

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.

NO. A-267861

VERDICT : GUILTY HASE

REPORTERS' DAILY TRANSCRIPT

FRIDAY, OCTOBER 22, 1971

THURSDAY, OCTOBER 28, 1971

TUESDAY, NOVEMBER 2, 1971

VOLUME 65APPEARANCES:

For the People:

JOSEPH P. BUSCH, JR., District Attorney

BY: ANTHONY MANZELLA,

Deputy District Attorney

For Defendant Manson: IRVING A. KANAREK, ESQ.

MARY LOU BRIANDI, CSR
ROGER K. WILLIAMS, CSR
Official Court Reporters

COPY

I N D E XWITNESSTHE COURTKANAREK

KUCZERA, Robert

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E X H I B I T S

(None offered.)

1 LOS ANGELES, CALIFORNIA, FRIDAY, OCTOBER 22, 1971, 9:40 A. M.

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3 MR. KANAREK: Your Honor, may I address the Court?

4 THE COURT: Yes.

5 MR. KANAREK: Your Honor, as I understand it, the
6 exhibits in Mr. Manson's case are not going to the jury room;
7 they are going to 107.

8 And it's my belief, your Honor, that -- my motion
9 is that they go to the jury in this case. I -- I --

10 THE COURT: Well, if they must go --

11 MR. KANAREK: I mean, the whole -- a very substantial
12 number of exhibits, I understand, just left our courtroom and
13 are going to Department 107. The jury's deliberating.

14 THE COURT: The jury will have those exhibits when they
15 need them.

16 They've requested 1 through 10, and the Court will
17 make sure that 1 through 10 get to them.

18 MR. KANAREK: Well, that's our -- our motion is that they
19 all go in, your Honor.

20 THE COURT: All at once?

21 MR. KANAREK: Yes, that they --

22 THE COURT: That motion is denied.

23 There's another courtroom, as you know, which
24 needs those exhibits; and the Court is not going to cause a
25 delay in the proceedings in that other courtroom, --

26 MR. KANAREK: Well --

27 THE COURT: -- since the jury has requested only 1
28 through 10.

1 The Court is going to make all exhibits available
2 to the jury, as the jury needs them, --

3 MR. KANAREK: Well --

4 THE COURT: -- and to cooperate with Department 107, in
5 seeing that this is done.

6 MR. KANAREK: Well, my motion is this, your Honor. My
7 motion is that the jury, when it deliberates, have all of the
8 exhibits with it; that if they do not have all the exhibits,
9 that they --

10 THE COURT: You mean --

11 MR. KANAREK: -- that they be in recess.

12 THE COURT: You mean you want the exhibits -- all of
13 them there, every one of them there, while they're deliberat-
14 ing?

15 MR. KANAREK: While they're deliberating, at all times.

16 THE COURT: Surrounding them; is that right?

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

18 THE COURT: Or whatever it may be?

19 MR. KANAREK: Well, your Honor, my motion --

20 THE COURT: Motion is denied.

21 MR. KANAREK: My motion is that they not deliberate
22 except with the exhibits present.

23 And the fact that some other case is calendared,
24 then you just have to --

25 THE COURT: The motion is denied.

26 MR. KANAREK: -- recess; and this is the motion, that
27 they recess, and they not have -- that they not deliberate
28 except in the presence of all of the exhibits.

1 Because how do -- how do we know what is --

2 THE COURT: I'm not interested in hearing from you any
3 further in respect to that. It's a ridiculous and silly
4 motion.

5 MR. KANAREK: Very well. Then, your Honor, I -- I do
6 move for a mistrial, on the basis Mr. Manson is being denied
7 due process of law, in that the jury -- the evidence is
8 there, and it's for the jury to use; and the fact that --

9 THE COURT: Mrs. McKissack, are you ready on that other
10 matter?

11 (Proceedings had on an unrelated matter.)

12 MR. KANAREK: Your Honor, if I may, may I have a ruling
13 on my motion for a mistrial?

14 THE COURT: That motion is denied.

15 MR. KANAREK: And I would like to cite People versus
16 Weatherford, also, your Honor, in connection with any -- any
17 kind of a request for exhibits -- like your Honor said, I
18 through 10. And I would like -- and I would ask for a hear-
19 ing as to how the Court can determine that the exhibits --

20 THE COURT: We are in recess.

21 (Recess.)

22 THE COURT: Mr. Kanarek, did you hear that the jury had
23 determined that they will not deliberate on Tuesday?

24 THE BAILIFF: Monday.

25 THE COURT: That they won't deliberate until Tuesday?

26 MR. KANAREK: Yes.

27 THE COURT: They have confirmed that, then?

28 THE BAILIFF: Yes, sir.

1 THE COURT: We could not, of course, on a court holiday,
2 so far as I know, take a -- it would have to be in open court,
3 and since the courthouse will be closed, we couldn't --

4 So, you need not be on call, then, from Saturday
5 afternoon until Tuesday morning.

6 MR. KANAREK: Very well, your Honor. Thank you. Thank
7 you.

8 Your Honor, if I may --
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1 THE COURT: Yes?

2 MR. KANAREK: The reason that they're not going to the
3 jury is because Burton Katz wants these -- wants these
4 exhibits to use in the argument in the case that's before --
5 that's in Judge Kolts' court -- I think it's Department 107 or
6 100 or whatever it is -- and that's the reason that the
7 exhibits are not going up there.

8 I just spoke to the clerk, and the clerk told me
9 that Burton Katz demands all the exhibits, and he --

10 THE COURT: Well, he is not going to get them all,
11 Mr. Kanarek. He will just get those --

12 MR. KANAREK: That's why I ask for a hearing or some kind
13 of arrangement so that our jury --

14 THE COURT: Mr. Kanarek, when the jury needs the exhibits,
15 when they want them, when they call for them, we will get them
16 from Department 107.

17 MR. KANAREK: Yes. But it's not for their determination--

18 THE COURT: And as a matter of fact, the Court will
19 order that you remain here all day, and that whenever there
20 is a request for an exhibit, that you check to see that they
21 go to the jury room with the bailiff.

22 MR. KANAREK: Well, your Honor, I'm not -- I'm not
23 asking your Honor for that.

24 (Recess.)

25 (Whereupon, at 10:35, the jury returned to the
26 courtroom, the People being represented by Deputy District
27 Attorney Aaron Stovitz, and the following proceedings were had:)

28 THE COURT: Good morning, ladies and gentlemen.

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

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

5 Is Mr. Manson behind in the detention cell?

6 THE BAILIFF: Yes, sir.

7 THE COURT: You may bring him in.

8 THE BAILIFF: Yes, sir.

9 THE COURT: Mr. Hunt, are you foreman?

10 THE FOREMAN: Yes, I am, your Honor.

11 THE COURT: Mr. Hunt, the jury has indicated -- or, you
12 have indicated, through the bailiff to me that the jury wishes
13 to have some portion of testimony read back.

14 THE FOREMAN: Yes, your Honor. It is the beginning of
15 the testimony of Mr. Glenn Krell. The only portion of the
16 testimony which we would like to have, there's a debate
17 about -- as to whether or not he was sworn when he testified.

18 THE COURT: Of whose testimony?

19 THE FOREMAN: Mr. Glenn Krell. And also, Sergeant
20 Paul Whiteley.

21 (Whereupon, the record was read by the reporter.)

22 THE COURT: Is that all you need?

23 THE FOREMAN: That is all I need, your Honor.

24 THE COURT: Very well. Rely on your notes as much as
25 you can. It will save time, and keep us from having the
26 record read back -- and your memories, too.

27 But if you should find that you want to -- or any-
28 one on the jury wants to have any portion of the testimony

1 read back, it is available to you.

2 All right. You may go back to work, then.

3 THE FOREMAN: Thank you.

4 THE DEFENDANT: Keep in mind that I didn't get to offer
5 my case.

6 THE COURT: Oh, incidentally, Mr. Hunt, if the jury has
7 any need for any exhibit, as you need those exhibits, let
8 Mr. Kuczera know, and the clerk will see that those exhibits
9 are delivered to the deliberation room.

10 THE FOREMAN: Thank you, your Honor.

11 (Whereupon, the jury retired to recommence its
12 deliberations at 10:45 A. M.)

13 MR. KANAREK: Your Honor? Your Honor?

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

16 MR. KANAREK: Your Honor?

17 THE COURT: Mr. Kanarek?

18 MR. KANAREK: Yes, your Honor. If I may, my point is
19 merely as I indicated to the Court previously. It's my
20 belief that a fair trial, due process demanded by the Fourteenth
21 Amendment requires that these exhibits -- it's not that
22 horrendous a job -- be in the room with the jury.

23 Something may come to their minds; they may want
24 an exhibit, and I think that it's patent that that is where
25 they should be.

26 Now, as I say, I -- this is my motion: That they
27 all be there, and not -- that we not rely upon some kind of a
28 purported request by them. This is the evidence.

1 And the same -- and that's my request. And I -- I
2 don't think it's an unreasonable request, when you are -- when
3 you want to take the life of a person.

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1 When you are charging him with first degree
2 murder, the least that can be done is that during the delibera-
3 tions of the jury, that all the evidence be there.

4 Now, the fact that there's another court, that
5 they happen to -- to arrange their affairs so there's another
6 trial going on --

7 THE COURT: Who are you talking about?

8 MR. KANAREK: I'm talking about in 107 or 100, this --

9 THE COURT: Who are "they"?

10 MR. KANAREK: The District Attorney.

11 THE COURT: You believe that this is a plot of the
12 District Attorney, to --

13 MR. KANAREK: No, I'm saying that these -- whatever the
14 reason may be -- whatever the reason may be, whatever the
15 reason may be, they are -- objectively, imposed on the
16 situation is the fact that the exhibits are not in the jury
17 room.

18 And it's our belief that it denies Mr. Manson a
19 fair trial, and especially -- well, there's no use belaboring
20 it.

21 That's my point, and I ask that, --

22 THE COURT: I agree with you; there's no use belaboring
23 it, because it's the same motion that you made -- what, an hour
24 ago?

25 MR. KANAREK: Yes, your Honor.

26 THE COURT: Now, do you have anything further?

27 MR. KANAREK: And I am just trying to convince the Court.
28 I'm trying to convince the Court that --

1 THE COURT: The record is yours. Go ahead.

2 MR. KANAREK: Well, that's -- that's it. I mean, it's
3 so manifest that -- that the evidence be with the jury during
4 all of their deliberations, as well as the jury instructions.

5 And we make that motion, which I -- which I under-
6 stand your Honor has sent in the jury instructions -- am I
7 correct, your Honor?

8 THE COURT: You know very well that the Court ordered the
9 jury instructions to be with the jury --

10 MR. KANAREK: Yes.

11 THE COURT: -- during the course of deliberations. And
12 they have been.

13 MR. KANAREK: Yes.

14 THE COURT: And the jury will have every opportunity to
15 view all of the evidence; and they will have an opportunity,
16 when Department 107 has concluded today -- which I understand
17 they will do -- with the evidence that is being heard in that
18 case, in Department 107, to have all of the exhibits in the
19 deliberation room, together at one time.

20 MR. KANAREK: Yes. But what I am saying is: Not
21 continuously, during their deliberations.

22 THE COURT: No, not continuously.

23 MR. KANAREK: Well, that's our request. That's our
24 request. And certainly --

25 THE COURT: Well, Mr. Kanarek, you have -- your
26 request has been denied. The Court will make those exhibits
27 available to the jurors when they want them.

28 MR. KANAREK: The way it's working --

1 THE COURT: In spite of the fact that Department 107 may
2 want to have them, they will defer to us. I have conferred
3 with Judge Kolts. They'll defer to us, and the jury in this
4 case may have those exhibits whenever they wish them.

5 MR. KANAREK: Well, your Honor --

6 MR. MANZELLA: Your Honor, is the jury going to deliberate
7 this afternoon?

8 THE COURT: The jury will continue to deliberate this
9 afternoon; they'll deliberate until 12:00 tomorrow.

10 They have chosen not to deliberate on Sunday or
11 Monday.

12 MR. MANZELLA: All right.

13 THE COURT: So, you need not be on call on Sunday or
14 Monday, of course.

15 MR. MANZELLA: And they will deliberate until noon on
16 Saturday?

17 THE COURT: And you need not be on call, of course,
18 after noon on Saturday.

19 Is there anything further, Mr. Kanarek?

20 MR. KANAREK: Well, no, your Honor; just that -- I
21 think it's so important --

22 THE COURT: Are you still talking about the same subject?

23 MR. KANAREK: Well -- well, your Honor, what I am
24 saying is -- very well, then. Then am I excused, your Honor?

25 THE COURT: Mr. Kanarek, unless you wish to be here to
26 ascertain that the bailiff does carry the exhibits from
27 Department 107 to the jury deliberation room, you -- you may
28 accompany him when he does that, if you wish to do so.

1 MR. KANAREK: Well, no, your Honor.

2 THE COURT: But unless you wish to do that, then the
3 Court will excuse you.

4 MR. KANAREK: Thank you, your Honor. But --

5 THE COURT: Do you want to see that that's done?

6 MR. KANAREK: No, your Honor. I have never asked -- I'm
7 not asking to follow the exhibits.

8 I'm sure the Court realizes that.

9 THE COURT: Well, I --

10 MR. KANAREK: I'm merely asking that they all be there.
11 And I gather your Honor is attempting to be facetious.

12 THE COURT: No, not at all.

13 MR. KANAREK: Well, I thank your Honor for excusing me.
14 I'm not asking that I follow the exhibits.

15 I'm merely asking that they all be there; that the
16 jury have everything before it while they deliberate.

17 And I thank your Honor for excusing me from this --
18 from this going back and forth. I have not requested that. I
19 have not requested that at all, your Honor.

20 (Proceedings had on an unrelated matter.)

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1 MR. KANAREK: Your Honor, if I may, the point is that --
2 you see -- and if your Honor would just bear with me for a
3 moment, one of the problems is the jury, again, not being
4 tape recorders, they don't know what a certain number of an
5 exhibit is; they have to describe it; they have to use the
6 English language to describe it.

7 There can be a loss of communication.

8 THE COURT: I'll say this, Mr. Kanarek. You are
9 indefatigable.

10 MR. KANAREK: Well, I am pointing out to the Court --
11 which I am sure -- which I am sure your Honor -- I hope your
12 Honor recognizes.

13 Let's say the jury wants a certain exhibit --

14 THE COURT: The Court now has noted, Mr. Kanarek, that
15 the jury has taken -- many of them have taken copious notes.
16 They have large quantities of notes -- pages and pages of them --

17 MR. KANAREK: But how --

18 THE COURT: And the Court noted that at the time that
19 the exhibits were marked for identification, and when they
20 were introduced, that the jury was taking notes.

21 MR. KANAREK: But --

22 THE COURT: And in addition, I have already told you,
23 Mr. Kanarek, that those exhibits will all be, at one time,
24 in the presence of the jury eventually.

25 MR. KANAREK: But only --

26 THE COURT: And I see no point in belaboring it.

27 MR. KANAREK: But -- very well. But only for a few
28 minutes or something like that, your Honor. That's the point.

1 (Recess.)

2 (Whereupon, at 4:00 o'clock p.m., the jury
3 returned to the courtroom, whereupon the following proceedings
4 were had:)

5 THE COURT: Will counsel approach the bench, please?

6 MR. KANAREK: Yes, your Honor.

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

10 THE COURT: Do you wish to ask Mr. Manson whether or not
11 he will refrain from interrupting the proceedings, as he did
12 before?

13 MR. KANAREK: Yes.

14 THE COURT: If he will, he may remain in the courtroom.
15 Otherwise, it would be foolish to have him out here.

16 MR. KANAREK: Very well, your Honor.

17 (Whereupon, a discussion off the record ensued
18 between Mr. Kanarek and the defendant through the screen in
19 the detention room door.)

20 THE COURT: I heard his answer. He said "No"; is that
21 right?

22 MR. KANAREK: Pardon?

23 THE COURT: He said: No, that he wouldn't?

24 MR. KANAREK: Yes, that's correct, your Honor.

25 THE COURT: In view of that, and in view of the fact
26 that each time that the Court has allowed him in the courtroom
27 recently, he has interrupted proceedings -- and I do believe,
28 that it is to his prejudice -- the Court will proceed without

1 his being -- his being present.

2 And in the event that there should be any need to
3 read back testimony in the future -- unless you request
4 otherwise, at that particular -- at those particular moments,
5 Mr. Kanarek.

6 Let's proceed now. I understand from what
7 Mr. Hunt's note contained, that they wish to have Dr.
8 Katsuyama's testimony read back.

9 I'm not sure that they want all of it read, but
10 I'll ask Mr. Hunt now.

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

13 THE COURT: Mr. Hunt, the Court was apprised by you
14 that you need -- the jury needs to have read back, or wants to
15 have read back some other portion of the testimony.

16 THE FOREMAN: Yes, your Honor. It is the -- part of the
17 testimony pertaining to the decomposition of the body -- that
18 is, of Dr. Katsuyama's testimony.

19 THE COURT: Part of Dr. Katsuyama's testimony?

20 MR. KANAREK: Your Honor, may I suggest Page 4183?

21 THE COURT: Excuse me, Mr. Kanarek, please.

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

24 THE COURT: Is this a very limited part of the
25 testimony, then?

26 (Whereupon, a discussion off the record ensued
27 among the foreman and various members of the jury.)

28 THE FOREMAN: Then, your Honor, I have a request. May we

1 have the whole testimony, please?

2 THE COURT: The whole testimony of Dr. Katsuyama?

3 THE FOREMAN: Yes, please.

4 THE COURT: Very well. Would you then begin, Mr.
5 Williams?

6 MR. KANAREK: Your Honor, before that occurs, may we
7 approach the bench, just momentarily?

8 THE COURT: Yes, you may.

9 MR. KANAREK: Thank you, your Honor.

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

13 MR. KANAREK: Your Honor, what sometimes happens in this
14 kind of a reading -- and surely, it's through inadvertence,
15 I am sure, of the court reporter -- is that the court
16 reporter will read questions which have been asked, wherein
17 the Court sustained objections.

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1 And so therefore, in theory -- and in practice, and
2 in actuality -- the jury is supposed to get only that which
3 is admitted.

4 Therefore, I would ask your Honor to -- to make
5 sure that that which is read back is in fact that which was
6 admitted in evidence; because I am sure your Honor recognizes
7 the problem that I am referring to.

8 There's sometimes -- there are matters that --
9 where your Honor -- it serves no -- in fact, it can be
10 prejudicial, to just read something, and then --and then --

11 THE COURT: The Court is going to ask that Mr. Williams
12 read back just as it took place in front of the jury.

13 MR. KANAREK: Do you mean including the objections?

14 THE COURT: Yes.

15 MR. KANAREK: And the overruled --

16 THE COURT: Yes.

17 MR. KANAREK: Then it's my contention that your Honor
18 doing that denies Mr. Manson a fair trial and due process and
19 equal protection, for your Honor to allow in everything that
20 was said, everything that was uttered between the objections
21 which were overruled -- the objections which were sustained.

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

24 THE COURT: You may proceed, Mr. Williams. And read
25 all of the testimony, please, of Dr. Katsuyama.

26 (Whereupon, the record was read by the reporter
27 through and including Line 11, Page 4194 of the reporters'
28 transcript.)

1 THE REPORTER: And at that point, the recess was taken.

2 MR. KANAREK: Well, that's not -- your Honor, the Court
3 ordered that it all be stated to the jury, what happened in
4 the presence of the jury, and --

5 THE COURT: Excuse me just a minute, Mr. Kanarek.

6 Do you wish to approach the bench?

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

10 MR. KANAREK: That was the Court's order, yes, your
11 Honor. I --

12 THE COURT: May I see the transcript?

13 (Pause in the proceedings while the Court perused
14 the transcript.)

15 THE COURT: Do you mean you want the remarks of your
16 client read, on Page 4194?

17 MR. KANAREK: Your Honor -- your Honor is -- is, if I
18 may, sliding off the point. The point was that, before they
19 started, I asked the Court to -- that we -- that --

20 THE COURT: All right.

21 MR. KANAREK: And your Honor ordered. So what I want --

22 THE COURT: Would you get to the point now?

23 MR. KANAREK: Yes, I am getting to the point.

24 THE COURT: I know what you asked the Court. You asked
25 the Court to eliminate your objections and --

26 MR. KANAREK: No, no. I asked --

27 THE COURT: And the rulings on the objections.

28 MR. KANAREK: No, your Honor. I asked the Court -- I

1 think that the record will reveal that I asked the Court --

2 THE COURT: I know what you asked the Court.

3 What are you asking now?

4 MR. KANAREK: What I am asking now is that we recess,
5 and that we go over, and we delineate with particularity that
6 which the Court wishes the jury to hear.

7 And it's an imposition on Mr. Williams -- I --
8 when we were at the bench previously, I asked the Court -- I
9 contemplated this problem.

10 I asked that only that which the Court admitted
11 into evidence be read to the jury. Your Honor -- your Honor
12 did not allow that request.

13 So now, my request is that your Honor order at
14 this trial, because of the focus under Cooper vs. the Superior
15 Court -- under Cooper vs. the Superior Court, the California
16 Supreme Court makes the point that certain things that happen
17 in -- at certain times in the proceedings become very, very
18 significant; and this is one of those times.

19 I would ask your Honor to order --

20 THE COURT: I don't understand you.

21 MR. KANAREK: Well -- well, if your Honor would allow me
22 to finish, I ask your Honor to --

23 THE COURT: Well, would you get to the point?

24 MR. KANAREK: Yes, I am. I tried to get to the point
25 before, when we approached the bench, and your Honor would not
26 follow -- would not allow it to be --

27 THE COURT: Correct.

28 MR. KANAREK: What I am asking is that we -- is that we

1 recess at this time, so that we can go over the problem, and
2 not --

3 THE COURT: What is the problem?

4 MR. KANAREK: The problem is to -- what is to be read to
5 the jury. And your Honor -- I asked that, when we approached
6 the bench previously, and your Honor wouldn't allow it.

7 THE COURT: I don't see any problem, Mr. Kanarek.

8 MR. MANZELLA: Your Honor --

9 MR. KANAREK: I think there's a clear problem. I ask
10 that -- I ask that we take a recess at this time, outside the
11 presence of the jury, and work out --

1 THE COURT: Mr. Manzella?

2 MR. MANZELLA: Yes, your Honor. If Mr. Williams can do
3 it, it would be agreeable with the People if you read the
4 questions and answers which were permitted; in other words,
5 and that he not read questions that were successfully objected
6 to.

7 In other words, questions following which objections
8 were made and sustained by the Court. If that is agreeable
9 with the Court.

10 THE COURT: Well, the Court -- the Court didn't wish to
11 impose that upon Mr. Williams. It would go slower if it were
12 done.

13 Could you do that?

14 THE REPORTER: Yes, I believe so.

15 MR. KANAREK: Well, my motion is that we --

16 THE COURT: Excuse me just a minute. I heard your
17 motion.

18 MR. KANAREK: Without scrutinizing the record, your
19 Honor -- and it's -- it's an imposition upon --

20 THE COURT: Mr. Kanarek, will you be quiet?

21 MR. KANAREK: Yes, your Honor.

22 THE REPORTER: Your Honor, I read up to the point where
23 I saw that your Honor was going to take a recess, and then
24 stopped.

25 THE COURT: So the statements of Mr. Manson were eliminated
26 by you; is that right, Mr. Williams? You just read this as
27 far as --

28 THE REPORTER: That's correct, your Honor, except for the

1 first statement by him.

2 THE COURT: Yes. I am referring to Page 4194.

3 MR. KANAREK: So that the record can indicate exactly
4 what happened, up until -- up until, I believe it is, 4194,
5 Line 12, up until that point, Mr. -- Mr. Williams read verbatim
6 into the record what was in the presence of the jury during
7 the trial.

8 THE COURT: All right. The Court orders that all of the
9 testimony be read, with the exception of any remarks of
10 Mr. Hanson.

11 MR. KANAREK: Well, then --

12 THE COURT: The Court believes that its instruction that
13 any objections -- strike that.

14 (Continuing) -- that any questions to which
15 objections are made are not to be considered, the Court believes
16 the jury will follow that instruction.

17 The Court believes that reading the testimony as
18 it was given, including the objections and the rulings, will
19 assist the jury in recalling the testimony.

20 MR. KANAREK: Well, your Honor, I make a motion for a
21 continuance, or a recess, in the alternative -- whichever way
22 you denominate it -- so that we can work out --

23 THE COURT: Your motion is denied. And I don't wish to
24 hear another word from you.

25 Mr. Williams, the Court wishes, however, that you
26 leave out any remarks of Mr. Hanson that were made in the
27 presence of the jury; do you understand?

28 THE REPORTER: Yes.

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

3 THE COURT: You may proceed, Mr. Williams.

4 (Whereupon, the reporter recommenced the reading
5 of the testimony of Dr. Katsuyama.)

6 MR. KANAREK: Your Honor, I don't wish to interrupt, but
7 I don't know exactly what page Mr. Williams is reading from.

8 MR. MANZELLA: 4196.

9 MR. KANAREK: Thank you.

10 THE COURT: Go ahead, Mr. Williams.

11 (Whereupon, the reporter recommenced the reading
12 of the testimony of Dr. Katsuyama and read to and including
13 Line 19, Page 4207, whereupon the following proceedings were
14 had:)

15 MR. KANAREK: Your Honor, I am sure Mr. Williams did it
16 through inadvertence, but he said, "which appeared --" he
17 put in the words "have been." I think it was "which appeared
18 to be caused."

19 THE COURT: Would you read it over again, Mr. Williams?

20 MR. KANAREK: I am sure it's just inadvertence.

21 (Whereupon, the reporter recommenced to read the
22 testimony of Dr. Katsuyama, and continued reading through and
23 including Line 7, Page 4258, whereupon the following proceed-
24 ings were had:)

25 MR. KANAREK: Your Honor, excuse me. I think he mis-
26 spoke. I think Mr. Williams inadvertently misspoke there,
27 your Honor.

28 THE REPORTER: I'll read it again.

1 (Whereupon, the reporter recommenced the reading
2 of Dr. Katsuyama's testimony.)

3 THE REPORTER: That concludes the doctor's testimony,
4 your Honor.

5 THE COURT: All right.

6 Ladies and gentlemen, we are again in recess,
7 then, and you can resume your deliberations, if you wish, at
8 this time, or terminate them and begin tomorrow morning.

9 Good night.
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1 Incidentally, remember that -- the bailiff tells
2 me that you will not have television -- is that true, Mr.
3 Kuczera? What arrangements have you made?

4 (Pause in the proceedings while a discussion off
5 the record ensued at the bench between the Court and the
6 bailiff.)

7 THE COURT: There will be television sets in your room.
8 The Court would ask, however, that for another 24 hours, you
9 desist from looking at any news media reports, via television,
10 or listening over the radio, or viewing any newspaper articles.

11 Remember that you do have this affirmative obliga-
12 tion, that I have told you about previously, not to expose
13 yourself to any publicity concerning Mr. Manson.

14 (Pause in the proceedings while a further dis-
15 cussion off the record ensued at the bench between the Court
16 and the bailiff.)

17 THE COURT: Yes. To clarify, you are allowed to watch
18 television; but any news reports -- even though this -- it may
19 be somewhat of a hardship on you, and the Court realizes that
20 there may not be any mention whatever of this case, or of
21 Mr. Manson -- but nevertheless, the Court would ask that you
22 just simply not look at or listen to or read anything from the
23 news media in the next 24 hours.

24 All right. Thank you. Good night.

25 THE FOREMAN: Your Honor?

26 THE COURT: Mr. Hunt? Do you intend to work for --

27 THE FOREMAN: Tomorrow, for one-half day.

28 THE COURT: For a half day, you intend to deliberate?

1 Fine.

2 THE FOREMAN: Yes.

3 THE COURT: And then on Monday, I understand that it's
4 your intention not to work.

5 THE FOREMAN: Not to work.

6 THE COURT: On Sunday and Monday, rather.

7 THE FOREMAN: Sunday and Monday, that's correct, your
8 Honor.

9 THE COURT: Then counsel are excused, beginning Saturday
10 noon, and also Sunday and Monday.

11 MR. KANAREK: Thank you, your Honor.

12 THE COURT: Good night, ladies and gentlemen. Have a
13 pleasant weekend.

14 (Whereupon, murmurs of "Thank you, your Honor,"
15 were heard from members of the jury.)

16 (Whereupon, at 5:04 p.m., the members of the jury
17 retired to recommence their deliberations.)

18 THE COURT: Keep yourselves available, then, --

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

20 THE COURT: -- for tomorrow morning.

21 MR. KANAREK: -- I would like to make this point to the
22 Court, if I may. It's my -- I --

23 THE COURT: Is it the same one that you have previously
24 made twice now?

25 MR. KANAREK: Well -- well, no, but what --

26 THE COURT: This is something concerning the reading of
27 the record?

28 MR. KANAREK: Well, no, your Honor. At this time --

1 THE COURT: All right. This is something new?

2 MR. KANAREK: Yes.

3 THE COURT: All right. What is it you wish?

4 MR. KANAREK: Well, first, I would ask your Honor -- point
5 out to your Honor that I believe there is extensive television
6 -- television coverage concerning -- concerning the arraignment
7 of Sandy Good and Mr. Como in connection with the alleged
8 escape from this building.

9 I believe also that -- that Mr. Fitzgerald has been
10 interviewed on television; and there's extensive television
11 coverage of that.

12 I have de--

13 THE COURT: What is your request?

14 MR. KANAREK: Well, I am pointing this out to the
15 Court. I have desisted --

16 THE COURT: You have heard me, have you not, say to the
17 jurors that they are not to view television for the next 24
18 hours?

19 MR. KANAREK: Yes, your Honor. I understand that.

20 THE COURT: All right.

21 MR. KANAREK: And I don't wish to be -- I am just
22 pointing out to the Court -- I'm on the horns of a dilemma.

23 THE COURT: Again?

24 MR. KANAREK: Yes. Because I --

25 THE COURT: All right. In what respect?

26 MR. KANAREK: Because I don't wish to be the proximate
27 cause or the reason that the jurors do not have their leisure
28 hours in as -- in as nice a -- an atmosphere as possible.

1 THE COURT: Well, --

2 MR. KANAREK: On the other hand --

3 THE COURT: -- could you do this for me? Would you
4 shorten this by getting right to the point as to what you
5 want?

6 MR. KANAREK: I am pointing out the problem to the
7 Court, to try and work it out with the Court.

8 THE COURT: What is your request?

9 MR. KANAREK: Well, my request is -- well, my request is
10 that the -- that the -- the jurors not be allowed to view the
11 news broadcasts involving Sandra Good, Mr. Como and the
12 alleged escape and attempt to assist in escape of Mr. Como,
13 from the -- this very building, the Hall of Justice.

14 And this is my request, that the jurors not --
15 that your Honor --

16 THE COURT: Well --

17 MR. KANAREK: -- make certain --

18 THE COURT: -- haven't you just heard me state to the
19 jury that they will not view television whatever, in the next
20 24 hours?

21 MR. KANAREK: Well, your Honor, the point is that a
22 television program comes on; it's instantly before them,
23 and the damage is -- may be done.

24 THE COURT: They're not to view any news media reports.

25 MR. KANAREK: That was not your Honor's order. Your
26 Honor's order was --

27 THE COURT: Yes, I believe it was.

28 MR. KANAREK: Your Honor's order --

1 THE COURT: Would you read back to Mr. Kanarek, Mr.
2 Williams, --

3 MR. KANAREK: Your Honor, that was not --

4 THE COURT: Just a minute, Mr. Kanarek.

5 MR. KANAREK: Yes, your Honor.

6 (Whereupon, the record was read by the reporter.)

7 MR. KANAREK: Well, there is -- and that's the vice of
8 it; because how can someone --

9 THE COURT: We are in recess.

10 MR. KANAREK: Your Honor, may I finish? I haven't --

11 THE COURT: No, you may not.

12 MR. KANAREK: I haven't had a ruling on my request for a
13 mistrial, at the bench --

14 THE COURT: Your motion for a mistrial is denied.

15 MR. KANAREK: And I ask for a mistrial on this pretrial
16 publicity matter, your Honor. Your Honor's refusing to --

17 THE COURT: That motion is denied.

18 MR. KANAREK: May I be heard very briefly?

19 THE COURT: No, you may not.

20 (Whereupon, the following proceedings were had
21 as the Judge was exiting the courtroom, in the chambers:)

22 MR. KANAREK: I make a motion that the television sets
23 not be in the jurors' rooms, your Honor.

24 (Whereupon, at 5:08 p.m., an adjournment was
25 taken.)

1 LOS ANGELES, CALIFORNIA, THURSDAY, OCTOBER 28, 1971

2 9:55 A.M.

3 -----

4 THE COURT: Good morning, ladies and gentlemen.

5 I understand, Mr. Hunt, that the jury wishes to
6 have some testimony read back?

7 THE FOREMAN: That is correct, your Honor.

8 THE COURT: The record should show that all jurors and
9 alternates are present. Mr. Kanarek is present. Mr. Manson.

10 THE DEFENDANT: Good morning.

11 THE COURT: Mr. Manzella for the People.

12 What the portion of the record would you like to
13 have read back?

14 THE FOREMAN: The portion of Miss Ruby Pearl's testimony,
15 the conversation, her last conversation with Donald Jerome
16 Shea, and then the cross-examination by the defense of the
17 same testimony, your Honor.

18 THE COURT: Concerning the conversation that she had
19 with Donald Shea, direct and cross?

20 THE FOREMAN: Direct and cross.

21 THE COURT: Have you been able to find that, Mrs.
22 Briandi?

23 THE REPORTER: Yes.

24 (Whereupon, the reporter commenced reading the
25 requested testimony.)

26 THE FOREMAN: I believe, your Honor, that covers the
27 portions that we requested.

28 THE COURT: Very well, ladies and gentlemen, you may

1 resume your deliberations.

2 (Whereupon, at 10:50 the jury resumed deliberations.)

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1 LOS ANGELES, CALIFORNIA, TUESDAY, NOVEMBER 2, 1971

2 3:30 P.M.

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4 THE COURT: Hello, Irving.

5 MR. KANAREK: Hi. Yes, your Honor, I just wanted --

6 THE COURT: All right. The record will show that we are
7 in chambers.

8 Do you wish to approach the Court on any matter?

9 MR. KANAREK: Yes, your Honor. I just want to make a
10 motion for a mistrial, on the grounds that whatever this verdict
11 is, it's a -- or verdicts, or results or whatever; I don't
12 know what it is; I've just been told to come here, so I don't
13 know what the --

14 THE COURT: I have been told by the bailiff there is a
15 verdict.

16 MR. KANAREK: Well, I make a motion for mistrial, on
17 the grounds that your Honor did not sequester the jury, in
18 accordance with requests.

19 Mr. Grogan's case came in, with a guilty verdict,
20 so that this jury, in fact, knows of the -- that another jury
21 has found that Mr. Shea is dead, which deprives Mr. Manson of
22 a fair trial -- at least, on the Shea matter. But --

23 THE COURT: You say that the jury was not sequestered?

24 MR. KANAREK: Right. I mean, your Honor, I made a
25 motion that your Honor take TV, radio, newspapers away from
26 them. They -- they were -- they were in a hotel room --

27 THE COURT: Bring Mr. Kuczera in, would you, please,
28 Mrs. Holt?

1 MR. KANAREK: I made the motion that there be no TV,
2 no radio, no newspapers.

3 But my understanding is -- I mean, your Honor
4 overruled the motion.

5 Of course, I wasn't at the hotel, so I don't know --

6 THE COURT: Well, what I did, Mr. Kanarek, knowing that
7 the Grogan jury was out, was instruct the bailiffs that had
8 charge of the jury to monitor the television -- the television
9 sets were taken out of the individual rooms when the Grogan
10 jury returned, and there was a television set available to
11 them, but it was in a room where they could see it as a group,
12 and the bailiff monitored it.

13 MR. KANAREK: Well, --

14 THE COURT: And the --

15 MR. KANAREK: -- your Honor, there's radio and there's
16 TV. I am sure they had their individual radios. It was on
17 radio. Everyone in the community knows it and --

18 THE COURT: And you believe that the jury knows it, too?

19 MR. KANAREK: Oh, well, I ask for an evidentiary hearing.
20 How can I -- I don't purport to be a mind reader. The only
21 way we can tell is by -- I move for an evidentiary hearing,
22 as to -- in which we take evidence from the jury, and from
23 other individuals, including the bailiff -- the attaches and
24 court personnel at the hotel.

25 THE COURT: Mr. Kuczera, is the jury in the courtroom?

26 THE BAILIFF: Yes, sir. The jury's in the box.

27 MR. KANAREK: And so I make a motion for a mistrial;
28 furthermore, on the basis that after this extended period of

1 time, whatever this verdict is, it's a forced verdict;
2 it is not a free and willing verdict of the jurors.

3 I make a motion for a mistrial.

4 THE COURT: Motion for mistrial on that ground is denied.

5 MR. KANAREK: And I will also make a motion for the
6 evidentiary hearing, in connection with the matters that we've
7 spoken of;

8 And also for an evidentiary hearing as to the
9 flow of the -- of the exhibits. That is, through no fault of
10 Mr. Manson, there were two trials going on at the same time,
11 and --

12 THE COURT: All right. You have been heard in respect
13 to the exhibits previously, and the Court has assured itself,
14 from time to time, through questioning Mr. Kuczera, and
15 through questioning of the clerks of both Department 106 and
16 107, that there was no impedence whatever of the -- as you put
17 it -- the flow of the evidence.

18 The evidence was made available. The items of
19 evidence were made available to the jurors as they needed them.

20 MR. KANAREK: And I make a motion for a mistrial.

21 THE COURT: The motion for mistrial on that ground is
22 denied.

23 MR. MANZELLA: Your Honor, may I be heard just briefly?
24 Your Honor, I think the record should reflect that the jury
25 has been sequestered since the Judge initially sequestered
26 them, when they began their deliberations in this case.

27 THE COURT: Yes, they have been sequestered during all
28 the deliberations.

1 MR. KANAREK: Well, I don't think they were sequestered
2 in the -- in the concept of their -- within what the Reardon
3 report calls a sequestration, your Honor.

4 They were -- like any jury in Los Angeles County,
5 when -- when they are locked up for the night, that is
6 certainly not the sequestration that is -- that is conceived
7 of and -- and which is enunciated in the Reardon report.

8 Certainly, that type of sequestration did not
9 occur.

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1 THE COURT: Well, nevertheless, the Court has been
2 informed by the bailiffs who had the custody of the jury that
3 the -- they were kept -- when the Grogan results came back,
4 they were kept from knowing that by means of taking the tele-
5 vision sets out of the rooms, and by cutting items out of the
6 newspapers that were available to the jury.

7 MR. KANAREK: And I make a motion for a mistrial and
8 allege a denial of due process, and ask for a hearing in
9 connection with the reading of the testimony of Ruby Pearl,
10 and the colloquy between the Court and Mr. Hunt, in that that
11 was not -- there was no court reporter in the room to take
12 down the proceedings.

13 Miss Briandi read -- there was colloquy between
14 the Court and -- as I say, Mr. Hunt and counsel, but there was
15 no court reporter taking down what Miss -- what occurred in the
16 courtroom.

17 There is no -- and the Code provides --, and so
18 Mr. Manson is denied due process and equal protection under
19 the Fourteenth Amendment.

20 THE COURT: Perhaps -- you were present during that time,
21 were you not?

22 MR. KANAREK: Oh, I was present, right.

23 THE COURT: And you heard what Mr. Hunt said?

24 MR. KANAREK: Well, yes. But this is why we have --

25 THE COURT: And the Court's recollection as to what
26 Mr. Hunt said was --

27 MR. KANAREK: I am asking for a hearing on it, your
28 Honor. This is --

10-2

1 THE COURT: Pardon me?

2 MR. KANAREK: Your Honor's gratuitous statement of what
3 occurred is not a hearing. I am asking for a hearing.

4 THE COURT: A hearing?

5 MR. KANAREK: Yes.

6 THE COURT: You were there. Mr. Manzella was there.

7 MR. KANAREK: Right.

8 THE COURT: The entire jury was there.

9 MR. KANAREK: Right.

10 THE COURT: And what sort of a hearing do you want?

11 MR. KANAREK: I would like a hearing, under oath, as to
12 what was enunciated.

13 THE COURT: Well, you heard what was said.

14 MR. KANAREK: Yes, but --

15 THE COURT: Now, will you state what was said?

16 MR. KANAREK: I do not recall, with the kind of
17 precision that is necessary, when you want to take a man's
18 life.

19 THE COURT: All right. Mr. Hunt, --

20 MR. KANAREK: And the --

21 THE COURT: -- to the best of the Court's recollection,
22 simply said that the reading that had been done by Miss
23 Briandi was sufficient; and at that point, the Court terminated
24 the reading of the record.

25 MR. KANAREK: Well, your Honor, I -- the point is --

26 THE COURT: It's true that there was no other reporter
27 in the room.

28 MR. KANAREK: Right. And that --

10-3

1 THE COURT: But Mr. -- I think that it is clear -- and
2 you offered no protest at that time, if it was not clear --
3 that Mr. Hunt determined, from -- I don't know what he said to
4 other members of the jury, but there was some whispered
5 discussion between him and one or two other members of the
6 jury, and it was clear, then, that Mr. Hunt indicated to
7 everyone present in the courtroom that they had heard enough
8 of the reading of the evidence.

9 The motion for --

10 MR. KANAREK: Well -- but as I recall, it was a -- it
11 was a fortuitous type of event, such as your Honor was going
12 to declare some kind of a recess, because Miss Briandi had --
13 had some kind of a problem; and we needed a recess for Miss
14 Briandi.

15 And it was at that time that something occurred
16 between the Court, wherein Mr. Hunt made a statement.

17 All I am saying is, the Court -- the law
18 contemplates a --

19 THE COURT: All right.

20 MR. KANAREK: -- a reporter's record. There is no
21 reporter's record.

22 Under Cooper versus the Superior Court, things
23 which may be trivial at one stage of the proceedings can
24 assume the magnitude of a denial of due process and a fair
25 trial at other stages; and especially, in the jury delibera-
26 tion stage, it's our belief, and it's our -- that's why we
27 ask for the hearing.

28 And absent the hearing, we ask for a mistrial.

10-4

1 THE COURT: All right. The motion for a mistrial --

2 MR. KANAREK: As to exactly what happened, and who said
3 what.

4 THE COURT: The motion for a mistrial is denied on that
5 ground.

6 The Court denies a motion for a hearing.

7 MR. KANAREK: May it -- and actually, the testimony
8 involved -- involved Ruby Pearl, of which, of course, is quite
9 critical testimony.

10 THE COURT: Well, that is a matter, I suppose, which the
11 jury has decided.

12 The motion for a hearing, an evidentiary hearing,
13 in respect to what occurred in the -- in your presence, and in
14 the presence of Mr. Manzella and the jury, when Miss Briandi
15 was reading, is denied.

16 And the motion for a mistrial is denied.

17 MR. KANAREK: Well, then, your Honor, I would move for a
18 continuance, on the grounds that we should have a hearing -- and
19 bring the people in, who -- who participated in this -- in this
20 alleged sequestration.

21 And your Honor can then make a finding as to
22 whether or not, in fact, there has been any kind of a -- any
23 kind of a transmittal of the results of the Grogan trial -- or
24 other material -- to the jury, by means of the mass media or
25 otherwise.

26 And so we ask for a continuance, that your Honor
27 conduct such a hearing before the purported verdicts are read.
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1 THE COURT: Well, the Court will ask the jurors whether
2 or not they have heard of the results of the Grogan trial.

3 MR. KANAREK: Well, that -- that is not adequate, your
4 Honor, in our view.

5 THE COURT: Mr. Kuczera is present here, the record
6 should show, and the Court will ascertain from him, and from
7 the other bailiffs, what was done, should the jury indicate
8 that they had -- they had any of them heard of the results of
9 the Grogan trial, and find out whether -- I may do it at any
10 event, just to ascertain what steps were taken, just to
11 reinforce what the -- to determine what had been done in order
12 to reinforce the Court's order.

13 MR. MANZELLA: Will the Court accept the verdicts first,
14 and then inquire of the jury?

15 THE COURT: I'll accept the verdicts first.

16 MR. KANAREK: Well, then, it's --

17 THE COURT: I will inquire of the jury before I accept
18 any verdicts.

19 MR. KANAREK: We do ask for a mistrial, your Honor.

20 THE COURT: The motion for a mistrial is denied.

21 (Whereupon, the following proceedings were had in
22 open court, at 3:44 P. M., within the presence and hearing of
23 the jury:)

24 THE BAILIFF: Remain seated. Come to order. The Court
25 is again in session.

26 THE COURT: Good afternoon, ladies and gentlemen.

27 (Whereupon, murmurs of "Good afternoon, your
28 Honor," were heard from members of the jury.)

11-2

1 THE COURT: The record will show that Mr. Kanarek is
2 present, Mr. Manzella for the People, all of the jurors and
3 alternates.

4 The record may show the defendant to be present.

5 Ladies and gentlemen, the Court wishes to inquire
6 of you at this time whether any of you -- whether any of you
7 jurors -- or alternates -- have, during the course of the time
8 that you have been sequestered, heard anything, read anything,
9 seen anything of whatever nature concerning any other trial
10 involving Mr. Manson? If you have, would you raise your hand?

11 I see no affirmative response.

12 Specifically, the Court wishes to ask of you --
13 and if your answer is affirmative, raise your hand, please --
14 Has any of you heard, seen or read anything whatever concern-
15 ing the case of People versus Steven Grogan?

16 Again, the Court notes for the record that there
17 is no affirmative response.

18 Mr. Hunt, has the jury arrived at verdicts?

19 THE FOREMAN: We have, your Honor.

20 THE COURT: Would you hand them to the bailiff?

21 Mr. Manson, you may be seated.

22 (Pause in the proceedings while the Court
23 perused the verdicts.)

24 THE COURT: The clerk will read the verdicts.

25 THE CLERK: (Reading.) Title of court and cause.

26 "We, the jury in the above-entitled action,
27 find the defendant Charles Manson guilty of murder, in
28 violation of Section 187 Penal Code, as charged in Count I of

1 the indictment; and further find it to be murder in the first
2 degree.

3 "This 2nd day of November, 1971.

4 "Daniel W. Hunt, Foreman."

5 Ladies and gentlemen of the jury, is this your
6 verdict, so say you one, so say you all?

7 THE JURORS: (Indicating affirmatively.)

8 THE CLERK: Ladies and gentlemen of the jury, as I call
9 your name, if this is your verdict, please answer yes. If
10 not, please answer no.

11 Mrs. Hills?

12 JUROR NO. 1: Yes.

13 THE CLERK: Mr. Mayer?

14 JUROR NO. 2: Yes.

15 THE CLERK: Mr. Nieves?

16 JUROR NO. 3: Yes.

17 THE CLERK: Mr. Williams?

18 JUROR NO. 4: Yes.

19 THE CLERK: Miss Sierra?

20 JUROR NO. 5: Yes.

21 THE CLERK: Mr. Wilson?

22 JUROR NO. 6: Yes.

23 THE CLERK: Miss Jenkins?

24 JUROR NO. 7: Yes.

25 THE CLERK: Mr. Thompson?

26 JUROR NO. 8: Yes.

27 THE CLERK: Mrs. Love?

28 JUROR NO. 9: Yes.

1 THE CLERK: Mr. Rico?

2 JUROR NO. 10: Yes.

3 THE CLERK: Mr. Hunt?

4 JUROR NO. 11: Yes.

5 THE CLERK: Mr. Garcia?

6 JUROR NO. 12: Yes.

7 THE CLERK: The jury has been polled, and all answer in
8 the affirmative.

9 (Reading.) Title of court and cause.

10 "We, the jury in the above-entitled action, find
11 the defendant Charles Manson guilty of conspiracy to commit
12 murder and robbery, in violation of Section 182.1 of the Penal
13 Code, as charged in Count II of the indictment.

14 "This 2nd day of November, 1971.

15 "Daniel W. Hunt, Foreman."

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12 1 Ladies and gentlemen of the jury, is this your
2 verdict, so say you one, so say you all?

3 THE JURORS: (Indicating affirmatively.)

4 THE CLERK: Mrs. Hills?

5 JUROR NO. 1: Yes.

6 THE CLERK: Mr. Mayer?

7 JUROR NO. 2: Yes.

8 THE CLERK: Mr. Nieves?

9 JUROR NO. 3: Yes.

10 THE CLERK: Mr. Williams?

11 JUROR NO. 4: Yes.

12 THE CLERK: Miss Sierra?

13 JUROR NO. 5: Yes.

14 THE CLERK: Mr. Wilson?

15 JUROR NO. 6: Yes.

16 THE CLERK: Miss Jenkins?

17 JUROR NO. 7: Yes.

18 THE CLERK: Mr. Thompson?

19 JUROR NO. 8: Yes.

20 THE CLERK: Mrs. Love?

21 JUROR NO. 9: Yes.

22 THE CLERK: Mr. Rico?

23 JUROR NO. 10: Yes.

24 THE CLERK: Mr. Hunt?

25 JUROR NO. 11: Yes.

26 THE CLERK: Mr. Garcia?

27 JUROR NO. 12: Yes.

28 THE CLERK: The jury has been polled, and all answer in

1 the affirmative.

2 (Reading.) Title of court and cause.

3 "We, the jury in the above-entitled action, find the
4 defendant Charles Manson guilty of murder, in violation of
5 Section 187 Penal Code, as charged in Count III of the
6 indictment, and further find it to be murder in the first
7 degree.

8 "This 2nd day of November, 1971.

9 "Daniel W. Hunt, Foreman."

10 Ladies and gentlemen of the jury, is this your
11 verdict, so say you one, so say you all?

12 THE JURORS: (Indicating affirmatively.)

13 THE CLERK: Mrs. Hills?

14 JUROR NO. 1: Yes.

15 THE CLERK: Mr. Mayer?

16 JUROR NO. 2: Yes.

17 THE CLERK: Mr. Nieves?

18 JUROR NO. 3: Yes.

19 THE CLERK: Mr. Williams?

20 JUROR NO. 4: Yes.

21 THE CLERK: Miss Sierra?

22 JUROR NO. 5: Yes.

23 THE CLERK: Mr. Wilson?

24 JUROR NO. 6: Yes.

25 THE CLERK: Miss Jenkins?

26 JUROR NO. 7: Yes.

27 THE CLERK: Mr. Thompson?

28 JUROR NO. 8: Yes.

1 THE CLERK: Mrs. Love?

2 JUROR NO. 9: Yes.

3 THE CLERK: Mr. Rico?

4 JUROR NO. 10: Yes.

5 THE CLERK: Mr. Hunt?

6 JUROR NO. 11: Yes.

7 THE CLERK: Mr. Garcia?

8 JUROR NO. 12: Yes.

9 THE CLERK: The jury has been polled, and all answer in
10 the affirmative.

11 THE COURT: Does the defendant waive reading of the
12 verdicts as recorded?

13 MR. KANAREK: No, your Honor.

14 THE COURT: You will record the verdict, Mrs. Holt. And
15 would you read the verdict as recorded?

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

18 THE CLERK: (Reading.) Title of court and cause.

19 "We, the jury in the above-entitled action, find
20 the defendant Charles Manson guilty of murder, in violation of
21 Section 187 Penal Code, as charged in Count I of the
22 indictment; and further find it to be murder in the first
23 degree.

24 "This 2nd day of November, 1971.

25 "Daniel W. Hunt, Foreman."

26 (Pause in the proceedings while a further
27 discussion off the record ensued at the bench between the
28 Court and the clerk.)

1 THE CLERK: Ladies and gentlemen of the jury, is this
2 your verdict, so say you one, so say you all?

3 THE JURORS: (Indicating affirmatively.)

4 THE CLERK: Ladies and gentlemen of the jury, as I call
5 your name, if this is your verdict, please answer "yes." If
6 not, please answer "no."

7 Mrs. Hills?

8 JUROR NO. 1: Yes.

9 THE CLERK: Mr. Mayer?

10 JUROR NO. 2: Yes.

11 THE CLERK: Mr. Nieves?

12 JUROR NO. 3: Yes.

13 THE CLERK: Mr. Williams?

14 JUROR NO. 4: Yes.

15 THE CLERK: Miss Sierra?

16 JUROR NO. 5: Yes.

17 THE CLERK: Mr. Wilson?

18 JUROR NO. 6: Yes.

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1 THE CLERK: Miss Jenkins?

2 JUROR NO. 7: Yes.

3 THE CLERK: Mr. Thompson?

4 JUROR NO. 8: Yes.

5 THE CLERK: Mrs. Love?

6 JUROR NO. 9: Yes.

7 THE CLERK: Mr. Ricco?

8 JUROR NO. 10: Yes.

9 THE CLERK: Mr. Hunt?

10 JUROR NO. 11: Yes.

11 THE CLERK: Mr. Garcia?

12 JUROR NO. 12: Yes.

13 THE CLERK: The jury has been polled, and all answer
14 in the affirmative.

15 (Reading) Title of court and cause.

16 "We, the jury in the above-entitled action, find
17 the defendant Charles Manson guilty of conspiracy to
18 commit murder and robbery, in violation of Section
19 182.1 of the Penal Code, as charged in Count II of
20 the Indictment.

21 "This 2nd day of November, 1971.

22 "Daniel W. Hunt, Foreman."

23 Ladies and gentlemen of the jury, is this your
24 verdict, so say you one, so say you all?

25 THE JURORS: (Indicating affirmatively.)

26 THE CLERK: Mrs. Hills?

27 JUROR NO. 1: Yes.

28 THE CLERK: Mr. Mayer?

1 JUROR NO. 2: Yes.

2 THE CLERK: Mr. Nieves?

3 JUROR NO. 3: Yes.

4 THE CLERK: Mr. Williams?

5 JUROR NO. 4: Yes.

6 THE CLERK: Miss Sierra?

7 JUROR NO. 5: Yes.

8 THE CLERK: Mr. Wilson?

9 JUROR NO. 6: Yes.

10 THE CLERK: Miss Jenkins?

11 JUROR NO. 7: Yes.

12 THE CLERK: Mr. Thompson?

13 JUROR NO. 8: Yes.

14 THE CLERK: Mrs. Love?

15 JUROR NO. 9: Yes.

16 THE CLERK: Mrs. Rico -- Mr. Rico? I'm sorry.

17 JUROR NO. 10: Yes.

18 THE CLERK: Mr. Hunt?

19 JUROR NO. 11: Yes.

20 THE CLERK: Mr. Garcia?

21 JUROR NO. 12: Yes.

22 THE CLERK: The jury has been polled, and all answer in
23 the affirmative.

24 (Reading) "Title of court and cause.

25 "We, the jury in the above-entitled action,
26 find the defendant, Charles Manson, guilty of
27 murder, in violation of Section 187, Penal Code,
28 as charged in Count III of the Indictment; and

1 "further find it to be murder in the first
2 degree.

3 "This 2nd day of November, 1971.

4 "Daniel W. Hunt, Foreman."

5 Ladies and gentlemen of the jury, is this your
6 verdict, so say you one, so say you all?

7 THE JURORS: (Indicating affirmatively.)

8 THE CLERK: Mrs. Hills?

9 JUROR NO. 1: Yes.

10 THE CLERK: Mr. Mayer?

11 JUROR NO. 2: Yes.

12 THE CLERK: Mr. Nieves?

13 JUROR NO. 3: Yes.

14 THE CLERK: Mr. Williams?

15 JUROR NO. 4: Yes.

16 THE CLERK: Miss Sierra?

17 JUROR NO. 5: Yes.

18 THE CLERK: Mr. Wilson?

19 JUROR NO. 6: Yes.

20 THE CLERK: Miss Jenkins?

21 JUROR NO. 7: Yes.

22 THE CLERK: Mr. Thompson?

23 JUROR NO. 8: Yes.

24 THE CLERK: Mrs. Love?

25 JUROR NO. 9: Yes.

26 THE CLERK: Mr. Rico?

27 JUROR NO. 10: Yes.

28 THE CLERK: Mr. Hunt?

1 JUROR NO. 11: Yes.

2 THE CLERK: Mr. Garcia?

3 JUROR NO. 12: Yes.

4 THE CLERK: The jury has been polled, and all answer in
5 the affirmative.

6 THE COURT: Very well. The record will show that the
7 verdict of the jury is unanimous as to guilt of murder in the
8 first degree in the first count, and to guilt of Count II,
9 in violation of Section 187 -- strike that; in violation of
10 Section 182.1 of the Penal Code, Conspiracy; and that the
11 verdict is unanimous as to Count III, as to guilt of Count
12 III, the crime of murder in the first degree, in violation of
13 Section 187 of the Penal Code.

14 The record will show the verdict is unanimous,
15 then, as to all counts in respect to the defendant; and it
16 will show that he is guilty of murder of the first degree, as
17 determined by these verdicts in Count I, in Count III, and
18 guilty of a violation of Section 182.1, conspiracy, in Count II.

19 Ladies and gentlemen, the Court has decided to
20 continue the sequestration to a certain extent, in that you
21 will remain at the hotel where you have been staying during
22 the course of your deliberations.

23 However, the Court will permit visitations by
24 relatives freely during the period between now and the time
25 when the second phase -- the penalty phase of this case --
26 begins.

27 Will counsel approach the bench?
28

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

4 THE COURT: What is your pleasure?

5 When can you begin?

6 MR. KANAREK: Well, I would move -- it's pointless to
7 have a penalty phase; just that -- in other words, just for
8 the sheer circus of it, your Honor. He has got seven counts.
9 It's just ridiculous.

10 THE COURT: The motion is denied.

11 MR. KANAREK: I would --

12 THE COURT: If you are moving that we do not proceed
13 with it.

14 MR. KANAREK: I don't -- it's -- it would seem like the
15 District Attorney's Office has -- has obtained enough mileage
16 out of Mr. Manson.

17 THE COURT: Are you ready to proceed?

18 MR. KANAREK: No, your Honor. I have some witnesses
19 that I -- I have one witness that I --

20 THE COURT: When would you be ready to proceed?

21 MR. KANAREK: Well, I would say --

22 THE COURT: Thursday?

23 MR. KANAREK: No, I would say next Monday or Tuesday.

24 THE COURT: The Court will not allow you that much time.

25 MR. KANAREK: Well --

26 THE COURT: You have had all this time, and the Court
27 notes that the -- you might not have anticipated this, but
28 you should have at least --

1 MR. KANAREK: No, it's not a matter of not anticipating.
2 I need one witness that's from the California Institution of
3 Women -- For Women, Leslie Van Houten.

4 THE COURT: Have you requested that, prepared a removal
5 order?

6 MR. KANAREK: No.

7 THE COURT: All right. The Court will -- how long
8 will your case take?

9 MR. MANZELLA: About 15 minutes.

10 THE COURT: Mr. Kanarek, if that is the case, you should
11 be ready to proceed on Thursday morning.

12 MR. KANAREK: Well, I cannot be guided by them, your
13 Honor. I mean, that I should be limited by what -- in other
14 words, if he says 15 minutes, or five days or something like
15 that -- the fact of the matter is that we need Leslie Van Houten
16 from the California Institution For Women.

17 THE COURT: Well, regardless of whom you may need, --

18 MR. KANAREK: Yes.

19 THE COURT: -- you have not made any requests for these
20 people?

21 MR. KANAREK: Well, not --

22 THE COURT: Subpoenas?

23 MR. KANAREK: No, I haven't.

24 THE COURT: Or a court order?

25 MR. KANAREK: Not as to Leslie Van Houten, no.

26 THE COURT: All right. Is that the only one for whom
27 you would anticipate any delay?

28 MR. KANAREK: Uhhh -- well, I would want Mr. Black,

1 Charlie Black.

2 THE COURT: Who is Mr. Black?

3 MR. KANAREK: He's the man -- or Charles Rich, also
4 known as Charles Rich, who testified here.

5 THE COURT: Who testified previously?

6 MR. KANAREK: Right.

7 THE COURT: I'll grant you until Thursday to get ready.

8 MR. KANAREK: Well, I am ready. But I mean, I need
9 these witnesses, your Honor. If they were -- for instance,
10 Mr. Black or Mr. Rich were in the County Jail, if they had
11 left him in the County Jail, there wouldn't have been any
12 problem.

13 But Leslie Van Houten is in the California
14 Institution For Women, and --

15 THE COURT: All right.

16 MR. KANAREK: -- so --

17 THE COURT: I will assume that you will both be ready
18 on Thursday.

19 MR. KANAREK: Well, she --

20 THE COURT: And the Court will issue such orders as
21 -- for removal as you wish; and the Court will ask that you
22 remain here today, so that we can get those orders prepared
23 and have them served.

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

26 THE COURT: The second phase of this case, the penalty
27 phase, will begin, ladies and gentlemen, on Thursday morning
28 at 9:30.

1 And the Court would order that -- does order that
2 during the interim, between now and 9:30 on Thursday, that
3 you maintain the same conduct that you have maintained, in
4 respect to publicity.

5 The Court admonishes you that you are not to
6 expose yourselves to any publicity concerning this case, or
7 concerning any other case in which Mr. Manson may be con-
8 cerned.

9 The Court would order that, during the next 24
10 hours, that you not view television at all, except under
11 circumstances wherein the bailiffs monitor the television set,
12 monitor the program -- in other words, you can have one
13 television set, with all of you able to view it, and you will
14 not have a television set -- or a radio -- in your room during
15 the course of the next 24 hours.

15 1 The Court would order that during the period of
2 this recess, that you not discuss this case with anyone,
3 not amongst yourselves nor with anyone else, nor permit anyone
4 to discuss it with you, nor are you to form or express any
5 opinions on the matters remaining in this case until it is
6 finally submitted to you.

7 And during the course of the recess, then,
8 remember that it's your firm obligation not to see, hear or
9 read anything, from any of the news media, concerning this
10 case or any other case in which Mr. Manson may be involved --
11 or in which Mr. Manson's name is mentioned.

12 THE DEFENDANT: Your Honor, may I dismiss this counsel
13 and proceed on my own behalf?

14 THE COURT: No, you may not, Mr. Manson.

15 THE DEFENDANT: The United States are cowards. You
16 won't even face --

17 THE COURT: Thursday morning at 9:30.

18 The Court will --

19 THE DEFENDANT: He hasn't got the balls, and neither
20 have you.

21 All you have done is judge your own confusion;
22 you haven't even seen the defendant.

23 I haven't got to say anything.

24 (Whereupon, the bailiffs started to escort the
25 defendant into the detention room.)

26 THE DEFENDANT: Look at this. This is what you have
27 over me. You have muscle over me. You don't have any minds.

28 Are you proud? Are you proud?

1 (Whereupon, the defendant was escorted into the
2 detention room.)

3 THE COURT: Again, ladies and gentlemen, the Court
4 admonishes you that anything that Mr. Manson says, any of his
5 conduct in the courtroom that you have observed, in the course
6 of these proceedings, is not to, in any way, affect your
7 judgment in this case.

8 I'll see you all at 9:30 on Thursday.

9 I will see counsel in chambers, both counsel.

10 The court's in recess.

11 (Whereupon, the following proceedings were had
12 in chambers, outside the presence and hearing of the jury:)

13 THE COURT: Let's see.

14 Mr. Kanarek, you wish to have Leslie Van Houten
15 here?

16 MR. KANAREK: Right.

17 THE COURT: To your knowledge, she is at the --

18 MR. KANAREK: California Institution For Women.

19 THE COURT: Where?

20 MR. KANAREK: Chino -- or -- what's called the Corona
21 or Chino area. I --

22 THE COURT: All right. Do you have -- have you prepared
23 the order of removal?

24 MR. KANAREK: No, I don't have it as of this instant.

25 THE COURT: Who else do you want here, --

26 MR. KANAREK: Mr. --

27 THE COURT: -- what other person?

28 MR. KANAREK: -- Charles A. X. Rich.

1 THE COURT: This is a person --

2 MR. KANAREK: Also known as Charles Black.

3 THE COURT: -- who is in San Quentin or Folsom?

4 MR. KANAREK: No, sir. I think he's at the California
5 Institution For -- or, the California Men's Colony at San Luis
6 Obispo.

7 THE COURT: Have you submitted the necessary --

8 MR. KANAREK: Well, he was already -- he has already
9 been here, and they acted so as to -- they take them away,
10 your Honor.

11 They took him away of their own accord. He has
12 been here before.

13 THE COURT: Since he's a prisoner under sentence, it's
14 not unusual that he'd be removed from the County Jail.

15 What other person?

16 MR. KANAREK: Well, I will -- well, I -- as I say, I
17 have some under -- it's most important that we have the
18 United States Government file, your Honor. I don't know.
19 I am -- on Mr. Manson.

20 Now, I've asked for that previously, and -- the
21 United States Bureau of Prisons File, and they have a -- a
22 most cavalier attitude for -- it requires the Attorney
23 General to release it, and the Attorney General has refused
24 to release it.

25 THE COURT: You have no other person whom you wish to
26 have the Court assist you to procure; is that correct?
27 That you can think of at this time?

28 MR. KANAREK: Well, no, not at --

1 THE COURT; How long would your presentation take?

2 MR. KANAREK: Oh, the presentation won't take long.

3 That's why I was asking for next Monday. I think that it's not
4 unreasonable. Under Crovedi, I think it's -- People vs.

5 Crovedi, it's necessary and desirous.

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1 THE COURT: The Court finds that you have had ample time
2 to prepare.

3 MR. KANAREK: Well, that's not -- my personal preparation
4 is complete, your Honor. It's a matter of -- it's a matter
5 of -- that I think we are entitled to that, to -- to get a
6 fair verdict.

7 THE COURT: I will see you gentlemen then, on Thursday
8 morning.

9 Is there anything further now? The Court does
10 wish to do this. The Court does wish to determine from the
11 bailiffs what has been done and what will be done in connec-
12 tion with the sequestration of the jury from news of the Grogan
13 matter.

14 It's probably moot, because I believe that the jury
15 did not in any way learn of the return of the Grogan jury with
16 a verdict of guilty of the --

17 MR. KANAREK: How can you tell without an evidentiary
18 hearing, your Honor?

19 THE COURT: -- of the murder of Shorty Shea.

20 MR. KANAREK: Your Honor, with the circus atmosphere
21 that's in this city concerning Mr. Manson --

22 THE COURT: The Court has not observed a circus
23 atmosphere, Mr. Kanarek.

24 MR. KANAREK: Well --

25 THE COURT: As a matter of fact, the Court has noted
26 that there has been very little attention during the entire
27 course of this trial given to Mr. Manson or this trial.

28 MR. KANAREK: Well, that isn't --

16-2

1 THE COURT: I haven't seen -- until today, I haven't
2 seen more than one or two reporters in this courtroom. Some
3 days, there were no reporters in this courtroom.

4 And there have not been any articles --

5 MR. KANAREK: That is not so. There was the -- the
6 alleged gun shop robbery, in Hawthorne.

7 THE COURT: There was.

8 MR. KANAREK: In which your Honor had to excuse one of
9 the jurors, because she was afraid for her life.

10 THE COURT: The Court hadn't gotten around to that. With
11 the exception of that, wherein that was reported, and with the
12 exception of the escape of --

13 MR. KANAREK: Well, the exceptions, your Honor, swallow
14 up the --

15 THE COURT: But the Court has previously inquired
16 concerning that. You have made motions concerning these
17 happenings, of the gun shop robbery and the escape of Mr. Como,
18 and I think your record is clear.

19 MR. KANAREK: Mr. Como.

20 THE COURT: Yes.

21 MR. KANAREK: The alleged escape of Mr. Como, with the
22 alleged assistance of people who are friendly to Mr. Manson.

23 THE COURT: The Court feels that your record is clear in
24 respect to that.

25 But I have not noted, as you term it, a circus
26 atmosphere in the course of this case.

27 MR. KANAREK: Well, I don't know. I --

28 THE COURT: Mr. Manzella, you believe that your case will

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1 take just fifteen minutes?

2 MR. MANZELLA: Yes, your Honor.

3 THE COURT: Would you have Mr. Kuczera come in, if he's
4 free now? And also Sergeant Maupin.

5 THE BAILIFF: Sergeant Maupin will be in shortly, sir.

6 THE COURT: In regard to the removal order of Leslie
7 Van Houten, will the People assist in moving that along for
8 the Court? You have the form that is available to your office,
9 do you not? Can you see that that's prepared?

10 MR. MANZELLA: Your Honor, I think, though, that we
11 submit that form -- I'm trying to think of who we submit that
12 form to.

13 CAPTAIN ALLEY: Sergeant Maupin is upstairs right
14 now with the jury.

15 THE COURT: I see. Would you swear Mr. Kuczera? The
16 Court wishes to inquire of him as to what had been done in
17 connection with the sequestration of the jury during the time
18 that they were in deliberations.

19 MR. KANAREK: Well, if I may, your Honor, I -- I don't
20 want this to focus upon Mr. Kuczera. I'm not alleging any-
21 thing wrong by Mr. Kuczera.

22 If we are going to have a hearing, we should have
23 a hearing.

24 THE COURT: Go ahead, Mrs. Holt.

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

16-4

1 THE WITNESS: I do.

2 MR. KANAREK: May the record reflect, I did not ask that
3 Mr. Kuczera be pinpointed or even asked that he be sworn.

4 THE COURT: I think that you're --

5 MR. KANAREK: I asked for a hearing, a plenary hearing.

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6 THE COURT: I think that the record's clear.
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ROBERT KUCZERA,

called as a witness, was first duly sworn and testified as follows:

EXAMINATION

BY THE COURT:

Q Mr. Kuczera, would you tell the Court and counsel what you did in respect to following the Court's instructions regarding keeping publicity of the Grogan trial from the jurors, during the course of the time that they were in deliberations?

A Yes, sir. When the news came out on the possible verdict, that it might be in the news, the officer called -- Al Medina called me from the Hall of Justice and said that the jury in Department 107 had received -- that they had received two buzzes, indicating a verdict.

Q What time was that?

A Approximately 10:30 in the morning, sir. At that time --

Q 10:30 last Saturday morning?

A Yes, sir. Last Saturday morning.

At that time, I called the hotel desk and asked for several technicians to remove the TV's from the jurors' rooms; and also, removed from the room of Mrs. Banks a radio which was delivered to her.

Q To your knowledge, were any other radios available to the jurors?

A No, sir.

Q Go ahead.

17-2

1 A We had a baseball game -- or, excuse me -- a foot-
2 ball game on television. It was monitored at all times by
3 myself, or the officer who was working with me.

4 And that was the extent of the TV. It was turned
5 off immediately when the game was over. There were no news
6 flashes or no news scripts on the television screen at all.

7 MR. KANAREK: Well --

8 Q BY THE COURT: In regard to newspapers, was any-
9 thing done about that?

10 A Yes, sir. There was a Los Angeles Times Sunday
11 edition, and a Herald and Examiner Sunday edition, which were
12 purchased by myself. They were checked by myself.

13 There was one article from each in regards to the
14 Grogan case. They were both removed. They were double-
15 checked by Deputy Orr and by another deputy on duty.

16 Q As to the articles, were they headline articles?
17 On the front page?

18 A No, sir. I believe it was the third page on one --
19 and I don't recall what page they were on the others. I have
20 the articles.

21 Q Were you the bailiff in charge of the jury during
22 all its sequestration?

23 A Yes, I was.

24 Q Do you know of any instance wherein the jurors
25 received any word, any news whatever, of the Grogan trial
26 result?

27 A No, sir, none whatsoever.

28 Q Did you keep the jury together on one floor of the

1 hotel?

2 A Yes, sir. As an added precaution, the phones were
3 blocked out, and there were phone locks installed on every
4 phone.

5 The phones were dead in all the jurors' rooms.

6 THE COURT: Do you wish to ask him any questions?

7 MR. KANAREK: Yes.

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9 EXAMINATION

10 BY MR. KANAREK:

11 Q Mr. Kuczera, they had visitors; right?

12 A Over the weekend, no.

13 Q They spoke to some of their relatives?

14 A No, sir. There were no visitors, no relatives,
15 no phone calls.

16 Q No visitors?

17 A There was clothing brought to the hotel, and it was
18 dropped off --

19 THE COURT: That was this last weekend?

20 THE WITNESS: -- at the desk; it was dropped off, and
21 picked up by myself.

22 Q BY MR. KANAREK: Yeah. And at the time -- at the
23 time that -- in other words, you gave them papers where there
24 were -- where there were squares or rectangles cut out of the
25 papers; is that right?

26 A Yes, sir.

27 Q And so -- and then, at one instant in time,
28 there were televisions in their rooms, and then at a subsequent

1 instant, they were removed; is that right?

2 A Yes, sir.

3 Q So that they were aware that there was something
4 going on, that you took the television out?

5 MR. MANZELLA: How would Mr. Kuczera know that, your
6 Honor?

7 MR. KANAREK: Well, it's obvious, your Honor, that --

8 THE COURT: Just ask a question.

9 MR. KANAREK: Yes. I understand, that this is the only
10 way we can do it.

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1 THE COURT: That calls for a conclusion.

2 MR. KANAREK: Yes. By the Court questioning the jury --
3 which I asked for, before the verdicts came in -- there was
4 nothing --

5 THE COURT: The Court is satisfied that the jury
6 responded truthfully.

7 MR. KANAREK: Well, how -- how can -- your Honor, we are
8 dealing with people, where they are all of a sudden -- the
9 televisions are removed, and all of a sudden, there are holes
10 in their newspapers. And they know that the Grogan case --

11 THE COURT: Just a minute, Mr. Kanarek.

12 Any further questions?

13 MR. KANAREK: No. This is not meant to be any reflection
14 upon Mr. Kuczera. Your Honor swore Mr. Kuczera.

15 THE COURT: What bailiffs were working with you?

16 THE WITNESS: Deputy Stevens and Deputy Orr, sir.

17 MR. KANAREK: Your Honor, it's going all the way around
18 Robin Hood's barn, this way. The way to do it is to swear
19 the jurors --

20 THE COURT: The Court has heard enough from you,
21 Mr. Kanarek.

22 MR. KANAREK: I reiterate --

23 THE COURT: Were you with the jurors at all times that
24 they were sequestered?

25 THE WITNESS: Yes, I was.

26 THE COURT: Were you on duty during all of the time?

27 THE WITNESS: Yes, sir.

28 THE COURT: All right. Thank you, Mr. Kuczera.

1 CAPTAIN ALLEY: Will your Honor need us?

2 THE COURT: No, thank you, Captain.

3 Thank you, Sergeant Maupin.

4 SERGEANT MAUPIN: Yes, sir.

5 MR. KANAREK: And I reiterate -- I reiterate what I
6 stated before, that --

7 THE COURT: I don't think it's necessary.

8 MR. KANAREK: -- that I ask for a mistrial, because it's
9 a forced verdict, your Honor.

10 THE COURT: The Court denies your -- the Court impliedly,
11 in going ahead and taking the verdict, denied your motion for
12 mistrial.

13 The Court reaffirms that the motion for mistrial
14 is denied, on the grounds that you stated in respect to the
15 Grogan trial publicity, and on your other grounds which you've
16 stated amply.

17 The Court orders you to be here at 9:30 on
18 Thursday morning.

19 MR. MANZELLA: Goodnight, Judge.

20 (Whereupon, at 4:05 p.m., an adjournment was
21 taken in this case until 9:30 a.m. on Thursday, November 4,
22 1971.)

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