Objection, the question is vague and
3 ambiguous.

4 THE COURT: Sustained.

5 Q BY MR. KANAREK: Do you believe that you have
6 immunity in connection with your testimony here today?

7 A I don't know.

8 Q You don't know?

9 A No, I don't.

10 Q Your lawyer was here earlier, right?

11 A Yes.

12 THE COURT: You -- you -- the answer may remain.

13 Q BY MR. KANAREK: And that is the lawyer that
14 represented you in the Tate-La Bianca case, is that correct?

15 MR. MANZELLA: Objection, that's not relevant.

16 THE COURT: Sustained.

17 MR. KANAREK: Well, I need those pictures at this time.

18 THE COURT: What pictures is it that you need?

19 MR. KANAREK: The Clerk has the numbers, your Honor.

20 THE COURT: Mrs. Holt, what are they? Can you get them
21 Do you know what they are? Show me the schedule.

22 (Whereupon the Clerk conferred with the Court
23 up at the bench, out of the hearing of the jury:)

24 THE COURT: Mr. Kanarek, I note that 92 and 93 are aerial
25 photographs. There's another aerial photograph, perhaps you
26 could proceed with that.

27 MR. KANAREK: I know, your Honor, but it does not show
28 the creek area the way those photographs do.

1 THE COURT: The Court was of the impression that it was
2 generally of the same area, isn't it?

3 MR. KANAREK: Not the way those photographs show it,
4 your Honor.

5 THE COURT: All right. The Court will permit you to --
6 is there any other phase of this examination that you wish to
7 ask about?

8 MR. KANAREK: I'll try.

9 THE COURT: Of which you wish to proceed?

10 MR. KANAREK: Well, I'll be -- I'll try to use this
11 photograph, but I don't --

12 THE COURT: Mrs. Holt is calling to see that you get
13 those other aerial photographs.

14 If you wish to defer that examination --

15 MR. KANAREK: Well, I'll be glad --

16 THE COURT: -- until those arrive, you can.

17 MR. KANAREK: I'll be glad to go ahead and try to use
18 this, also.

19 THE COURT: All right, you are holding in your hand what?

20 MR. KANAREK: People's 29.

21 May I approach the witness, your Honor?

22 THE COURT: Yes, you may.

23 Q BY MR. KANAREK: Now, I show you, Mrs. Kasabian,
24 I show you People's 29, which you have seen before, and ask
25 you, does the creek appear in that photograph?

26 A Can I hold it?

27 Q Surely.

28 THE COURT: When you indicate "it," if you do, would

1 you turn it around so that the jury can see it and stand above
2 it so that you can point at the area?

3 THE WITNESS: Okay.

4 It shows the general area, but I can't be precise.

5 Uh, right in this area here (indicating).

6 THE COURT: Indicating, for the record, Mr. Kanarek --

7 MR. KANAREK: May we have a grease pencil, your Honor?

8 Would you mark where you say the creek area is?

9 THE WITNESS: Okay. Actually, I'd say the creek runs
10 along this whole area (indicating).

11 THE COURT: And you indicated the wooded area across the
12 picture?

13 THE WITNESS: Right.

14 THE COURT: Simply draw with the red or black, whichever
15 shows up better.

16 THE WITNESS: The whole thing?

17 THE COURT: Just draw the line of the creek as you know
18 it to be.

19 THE WITNESS: Okay.

20 (Witness complied.)

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1 THE COURT: You've drawn a red line across the picture
2 in roughly the wooded area at the middle of the picture?

3 THE WITNESS: I didn't understand.

4 THE COURT: Is that the creek area?

5 THE WITNESS: Yeah, yeah.

6 THE COURT: Very well.

7 Q BY MR. KANAREK: Now, would you tell us, where is
8 the parachute room in this picture?

9 THE COURT: Would you circle it in red, if you see it?

10 THE WITNESS: It is hard to tell. I can't understand
11 this building. I can't really tell.

12 Q BY MR. KANAREK: The parachute room is located
13 next to what building in the Spahn Ranch area?

14 A Oh --

15 Q Apart from the picture, what building?

16 A There's another small shack to the right of it
17 and I think it's a trailer or something to the left of it.
18 I'm not sure. And it is right -- oh, there's a porch in the
19 back of the main building.

20 Q Well, directing your attention to this aerial
21 photograph, do you see where, for instance, the Longhorn
22 Saloon would be?

23 A Right there (indicating) or right here (indicating),
24 I'm not really sure. Right in there (indicating).

25 Q How far from the Longhorn Saloon was the parachute
26 room?

27 A Hmm -- distance?

28 Q Pardon?

1 A Distance, you mean?

2 Q Yes.

3 A I can't tell you in distance, but it wasn't very
4 far.

5 Q Was it just a building or so away?

6 A Yeah.

7 Q Then, you see where my finger is, is that about
8 where the parachute room was?

9 A No, that looks like the main building.

10 THE COURT: The jury can't see what either of you are
11 talking about in that huddle at the witness stand.

12 MR. KANAREK: Well, maybe I can put this on the bulletin
13 board, your Honor.

14 THE COURT: Yes. The Court would suggest that you do
15 that.

16 MR. KANAREK: May I use the tape?

17 THE COURT: Mrs. Holt has gone for those other aerial
18 photographs.

19 Mr. Kanarek, perhaps you can go on to some other phase
20 of your examination until those aerial photographs arrive.

21 MR. KANAREK: Very well.

22 She has some other -- there are other exhibits
23 that she was supposed to have, also, your Honor.

24 THE COURT: Yes, there was 67 that you had requested,
25 a series of black-and-white photographs.

26 MR. MANZELLA: Your Honor, I believe 67 was already
27 shown to the witness.

28 MR. KANAREK: 85-A, B, and C.

1 THE COURT: Oh, here she is. Like the Cavalry coming
2 over the hill, just in time, Mr. Kanarek.

3 Mr. Kuczera, would you put that aerial photograph,
4 the small scale one, on the board for Mr. Kanarek?

5 THE BAILIFF: Yes, sir.

6 THE COURT: Which of those do you wish, Mr. Kanarek?

7 MR. KANAREK: Well, the one that's --

8 THE COURT: The enlargement of the Spahn Ranch area?

9 Thank you, Mr. Kuczera.

10 MR. KANAREK: Your Honor, if he could make provision
11 for this to be put next to it so --

12 THE COURT: Well, it doesn't appear to be room to
13 put that other photograph alongside of it.

14 MR. KANAREK: Very well. Very well, your Honor.

15 THE COURT: Now, on the board is People's 92 or 93,
16 which is it?

17 MR. MANZELLA: 93, your Honor.

18 Q BY MR. KANAREK: Mrs. Kasabian, would you step
19 down here, please, and perhaps take that red crayon and show
20 us where is the parachute room on that picture? Can you --

21 (Whereupon, the witness stepped down from the
22 witness stand and approached the bulletin board.)

23 THE COURT: You have pointed with a red marker and you
24 have touched with a red marker an area which is just above
25 what label? There is a label there just above and to the
26 left of that, a blue and white embossed label.

27 MR. KANAREK: That says "creek."

28 THE COURT: Very well.

1 Q BY MR. KANAREK: Yes, would you put a "P" where
2 you --

3 A (Witness complies.)

4 THE COURT: You've done that in red.

5 Q BY MR. KANAREK: You put the "P" beneath the dot.
6 The dot is the parachute room, is that correct?

7 A Yes.

8 Q All right, would you make that a big dot?

9 A (Witness complied.)

10 Q All right, thank you.

11 (Whereupon, the witness resumed the witness
12 stand.)

13 Q BY MR. KANAREK: Now, on this picture, can you now
14 take this picture and with the help of that, does that tell
15 you where the parachute room is on that picture, which is
16 People's 29?

17 A Should I mark it?

18 Q Yes, would you put a --

19 A I'll say right here (indicating). I'm not positive.

20 THE COURT: Would you show it to the jury, where you
21 are pointing?

22 Turn it, if you would, so everybody can see it.

23 (Witness complied.)

24 Q BY MR. KANAREK: All right, would you put a similar
25 dot and a "P". Make it a big circle and dot and fill it in
26 with a "P"?

27 (Witness complied.)

28 THE COURT: All right, the record will show that she has

1 done so.

2 MR. KANAREK: Thank you.

3 Q BY MR. KANAREK: Now, have you had occasion to
4 be in the creek area?

5 A Yes.

6 Q And in the summer, in June and July -- pardon me,
7 in July and August of 1969, was there -- did you see water
8 in this creek?

9 A A little bit, yeah.

10 Q And was the water in this creek flowing?

11 A It was mostly stagnant water.

12 Q Was it flowing or was it not flowing?

13 A Uh, maybe a little bit, but not -- not really, no.

14-1

1 Q Now, between the creek and the parachute room,
2 you have told us that it was a wooded area; is that correct?

3 A Yes.

4 Q And was there a lot of underbrush in that area,
5 also, besides trees?

6 A No, I don't think so.

7 Q Pardon?

8 A I don't think so. There were a lot of dead leaves.

9 Q And trees?

10 A Branches and things, yeah. But the -- but the
11 creek had washed --

12 Q No. I am talking about the live trees -- were
13 there trees --

14 A Oh, yes.

15 Q -- that had -- there were a lot of trees with --

16 A With what?

17 Q -- with leaves and with -- I mean, they were not
18 dead trees; --

19 A No. I'm saying --

20 Q -- they had greenery on them?

21 A Yeah, right. Yeah.

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

23 THE COURT: Yes, you may.

24 Q BY MR. KANAREK: I show you People's 95-A, -B and
25 -C, and ask you if you have seen this person depicted in
26 those pictures at the Spahn Ranch.

27 A Yes.

28 Q And by what name have you known this person?

1 A Bill.

2 Q Bill Vance, --

3 A Right.

4 Q -- is that correct?

5 A Yes.

6 Q Now, did you -- while you were at the Spahn Ranch,
7 did you have occasion to see Bill Vance in the company of
8 Bobby Beausoleil?

9 A I can't recall any specific time that those two
10 were together.

11 Q I show you People's 23, I believe it is, and
12 ask you --

13 THE COURT: No, it's not 23.

14 MR. KANAREK: It seems to be "23" at the top here, your
15 Honor. I -- maybe it's 37.

16 People's 37, I believe, your Honor. I'm sorry.
17 People's 37.

18 THE COURT: Yes, it is.

19 Q BY MR. KANAREK: Now, directing your attention to
20 37-B, the picture of Bobby Beausoleil, you say you never saw
21 Bill Vance in the presence of Bobby Beausoleil?

22 A I thought you meant like just those two together.
23 Yeah, we all used to eat together.

24 Q Everybody; right?

25 A Sure.

26 Q Every day?

27 A Not every day, but most of the time. In fact,
28 99 per cent of the time.

1 Q Do you see this girl, 37-D, or 37-C?

2 A Yes.

3 Q What is her name?

4 A Mary Brunner.

5 Q And directing your attention to 37-E, what is the
6 name of that person?

7 A Bruce Davis.

8 Q Now, have you seen Mr. Vance in the presence of
9 those individuals?

10 MR. MANZELLA: Objection, your Honor. It doesn't appear
11 to be relevant --

12 THE COURT: Sustained.

13 MR. MANZELLA: -- to any issue in the case.

14 Q BY MR. KANAREK: Showing you Mr. Watson, did you
15 see Mr. Watson in the presence of Bill Vance?

16 MR. MANZELLA: Objection on the same ground, your Honor.

17 MR. KANAREK: Then may we approach the bench, your
18 Honor?

19 THE COURT: You may approach the bench, yes.

20 Ladies and gentlemen, you may have a recess now
21 for about 12 minutes. We will resume at 4:15.

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

26 THE DEFENDANT (From within the detention room, through
27 the screen in the door:) And remember, this is not my defense.
28 This is a meaningless, false face, a cover-up job.

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

4 THE COURT: All right. Mr. Kanarek, why is it relevant
5 that --

6 THE DEFENDANT: (From within the detention room, through
7 the detention room door screen:) Justice and freedom for
8 all! Huh! (Laughing.)

9 THE COURT: Why is it relevant that --

10 MR. KANAREK: Well --

11 THE COURT: -- that Mr. Vance -- as to whether or not
12 Mr. Vance was in the presence of these other people?
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1 MR. KANAREK: Well, because Ruby Pearl has testified that
2 Bill Vance and all of these people were together; and we have
3 a right -- in the defense -- to go into that same subject
4 matter.

5 THE COURT: She stated that at meals, she saw these
6 people all together, including Bill Vance.

7 MR. KANAREK: Well, Ruby Pearl testified as to a
8 particular occasion, when the prosecution --

9 THE COURT: You may ask her about that, whether she
10 observed it --

11 MR. KANAREK: Thank you.

12 MR. MANZELLA: On that occasion?

13 THE COURT: On that occasion, yes.

14 You may ask her about that.

15 MR. KANAREK: Well, your Honor, I am not -- I'm certainly
16 not limited to --

17 THE COURT: If you believe that -- what do you think
18 your proof will show in respect to that, by your witness?

19 MR. KANAREK: I don't know. I believe that this
20 witness -- this woman is a -- is not telling the truth.

21 MR. MANZELLA: Your Honor, that's a lot of hogwash,
22 because Mr. Kanarek knows, from the Tate-La Bianca case, that
23 this witness wasn't even on the ranch at that time.

24 MR. KANAREK: I don't -- that is not so. I do -- Mr.
25 Manzella -- all I can say is that -- that the District
26 Attorney's office has underwritten her perjury for -- during
27 one trial; there's no need for the District Attorney's office
28 to underwrite it in this case.

14a-2

1 MR. MANZELLA: Your Honor --

2 THE COURT: All right. Let's assume that you are able
3 to show that these people are together or not together --
4 Mr. Kanarek?

5 MR. KANAREK: Yes, your Honor.

6 THE COURT: Do you mean your position is that you believe
7 that you will be able to show that she did or did not see them
8 together?

9 MR. KANAREK: I don't -- your Honor, with this -- I
10 cannot make a representation as to what this witness is going
11 to say.

12 THE COURT: I see. So really, what --

13 MR. KANAREK: So therefore we --

14 THE COURT: You expect just to continue to explore with
15 this witness; is that right?

16 MR. KANAREK: No, I -- I -- that's not so, your Honor.

17 THE COURT: Well, then, what are you doing? What are
18 you doing in connection with this witness?

19 MR. KANAREK: Most of the time, I am defending -- I am
20 defending the defense's right to have a witness here who has --
21 who has been given the most unusual immunity -- perhaps in
22 the United States of America.

23 THE COURT: Well, what you are asking about -- what you
24 are asking about is matters which you -- in which you hope to
25 have answers which will assist you in the defense? Isn't
26 that correct?

27 MR. KANAREK: Well, I --

28 THE COURT: You don't know -- you really don't know what

14a-3

1 she will say; is that right?

2 MR. KANAREK: I have no way of knowing what this witness
3 precisely is going to say, obviously, and is -- and as a matter
4 of fact, I might just as well allege it here.

5 It's a denial of due process under the 14th
6 Amendment --

7 THE COURT: In what way?

8 MR. KANAREK: -- of a right to effective counsel --
9 the way the District Attorney has taken and made this girl the
10 darling of the District Attorney's office; the way they have
11 treated her, treated her with -- as if she were some kind of
12 a patron saint of the District Attorney's office.

13 THE COURT: Why do you say that?

14 MR. KANAREK: Because -- because of the way they've
15 treated her; the way they -- they --

16 THE COURT: In granting her immunity, you mean?

17 MR. KANAREK: In granting her immunity. The Deputy
18 District Attorneys and law enforcement form a phalanx -- you
19 can't get near her to try to talk to her.

20 THE COURT: Haven't you access through discovery to
21 her statements?

22 MR. KANAREK: No. No, we haven't, as a matter of fact.

23 MR. MANZELLA: How about the statement that Mr. Kanarek
24 had in his hand, and questioned the witness about?

25 THE COURT: What was that?

26 MR. MANZELLA: That's another bunch of the same hogwash
27 that he's putting out today.

28 THE COURT: Wasn't that her statement?

1 MR. KANAREK: Well, if Mr. Manzella -- let me -- what
2 I'm saying --

3 MR. MANZELLA: Your Honor, the Court has put up with this
4 all day long.

5 THE COURT: All right. Now --

6 MR. MANZELLA: But in the cases I cited to the Court, --

7 THE COURT: Very well.

8 MR. MANZELLA: -- Mr. Kanarek has made no offer of
9 proof which comes anywhere near being sufficient to allow
10 this evidence in.

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1 THE COURT: Well, that's true, Mr. Kanarek. It's --
2 at 4:15, we'll resume.

3 MR. KANAREK: Thank you, your Honor.

4 THE COURT: And you have given no offer of proof. You
5 have touched upon a few things that are material, the --
6 where the creek is, in relation to the parachute room; that
7 was -- that was material.

8 You've touched upon the nature of the creek and
9 its wooded area; you asked her about screams and that she
10 didn't hear.

11 You have gotten some statements from her that she
12 never saw the guns that were -- two guns that were in the gun
13 room.

14 MR. KANAREK: Well, I believe your Honor, at this point --

15 THE COURT: But I doubt that anything else has been
16 material.

17 MR. KANAREK: Well, I believe that your Honor is at this
18 time being sarcastic.

19 THE COURT: No. The Court is not being sarcastic. I
20 am simply outlining what I see. Now, is there something I've
21 missed?

22 MR. KANAREK: Well, I believe -- I -- if I may be excused,
23 your Honor, from this? Because I -- I deem that the Court is
24 being insulting.

25 THE COURT: In asking you for an offer of proof?

26 MR. KANAREK: No. I mean in connection with your Honor's
27 -- your Honor's statements.

28 THE COURT: Now, Mr. Kanarek, the Court is not intending

1 to insult you.

2 MR. KANAREK: Well --

3 THE COURT: And it doesn't intend to hurt your feelings.

4 MR. KANAREK: No, my feelings are not important. It's
5 only that the Court is so biased and prejudiced in favor of
6 the prosecution --

7 THE COURT: The Court is not biased --

8 MR. KANAREK: Yes. We --

9 THE COURT: -- and prejudiced in favor of the prosecution.

10 MR. KANAREK: I deem that the Court is, your Honor.
11 Your Honor, by -- by the last statements made, which I deem
12 to be most sarcastic and most --

13 THE COURT: This is just -- the Court is not -- did not
14 intend by that quick summation of what I thought to be
15 material --

16 MR. KANAREK: Well, your Honor, we are having a short
17 recess. May I attempt to refresh myself with a drink of water
18 or something?

19 THE COURT: Yes, you may. Just a moment. But you still
20 have five minutes.

21 But what I'd like to ask you is: In what
22 direction are you going now? Can you make an offer of proof
23 at this moment?

24 I don't wish to foreclose you from bringing forth
25 anything that you believe is material. But in all sincerity,
26 Mr. Kanarek -- and using your best professional skill, now,
27 and knowing what the Court is faced with in making a decision
28 concerning this -- I want you to tell me what you intend to do.

1 MR. KANAREK: Very well. There is a witness on the
2 witness stand, your Honor, who can lie; she can say anything
3 she wants. She knows she has absolute carte blanche to say
4 anything. She will not be prosecuted for perjury.

5 She knows she won't be prosecuted for murder; she
6 won't be prosecuted for anything. She won't -- she can say
7 anything she wants on that witness stand, and the District
8 Attorney of Los Angeles County will do nothing about it.

9 THE COURT: All right. You're excused --

10 MR. KANAREK: And it's obvious.

11 THE COURT: You are excused for five minutes.

12 MR. KANAREK: Thank you.

13 MR. MANZELLA: Do you feel faint, Irving?

14 THE DEFENDANT: (Through the detention room door
15 screen:) If I had any shame, it would be for this courtroom.

16 It's almost as bad as your church. But I think
17 your church is a little worse.

18 THE COURT: All right. We are in recess.

19 (Midafternoon recess.)

15 fls.

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1 THE COURT: The jurors are all present.

2 Mr. Kanarek, you may proceed.

3 MR. KANAREK: Yes, your Honor. Thank you, thank you,
4 your Honor.

5 Q BY MR. KANAREK: Mrs. Kasabian, while you were
6 living at the Spahn Ranch, you came to know that Gary Hinman
7 was dead, is that right?

8 A I guess so, yeah.

9 Q The answer is yes, right?

10 A Yeah.

11 Q Did you convey that information to any police
12 agency?

13 MR. MANZELLA: Objection, your Honor, it doesn't
14 appear to be relevant.

15 THE COURT: Sustained.

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

18 THE COURT: Yes, you may.

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

22 MR. KANAREK: Your Honor, counsel has made much about
23 the Manson -- so-called Manson Family. This -- this girl was --
24 this girl was as much a member of the "Manson Family" as
25 Bruce Davis or Tex Watson or any of the rest, and the fact
26 that she did not report this to the police is relevant and
27 material in -- on behalf of --

28 THE COURT: Of what?

1 MR. KANAREK: Because of the fact -- I'm sure counsel is
2 going to make something of the fact Mr. Manson -- not doing
3 something in connection with Gary Hinman, not letting the
4 world know that Gary Hinman had -- he's going to make some
5 kind of argument in that regard and we have -- in other words,
6 this girl, even though Mr. Manson is the one they focus all
7 the attention on, there's no difference between her and the
8 rest of the people that were at the Spahn Ranch. And I
9 wanted to show that no -- even though she knew that Gary
10 Hinman had died, she didn't tell anyone else. So why did
11 Mr. Manson -- they're going to try to get it across that Mr.
12 Manson had news that Mr. Hinman had died.

13 THE COURT: The objection will be sustained.

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

17 Q BY MR. KANAREK: Mrs. Kasabian, you've heard the
18 term "Manson Family," is that correct?

19 A Yeah.

20 Q Is that correct?

21 A Sure.

22 Q When you were at the Spahn Ranch, were you a
23 member of the Manson Family?

24 A Yeah.

25 Q Just as much as anyone else, right?

26 A I guess so.

27 Q Well, you know so. You don't guess, you know
28 that?

1 MR. MANZELLA: Objection, it is argumentative.

2 THE COURT: Sustained.

3 Q BY MR. KANAREK: Do you know that?

4 THE COURT: You needn't answer that.

5 MR. MANZELLA: Objection, argumentative.

6 THE COURT: The objection is sustained.

7 Q BY MR. KANAREK: Now, would you tell us what day
8 it was, Mrs. Kasabian, when you came to know that Gary Hinman
9 was dead?

10 MR. MANZELLA: Objection, it does not appear to be
11 relevant, your Honor.

12 THE COURT: Overruled, you may answer that.

13 THE WITNESS: I don't know. I was just thinking about
14 that, and I can't really recall how I knew that he was dead
15 or when I knew that he was dead, but I knew it. So -- that's
16 the answer I have to give.

17 THE COURT: Ask your next question, Mr. Kanarek.

18 Q BY MR. KANAREK: Well, can you estimate for us what
19 day, Mrs. Kasabian?

20 A No.

21 Q Do you know that there are -- like most months
22 have a certain number of days and all of that.

23 Could you -- would you try, please, to let us know
24 what day or what month it was, if you would, please?

25 A I don't know.

26 Q Well, you know for sure that it wasn't in the
27 year 1971, right?

28 MR. MANZELLA: Objection, the question is argumentative.

1 MR. KANAREK: Your Honor --

2 THE COURT: Sustained.

3 Q BY MR. KANAREK: Well, would you -- can you give
4 us an estimate, Mrs. Kasabian, your best estimate of what --

5 THE COURT: It's been asked and answered. She doesn't
6 know, she said. Now, proceed to your next question.

7 Q BY MR. KANAREK: Now, on that night that you went
8 with Sadie down that road, Mrs. Kasabian, were you -- you went
9 of your own free will, is that right?

10 MR. MANZELLA: Objection, that does not appear to be
11 relevant.

16 fls.

12 THE COURT: Sustained.

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1 Q BY MR. KANAREK: Mrs. Kasabian, was the date that
2 you knew that Gary Hinman died -- when you knew that, was that
3 before you went to the Tate house?

4 MR. MANZELLA: Objection. That does not appear to be
5 relevant to any issue in this case.

6 THE COURT: Sustained.

7 MR. KANAREK: Well, then, I would like to approach the
8 bench on that, your Honor.

9 THE COURT: All right. You may approach the bench.

10 MR. KANAREK: We have a right -- the prosecution has
11 stated, with some precision -- or tried to get some precision--
12 as to the counts, the dates in the indictment when these
13 matters occurred.

14 And we have a right -- we have a right to -- to --
15 to get before the jury what may be different days than the
16 days that they say that these events occurred.

17 Because it is most relevant and most material.
18 Their case could fall completely, if these were on different
19 days. And by orienting dates -- and when she knows something
20 occurred, we then can work backwards and -- and determine
21 a date.

22 And this is perfectly legitimate.

23 THE COURT: The People?

24 MR. MANZELLA: I'm sorry. I wasn't listening.

25 THE COURT: All right. I'll permit you to examine her
26 as to the date, in reference to any other facts which you
27 have established, which would make some sense to the jury.

28 MR. KANAREK: Thank you.

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

BY MR. KANAREK:

Q Now, Mrs. Kasabian, on the night of August 8th
and 9th, you know where you were; is that right?

MR. MANZELLA: Objection. That does not appear to be
relevant to any issue in this case.

THE COURT: Sustained.

Q BY MR. KANAREK: On August the 8th and 9th, do
you have those dates in your mind, Mrs. Kasabian?

A Yes.

Q And on those particular dates, the location of
where you were is in your mind?

MR. MANZELLA: Objection. That does not appear to be
relevant --

THE COURT: Sustained.

MR. MANZELLA: -- to any issue in this case.

Q BY MR. KANAREK: Well, in connection with the
August 10th, do you know where you were on that date?

MR. MANZELLA: The same objection, on the same grounds.

THE COURT: The same ruling.

Q BY MR. KANAREK: Did you know -- now, having the
days August 8th, 9th and 10th in your mind, did you know
about Gary Hinman being dead before those days?

MR. MANZELLA: Objection on the grounds that it does
not appear to be relevant to any issue in this case.

THE COURT: Overruled. You may answer.

1 THE WITNESS: I don't know. I can't really say.

2 MR. KANAREK: May that question be -- on that note,
3 I have no further questions, Mrs. Kasabian. Thank you.

4 Thank you, your Honor.

5 THE COURT: Any questions?

6
7 CROSS-EXAMINATION

8 BY MR. MANZELLA:

9 Q Mrs. Kasabian, did you leave Spahn Ranch sometime
10 in August of 1969?

11 MR. KANAREK: I'll object, your Honor, on the grounds
12 that it's outside the scope of my direct examination.

13 THE COURT: Overruled.

14 THE WITNESS: Yes.

15 Q BY MR. MANZELLA: Were you arrested in the raid
16 on Spahn Ranch of August 16th of 1969?

17 MR. KANAREK: Object, your Honor, on the grounds that
18 it's irrelevant, immaterial; outside the scope of my direct
19 examination; no foundation.

20 THE COURT: Overruled.

21 THE WITNESS: Hmm -- no.

22 Q BY MR. MANZELLA: Had you left the ranch before
23 the raid?

24 MR. KANAREK: Object. It's assuming facts not in
25 evidence, your Honor.

26 THE COURT: Overruled.

27 MR. KANAREK: It's outside the scope of direct
28 examination; irrelevant, --

1 THE COURT: Overruled.

2 MR. KANAREK: -- immaterial.

3 THE COURT: Overruled.

4 THE WITNESS: What was your question again? I'm sorry.

5 Q BY MR. MANZELLA: Had you left the ranch before
6 the raid?

7 MR. KANAREK: Well, your Honor, may we approach the
8 bench on this? I would like to --

9 THE COURT: Yes, you may.

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

13 MR. MANZELLA: I would like to just make my offer of
14 proof. My offer of proof is to explain why she doesn't
15 recognize the photographs of Shorty Shea, and this is because
16 she will testify she left the ranch before he got to the
17 ranch.

16a fls.

16a-1

1 MR. KANAREK: Well, that -- that; furthermore, that's
2 assuming that she knows about a raid.

3 There's -- that's clearly assuming facts not in
4 evidence, that she knows about any such raid.

5 What is there in this record to show that this
6 witness knows about a raid?

7 THE COURT: Well, the raid is in evidence, and --

8 MR. KANAREK: Well, but it's -- not as to this witness.

9 THE COURT: You may cross-examine about whether or not --
10 I mean, you may take her again on direct, as to whether --

11 MR. MANZELLA: I have two more questions, this one and
12 another one.

13 MR. KANAREK: Well, with your Honor's -- if your Honor
14 -- it's a violation of equal protection and due process. Your
15 Honor is very technical in your rulings --

16 THE COURT: The Court --

17 MR. MANZELLA: That is not true.

18 THE COURT: The Court is not at all technical with you,
19 Mr. Kanarek, and has allowed you a great deal of latitude --
20 more, perhaps, than should have been allowed.

21 The objection is overruled.

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

25 BY MR. MANZELLA:

26 Q Mrs. Kasabian, had you left Spahn Ranch before
27 the raid?

28 A Yes.

1 Q Did you return to the ranch after the raid?

2 MR. KANAREK: Object, your Honor, on the grounds that --
3 if I may -- on the grounds that there is no foundation for it.

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

5 Q After you left the ranch, did you ever return to
6 Spahn Ranch again?

7 MR. KANAREK: Object, your Honor, on the grounds of
8 no foundation; irrelevant, immaterial; outside the scope of
9 direct examination.

10 THE COURT: Overruled. You may answer.

11 THE WITNESS: No.

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

14 THE COURT: Any redirect?

15 MR. KANAREK: Pardon?

16 THE COURT: Any redirect? Redirect examination?

17 MR. KANAREK: I have no questions, your Honor.

18 Thank you, Mrs. Kasabian -- except, your Honor,
19 I do believe that -- that in connection with a certain matter,
20 your Honor indicated that he would hear from me, and before
21 she's allowed to leave the courtroom, I would like to make
22 the point, if I may.

23 THE COURT: I don't know what you are talking about.

24 MR. KANAREK: In connection with -- well, your Honor,
25 may we --

26 THE COURT: You may approach the bench.

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

1 hearing of the jury:)

2 MR. KANAREK: It's our position, your Honor, that we have
3 been denied due process, under People vs. Kiihoa; and we move
4 for an evidentiary hearing, and -- and -- on the basis that
5 there has been a suppression of evidence.

6 It's our belief that this witness, with the
7 connivance of the District Attorney's office, that she has
8 told -- was told that she could dishonor the subpoena that
9 I -- that I served her with.

10 And I ask for an evidentiary hearing --
11 preliminarily outside the presence of the jury.

12 I have honored the Court's request in connection
13 with -- about the fact that -- or, that is, I haven't gone
14 into the matters concerning her not coming to court, when she
15 was served on the 7th.

16 And as a result of -- of that, we have -- we have
17 matters we would like to take up outside the presence of the
18 jury.

19 Your Honor indicated that your Honor was going to
20 do that.

21 THE COURT: Do you think that -- do you have any
22 suggestions in connection with it?

23 MR. KANAREK: Well, yes, your Honor. Your Honor can
24 excuse the jury, and then we can have the hearing with her,
25 as to who told her what.

26 Because under Kiihoa, if she leaves the jurisdiction
27 with the connivance of the prosecution, to the detriment of the
28 defendant --

1 THE COURT: And how has it been to the detriment of
2 the defendant?

3 MR. KANAREK: How?

4 THE COURT: Yes.

5 MR. KANAREK: Well, first of all, if she had been --
6 we -- I -- I have tried, on many occasions, to try to -- I
7 have tried to talk to this person, outside of the courtroom
8 atmosphere, and I have been denied this.

9 We have never been --

10 THE COURT: Who has denied it to you?

11 MR. KANAREK: Given, in question and answer form --

12 THE COURT: Who has denied it to you, Mr. Kanarek?

13 MR. KANAREK: The District Attorney. They form a
14 phalanx, as we have said, a phalanx of people around her.
15 She -- she -- she considers herself to be the darling of the
16 prosecution, and we -- they have never given us any question
17 and answer type of -- of discovery with this girl.

18 All they give us is the essay type of what some
19 District Attorney -- Deputy District Attorney wants to tell us,
20 of what she's said.

21 And it's our belief that the prosecution has
22 cultivated her, has made her -- has made her absolutely a --
23 as we've termed it -- a darling of the prosecution, to the
24 point that she says whatever she wishes to say, with -- in
25 her mind, she says it with impunity, to the detriment of
26 the defendant.

27 But she's not afraid of that, because perjury is
28 meaningless to her, when she knows what her status is with

1 the District Attorney's office.

2 THE COURT: All right. Anything further about Mrs.
3 Kasabian, now?

4 MR. KANAREK: I am asking for an evidentiary hearing in
5 connection with her failure to --

6 THE COURT: Now, let's see. The evidentiary hearing
7 that you are asking for is to inquire on what point?

8 MR. KANAREK: On whether or not she -- as to her --
9 one of the points would be whether or not members of law
10 enforcement and/or the District Attorney's office told her
11 she could dishonor that subpoena.

17 fls.

17-1

1 THE COURT: Well, what difference does that
2 make as long as she was brought out by the process of the
3 court?

4 MR. KANAREK: It makes a lot of difference, because this
5 way I have been denied -- after all, I have an ongoing trial.
6 I have been denied the opportunity to talk to her. They have
7 secreted her. They have taken her and kept her in places
8 where it makes it impossible for me to locate where she's
9 staying in the City of Los Angeles, to approach her and try
10 to talk to her.

11 THE COURT: You haven't asked, since you subpoenaed
12 her, where she lived, had you?

13 MR. KANAREK: I asked the People over in -- Mr. Kay and
14 Mr. Bugliosi, and they laughed at me.

15 THE COURT: You have asked since you subpoenaed her?

16 MR. KANAREK: Well --

17 THE COURT: Since you subpoenaed her?

18 MR. KANAREK: Well, I haven't asked specifically.
19 I've asked to be able to talk to her, is what it is. I don't
20 know.

21 THE COURT: When did you ask that?

22 MR. KANAREK: When I was subpoenaing her. And they
23 laughed at me.

24 THE COURT: I see. And have you asked her counsel if
25 you could talk to her?

26 MR. KANAREK: No, I don't believe -- this time I didn't,
27 your Honor.

28 THE COURT: I see.

1 MR. KANAREK: But, your Honor, because she's given
2 immunity for seven counts of murder, certainly doesn't mean
3 she can afford -- is treated like the Star of India. I
4 think we're entitled to know whether the prosecution has, in
5 fact, ordered her to dishonor the subpoena.

6 THE COURT: Mr. Kanarek, the Court detects almost a
7 personal note in your comments about Mrs. Kasabian.

8 MR. KANAREK: Well, what --

9 THE COURT: The Court believes --

10 MR. KANAREK: There's nothing personal. I just want --

11 THE COURT: It is a matter of the Court's determination
12 as to whether or not --

13 MR. KANAREK: How can you do it without hearing --
14 there's nothing personal about it. I have no personal
15 animosity against --

16 THE COURT: The Court believes that --

17 MR. KANAREK: Except that I am hindered --

18 THE COURT: What else do you have to say about it?

19 MR. KANAREK: The fact of the matter is, I would think
20 that the Court is chagrined about it.

21 THE COURT: The Court is.

22 MR. KANAREK: As to what the prosecution did in this
23 case.

24 The Court is not doing anything about it. I have
25 nothing personal about it except I want to get information
26 from it. When they form the U.S.C. line, probably U.S.C.
27 and Notre Dame, and three or four other teams between her and
28 anyone on the defense that wants to talk to her, -- and it seems

1 that there's a social -- when she gets -- when she gets the
2 benefit of the type of immunity that she has received, it
3 seems to me that it is incumbent upon the prosecution and the
4 Court to do everything possible to see that she cooperates.
5 By God, she's getting immunity for the kinds of crimes that
6 other people got the gas chamber, and she would be sitting
7 right with those other people. Conceivably, there's no reason
8 to be -- she was found to be an accomplice of a matter of law
9 in the other trial and for her to be treated this way --

10 THE COURT: Well, Mr. Kanarek, --

11 MR. KANAREK: And she is available.

12 THE COURT: May I suggest that you are on a new case
13 now, and the Court had issued a bench warrant for her,
14 intending to ask her about the reasons for her absenting her-
15 self, and the Court has always intended to do that.

16 What else do you have to say about Mrs. Kasabian?

17 MR. KANAREK: I don't have anything -- this is not
18 personal at all. It is just that this --

19 THE COURT: Very well.

20 MR. KANAREK: This capturing of her mind denies the
21 defendant of a fair trial, because she then -- she then has
22 in her mind -- she realizes that anything she does or wishes
23 will be backed up by the prosecution and law enforcement. So
24 she makes -- she acts accordingly.

25 THE COURT: All right, anything further?

26 MR. KANAREK: No, your Honor, except we make our request
27 as indicated on the record.

28 THE COURT: In connection with your cross-examination,

1 you did ask her about the raid, and what Mr. Kanarek pointed
2 out is probably true in his objection, may have been good,
3 that she did not know -- it wasn't established that she knew
4 of the raid. You asked her did she leave before and did she
5 come back after. Of course, you withdrew that last question,
6 did she come back after. You might -- you might wish to
7 pursue that. It did leave -- the Court did not sustain the
8 objection, but perhaps it should have been sustained.

9 I'll allow you to explore that, if you wish.

10 MR. MANZELLA: I've finished my questions already.
11 I've finished my questions and Mr. Kanarek has stated he has
12 no further questions.

13 THE COURT: All right. All right, you may resume.

14 (Whereupon, the following proceedings were had in
15 open court within the presence and hearing of the jury:)
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17a
1 THE COURT: Mrs. Kasabian, were you at the ranch in
2 August of 1969 when there were arrests?

3 MR. KANAREK: If I may, -- your Honor, I object to the
4 Court's question on the grounds that --

5 THE COURT: The objection is overruled.

6 MR. KANAREK: -- that Mr. Manzella --

7 THE COURT: If you wish to argue, you may approach the
8 bench. The objection is not sustained, the objection is
9 overruled.

10 MR. KANAREK: Then, may I approach the bench?

11 THE COURT: If you wish to.

12 MR. KANAREK: Thank you.

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

16 MR. KANAREK: At this point, your Honor, --

17 THE COURT: I would assume that your grounds are the
18 same as the ones that you urged before?

19 MR. KANAREK: No, I have finished with this witness.
20 The Court is becoming an advocate at this point.

21 THE COURT: The Court is not becoming an advocate.
22 The Court believes that there is -- there is a question which
23 is left unanswered in my mind.

24 MR. KANAREK: There may be a lot of questions left un-
25 answered.

26 THE COURT: In respect to what has been said.

27 MR. KANAREK: The Court cannot -- the Court cannot --
28 what I am saying is this, your Honor has been quite technical

1 with procedure. Now, the procedure is Mr. Manzella finished.
2 I have no redirect. Therefore, your Honor's question is
3 out of order. Your Honor has no basis -- there is nothing
4 before the Court.

5 THE COURT: All right, the objection is overruled.

6 MR. KANAREK: I'm due -- I say, it is a violation of due
7 process under the Fourteenth Amendment and equal protection
8 and a violation of California law for your Honor to inject
9 at this point in the proceedings -- and under Cooper vs.
10 Superior Court, the California Supreme Court has made the --
11 the Court at certain times on certain proceedings, what the
12 Court does, which may be trivial on other occasions, may be
13 very detrimental, and it is our position that with this
14 particular witness at this time, your Honor injecting himself
15 at this time, is reversible error and I ask for a mistrial.
16 And I object to your Honor asking any kind of question at this
17 time of this witness.

18 THE COURT: What else?

19 MR. KANAREK: Well, I do ask for a mistrial.

20 THE COURT: What else? The motion for mistrial is
21 denied.

22 MR. KANAREK: I've made the point.

23 THE COURT: What else?

24 MR. KANAREK: Your Honor's question is not in order.

25 THE COURT: Why not?

26 MR. KANAREK: Your Honor's question is not in order.

27 THE COURT: The Court believes it is.

28 MR. KANAREK: May I have that question read back

1 precisely --

2 THE COURT: You mean you don't know what the question
3 was?

4 MR. KANAREK: I mean, I don't remember it as precisely
5 as I wish to.

6 THE COURT: Then, why are you objecting?

7 MR. KANAREK: Well --

8 THE COURT: Read it back to him.

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

11 "THE COURT: Mrs. Kasabian, were you at
12 the ranch in August of 1969 when there were
13 arrests?")

14 MR. KANAREK: Well, I would object, your Honor, on the
15 grounds it is outside the scope of my direct.

16 THE COURT: You raised that before.

17 MR. KANAREK: Yes. And it is not relevant or
18 material. And I have finished my examination and so has
19 Mr. Manzella.

20 THE COURT: All right.

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

23 THE COURT: You may answer the question.

24 THE WITNESS: Uh, no, I wasn't there.

25 THE COURT: Anything further from either gentlemen?

26 MR. MANZELLA: No, your Honor.

27 THE COURT: You may step down.

28 MR. KANAREK: No, your Honor.

1 THE WITNESS: Thank you.

2 THE COURT: Ladies and gentlemen, the Court excuses you
3 for the night. Tomorrow we're coming back tomorrow morning
4 at 9:30.

5 You are admonished, ladies and gentlemen,
6 that during the recess you are not to converse amongst your-
7 selves, nor with anyone else, nor are you to permit anyone to
8 converse with you on any subject connected with this matter,
9 nor are you to form or express any opinion on the matter until
10 it is finally submitted to you.

11 Good night, and I'll see you tomorrow morning at
12 9:30.

13 (Whereupon, the jury retired from the courtroom
14 at ten minutes of 5:00, and the following proceedings were had:)

15 THE COURT: Sergeant Whiteley, --

16 All right, the jurors have left the courtroom.

17 Mrs. Kasabian, would you return to the witness
18 stand?

19
20 LINDA KASABIAN,
21 called as a witness by the Court, having been previously duly
22 sworn, resumed the stand and testified further as follows:

23
24 EXAMINATION

25 BY THE COURT:

26 Q Did you receive a subpoena handed to you by
27 Mr. Irving Kanarek?

28 A Well, firstly, it wasn't handed --

1 Q To come to this court?

2 A Right, it wasn't handed -- it was thrown at me
3 and immediately it was taken from me and destroyed. So I
4 don't know what was in it. But I believe he did say something
5 about I was to appear in behalf of Mr. Manson. That's all I
6 recall.

7 Q And when did you receive that?

8 A Uh, the last time I was here, in -- I guess the
9 middle of October -- I mean, in August, the middle of August --

10 Q You had come to court, to Superior Court to
11 testify in a case?

12 A Right.

13 Q When did you learn what the subpoena said?

14 A Uh, I never really learned what the subpoena said.
15 No one has ever said. But last Monday I spoke with Mr.
16 Manzella and he explained to me that, uh --

17 Q At that time where were you?

18 A In New Hampshire -- no, Massachusetts.

19 Q And he explained to you what?

20 A That -- well, uh, he told me that the Subpoena
21 was ruled legal by a judge and that I had to come and that's
22 it. But I don't know exactly what was said, because I never
23 read the subpoena.

24 Q Who destroyed the subpoena?

25 A Uh, hmmm, I think Steve Kay. I don't know if he
26 destroyed it, but he took it from me.

27 Q He took it from you?

28 A Yeah.

1 Q Did Mr. Kay ever tell you or did anyone from the
2 District Attorney's Office tell you not to talk to Mr. Kanarek?

3 A No, never.

4 Q Has any Sheriff's officer or anybody from law
5 enforcement ever instructed you not to talk to Mr. Kanarek?

6 A No.

7 Q Has your lawyer told you that it is a matter of
8 choice as to whether you talk to Mr. Kanarek or not?

9 A Yeah. I mean, I make my own decisions. But he's
10 more or less told me the basic tactics of Mr. Kanarek and that
11 I shouldn't talk to him which, you know, influenced my
12 judgment on not talking to him.

13 Q What do you mean, the basic tactics of Mr. Kanarek?

14 A Just that if I said something like, you know,
15 outside of court, that he'd turn around and say something
16 totally different. That he wasn't really to be trusted.

17 Q Have you talked to Mr. Kanarek about this case
18 other than on the witness stand?

19 A Hmmm, I don't think so, no.

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1 THE COURT: Why haven't you?

2 THE WITNESS: I guess, basically, for that reason:
3 that I didn't trust him.

4 THE COURT: Any questions, Mr. Kanarek?

5 MR. KANAREK: Yes, your Honor.

6

7

EXAMINATION

8

BY MR. KANAREK:

9

Q Yes. During the Tate-La Bianca trial, Mrs.
10 Kasabian, did you say that you did not trust any of the
11 attorneys? You didn't trust Mr. Fitzgerald, you didn't trust
12 Mr. Shinn, you didn't trust Mr. Hughes -- who was the attorney
13 at that time for Leslie Van Houten -- and you didn't trust me;
14 is that correct?

15

You're nodding your head "yes."

16

A Yes, sir. And I also indicated that I didn't
17 trust completely the prosecution.

18

Q Mrs. Kasabian, would you just answer the question?

19

A I did. I said: Yes.

20

Q You have said "yes"?

21

A Yes.

22

Q And that's true, what I said, about the --

23

A Yes.

24

Q -- defense lawyers; is that correct?

25

A Yes,

26

Q And so the -- and -- what deputy District Attorney
27 has told you -- well, I will withdraw that.

28

What has Mr. Kay told you about discussing the

1 case with me? Or any case with me?

2 A Mr. Kay?

3 Q Yes.

4 THE COURT: If he's told you anything.

5 Q BY MR. KANAREK: Yes.

6 A Nothing.

7 Q What has Mr. Bugliosi told you?

8 A About talking to you?

9 Q Yes.

10 A He used to say it was up to me. But I don't
11 really recall if he ever said not to.

12 I think he just said, "It's up to you."

13 Q He would say, "Well, you can talk to him if you
14 want to, but --"

15 A "But I wouldn't."

16 Q But he said that he wouldn't?

17 A Yeah, something like that.

18 Q Right?

19 A Yes.

20 Q And that was during the Tate-La Bianca case?

21 A Right.

22 Q And -- thank you.

23
24 EXAMINATION

25 BY THE COURT:

26 Q You were served in a courtroom, were you not?

27 A Yeah.

28 Q Well, Miss Kasabian, I issued a bench warrant for

1 you, and generally, a bench warrant is issued because the
2 Court believes that someone is in contempt.

3 A. Uhm-hmm.

4 Q And I have held this hearing, because, one, I
5 wanted to find out what you had been told about whether or not
6 you should speak to Mr. Kanarek, and the reasons why you have
7 not spoken to him; and, two, to find out about what appears to
8 be a contempt of court.

9 When you left, did you believe you had the
10 obligation -- when you left the State, after having been
11 served with the subpoena, did you believe that you had the
12 obligation to appear or not?

13 A. No. They told me just to forget about it; that --
14 something about, "He wasn't supposed to do it."

15 And I was sort of surprised when I spoke with
16 Mr. Manzella, that -- you know, I was supposed to be here.

17 Because I just wasn't aware of it.

18 Q Well, somebody gave you some bad advice. And even
19 though Mr. Kanarek did serve you in a courtroom, even if the
20 Court may have been in session -- although I'm not sure that it
21 was in session, from what I've heard from Mr. Kanarek -- it was
22 still a good service, because at the time, as I understand it,
23 also from Mr. Kanarek, and from Mr. Kay, you were not sub-
24 poenaed; is that right?

25 You had not been subpoenaed in that other case,
26 in which you were testifying?

27 A. Uh -- I guess not. No, I never actually saw a
28 subpoena.

1 Q You came in response to --

2 A Uh-huh.

3 Q -- the People's request, from Massachusetts?

4 A Yes.

5 THE COURT: All right.

6 MR. KANAREK: May I inquire, your Honor?

7 THE COURT: No, you may not. No, this is a matter
8 between the Court and Mrs. Kasabian.

9 MR. KANAREK: Well, I --

10 THE COURT: And not between you and Mrs. Kasabian.

11 MR. KANAREK: On a different subject, though, your
12 Honor. I have a different subject I would like to inquire on, --

13 Q BY THE COURT: Mrs. Kasabian, --

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

15 THE COURT: Don't interrupt, please.

16 Q Mrs. Kasabian --

17 MR. KANAREK: I'm sorry.

18 Q BY THE COURT: Mrs. Kasabian, I am going to find
19 that you are not in contempt of court; and the bench warrant,
20 of course, is withdrawn.

21 What do you wish to inquire about?

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18a-1

1 MR. KANAREK: I wish to inquire of this witness if --
2 may I ask the question?

3 THE COURT: About what?

4 MR. KANAREK: About -- about a certain matter which I
5 would like to ask her. There's no jury.

6 THE COURT: Tell me what it's about.

7 MR. KANAREK: Yes. It's about the service, your Honor.
8 Your Honor has raised the question of the courtroom, and I
9 would like the record to --

10 THE COURT: I have gone through that.

11 MR. KANAREK: But it wasn't a courtroom. It was an
12 empty -- apparently, it was an empty courtroom that --

13 THE COURT: Do you want to take the witness stand, --

14 MR. KANAREK: Yes, if I may.

15 THE COURT: -- Mr. Kanarek?

16 MR. KANAREK: Yes.

17 THE COURT: I'm not interested really, in hearing from
18 you in respect to that.

19 MR. KANAREK: I want to ask this witness whether or not
20 the courtroom was in session, and whether in fact it was not
21 even the courtroom she was -- whether the Tex Watson trial
22 was going on.

23 It was across the hall. The courtroom was half
24 dark, your Honor. She was sitting there waiting to be called
25 into the courtroom, which was across the hall from where she
26 was.

27 And it was -- and I want to ask her whether this
28 is in fact the case. I think I have a right to.

18a-2

1 THE COURT: Why?

2 MR. KANAREK: Because it's our belief that under the
3 People vs. Kiihoa doctrine, that Mr. Manson has been denied
4 due process.

5 THE COURT: What has that got to do with this case,
6 as to whether or not she was properly served?

7 MR. KANAREK: Well, it has plenty to do. One of the
8 elements --

9 THE COURT: Tell me why.

10 MR. KANAREK: Well, because if properly served, and
11 if prosecution did what I know they did -- or I believe
12 they did in this case -- she has stated she was told to
13 forget it, and it was state action; she was told to forget
14 it by a Deputy District Attorney.

15 And that amounts to -- and the 14th Amendment --

16 THE COURT: You haven't been deprived of her presence.
17 The Court ordered her here, and the People have made the
18 effort to get her here, and they have brought her here.

19 MR. KANAREK: Well, but we -- the point is, this --

20 THE COURT: The Court has brought her here, caused her
21 to be brought here.

22 MR. KANAREK: This is a factual question which -- which
23 I think People can disagree on, and I most respectfully do
24 disagree with the Court, in that we have been denied --

25 THE COURT: On what point?

26 MR. KANAREK: On the point that, when the Deputy District
27 Attorney says to her, "Forget it; forget the subpoena," not
28 only does it affect her state of mind as a witness in connection

18a-3

1 with the case --

2 THE COURT: Well, that's a matter between the District
3 Attorney and the Court, and the Court intends to ask somebody
4 about that, particularly Mr. Kay.

5 MR. KANAREK: Well, but she will be out of the jurisdic-
6 tion.

7 THE COURT: Pardon?

8 MR. KANAREK: She will be out of the jurisdiction.
9 And I think now's the time to get the evidence.

10 THE COURT: That's correct. But what bearing does that
11 have on the question as to whether or not your client has
12 been denied due process?

13 MR. KANAREK: She's a percipient witness, ostensibly,
14 to acts of state action. The 14th Amendment says no state
15 shall deprive -- and so forth.

16 THE COURT: How has your client been deprived?

17 MR. KANAREK: By -- well, by a couple of -- as I say --

18 THE COURT: Give me one.

19 MR. KANAREK: One is when her state of mind is affected,
20 when someone with the dignity and stature of a Deputy District
21 Attorney says, "Forget it," when a defense attorney serves
22 the person with a subpoena.

23 That obviously affects her state of mind towards
24 the defense. There's no question about it.

25 She's a -- she's a lay person.

26 THE COURT: The Court does not find that.

27 MR. KANAREK: Well, the Court has -- as I say, the
28 Court has the power to --

18a-4

1 THE COURT: All right. Two? What is another reason?

2 MR. KANAREK: Two, that it deprives us of a -- of an
3 attempt to try to talk to the lady, to find out things in
4 advance of trial; to prepare.

5 And you can't do that, if -- not in this juris-
6 diction. She was told to forget it. She was told to -- in
7 other words, she was told to thumb her nose at any kind of
8 defensive attempts to get testimony from her, to get statements
9 from her, as to what actually she knew, in an atmosphere at
10 least neutral.

11 But instead of having --

12 THE COURT: Did you request that, even though she had
13 gone out of state? Did you request that of the court or
14 of any of the -- any of the Deputies District Attorney?

15 MR. KANAREK: After she left, I don't know whether we
16 have -- I may -- I don't believe that I did, in the sense of--
17 in the sense of -- of -- of asking the Court or asking the
18 Deputy.

19 But I know the result. It's a foregone conclusion
20 with the District Attorney's office.

18b fls.

18b-1

1 THE COURT: Well, you knew she was going to be here
2 this morning, did you not?

3 MR. KANAREK: Well, yes. But they tell you --

4 THE COURT: All right. Did you request an audience
5 with her this morning, before you put her on the witness
6 stand?

7 MR. KANAREK: No, your Honor. Because it would be
8 absolutely -- you don't have to do a useless act. The
9 record is replete with --

10 THE COURT: Well, then, aren't you really arguing in
11 a circle? Because what you would have done previously, after
12 you subpoenaed her, would in your mind have been a useless
13 act; is that right?

14 MR. KANAREK: What I'm saying, if she were here, here
15 in -- in California --

16 THE COURT: You would have been able to perform a
17 useless act?

18 MR. KANAREK: Not necessarily. Not necessarily.

19 THE COURT: Oh?

20 MR. KANAREK: Somehow, I am on the defensive as to
21 this, your Honor. The fact of the matter is that she was
22 served, and the prosecution, having already captured her
23 mind in connection with the Tate-La Bianca case, they set
24 about to do it again in connection with this case.

25 And there's no question about it. She says that
26 some -- and I guess that's why I want to ask her: Who was
27 it that told her to forget it? May I ask her that?

28 THE COURT: She has already testified to --

18b-2

1 MR. KANAREK: No, she hasn't, not as to who told her
2 to forget it.

3 She testified as to who took the subpoena and in
4 effect destroyed it.

5 THE COURT: No, you may not ask her that. She stated
6 that Mr. Kay took the subpoena and told her to forget it.

7 Is that right?

8 THE WITNESS: Yes.

9 THE COURT: That's all. Miss Kasabian, you are
10 excused.

11 THE WITNESS: Thank you.

12 MR. KANAREK: Well, may the record reflect, that's
13 over objection, your Honor?

14 THE COURT: We are in recess until 9:30 tomorrow
15 morning. Everyone be on time.

16 (Whereupon, at 5:03 o'clock p.m., an adjournment
17 was taken in this matter until 9:30 o'clock a.m. of
18 the following morning, Friday, October 8th, 1971.)
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1 LOS ANGELES, CALIFORNIA, FRIDAY, OCTOBER 8, 1971 9:57 A.M.

2
3
4 THE COURT: The record will show counsel and the Court
5 are in chambers --

6 MR. MANZELLA: Here it is.

7 THE COURT: And Mr. Manzella and Mr. Kanarek and the
8 Court have been discussing the question as to whether Mr.
9 Manson --

10 MR. KANAREK: Well, your Honor --

11 THE COURT: -- intends to testify.

12 MR. KANAREK: Well, your Honor, I have further evidence
13 to put on.

14 THE COURT: Very well. You have indicated that you
15 have further defense?

16 MR. KANAREK: That's correct.

17 THE COURT: And you have talked with Mr. Manson this
18 morning, have you?

19 MR. KANAREK: (No response.)

20 THE COURT: Have you been able to talk to him this
21 morning?

22 MR. KANAREK: Oh, yes, your Honor.

23 THE COURT: Thank you, Tony.

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

26 THE COURT: Well, there was really no reply. The
27 Court has looked at the record here on page 8362 of the
28 transcript of this proceeding, going over to 8363. The Court

1 made no -- strike that.

2 The defendant made no direct response to the
3 Court's comment, that the defendant has a right to testify
4 if he wishes to testify, in spite of the advice of his lawyer,
5 as the Court understands the law.

6 Did you ask him this morning whether he wished
7 to testify?

8 MR. KANAREK: Well, your Honor, in my view, it invades
9 the right to counsel for your Honor -- I am ready to proceed
10 with other evidence at this time.

11 THE COURT: Well, have you ascertained from him this
12 morning whether he wishes to --

13 MR. KANAREK: That invades the attorney-client privilege,
14 which is protected by the 6th Amendment of the United States
15 Constitution.

16 THE COURT: Mr. Kanarek, are you ready to proceed now?

17 MR. KANAREK: Yes, I am, your Honor.

18 THE COURT: All right. I may seek an answer from Mr.
19 Manson as to whether or not he wishes to testify. I will do
20 that, unless you represent to me that he does not wish to
21 testify, and that you have informed him again of his right to
22 testify.

23 (Pause in the proceedings while a discussion on
24 the record ensued between the Court and the bailiff.)

25 THE COURT: All right. Thank you,

26 Let's proceed, gentlemen.

27 (Whereupon the following proceedings were had
28 in open court, within the presence and hearing of the

1 jury:)

2 THE COURT: Good morning, ladies and gentlemen.

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

5 THE COURT: The record may show that everyone is
6 present; all jurors and alternates. Mr. Kanarek is present
7 for Mr. Manson.

8 Mr. Kanarek, would you approach the bench, please?

9 MR. KANAREK: Yes, certainly, your Honor.

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

13 THE COURT: Would you ask Mr. Manson the usual question,
14 whether he will remain --

15 MR. KANAREK: Oh, yeah.

16 (Whereupon a discussion off the record ensued
17 through the detention room door screen between Mr.
18 Kanarek and the defendant.)

19 MR. KANAREK: He says: If you have anything to ask
20 him, you may ask him yourself.

21 THE COURT: Very well. I'll ask him. Bring him out.

22 THE DEFENDANT: Good morning, sir.

23 THE COURT: Can you refrain, Mr. Manson, from disturbing
24 the proceedings, if the Court leaves you in?

25 THE DEFENDANT: Looks like you banged your finger.

26 THE COURT: If the Court leaves you in the courtroom --

27 THE DEFENDANT: Pardon?

28 THE COURT: If the Court allows you to remain in the

1 courtroom, --

2 THE DEFENDANT: The courtroom?

3 THE COURT: -- would you refrain from disturbing the
4 proceedings?

5 THE DEFENDANT: Disturbing proceedings? Yeah, those
6 are words,

7 THE COURT: Take him back in.

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

11 THE COURT: You may proceed. Call your next witness.

12 MR. KANAREK: Your Honor, may we approach the bench in
13 connection with this?

14 THE COURT: Yes, you may.

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

18 MR. KANAREK: What I want to do, your Honor, is inform
19 the jury that Mrs. -- that Linda Kasabian, Linda Kasabian had
20 immunity as far as the Hinman matter is concerned.

21 And the Court can do that either by taking judicial
22 notice of the order in the Tate-La Bianca case, to that effect,
23 or informing them.

24 But there is no question about it. If your
25 Honor wishes to read the order in the Tate-La Bianca case,
26 I will welcome your Honor reciting it to the jury, introducing
27 it into evidence that way, by the Court taking judicial
28 notice of its own files.

1 There's no question about it. She testified
2 concerning Hinman in the Tate-La Bianca case, and she was
3 granted immunity as to everything she testified to.

4 So, whichever way the Court desires, I would ask
5 that the -- that's my suggestion, that your Honor so inform
6 them.

7 THE COURT: The Court is not going to inform the jury.

8 MR. KANAREK: Well, that -- we have a right, your Honor,
9 to impeach her statement.

10 THE COURT: Call your next witness.

11 MR. KANAREK: But, your Honor, this is not -- may I
12 make this statement? It's my position that by your Honor not
13 doing that denies our -- well, in what way is your Honor not
14 doing it? Why is your Honor not doing it?

15 THE COURT: I am simply telling you that the Court will
16 not proceed in that way.

17 MR. KANAREK: The Court will not?

18 THE COURT: Will not proceed in that way.

19 You may present your next witness.

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

23 (Pause in the proceedings while a discussion
24 off the record ensued at the Clerk's desk between
25 Mr. Kanarek and the Clerk.)

26 THE COURT: You may proceed, Mr. Kanarek.

27 MR. KANAREK: I am. Mrs. Holt is getting some pictures
28 for me, your Honor.

 (Pause in the proceedings.)

1 (Whereupon, Mr. Kanarek conferred with Mr. Manzella at
2 the counsel table out of the hearing of the jury:)

3 MR. KANAREK: We need Mr. Whiteley here, your Honor.

4 THE COURT: You're calling Sergeant Whiteley, is that
5 correct?

6 MR. KANAREK: Yes, your Honor.

7 THE COURT: We'll give you a recess, ladies and
8 gentlemen, for approximately 20 minutes. During the recess --
9 strike that.

10 (Whereupon, Sergeant Whiteley walked into the
11 courtroom.)

12 (Whereupon, Mr. Kanarek, Mr. Manzella and
13 Sergeant Whiteley conferred at counsel table.)

14 MR. MANZELLA: Your Honor, Sergeant Whiteley was
15 ordered back to the other court at 10:15.

16 MR. KANAREK: I'll be glad to accommodate him.

17 THE COURT: How long --

18 The Court will release you at a minute or two
19 before so that you can get back to Department 107.

20
21 PAUL J. WHITELEY,
22 recalled as a witness by and on behalf of the defendant,
23 having been previously duly sworn, resumed the stand and
24 testified further as follows:

25
26 DIRECT EXAMINATION

27 BY MR. KANAREK:

28 Q Officer, in connection with your investigation,

1 did you determine the address of Danny De Carlo's mother and
2 father to be on Collegio Street in Culver City?

3 A. Yes.
Q. Is that in the 8800 block?

4 A. Yes.

5 Q. Do you know the exact address?

6 A. Not offhand.

7 Q. And directing your attention to -- wait, excuse
8 me.

9 (Whereupon, Mr. Kanarek conferred with Mr.
10 Manzella at the counsel table.)

11 MR. KANAREK: Your Honor, I have a series of pictures.

12 THE COURT: Was this the same series of pictures that
13 was 178?

14 MR. KANAREK: No, these, I don't believe, have been
15 marked. These have not been marked..

16 THE COURT: Are these the black-and-whites of the
17 negatives that are in evidence?

18 MR. KANAREK: No, your Honor, these have never been
19 used yet in this trial.

20 THE COURT: All right.

21 MR. KANAREK: I have some, I believe, some 44 pictures,
22 your Honor, which may they be marked cumulatively next in
23 line?

24 THE COURT: What is next, Defendant's Exhibits --

25 MR. KANAREK: There are 43. One I was informed by
26 Mrs. Holt has previously been marked. So may 43 that have
27 not been marked be marked cumulatively, your Honor?

28 THE COURT: Let's see, 43, I remember --

1 MR. KANAREK: No, there were 43 pictures.

2 THE COURT: Oh, I see. And one has been marked?

3 MR. KANAREK: Previously on a -- individually, and other
4 than that, there are 44 pictures. And so we would ask that
5 43 be marked cumulatively.

6 THE COURT: What's the defendant's next in order?

7 THE CLERK: L.

8 THE COURT: 44 pictures -- 43 pictures, black-and-white,
9 appearing to be 8 by 5, thereabouts, 7 by 5 inches in
10 dimension, are marked Defendant's L for identification.

11 MR. KANAREK: Thank you, your Honor.

12 The defendant rests, your Honor.

13 THE COURT: Very well, you may step down.

14 Any questions?

15 MR. MANZELLA: No. No, your Honor.

16 MR. KANAREK: I gather, your Honor wishes to do a
17 certain matter outside the presence of the jury in connection
18 with the exhibits, your Honor?

19 MR. MANZELLA: Excuse me, Mr. Kanarek -- perhaps he
20 forgot, he asked me with regard to a stipulation with regard
21 to the photographs before --

22 MR. KANAREK: Well, I would assume that we would do that
23 outside -- if your Honor wishes, we can do it in the presence
24 of the jury.

25 THE COURT: Well, if you have arrived at the stipulation,
26 you may say it.

27 MR. KANAREK: Very well, it is stipulated, your Honor,
28 that these are pictures of the August 16, '69 raid at the

1 Spahn Ranch, the 43 pictures. The one that is different --

2 MR. MANZELLA: Defendant's L for identification, so
3 stipulated, your Honor.

4 MR. KANAREK: Yes, we have certain exhibits. I wonder
5 if your Honor perhaps wished to take that up outside the
6 presence of the jury, defense exhibits?

7 THE COURT: Yes, ladies and gentlemen, the Court will
8 excuse you for -- until 11:00 o'clock.

9 During the recess, you are admonished that you
10 are not to converse amongst yourselves, nor with anyone else,
11 nor permit anyone to converse with you on any subject
12 connected with this matter.

13 It is anticipated that the testimony will end
14 today. The Court will then grant a recess until Tuesday
15 morning. You will hear argument on Tuesday morning, and at
16 the conclusion of the argument, sometime next week, the court
17 will instruct you and give you the case.

18 All right, I'll see you all at 11:00 o'clock.

19 You are admonished -- did I admonish you?

20 (Whereupon, there were murmurs of "no" by the
21 jury panel.)

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

27 (Whereupon, the jury retired from the courtroom,
28 and the following proceedings were had:)

2
1 THE COURT: These pictures are pictures of the raid of
2 August 16th?

3 MR. KANAREK: Yes, your Honor.

4 THE COURT: They're all black -- what is it, 43, black
5 and white?

6 MR. KANAREK: Yes, your Honor.

7 THE COURT: Incidentally, concerning the question that
8 the Court asked of Mrs. Kasabian, at the close of her
9 testimony, the Court reviewed the record of the questions that
10 you had asked Mrs. Kasabian, Mr. Manzella, and the Court
11 believes that you were correct, and the Court was correct
12 also, in sustaining the objection.

13 The questions were proper. You did ask whether
14 she was present at the August 16th raid.

15 However, weren't there two raids in August at that
16 ranch?

17 THE DEFENDANT: (Through the detention room door.)
18 Two a week.

19 THE COURT: I hadn't --

20 MR. MANZELLA: No. There were a number of arrests made
21 in August, but there was only one with the manpower and
22 facilities of the arrests which occurred on August 16th.

23 THE COURT: The Court asked its last question, thinking
24 that perhaps it needed to be clarified by one side -- either
25 side, or both sides -- as to whether Mrs. Kasabian had been
26 present at any arrests.

27 I had the impression that there were two -- two
28 raids. Perhaps one preceded the other by only three or four

1 days.

2 I thought the evidence reflected that. But the
3 Court's memory may be inaccurate.

4 Let Mr. Manson come in, --

5 THE BAILIFF: Yes, sir.

6 THE COURT: -- since the jury isn't here now.

7 (Pause in the proceedings while a discussion off
8 the record ensued at the counsel table between Mr. Kanarek
9 and the clerk.)

10 THE DEFENDANT: (As he was being ushered out of the
11 detention room) (Inaudible.) -- do you know that?

12 THE COURT: Sit down over there, please, Mr. Manson.

13 MR. KANAREK: Your Honor, there are 44. Actually,
14 this last exhibit does have 44 pictures, your Honor.

15 THE COURT: Very well. Then the record may show there
16 are 44.

17 Are you concluding your evidence now, Mr.
18 Manson? Or Mr. Kanarek?

19 MR. KANAREK: Yes, your Honor.

20 THE COURT: Mr. Manson, the Court again reiterates to
21 you that you do have the right to testify, or the right to
22 refuse to testify.

23 Do you understand that?

24 THE DEFENDANT: I haven't seen any rights. I've seen
25 the rights that you all have. They all go in one direction.
26 But the valve's closed when it comes back in this direction.

27 I haven't had the right to do anything but set
28 down and keep quiet. I think the record will reveal that.

1 THE COURT: Well, Mr. Kanarek, the Court --

2 MR. KANAREK: Yes, your Honor. We ask that Defendant's K,
3 Defendant's J, Defendant's I and Defendant's H be admitted into
4 evidence, your Honor.

5 THE COURT: Well, let's see. You are asking that K --

6 MR. KANAREK: K, I, --

7 MR. MANZELLA: How about L?

8 MR. KANAREK: -- H, and J --

9 THE COURT: And L?

10 MR. KANAREK: Yes, and L, which is the 44 pictures of
11 the Spahn Ranch raid.

12 THE COURT: And H is what?

13 MR. KANAREK: H is -- uh --

14 THE COURT: The first in order would be what?

15 MR. KANAREK: H, your Honor --

16 THE DEFENDANT: Still coming down, isn't it?

17 MR. KANAREK: -- is the certificate of live birth of
18 one Karen Arlene Shea.

19 THE DEFENDANT: All here, isn't it?

20 MR. KANAREK: K is a --

21 THE DEFENDANT: You will be in my will, son.

22 MR. KANAREK: -- is the registry of marriage of
23 Donald Jerome Shea and Phyllis Gaston.

24 J is a brown piece --

25 THE DEFENDANT: And you will get the same --
26 (unintelligible.)

27 MR. KANAREK: -- piece of paper.

28 THE DEFENDANT: 24 years, I've lived in your punishment,

1 Mister.

2 THE COURT: All right. K is what?

3 MR. KANAREK: K is the -- is a picture, your Honor,
4 a black-and-white picture.

5 THE DEFENDANT: And your courts won't face me.
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1 THE COURT: You are asking that K be admitted, too?

2 MR. KANAREK: Yes, your Honor.

3 THE COURT: It's a black-and-white picture of what?

4 MR. KANAREK: It's a black-and-white picture, your
5 Honor, showing -- it's one of the pictures which was particu-
6 larly marked of the August 16th raid at the Spahn Ranch.
7 The August 16th, '69 raid.

8 THE COURT: I'll hear from the People, if you wish to be
9 heard from.

10 MR. MANZELLA: Yes. the only objection we have is to
11 Defendant's H and Defendant's I, the birth certificate and the
12 marriage certificate, your Honor, on the grounds that there's
13 no showing as to who those exhibits represent; there's no
14 connection between the persons named in those exhibits --

15 MR. KANAREK: Well --

16 MR. MANZELLA: -- and the persons named in this case.

17 MR. KANAREK: They're -- your Honor, they're -- it's
18 Donald Jerome Shea.

19 THE COURT: Have you finished? Anything further on the
20 subject?

21 MR. MANZELLA: Yes, your Honor.

22 The -- there has been no testimony that the
23 marriage certificate which is Defendant's I for identification
24 represents the marriage of Donald Shea, the Donald Shea who is
25 the alleged deceased in this case. And there has been no
26 testimony that the person named in the -- I believe it's a
27 birth certificate, which is Defendant's H -- was the child of
28 Donald Shea who is the alleged deceased in this case.

1 MR. KANAREK: Well, your Honor --

2 THE COURT: Let me see H and I.

3 MR. KANAREK: Yes. First of all, if I may respond to that,
4 your Honor --

5 THE COURT: Well, just a minute.

6 MR. KANAREK: Very well. Certainly, your Honor.

7 (Handing the exhibits to the Court.)

8 (Pause in the proceedings while the Court
9 perused the exhibits.)

10 THE COURT: Well, H, the certificate of live birth,
11 shows that the father of the child is listed as Donald Jerome
12 Shea.

13 The Court believes that it would be admissible to
14 establish that Donald Jerome Shea had this connection with
15 this Arlene Gaston, the mother of the child.

16 MR. MANZELLA: Well, your Honor, it's the People's
17 position that the similarity of name alone is not sufficient
18 to establish that the Donald Jerome Shea mentioned in those
19 documents is the Donald Jerome Shea who is the alleged deceased
20 in this case.

21 THE COURT: The age is given as 26, in 1959, the age of
22 Donald Shea.

23 The Court believes that the similarity of names
24 establishes some inference which -- which is a matter for the
25 jury to consider.

26 As to I, your contention is the same?

27 MR. MANZELLA: Yes, your Honor.

28 THE COURT: The similarity of names?

1 MR. MANZELLA: Yes, your Honor.

2 THE COURT: Well, the Court believes the same is true
3 as to this marriage certificate. That is, that it's a matter
4 for the jury to determine.

5 Presumably, the People were aware of this evidence
6 and, if this is not Mr. Shea, the Mr. Shea spoken of, they
7 would have a right to present any such evidence as they wish.

8 But certainly, the jury has a right to consider
9 this.

10 MR. MANZELLA: Your Honor, Defendant's A through G, have
11 they already been received?

12 MR. KANAREK: No, we are not offering them.

13 THE COURT: They're not being offered.

14 MR. KANAREK: We are not offering A through G.

15 THE COURT: They were simply marked for identification, --

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

17 THE COURT: -- for some reason or another.

H - I evd. 18 All right, the Court would admit H through L.

19 The birth certificate, the marriage certificate,
20 H and I, --

21 MR. KANAREK: Thank you, your Honor.

22 THE COURT: -- the Court overrules the objection to those.

23 MR. KANAREK: Thank you, your Honor.

24 THE COURT: Anything further, then, Mr. Kanarek?

25 MR. KANAREK: No, your Honor.

26 THE COURT: The defendant rests?

27 MR. KANAREK: Yes, your Honor.

28 THE COURT: The People do have rebuttal evidence, I am

1 informed?

2 MR. MANZELLA: Yes, sir.

3 THE COURT: And you needed some time, however, to get
4 a witness; is that right?

5 MR. MANZELLA: Yes, your Honor.

6 THE COURT: Can you get her here in -- him or her --
7 whatever you wish to present, by 11:00 o'clock?

8 MR. MANZELLA: No, your Honor. I don't think now that I
9 will be able to get the witness here this morning, your Honor.
10 I need about an hour and a half, and that will take me up to
11 noon.

12 THE COURT: Where is the witness? In Los Angeles?

13 MR. MANZELLA: Yes, your Honor. I'm not -- I don't
14 recall where the witness is --

15 THE COURT: Well, --

16 MR. MANZELLA: -- myself.

17 THE COURT: -- find out now, between now and 11:00
18 o'clock, if there is a possibility of getting the witness here
19 at that time.

20 MR. MANZELLA: All right.

21 THE COURT: Perhaps if you do, we can conclude the taking
22 of testimony this morning and excuse the jury at noon or there-
23 abouts.

24 See what you can do.

25 MR. MANZELLA: Yes, sir.

26 THE DEFENDANT: I don't think you are being fair to your-
27 self by not letting me defend myself, put on a defense. I
28 have 20 witnesses.

1 THE COURT: Mr. Manson, is it your desire to testify?

2 THE DEFENDANT: Testify?

3 THE COURT: Yes.

4 THE DEFENDANT: I can't rise above the question in
5 testimony. You'd cut my head off on the witness stand.
6 I can see how this courtroom works.

7 The defendant never enters into the courtroom.
8 You are the defendant. It all falls on you, doesn't it?

9 THE COURT: All right. We are in recess.

10 THE DEFENDANT: I'm trying to take it off of you.

11 (Recess.)

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1 THE COURT: The jurors are all present. Mr. Kanarek is
2 present for the defendant.

3 Mr. Manzella, you may proceed.

4 MR. MANZELLA: Yes, your Honor. The People would like
5 to call Mrs. Alma Black, your Honor.

6 THE COURT: Very well.

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

8 You do solemnly swear that the testimony you may
9 give in the cause now pending before this Court shall be the
10 truth, the whole truth, and nothing but the truth, so help you
11 God?

12 THE WITNESS: I do.

13
14 ALMA ROSA BLACK,
15 called as a witness by and on behalf of the People in rebuttal,
16 having been duly sworn, was examined and testified as follows:

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

18 THE BAILIFF: Would you state and spell your full name?

19 THE WITNESS: Alma Rosa Black; A-l-m-a, R-o-s-a --

20 MR. KANAREK: Your Honor, may we --

21 THE WITNESS: B-i-a-c-k.

22 MR. KANAREK: I'm sorry. Your Honor, may we approach the
23 bench?

24 THE COURT: No, you may not.

25
26 DIRECT EXAMINATION

27 BY MR. MANZELLA:

28 Q Mrs. Black, where are you employed?

1 A United California Bank.

2 Q Now, directing your attention to July of 1970,
3 did you get married last year, July of 1970?

4 A Yes, I did. The 11th day.

5 Q Now, from January of 1970 until the time that you
6 got married in July of 1970, did you manage or assist in the
7 management of apartments at 817 South Burlington in the City
8 of Los Angeles?

9 A Yes, I did.

10 Q And how many units are there at 817 South Burling-
11 ton?

12 A Two. Bottom and upstairs.

13 Q Now, can you tell us, as of January of 1970, who
14 lived -- strike that. I'll withdraw that question.

15 During that period of time -- that is, January of
16 1970, until you got married in July of 1970 -- what did you do
17 as manager of the apartments?

18 A Collected rents, and -- and kept with the things
19 around there that needed fixing or something.

20 Q And to do that, did you visit the apartments at
21 817 South Burlington periodically?

22 A Yes.

23 Q And how often did you visit?

24 A About once a week, the most -- the least. Sometimes
25 twice.

26 Q All right. And when you visited the apartments,
27 did you see and speak with the people who lived at the upstairs,
28 and in the downstairs of 817 South Burlington?

1 A Yes.

2 Q And did you know the people that lived --

3 A Uhm-hmm.

4 Q -- there in January of 1970?

5 A Yes.

6 MR. KANAREK: Your Honor, I object. That calls for a
7 conclusion, with no foundation; and it's ambiguous, "knowing
8 someone."

9 THE COURT: Overruled. You may answer -- the answer --

10 MR. MANZELLA: I believe she did answer.

11 THE COURT: Yes. The answer may remain in the record.

12 MR. MANZELLA: All right.

13 Q Now, Mrs. Black, can you tell us who lived down-
14 stairs, in the downstairs apartment at 817 South Burlington,
15 in January of 1970?

16 MR. KANAREK: Object. Calling for hearsay; conclusion;
17 irrelevant, immaterial; no foundation, your Honor.

18 And I -- that's the -- those are the bare
19 objections, and I would like to approach the bench.

20 THE COURT: The objection is overruled. You may approach
21 the bench.

22 MR. KANAREK: Thank you.

3-1

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

4 THE COURT: Somebody kept count yesterday of the number
5 of times you approached the bench, and I think it was 26.

6 MR. KANAREK: Well --

7 THE COURT: The Court allowed you to approach the bench
8 so many times and to argue each point that you wished to
9 argue, but it appears to me that it should occur to you that
10 if your objection is well taken, that the record would so
11 show, and that the Appellate Court could see that.

12 MR. KANAREK: Well, our purpose is not just to make a
13 record, our purpose is also to convince the Court of the --

14 THE COURT: All right, I'll hear from you.

15 MR. KANAREK: -- argument, and our purpose here is to
16 win the case here in this court and not just to make a record,
17 and the right to effective counsel includes the right to make
18 argument. And your Honor --

19 MR. MANZELLA: Could we get to the point, your Honor?

20 MR. KANAREK: The Court has brought up the subject.

21 THE COURT: Yes, get to the point.

22 MR. KANAREK: Your Honor brought up this subject.

23 I say that under the right to effective counsel,
24 under the 6th Amendment, allows us to make argument. And the
25 Court foreclosing that is a denial of due process.

26 THE COURT: The Court has allowed you to make argument,
27 and the record will show the nature of your argument and the
28 nature of your objections.

3-2

1 Now, what is your point in respect to this?

2 MR. KANAREK: Well, I would like to have this last
3 question read back so I can pinpoint it, the exact words.

4 THE COURT: The Court has noted sometimes when you
5 approach you're not quite sure of the question you objected
6 to.

7 MR. KANAREK: The Court is incorrect.

8 THE COURT: In this case, the question is who lived in
9 the lower apartment.

10 MR. KANAREK: Well, does your Honor have the question
11 memorized? I do not have it memorized.

12 THE COURT: Read it for --

13 MR. MANZELLA: It is who lived in the downstairs
14 apartment at 817 South Burlington in January, 1970.

15 MR. KANAREK: Well, on counsel's representation he has
16 that memorized, my objection is it calls for a conclusion, no
17 foundation. The fact she utters Jim Jones and Abercrombie or
18 any kind of name or Elizabeth Scott, whatever, the fact of
19 the matter is that that is a conclusion. So she, without
20 the foundation as to the person --

21 THE COURT: She might not say that. She might say
22 two men and women.

23 MR. KANAREK: That's why the question is ambiguous.
24 It calls for hearsay and conclusion. In this case, the
25 hearsay would be to the truth of the matter asserted.

26 MR. KANAREK: And she may be in a position to make --

27 MR. MANZELLA: No, she can't. Just because somebody
28 walks in off the street --

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THE COURT: It is subject to cross-examination.

MR. KANAREK: It is hearsay and conclusion.

THE COURT: You say it is conclusionary, why?

MR. KANAREK: She's concluding that that's truly the name of the person and it is offered for the truth of the matter asserted and it is hearsay. Somebody might walk in and say Richard Nixon.

THE COURT: If somebody asked me who is trying the defense in this case, and I would reply Irving Kanarek, I am making a conclusion --

MR. KANAREK: And if your Honor does not have intimate knowledge --

THE COURT: The Court judges that she has sufficient knowledge to answer this.

MR. KANAREK: There's no foundation.

THE COURT: She is the landlady. She's gone into the apartment. She's collected rents. The objection is overruled.

MR. KANAREK: Well, your Honor, there is another point I wanted to make, and maybe will save another trip to the bench. And that is, counsel has spread out in front of him three pictures of what purportedly, I would gather, he is going to try to show that this is Shorty Shea. There is no foundation in the record, and he is going to try to solicit a negative answer from her, and I would ask that those pictures not be used, he not use them, only that which is in the record for the use of the pictures that he now has marked.

THE COURT: I have no idea what counsel is going to do with those pictures.

3-4

1 MR. MANZELLA: I'm going to mark them for identification,
2 show them to the witness and ask her if she saw -- if she
3 ever saw this man at 817 South Burlington.

4 THE COURT: Are these pictures --

5 MR. MANZELLA: They're duplicates of photographs already
6 in evidence. I realize technically they are not the ones
7 that were marked, but I don't intend to call anybody to say
8 the pictures are Shorty Shea. They're duplicates of the
9 photographs in evidence, and the jury can make the determina-
10 tion themselves that they are pictures of Shea.

11 THE COURT: I see.

12 MR. MANZELLA: I mean, I don't think it is crucial to
13 my case.

14 THE COURT: We can get those pictures and you can take
15 a look at them --

16 MR. KANAREK: If it is on counsel's representation they
17 are made from the same negatives --

18 MR. MANZELLA: They are.

19 MR. KANAREK: And counsel's representation, then, very
20 well.

21 MR. MANZELLA: I'm sorry, made from the same photographs.

22 MR. KANAREK: The point is, I would object to them
23 going to the jury twice, the same picture.

24 MR. MANZELLA: If we can work out a stipulation, fine.

25 MR. KANAREK: All right.

26 THE COURT: All right.

27 3a fls.

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3a-1

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

Q BY MR. MANZELLA: Mrs. Black, would you tell us
who lived in the downstairs apartment at 817 South Burlington
in January of 1970?

MR. KANAREK: May I inquire on voir dire, your Honor?

THE COURT: No, you may not.

THE WITNESS: Do I answer this?

THE COURT: The motion is denied.

MR. KANAREK: Then, I enunciate the previous objections,
your Honor.

Q BY MR. MANZELLA: You may answer.

THE COURT: The objection is overruled.

A The Santana family.

Q Did you visit with the Santana family?

A Yes.

Q What did the Santana family consist of, how many
people?

A Oh, it's the father, the mother, and about seven,
eight kids, small ones.

Q They are little children?

A Yes.

Q When you got married in July of 1970, was the
Santana family still living in the downstairs apartment?

A Yes.

Q And with still the mother and father and seven
or eight little kids?

A Uh-huh.

3a-2

1 Q Now, from January of 1970, until July of 1970,
2 did you continue to visit the Santana family, to collect rent
3 and so on once a week?

4 A Hmm --

5 Q From January --

6 A Not at that time.

7 Q From January of 1970 until you got married?

8 A Oh, yes, uh-huh.

9 Q All right. Now, can you tell us in January of
10 1970, did you know who lived in the upstairs apartment at
11 817 South Burlington?

12 A Yes.

13 MR. KANAREK: Calling for a conclusion, hearsay, your
14 Honor, irrelevant and immaterial and no foundation.

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

17 Q BY MR. MANZELLA: All right, would you tell us
18 who lived in the upstairs apartment at 817 South Burlington,
19 say, at the beginning of January, 1970?

20 A A German family, the mother and son. He would be
21 about 26, 28 years old. He's going to the university.

22 MR. KANAREK: Well, may that be stricken, your Honor,
23 about the age and going to the university? That's hearsay
24 as to the "going to the university," and the age would be a
25 conclusion.

26 THE COURT: All right, "going to the university," that
27 portion of the answer is stricken. The rest may remain in.

28 Q BY MR. MANZELLA: Now, did the German family move

3a-3

1 out sometime after the beginning of January, 1970?

2 A Yes.

3 Q Did they move out in the same month, that is,
4 did they move out later in January, 1970?

5 A I think they moved around February, somewhere
6 around there.

7 Q February of 1970?

8 A Yes.

4 fls.

9 Q Now, how long -- strike that.

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1 After the German family moved out in February of
2 1970, was the upstairs apartment rented to someone else, some-
3 time after that?

4 A Hmmm -- it was empty for about a month, month and
5 a half, to do repairs.

6 Q And was it then rented to someone else?

7 A Yes.

8 MR. KANAREK: Your Honor, I ask that that -- that
9 statement about it being empty, that that be stricken, on --
10 on the basis that that's a conclusion on the part of this
11 witness, and there is no foundation for that statement.

12 THE COURT: Overruled. The motion -- that is, the
13 motion is denied.

14 Q BY MR. MANZELLA: Now, did you say that you did --
15 after the apartment had been empty for a month, month and a
16 half, then you rented it to someone else?

17 A Yes.

18 Q All right. Now, we are talking about the upstairs
19 apartment?

20 A Right.

21 Q Now, during the time that the German family
22 lived there, did you visit them once a week, to collect
23 rent and do the other things that you did as the manager?

24 A Um-hmm.

25 Q All right. Now, during the time that the apartment
26 was empty, after the German family moved out in February, 1970,
27 and before the other people moved in, during the time that it
28 was empty for that month or month and a half, did you visit

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1 the apartment, the empty apartment?

2 A Yes.

3 Q And did you visit it once a week to check on it --

4 A Um-hmm.

5 Q -- as the manager?

6 A Yes. Because repairs had to be done, and the men
7 had to get in to repair it, so --

8 MR. KANAREK: Your Honor, --

9 Q BY MR. MANZELLA: All right.

10 Now --

11 MR. KANAREK: Your Honor, may that statement be
12 stricken as not responsive?

13 THE COURT: All right. After the word "Yes," the
14 balance is stricken.

15 Q BY MR. MANZELLA: All right. Now -- when you
16 visited the apartment, the upstairs apartment, during the
17 time that it was -- during the time it was empty for the
18 month or month and a half, did you ever see anyone living
19 there?

20 A No.

21 MR. KANAREK: Object; calling for -- may that be
22 stricken, your Honor, so I can -- I haven't finished my --
23 for the purposes of making an objection?

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

26 Q BY MR. MANZELLA: Now, who did you rent it to
27 after that month, month and a half it was empty?

28 A Lopez.

4-3

1 MR. KANAREK: Calling for a conclusion; hearsay, and
2 no foundation, your Honor.

3 THE COURT: The answer was "No," was it?

4 MR. MANZELLA: "Lopez," your Honor.

5 THE COURT: Oh, Lopez.

6 MR. MANZELLA: Yes.

7 THE COURT: That answer may remain in the record.

8 The objection is overruled.

9 Q BY MR. MANZELLA: All right. And, Mrs. Black,
10 did you visit the Lopez family after they moved in, once a
11 week, to collect rent and do the other things that you did
12 as manager?

13 A Yes.

14 Q Now, what did the Lopez family consist of?

15 A It's a father, mother, and two -- about 18, 19-
16 year-old girls, and one boy.

17 Q And when you got married in July of 1970, was
18 the Lopez family still living there --

19 A Yes, uh-huh.

20 Q -- in the upstairs?

21 A Uh-huh.

22 MR. MANZELLA: All right. Your Honor, I have here
23 three black and white photographs, which I'd like to have
24 marked People's 97-A, 97-B and 97-C for identification.

25 THE COURT: Very well. They may be so marked, -A, -B,
26 and -C.

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

28 THE COURT: Yes, you may.

PEX 97ABC Id.

4-4

1 Q BY MR. MANZELLA: Mrs. Black, directing your
2 attention to the photograph which is marked People's 97-A for
3 identification --

4 THE COURT: Incidentally, do these purport to be dupli-
5 cates of some photographs that have heretofore been received
6 in evidence?

7 MR. MANZELLA: That would be the People's offer of
8 proof, yes, sir; that's correct.

9 Q All right. Mrs. Black, if I may, holding this
10 up, directing your attention to the man who appears in that
11 photograph, have you ever seen that man before?

12 A No.

13 Q Did that man -- strike that.

14 Did you ever see that man at 817 South Burlington,
15 when you visited the apartments?

16 A No.

17 Q Did you ever see that man living at 817 South
18 Burlington?

19 A No.

4a fls.

4a-1

1 MR. KANAREK: Object. Calling for a conclusion, your
2 Honor, about the --

3 THE COURT: The objection is overruled.

4 The answer may remain in the record.

5 MR. MANZELLA: Well, your Honor, showing her the other
6 pictures, I believe, would be cumulative, so --

7 Q BY MR. MANZELLA: Mrs. Black, let me ask you this:
8 Were you the manager of the apartments there when the German
9 family moved in to the upstairs apartment?

10 A No, because when --

11 MR. KANAREK: Well, your Honor, may that be --

12 MR. MANZELLA: All right.

13 THE COURT: The answer, as it stands, "No," may remain
14 in the record.

15 You may not answer any further than that at this
16 time.

17 Q BY MR. MANZELLA: When did you begin to manage
18 the apartments at 817 South Burlington?

19 A When my father died, in October of '67.

20 Q All right. Was the German family living there then,
21 in October of '67?

22 A Yes.

23 Q They were living in the upstairs of 817?

24 A They had lived there for years; about 14 years.

25 Q All right. The Santana Family, the family that
26 was living downstairs at 817 South Burlington, were you the
27 manager -- were you managing the apartments when they moved
28 in?

1 A Yes.

2 Q When did they move in?

3 A About Summer of '69.

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

6 THE COURT: Any cross?

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

8

9 CROSS-EXAMINATION

10 BY MR. KANAREK:

11 Q Mrs. Black, do you prefer to be called Mrs. Black?

12 Or --

13 A Anyway. Alma, Black.

14 Q Mrs. Black, is that -- you prefer that?

15 A It's all right.

16 Q All right. Now, Mrs. Black, is it a fair statement
17 that you, yourself, live in separate quarters; is that right?

18 A Yes.

19 Q Now, where did you live in January of 1970?

20 A 1042 South Alvarado, Los Angeles.

21 Q And when, if ever, have you lived at 817 South
22 Burlington?

23 A None at all.

24 Q Never in your life have you lived there, --

25 A No.

26 Q -- is that correct?

27 A Right.

28 Q And is it a fair statement that when someone comes

1 to rent, you take the name that is given to you as the name of
2 whoever is renting?

3 A. Yes.

4 Q And you don't require certified copies of any-
5 thing, as long as you get your rent; is that a fair statement?

6 A. Certified copies of what?

7 Q Well, what I am saying is: If you get your rent,
8 a man whose name is -- is Jones might come in and say his name
9 was Abercrombie or something, --

10 A. Yes.

11 Q -- and you wouldn't know the difference, --

12 A. No.

13 Q -- because all you care about is that you get your
14 rent, --

15 A. Uhm-hmm.

16 Q -- is that correct?

17 A. Yes.

18 Q And -- well, thank you very much.

19 Thank you. Thank you, your Honor.

20 THE COURT: You may step down, Mrs. Black, and you are
21 excused.

22 THE WITNESS: thank you.

23 MR. MANZELLA: The People will offer People's 97-A, -B
24 and -C into evidence, your Honor.

25 MR. KANAREK: Thank you, Mrs. Black.

26 THE COURT: You are offering all three?

27 MR. MANZELLA: Or just 97-A, your Honor, yes.

28 THE COURT: Any objection?

1 MR. KANAREK: No. I believe that we are going to --

2 THE COURT: All right. The Court receives 97-A in evi-
3 dence.

4 MR. MANZELLA: The People have no further evidence to
5 present, your Honor. The People rest.

6 MR. KANAREK: Your Honor, I wonder if we may --

7 THE COURT: Anything further from the defendant?

8 MR. KANAREK: Yes, your Honor. May we approach the
9 bench?

10 THE COURT: Yes.

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

14 MR. KANAREK: Your Honor, here -- I have here a certified
15 copy of the order granting immunity to Linda Kasabian; and the
16 Court -- it's part of this record already.

17 And out of an abundance of caution, I'll make it
18 clear, I am -- I ask the Court to take judicial notice of
19 what I know the Court already knows; and I believe the Court
20 has, in legal effect, judicially noted that Linda Kasabian
21 testified, not only during the guilt or innocence phase, but
22 during the penalty phase of the Tate-La Bianca case, in
23 Superior Court case No. A-253 156; and --

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97a evd.

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4b
1 THE COURT: The Court believes it's cumulative. She
2 has already indicated that --

3 MR. KANAREK: No. But she said she was --

4 THE COURT: -- that she received immunity in that case
5 A-253 156.

6 MR. KANAREK: Right. But she also --

7 THE COURT: And the order, as the Court interprets it,
8 indicates that she's granted immunity in A-253 156.

9 MR. KANAREK: That's correct. And she testified
10 concerning the Hinman -- the Hinman matter in A-253 156; and
11 therefore -- therefore, when she says she doesn't have
12 immunity in connection with the Hinman matter, it's
13 untrue. She does.

14 And it's -- and it's a denial of Mr. Manson's
15 right to a fair trial for your Honor --

16 MR. MANZELLA: May I see that?

17 MR. KANAREK: -- to -- we offered this previously.
18 This is by way of trying to -- to convince the Court that the
19 Court's previous ruling was incorrect; that the jury should
20 be told that she does have immunity in connection with the
21 matter pertaining to Gary Hinman.

22 MR. MANZELLA: I disagree that she has immunity, your
23 Honor.

24 THE COURT: So does the Court.

25 MR. MANZELLA: It may be true that our office would not
26 prosecute her, but she certainly -- under this order, I don't
27 believe she has immunity on the Hinman matter.

28 MR. KANAREK: Yes, because the Hinman --

1 THE COURT: I don't see that under this order she has.

2 MR. KANAREK: But under the -- under this order, she
3 testified in the -- she has immunity as to all matters con-
4 cerning which she testified.

5 And she testified in the penalty case concerning the
6 Hinman matter.

7 THE COURT: Do you want me to formulate this legal
8 opinion and deliver it to the jury, that she has --

9 MR. KANAREK: Yes.

10 THE COURT: -- has immunity in this Hinman case?

11 MR. KANAREK: Yes.

12 THE COURT: In the Hinman homicide?

13 MR. KANAREK: Yes.

14 THE COURT: The motion is denied.

15 MR. KANAREK: Well, then, I ask that -- well, may this
16 certified copy --

17 THE COURT: You may mark it for identification, if you
18 wish. But it appears to me to be an idle act, because you
19 have heretofore gotten from her her testimony that -- and it's
20 undisputed --

21 MR. KANAREK: But I think she stated that she -- that she
22 stated that she did not have immunity in connection with the
23 Hinman case.

24 THE COURT: The Court believes that's true.

25 MR. KANAREK: Well -- well, that is not true, because
26 she testified pertaining to matters concerning Mr. Hinman in
27 the penalty phase; and this isn't -- it is not a --

28 THE COURT: The Court will admit it, not in evidence,

1 -- the Court will allow it to be marked for identification, if
2 you wish.

3 MR. MANZELLA: Can we mark it at this time, your Honor?

4 THE COURT: Pardon?

5 MR. MANZELLA: I believe it would be Defendant's M for
6 identification.

7 THE COURT: It will be next in order, which would be M.

8 MR. KANAREK: Well, what I am saying is, if your Honor --
9 is that for your Honor not to so instruct the jury, it's error.

10 THE COURT: Well, it's error in your opinion. And the
11 Court believes that you have so established your record in
12 that respect.

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

16 THE COURT: Both sides rest, then, counsel?

17 MR. MANZELLA: The People rest.

18 THE COURT: The defendant?

19 MR. KANAREK: Yes, the defendant rests, your Honor.

20 THE COURT: May we then convene, gentlemen, at 9:30
21 on Tuesday morning?

22 MR. MANZELLA: Yes, your Honor.

23 THE COURT: 9:30?

24 MR. KANAREK: Oh, yes, your Honor.

25 THE COURT: Ladies and gentlemen, the Court's going to
26 excuse you until 9:30 on Tuesday morning. At that time,
27 we will hear argument from Mr. --

28 MR. KANAREK: Well, your Honor, in that regard, I think

1 maybe we should approach the bench. I think the hour would
2 be early, your Honor, for certain -- I would like to call
3 something to the Court's attention.

4 THE COURT: All right. You may.

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

THE COURT: Yes?

MR. KANAREK: Yes, your Honor. I think -- I think it
would be realistic, your Honor, probably about 10:30 or
11:00.

THE COURT: Why?

MR. KANAREK: Well, because of the fact that I have
some jury instructions, your Honor, that --

THE COURT: Well, we are going to do that this after-
noon.

MR. KANAREK: Well, I don't --

THE COURT: Now, I've spoken to you about that before.

MR. KANAREK: Well, I know that.

THE COURT: And I told you, off the record -- and
maybe we should have the record --

MR. KANAREK: No, I'm --

THE COURT: -- available, if there is any confusion
in your mind.

MR. KANAREK: No, your Honor. It's not a matter of
confusion. It's a matter of what is --

THE COURT: We were going to discuss --

MR. KANAREK: I understand that. But I am saying:
There are some things that are not humanly possible. And I
have been working on the jury instructions, and along with
doing the case; and in view of the fact that our case
certainly has --

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1 THE COURT: We have all of the afternoon to discuss
2 jury instructions.

3 MR. KANAREK: It's not a matter of just discussing.
4 It's a matter of preparing --

5 THE COURT: I gave you warning --

6 MR. KANAREK: No, it's not a matter of just discussing.

7 THE COURT: -- over a week ago.

8 MR. KANAREK: Well, that isn't the point.

9 THE COURT: And in addition to that, we talked about
10 two days ago about instructions.

11 MR. KANAREK: I understand. But still, it's -- it
12 still requires research.

13 THE COURT: And you asked to defer -- you asked to
14 defer that discussion --

15 MR. KANAREK: Well, but the point is --

16 THE COURT: -- until today, as I recall.

17 MR. KANAREK: Well, I --

18 THE COURT: With the idea in mind that you needed time
19 to prepare --

20 MR. KANAREK: Yeah, right. And I still need further
21 time.

22 THE COURT: -- needed time to prepare the testimony
23 that you were going to offer on defense -- mainly, the only
24 witness that remained was Linda Kasabian; and --

25 MR. KANAREK: Plus the fact that working on -- working
26 on the instructions and other aspects of the case.

27 THE COURT: Well, I don't think we'll need the time.

28 MR. KANAREK: Well, your Honor, I -- your Honor is the

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1 one to rule, but I am saying that -- I'm saying that I have
2 instructions that I'm going to have to give to the Court,
3 because they are in the process of being typed up, and I can't
4 be in my office at the same time.

5 I would suggest a little later hour, your Honor.

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

9 THE COURT: Ladies and gentlemen, we'll recess until
10 9:30 on Tuesday morning. The Court admonishes you that you
11 are not, during the course of the recess, to converse amongst
12 yourselves nor with anyone else, nor permit anyone to converse
13 with you on any subject connected with the matter, nor are you
14 to form or express any opinion on the matter until it is
15 finally submitted to you.

16 Now, because the case is terminated, so far as
17 the evidence is concerned, the Court feels that there might
18 be radio broadcasts or television newscasts, perhaps news
19 articles concerning the conclusion of the presentation of the
20 evidence in the matter.

21 So therefore, let me ask you: In the next 24
22 hours, at least, to avoid the radio or the television news
23 reports. Something might be said that you should not hear.

24 And so, I will order that you not expose yourself
25 to television or news reports or newspaper reports concerning
26 this case -- or any other case in which Mr. Manson's name
27 might be mentioned.

5 fls.

5-1

1 Remember, it is your solemn and firm obligation
2 to take affirmative steps to avoid exposing yourself to television
3 report, radio report, any sort of conversation, any news
4 media report concerning Mr. Manson or this case. And the
5 Court orders that you follow that course of conduct during
6 this recess.

7 Have a good -- have a pleasant weekend, and I
8 hope you all return healthy and sound on Tuesday morning at
9 9:30.

10 (Whereupon, at 12:11 o'clock p.m. the jury retired
11 from the courtroom, and the following proceedings were
12 had:)

13 MR. MANZELLA: Your Honor, could I withdraw People's
14 97-B and 97-C from evidence?

15 THE COURT: You may do so.

16 What was the reason for presenting it as you did?
17 Were the other exhibits in the other courtroom?

18 MR. MANZELLA: I just assumed they were in another
19 courtroom.

20 THE CLERK: Most of them are.

21 THE COURT: Very well.

22 THE CLERK: In fact, they all are.

23 THE COURT: Gentlemen, may I see you this afternoon?

24 MR. MANZELLA: 1:30?

25 THE COURT: 1:30 satisfactory?

26 MR. MANZELLA: All right with me.

27 MR. KANAREK: What's that, your Honor?

28 THE COURT: 1:30 or 2:00 o'clock to discuss instructions?

1 MR. KANAREK: Well, I'm -- very well, your Honor.

2 MR. MANZELLA: Would you rather have it at 2:00 o'clock?

3 THE COURT: You seem reluctant --

4 MR. MANZELLA: Excuse me, your Honor, I want to get this
5 witness back to the California United Bank and I understand
6 Friday is a busy day. Any time is good with me. Can I check
7 with Mr. Kuczera or Mrs. Holt?

8 THE COURT: 2:00 o'clock. 2:00 o'clock, Mr. Kanarek.

9 (Whereupon, at 12:13 o'clock p.m. an adjournment
10 was taken in the herein proceedings to be resumed
11 at 9:30 o'clock a.m. on Tuesday, October 12, 1971.)
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