

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.

166  
NO. A-267861REPORTERS' DAILY TRANSCRIPT

THURSDAY, NOVEMBER 4, 1971

PENALTY CASE:

VOLUME 66PEOPLE ?  
DEFENSEAPPEARANCES:

For the People:

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

For Defendant Manson: IRVING A. KANAREK, ESQ.

COPY

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

I N D E XWITNESSESDIRECT    CROSS    REDIRECT

BRUNNER, Mary Theresa

9521

GUILLORY, Preston

9552

9601

9610

E X H I B I T SPEOPLE'S:For Identification

98 - certified copies of:

9503

a 5-page document

a photograph

a fingerprint exemplar

DEFENSE:

L-1 - photo

9595

L-2 - photo

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L-3 - photo

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L-4 - photo

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LOS ANGELES, CALIFORNIA, THURSDAY, NOVEMBER 4, 1971, 10:05 A. M.

THE COURT: Case of People versus Manson.

The record will show that all the jurors and alternates are present. Mr. Kanarek present, Mr. Manzella present.

(Whereupon, the following proceedings were had at the bench among Court and counsel, outside the hearing of the jury, with the defendant Manson being present:)

THE COURT: Is the defendant ready?

MR. KANAREK: Yes, your Honor.

THE DEFENDANT: Ready for what? To break your jaw --

THE COURT: Mr. Manzella?

MR. MANZELLA: Yes, your Honor.

THE DEFENDANT: -- is what I'm about ready for.

THE COURT: Mr. Manson, will you behave and not disrupt the proceedings?

THE DEFENDANT: Will I behave? You want me to die for you?

THE COURT: Will you not interrupt the proceedings? The Court would prefer that you be in court, if you can restrain yourself.

THE DEFENDANT: Here, but in back, no. I promise you.

THE COURT: All right, you may be in the courtroom.

THE DEFENDANT: All right.

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

THE COURT: The record will show the defendant to be

1 present.

2 The Clerk will read the verdicts as recorded.

3 THE CLERK: "Title of court and cause:

4 "We, the jury in the above-entitled action, find  
5 the defendant, Charles Manson, guilty of murder, in violation  
6 of Section 187 of the Penal Code, as charged in Count I of the  
7 indictment, and further find it to be murder in the first degree,  
8 this 2nd day of November, 1971, Daniel W. Hunt, Foreman.

9 "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 187.1 Penal Code,  
13 as charged in Count II of the indictment, this 2nd day of  
14 November, 1971, Daniel W. Hunt, Foreman.

15 "Title of court and cause:

16 "We, the jury in the above-entitled action, find  
17 the defendant Charles Manson guilty of murder, in violation of  
18 Section 187 Penal Code, as charged in Count III of the  
19 indictment, and further find it to be murder of the first  
20 degree, the 2nd day of November, 1971, Daniel W. Hunt,  
21 Foreman."

22 Verdicts are read, jury is polled as to each  
23 verdict and all jurors answer in the affirmative.

24 Verdicts are recorded, verdicts are re-read, the  
25 jury is again polled as to each verdict, and jurors answer as  
26 follows:

27 "Mrs. Hills, yes.

28 "Mr. Mayer, yes.

1 "Mr. Nieves, yes.

2 "Mr. Williams, yes.

3 "Miss Sierra, yes.

4 "Mr. Wilson, yes.

5 "Miss Jenkins, yes.

6 "Mr. Thompson, yes.

7 "Mrs. Love, yes.

8 "Mr. Rico, yes.

9 "Mr. Hunt, yes.

10 "Mr. Garcia, yes."

11 THE COURT: The Court orders that the record show that  
12 the verdict as to each count of the indictment is unanimous.

13 Very well, ladies and gentlemen, are these your  
14 verdicts, so say you one, so say you all?

15 (Whereupon, there were murmurs of "yes,"  
16 throughout the jury.)

17 THE COURT: Will you all raise your hands that these are  
18 your verdicts?

19 (Whereupon, there was a show of hands.)

20 THE COURT: I see that all jurors have raised their  
21 hands.

22 (Whereupon, the defendant Manson raised his  
23 hand.)

24 THE COURT: This is the time set in this department for  
25 the penalty phase of the trial.

26 Are the People ready, Mr. Manzella?

27 THE DEFENDANT: I would still like to put on a defense.

28 MR. MANZELLA: Yes, your Honor, the People are ready.

1 THE COURT: The defendant ready?

2 MR. KANAREK: Yes, except for the -- except what we have  
3 noted for the Court that we needed further time. We're ready  
4 in view of the Court's order, yes, your Honor.

5 THE COURT: I don't understand that.

6 You may approach the bench.

7 THE DEFENDANT: I have some witnesses that I wanted to  
8 call.

9 THE COURT: Mr. Manson, talk with Mr. Kanarek.  
10 Mr. Kanarek speaks for you.

11 THE DEFENDANT: Mr. Kanarek speaks for you.

12 Do you believe in this?

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

16 MR. KANAREK: Yes, your Honor, I'm ready to proceed. I  
17 made my record, I believe, under People versus Crovedi.

18 (Whereupon, while the proceedings were had at  
19 the bench among Court and counsel, outside the hearing of the  
20 jury, defendant Manson made the following statement out loud  
21 in open court:)

22 THE DEFENDANT: Even Caesar gave Christ a chance.

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

26 THE COURT: I'm not sure what you mean, how much time  
27 are you going to need? How much time do you want?

28 MR. KANAREK: Well, I'm ready to proceed.

1 THE COURT: All right.

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

4 THE COURT: People may proceed.

5 Do you wish to make an opening statement?

6 MR. MANZELLA: No, the People waive opening statement.

7 THE COURT: Do you waive opening statement?

8 MR. MANZELLA: Yes.

9 THE COURT: Mr. Kanarek, do you wish to make an opening  
10 statement?

11 MR. KANAREK: Not at this time, your Honor.

12 THE COURT: All right, you may reserve it.

13 The People may proceed.

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1 MR. MANZELLA: Your Honor, I have a certified copy of  
2 documents consisting of a photograph of Mr. Manson, a finger-  
3 print exemplar card, and documents consisting of five pages  
4 showing that defendant Charles Manson has been convicted of --

5 THE COURT: Excuse me.

6 MR. MANZELLA: Yes, your Honor.

7 THE COURT: Without stating the purported -- the Court  
8 will strike Mr. Manzella's remarks from the word "showing."

9 Have you shown those to Mr. Kanarek?

10 MR. MANZELLA: Yes, your Honor.

11 I have here certified copies.

12 MR. KANAREK: Your Honor, we oppose the use of these.  
13 He has to prove --

14 THE COURT: Excuse me, just a minute.

15 If you have an objection, you may approach the  
16 bench.

17 MR. KANAREK: Yes, I certainly do.

18 THE DEFENDANT: What do you think that little secret  
19 stuff is that they do up on the side there? Are you people  
20 that ignorant? You know what they're doing to your minds?  
21 They sneak up there and tell this man what to say and what he  
22 can't say.

23 THE COURT: Mr. Manson.

24 THE DEFENDANT: I can't call no witnesses. I've been  
25 held for two years up there incommunicado.

26 Are you people so blind you don't want to see it  
27 or you don't want --

28 THE COURT: The Court is going to have to order you --



1 THE DEFENDANT: I'm supposed to be quiet and die for  
2 you people? No, I'm not going to do it again. I'm tired of  
3 it.

4 THE COURT: Mr. Manzella, Mr. Kanarek.

5 THE DEFENDANT: I've been dying for you up there all my  
6 life. I've been locked up in your torture chambers all my  
7 life. Lots of people up there are getting tired of playing  
8 child's to you people.

9 (Whereupon, the defendant Manson was escorted  
10 to the holding tank by the bailiff.)

11 THE COURT: Mr. Manzella, the Court interrupted you,  
12 you may proceed.

13 MR. MANZELLA: I thought Mr. Kanarek had an objection,  
14 your Honor.

15 THE COURT: Well, have you finished your offer?

16 MR. MANZELLA: No, your Honor.

17 THE COURT: Finish your offer, and then if Mr. Kanarek  
18 still has an objection, I'll hear from him at the bench.

19 MR. MANZELLA: Yes, your Honor.

20 I have here a certified copy of documents  
21 consisting of a photograph, a fingerprint exemplar card,  
22 five pages of typed documents pertaining to this defendant,  
23 Charles Manson, in the case of People versus Charles Manson,  
24 Case A-253156, and ask that these documents, the five pages  
25 of typewritten documents, plus the copy of the fingerprint  
26 exemplar and the photograph of Mr. Manson and the certifica-  
27 tion of those documents be marked People's -- I believe 97.

28 THE COURT: It would be 98, would it not? It was 97a,

1 b and c.

2 MR. MANZELLA: 98 for identification.

3 THE COURT: 98 may be so marked. 98 for identification.

4 MR. MANZELLA: People offer People's 98 into evidence.

5 MR. KANAREK: I object on the grounds they have to prove  
6 the case beyond a reasonable doubt, your Honor.

7 THE COURT: The Court will hear from you at the bench.

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: Yes, your Honor. It is clear that if you  
12 are going to prove any additional, any other crime at penalty,  
13 you have to prove it beyond a reasonable doubt, the same way  
14 as any other case.

15 THE COURT: Well, if the People fail in their proof,  
16 but have records of judgments which are admissible, how is the  
17 defendant hurt thereby?

18 MR. KANAREK: Because we have a right that this jury  
19 determine beyond a reasonable doubt the guilt or innocence of  
20 any other crime at a penalty. The law is clear. And I can show  
21 it to the Court. They can't do it by documents. They have  
22 to bring in the witnesses to prove -- they cannot impeach --  
23 they cannot impute anything to Mr. Manson by way of any crime  
24 except by proving it before this jury. They can't do it by  
25 documents.

26 THE COURT: It is your theory that the Tate-LaBianca  
27 case should be presented in a capsule before this jury?

28 MR. KANAREK: I'm not asking the prosecution to put in

1 anything. What they put in -- if they are going to prove a  
2 crime and they want this jury to believe Mr. Manson is guilty  
3 of any other crime beyond a reasonable doubt, the law is  
4 clear -- may I get the citations for the Court and show that  
5 to the Court?

6 THE COURT: No, the Court believes that that's true.

7 But nevertheless, the People have the right, if  
8 they wish to, to simply present these documents. You don't  
9 know --

10 MR. MANZELLA: The People don't intend to present any-  
11 thing else, other than the documents.

12 MR. KANAREK: Then, that is inadequate to prove --

13 THE COURT: Argue that to the jury.

14 MR. KANAREK: Well, my position is, that that is not a  
15 proper method to prove up whatever he intends to prove by  
16 those papers.

17 THE COURT: The objection is overruled.

18 MR. KANAREK: Well, I may say this, it is a denial of  
19 due process and equal protection under the Fourteenth  
20 Amendment of the United States Constitution and under  
21 California law, the California constitution, California due  
22 process. It denies Mr. Manson a fair trial, a fair penalty  
23 hearing, your Honor, that is the most vile --

24 THE COURT: You examined the documents?

25 MR. KANAREK: Uh, I haven't memorized them.

26 THE COURT: But you've seen them?

27 MR. KANAREK: But I've seen them.

28 THE COURT: All right, your motion or rather the

1 objection is overruled.

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

4 THE COURT: People's 98 is received in evidence.

5 Anything further, Mr. Manzella?

6 MR. MANZELLA: No, your Honor, the People rest.

7 THE COURT: The defendant may proceed, Mr. Kanarek.

8 MR. KANAREK: Your Honor, I'm making a motion pursuant  
9 to 1118.1 of the Penal Code, in view of the burden of the  
10 prosecution to prove these matters beyond a reasonable doubt  
11 as to a moral certainty.

12 THE COURT: You wish to argue from the bench or from  
13 where you are? The Court would prefer you argue at the  
14 bench.

15 MR. KANAREK: It could be an extensive argument with  
16 points and authorities. An 1118 --

17 THE COURT: It cannot be an extensive argument with  
18 points and authorities. The Court is prepared to hear from  
19 you now, right here, at the bench.

20 MR. KANAREK: Very well.

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

24 THE DEFENDANT: (Through the screen of the holding  
25 tank door.) Get an ax.

26 MR. KANAREK: May I have the Penal Code, your Honor?

27 I refer your Honor to the language of 1118.1,  
28 which speaks more eloquently than I can speak. On appeal,

1 clearly, clearly, the documents invade just about every right  
2 I can think of. The right to confront, the right to confront  
3 the witnesses against you. All it is, is conclusion. It is  
4 hearsay. It does not prove, especially in view of the  
5 publicity, it does not prove the case against the defendant.

6 If I may be excused just a minute, I want to get --  
7 or use your Honor's copy of CALJIC.

8 THE COURT: I don't see it here. You may be excused.  
9 You may get your own.

10 MR. KANAREK: Yes, I think it is --

11 (Whereupon, Mr. Kanarek left the bench and  
12 went to the counsel table.)  
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1 MR. KANAREK: Your Honor, I brought my CALJIC to court,  
2 but evidently someone -- someone was looking at it or some-  
3 thing. It's not --

4 MR. MANZELLA: Isn't that it right there?

5 MR. KANAREK: No, sir. That's not the new CALJIC.

6 Could we use your Honor's, your Honor?

7 THE COURT: Yes, you may.

8 (Pause in the proceedings while Mr. Kanarek perused  
9 the volume.)

10 MR. KANAREK: Here, your Honor.

11 "Evidence of other crimes alleged to have  
12 been committed by the defendant may not be  
13 considered as evidence in aggravation unless  
14 proved beyond a reasonable doubt."

15 And this instruction --

16 THE COURT: Well, the Court does not dispute that, and  
17 I am sure --

18 MR. MANZELLA: That's right.

19 THE COURT: Do you dispute that, --

20 MR. MANZELLA: No.

21 THE COURT: -- Mr. Manzella?

22 MR. MANZELLA: No.

23 MR. KANAREK: Well, your Honor, you can't, then, under  
24 1118.1 -- we are entitled to your Honor finding Mr. Manson  
25 not guilty, because clearly, on appeal, with all of the --  
26 with the constitutional rights of confrontation, constitutional  
27 rights of cross-examination, with the constitutional right to  
28 be represented by counsel and all of that, when that comes into

1 play, then -- and he's entitled that your Honor, if they are  
2 resting on that, that under 1118.1, your Honor find in  
3 accordance with that code section.

4 THE COURT: All right. The motion is denied.

5 Do you have any other motions?

6 MR. KANAREK: Well, then, I ask for a mistrial. Because  
7 it's prejudicial, --

8 THE COURT: That motion --

9 MR. KANAREK: -- and I ask for the jury not to consider  
10 anything in connection with those purported --

11 THE COURT: That motion is denied.

12 MR. KANAREK: Well, then, may I see the documents?

13 THE COURT: All right. You may.

14 You may return to the counsel table --

15 MR. KANAREK: Well, I need the documents in connection  
16 with my argument, your Honor.

17 (Pause in the proceedings while Mr. Kanarek persued  
18 the proffered exhibits.)

19 MR. KANAREK: Your Honor, I would ask this: Your Honor,  
20 these are conclusionary (indicating). What this is is the  
21 commitment, the death sentence.

22 This is so prejudicial -- this does not show  
23 that Mr. Manson's guilty. All it is is the judgment of the  
24 Court.

25 All of those papers are absolutely inadmissible.  
26 The prejudicial value outweighs any probative value in  
27 connection with those papers. There's hearsay in there.

28 THE COURT: Are you requesting that the documents showing

1 the death sentence be removed?

2 MR. KANAREK: I am requesting that they all be stricken.  
3 I can go through those documents -- which I want to do; that's  
4 why I said: It takes excessive argument.

5 I can show the Court that that's hearsay, as to  
6 these proceedings. Just because it's a court document does  
7 not mean it's admissible.

8 It's -- if the prejudicial value outweighs the  
9 probative value, it has to be stricken. And we have a right  
10 to have these crimes proved beyond a reasonable doubt.

11 THE COURT: You've already stated that, Mr. Kanarek.  
12 You do not need to burden the record with it any further.

13 MR. KANAREK: I would like to go through this. I can  
14 show you why these statements are absolutely -- absolutely --  
15 may I go through it, then?

16 THE COURT: No. You may state your objection generally.

17 MR. KANAREK: Well, the only way --

18 THE COURT: If there is anything more to it.

19 MR. KANAREK: Yes, there is.

20 THE COURT: Is it on the same grounds that you are talk-  
21 ing now?

22 MR. KANAREK: Pardon me?

23 THE COURT: Are you objecting to the form of the  
24 documents?

25 MR. KANAREK: I am -- I am objecting on several  
26 grounds.

27 THE COURT: All right. You may state them. I'm not  
28 precluding you from stating them.



1 MR. KANAREK: All right. But it's -- it's so -- it's  
2 so extensive. First of all, these -- all of this -- this so-  
3 called set of documents, they're not relevant; they're not  
4 material; they're not competent.

5 They -- as I say, they have -- this infringes on  
6 Mr. Manson's rights under the Constitution, to a trial on the  
7 issue of guilt or innocence for these other crimes that they  
8 wish to prove.

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1 Now, if -- to put in his fingerprints and -- and  
2 his picture, with the -- with the California prison picture  
3 on it, it's just -- the probative value is outweighed by its  
4 prejudicial value, with his picture and these so-called  
5 fingerprints.

6 And there's no connecting up --

7 THE COURT: The Court finds otherwise in respect to that  
8 point.

9 MR. KANAREK: All right. Well -- well, if we go into --  
10 first of all, this minute order that purports to be from  
11 Department No. 104, dated April the 19th, 1971 --

12 THE COURT: You needn't read the entire --

13 MR. KANAREK: I'm not. But what I am saying is, that  
14 doesn't prove his guilt, your Honor. It merely proves he is  
15 being sentenced.

16 But it doesn't prove that he has been guilty of  
17 anything. This just means that some judge sentenced him. And  
18 that's the prejudicial effect, the prejudicial effect of it.  
19 It's because of that -- that it has the dignity; it purports  
20 to be an order of a Superior Court judge.

21 The commitment (indicating), in which he -- he is  
22 allegedly indicted, in a certain indictment, A-253 156, it  
23 contains -- it contains hearsay.

24 We know that an Indictment -- we tell the jury  
25 that the mere fact of being charged does not constitute  
26 evidence. And they are introducing the fact of the indictment  
27 against Mr. Manson, to prove that he committed these crimes.

28 That is -- that is illegal.

1 THE COURT: All right, Mr. Kanarek. Let's proceed.

2 You are simply repeating yourself.

3 MR. KANAREK: No, I am not repeating myself. I am  
4 trying to convince the Court.

5 If we tell the jury that the mere fact of  
6 indictment -- the mere fact that the charges brought cannot  
7 be used against him in the case in chief -- and in view of the  
8 law that this case has to be proved beyond a reasonable doubt --  
9 obviously, that is incompetent; it's irrelevant; it's hearsay;  
10 it's immaterial.

11 I am referring now to the -- to the first page;  
12 and at the top of the second page of the so-called commitment,  
13 death sentence, purportedly filed on April 19th, 1971, all of  
14 this matter here is irrelevant and immaterial and hearsay.

15 Whether "Mr. Manson on December the 11th, 1969  
16 appeared in Department 100 with the Public Defender. The  
17 Public Defender was relieved; and defendant's motion to  
18 represent himself was granted," that is irrelevant and  
19 immaterial to any issue of guilt or innocence on the charges  
20 in the so-called Tate-La Bianca matters.

21 "And thereafter --" this is an arraignment,  
22 as your Honor well knows, an arraignment for judgment. That  
23 has nothing to do -- it's prejudicial. It's hearsay. It has  
24 nothing to do with the charge, your Honor, in connection with  
25 proving him guilty of the charge.

26 This next paragraph, "Thereafter, on January 28th,  
27 and on this date, pleas of not guilty --" and so forth. The  
28 second paragraph -- that's hearsay and irrelevant and

1 immaterial.

2 The third paragraph, "On March 6, 1970, his  
3 right to represent himself was revoked and another attorney was  
4 appointed to represent him." That's immaterial and irrelevant.

5 The next paragraph -- and hearsay.

6 The next paragraph: "On March 19, 1970 attorney  
7 Ronald Hughes was substituted for Charles Hollopeter."

8 What relevance and materiality does that have, as  
9 to whether or not Mr. Manson --

10 THE COURT: The point is that a great deal of what's  
11 in the commitment and judgment is hearsay?

12 MR. KANAREK: That's correct.

13 THE COURT: What other points do you --

14 MR. KANAREK: Well, I -- well --

15 THE COURT: What other points?

16 MR. KANAREK: Well, those are my points. I would like  
17 to go through and try --

18 THE COURT: Well, the Court will take it that you will  
19 state that all of the contents of the commitment, all the  
20 recitations in there of what has occurred, is hearsay.

21 MR. KANAREK: Hearsay. Irrelevant and immaterial.

22 THE COURT: Are hearsay.

23 MR. KANAREK: And the prejudicial value outweighs any  
24 probative value.

25 THE COURT: All right. The Court doesn't believe it's  
26 necessary for you to go through the entire thing and burden  
27 the record with it.

28 MR. KANAREK: Well, the fact that another jury found

1 him --

2 THE COURT: Well, what is your next point? What is your  
3 purpose?

4 MR. KANAREK: My purpose is to convince the Court --

5 THE COURT: All right. The Court is not convinced, and  
6 you are simply repeating. And I've ruled on this now at this  
7 time.

8 MR. KANAREK: The fact that --

9 THE COURT: And I can't see that you are raising anything  
10 new.

11 MR. KANAREK: Well, the reference to the penalty phase  
12 of the trial, and another jury brought in verdicts of guilty,  
13 gave him death -- that is so irrelevant --

14 THE COURT: What else do you have to offer by way of  
15 objection?

16 MR. KANAREK: We ask that -- for instance, the reference  
17 here to "reduced penalty" and the Court refusing to reduce  
18 penalty, all of that, in view of the fact that this is a  
19 Superior Court judge doing this, is so prejudicial --

20 THE COURT: You need not make any more specific references.  
21 The Court understands that you are objecting to all of these  
22 recitations in the commitment, and in the judgment, as hearsay.

23 All right. Anything further?  
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1 MR. KANAREK: No, your Honor. I just -- I can't believe  
2 that the Court --

3 THE COURT: All right. You may proceed, then.

4 MR. KANAREK: Your Honor, just one more point, if I  
5 may.

6 Mr. Williams?

7 Your Honor, may I have a ruling on my motion for  
8 mistrial, as to this penalty phase, your Honor? In view of  
9 this, I ask your Honor to admonish the jury not to consider  
10 any of these matters that have come up this morning, concerning  
11 the alleged Tate-La Bianca case; that they be admonished not  
12 to consider them for any purpose.

13 THE COURT: All right. The motion is denied.

14 MR. KANAREK: And also --

15 THE COURT: And the Court has also previously ruled  
16 on your motion for mistrial.

17 MR. KANAREK: Did your Honor deny it? I didn't recall  
18 it.

19 THE COURT: Yes, the Court denied it.

20 MR. KANAREK: Very well. That is my request, for a mis-  
21 trial.

22 THE COURT: That motion is denied.

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

26 THE COURT: All right. You may proceed.

27 MR. KANAREK: Call Mary Brunner, your Honor.

28 THE COURT: Will it take a minute?

1 THE BAILIFF: I'm checking. I believe she's down, sir,  
2 but I am just double-checking.

3 (Pause in the proceedings while the bailiff  
4 engaged in a telephone conversation, after which a discussion  
5 off the record ensued at the bench between the Court and the  
6 bailiff.)

7 THE COURT: Ladies and gentlemen, we will be in recess  
8 for a few minutes; approximately 15 minutes.

9 During the course of the recess, you are  
10 admonished that you are not to converse amongst yourselves  
11 nor with anyone else, nor permit anyone to converse with you  
12 on any subject connected with this matter, nor to form or  
13 express an opinion on the matter until it is finally submitted  
14 to you.

15 About 15 minutes.

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

18 (Mid-morning recess.)  
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1 THE COURT: All right, in the case of People versus  
2 Charles Manson, the record will show that all the jurors are  
3 present, the jurors and alternates are present. All counsel  
4 are present.

5 MR. KANAREK: Call Mary Brunner, your Honor.

6 MR. WEITZMAN: The record may reflect Howard L. Weitzman,  
7 W-e-i-t-z-m-a-n, appearing, I guess, as a friend of the Court.

8 I am Miss Brunner's attorney in other matters,  
9 have been appointed by the Honorable William B. Keene, and  
10 there are two pending indictments against Miss Brunner. One  
11 of them is somewhat related to this matter or is recorded  
12 behind this matter.

13 Miss Brunner has indicated to me that it is her  
14 desire at this point not to testify. However, she asked if  
15 it was possible for her to consult with the defendant in this  
16 matter regarding his --

17 THE COURT: Well, perhaps she'd better approach the  
18 bench.

19 MR. WEITZMAN: Through here or around this way?

20 THE COURT: Both counsel.

21 MR. KANAREK: Your Honor, I believe we have a right --  
22 I am calling a witness -- that she be called and sworn, your  
23 Honor.

24 THE COURT: That's true.

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

28 THE COURT: Go ahead and complete your statement.



1 Sorry to interrupt you.

2 MR. WEITZMAN: Your Honor, my conversation with Miss  
3 Brunner was to the effect she did not want to testify, had  
4 indicated it was Mr. Manson's desire, according to her, that  
5 she not testify. And that was her desire. By making that  
6 statement, I thought I would save Mr. Kanarek some time, if  
7 that, in fact, is her disposition.

8 However, she has indicated she would like to  
9 talk to Mr. Manson if the Court could arrange it briefly to  
10 see what his wishes are. However, that has some controlling  
11 interests on her decision.

12 THE COURT: Well, Mr. Kanarek has a right to have her --  
13 put her on the witness stand and have her claim the privilege.  
14 If at a later time she wishes to change her mind --

15 MR. WEITZMAN: I think the only thing I am asking is,  
16 I don't know if she'll -- if she can make a voluntary decision  
17 in her mind, at least without talking to Manson.

18 Now, although I'm -- I'm -- kind of appalled of  
19 her being called without notice to counsel, when I'm attorney  
20 of record, whatever the purpose of her being called is, I  
21 think with all due respect she should have at least a moment  
22 or two to speak with the defendant in this matter. I'm not in  
23 favor of it, mind you, but I think she has a right to make that  
24 request and I ask the Court to consider it. I don't know where  
25 the conference can be held or if it is even possible.

26 THE COURT: The Court is not going to permit that at this  
27 time. I'm simply going to ask that she take the witness stand,  
28 and if she wishes to claim the privilege, she can.

1 MR. WEITZMAN: May I have an additional moment with her,  
2 your Honor?

3 THE COURT: Yes, you may.

4 Do you have any comment, either of you?

5 MR. MANZELLA: No, your Honor.

6 THE COURT: Mr. Kanarek?

7 MR. KANAREK: No, your Honor.

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

10 (Whereupon, Mr. Weitzman conferred with Mary  
11 Brunner, outside the hearing of the jury:)

12 MR. WEITZMAN: Thank you, your Honor.

13 THE COURT: Miss Brunner, will you come forward.

14 THE CLERK: Would you raise your right hand, please.

15 You do solemnly swear the testimony you may give  
16 in the cause now pending before this Court shall be the truth,  
17 the whole truth, and nothing but the truth, so help you God?

18 THE WITNESS: Yes.

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

20 THE BAILIFF: Please state and spell your full name.

21 THE WITNESS: Mary Theresa Brunner, M-a-r-y,  
22 T-h-e-r-e-s-a, B-r-u-n-n-e-r.

23 MR. WEITZMAN: With the Court's permission, may I stand  
24 close to the witness?

25 THE COURT: Yes, you may.

26 You may proceed, Mr. Kanarek.

27 MR. KANAREK: Yes, thank you, your Honor.  
28

1 MARY THERESA BRUNNER,  
2 called as a witness by and on behalf of the defendant, having  
3 been first duly sworn, was examined and testified as follows:  
4

5 DIRECT EXAMINATION

6 BY MR. KANAREK:

7 Q Miss Brunner, do you recall testifying in a  
8 proceeding where Mr. Bobby Beausoleil was the defendant?

9 A Uh, this isn't Charlie's defense, it is your  
10 defense, Irving, and I am not going to testify for you. And  
11 when Charlie presents his defense, then I will.

12 THE COURT: Miss Brunner, you must answer the question.

13 THE DEFENDANT: (Through the screen of the holding tank  
14 door.) She answered the question. It is all one-sided.  
15 You're all cowards. You won't let me out there to defend my-  
16 self.

17 THE COURT: Mr. Manson, we're going to have to close the  
18 door through which you're shouting.

19 THE DEFENDANT: Hide your hair, old man.

20 THE COURT: Unless you'll be quiet, we're going to have  
21 to close that door.

22 THE DEFENDANT: You wonder why the outbursts? Then you  
23 wonder why the violence? Then you wonder why the bloodshed?  
24 That's why you wonder why.

25 (Whereupon, the small viewing door of the holding  
26 tank door was closed by the bailiff.)

27 THE COURT: Was that the only ground?

28 MR. KANAREK: Well, your Honor, may that last statement

1 be stricken?

2 THE COURT: Yes, the statement is not responsive, and it  
3 is stricken.

4 THE WITNESS: It doesn't matter if it is stricken or not,  
5 Irving, I am not going to testify unless Charlie puts on his  
6 own defense.

7 MR. KANAREK: Your Honor, may that be stricken?

8 THE COURT: That's stricken.

9 Miss Brunner, are you refusing to testify?

10 THE WITNESS: Yes.

11 THE COURT: On the advice of your counsel?

12 THE WITNESS: No, I am refusing to testify.

13 MR. KANAREK: May I ask a question?

14 Q BY MR. KANAREK: Miss Brunner, since you were last  
15 in these proceedings, you have been charged with the murder of  
16 Gary Hinman, is that correct?

17 A (No response.)

18 THE COURT: You refuse to answer that?

19 THE WITNESS: Yes.

20 Q BY MR. KANAREK: You have been charged with the  
21 murder of Gary Hinman, right? Is that correct? By the  
22 District Attorney of Los Angeles County?

23 A Irving, I am not going to answer your questions  
24 unless Charlie can put on his own defense. This isn't his  
25 court.

26 THE COURT: All right, that's stricken.

27 The remarks of the witness thus far, ladies and  
28 gentlemen, are stricken.

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1 Q BY MR. KANAREK: And part of the time that you were  
2 in this courtroom, last, you had not been charged with the  
3 murder of Gary Hinman; is that correct?

4 (Whereupon, a discussion off the record ensued at  
5 the witness stand between the witness and her counsel.)

6 MR. KANAREK: Your Honor, I certainly -- I certainly do  
7 not wish any litigant not to have the benefit of an attorney.

8 But may the record reflect that Mr. Weitzman  
9 is conferring with her, just so that the record will not be  
10 silent in that regard?

11 Is that a fair statement, your Honor?

12 THE COURT: Mr. Weitzman is conferring.

13 Answer the question, please.

14 THE WITNESS: I told you, I am not going to answer his  
15 questions. When Charlie gets a voice in this court, I'll  
16 answer questions.

17 THE COURT: The Court wants no remark from you,  
18 Miss Brunner, except a response to the Court's order.

19 THE WITNESS: I am not going to answer any of his  
20 questions.

21 MR. WEITZMAN: Your Honor, perhaps at this time --

22 MR. KANAREK: Well, your Honor --

23 MR. WEITZMAN: -- may we approach the bench?

24 THE COURT: All right, you may.

25 MR. KANAREK: I'm sorry, your Honor?

26 THE COURT: You may approach the bench.

27 (Pause in the proceedings while a further  
28 discussion off the record ensued at the witness stand between

1 the witness and her counsel.)

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

5 THE COURT: Have you advised her concerning her Fifth  
6 Amendment rights?

7 MR. WEITZMAN: I advised her concerning her Fifth  
8 Amendment, and she has related to me that -- that that's one  
9 of the reasons that she doesn't want to testify, and has  
10 claimed the Fifth.

11 And the other one is that she does feel she doesn't  
12 want to testify unless Mr. Manson can conduct his own defense.

13 I don't know if the Court's position is that she  
14 must answer each question, by claiming the privilege, or that  
15 she can -- she can make the statement for the record, that  
16 she does not want to testify based on her previous statement  
17 regarding Mr. Manson, and her -- her claim of the Fifth  
18 Amendment, and perhaps cut these proceedings short.

19 THE COURT: Well, her claim of a Fifth Amendment privi-  
20 lege is the only one the Court can recognize. And if -- if  
21 you've advised her, and you believe that that is the grounds,  
22 she should state it.

23 But the Court doesn't wish her making speeches from  
24 the witness stand --

25 MR. WEITZMAN: I --

26 THE COURT: -- concerning Mr. Manson.

27 MR. WEITZMAN: I'll make some attempt to circumvent that.

28 Does the Court not feel that counsel can claim the

1 privilege on her behalf?

2 THE COURT: The Court would prefer that she claim it  
3 personally.

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

6 THE COURT: Miss Brunner, I understand from your counsel  
7 that you have two reasons why you are refusing to testify here,  
8 and one of the reasons is that you are claiming your privilege  
9 under the Fifth Amendment; is that correct?

10 THE WITNESS: He's claiming it for me, but I am just simply  
11 refusing to testify until Charlie can have a voice in court.

12 THE COURT: Are you claiming the privilege under the  
13 Fifth Amendment?

14 THE WITNESS: His advice to me is to claim.

15 THE COURT: Are you following his advice?

16 THE WITNESS: I am doing what I want.

17 THE COURT: Are you following his advice in part?

18 THE WITNESS: In effect.

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

22 MR. WEITZMAN: The record should reflect, I think, one of  
23 the things she's trying to get across is the point about  
24 Mr. Manson conducting his own defense; and I think she's  
25 reluctant to take leave of that position, for fear the record  
26 would indicate something other than that.

27 But I -- I think it's clear that there is another  
28 basis besides the fact that Mr. Manson is not conducting

1 his own defense in the penalty phase.

2 You know -- in other words, I think she feels,  
3 by -- by claiming one, she waives what she feels is another  
4 adequate reason for not testifying.

5 THE COURT: Would you explain that to her, then?

6 MR. WEITZMAN: I will.

7 MR. KANAREK: I have a question to ask her, but -- but  
8 your Honor, that's not a valid basis.

9 THE COURT: All right.  
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1 (Whereupon, the following proceedings were had in  
2 open court, within the presence and hearing of the jury:)

3 (Pause in the proceedings while a further discussion  
4 off the record ensued at the witness stand between the witness  
5 between the witness and her counsel.)

6 MR. WEITZMAN: I'm sorry, your Honor. You may proceed.

7 THE COURT: Mr. Kanarek?

8 Q BY MR. KANAREK: You recall testifying in the  
9 Bobby Beausoleil case, when Bobby Beausoleil was a defendant,  
10 Miss Brunner?

11 A I am not going to answer on the grounds we've  
12 already discussed.

13 MR. KANAREK: Well, your Honor, I would like to know on  
14 what grounds. Because on the Fifth Amendment, it's an invalid --

15 THE COURT: Excuse me just a minute. Don't argue, please.

16 MR. KANAREK: Yes.

17 THE COURT: Will you tell the Court on what grounds?

18 THE WITNESS: Uhhh -- I have told you: I am not going  
19 to testify when Charlie's not allowed to put on his own  
20 defense.

21 You do not represent him. You haven't represented  
22 him through the whole course. Also --

23 THE COURT: Those remarks are stricken.

24 THE WITNESS: Okay.

25 THE COURT: Also what?

26 THE WITNESS: If you are going to strike what I am going  
27 to say, then the heck with it.

28 THE COURT: Proceed.

1 MR. KANAREK: May I have an answer to that question?

2 THE WITNESS: No.

3 MR. KANAREK: Well, then, your Honor, I would ask that  
4 the Court -- I would ask that the Court protect us in that  
5 regard, in that the Fifth Amendment is invalid. She's  
6 testified previously --

7 THE COURT: Excuse me, Mr. Kanarek. If you wish to be  
8 heard, you can be heard at the bench.

9 But ask your next question.

10 MR. KANAREK: Well, there is part of this that's -- that's  
11 in the presence of the jury. Why shouldn't the rest be in the  
12 presence of the jury, your Honor?

13 THE COURT: Ask your next question.

14 Q BY MR. KANAREK: Miss Brunner, did you testify at  
15 a time when Mr. Beausoleil was a defendant, accused of killing  
16 Gary Hinman? Were you asked this question at that trial?

17 "And before going there, did you have a  
18 conversation with anybody about going to Mr. Hinman's  
19 house?"

20 Were you asked that question?

21 A (No response.)

22 THE COURT: Mr. Weitzman, will you talk to your client?

23 MR. WEITZMAN: Yes.

24 (Pause in the proceedings while a discussion off  
25 the record ensued at the witness stand between the witness  
26 and her counsel.)

27 MR. WEITZMAN: Could we have the question read back, your  
28 Honor?

1 THE COURT: Yes. Mr. Williams?

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

4 "Q Miss Brunner, did you testify at  
5 a time when Mr. Beausoleil was a defendant,  
6 accused of killing Gary Hinman? Were you asked  
7 this question at that trial?

8 "'And before going there, did you have a  
9 conversation with anybody about going to Mr. Hinman's  
10 house?'

11 "Were you asked that question?"

12 THE WITNESS: Well, I am not going to answer that on the  
13 grounds it's self-incriminating; and I am not going to testify  
14 in any trial for Charlie, when he's not allowed to put on a  
15 defense.

16 MR. KANAREK: Well, the self-incriminating ground is  
17 invalid, because she has already testified in connection with  
18 these matters, and the privilege has been waived, your Honor,  
19 as a matter of fact.

20 There's no question about it. She's waived the  
21 privilege. And we are entitled, under equal protection,  
22 under the Fourteenth Amendment --

23 THE COURT: Mr. Kanarek?

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

27 MR. KANAREK: I could cite chapter and verse, but I am  
28 sure I don't have to. She was called by the prosecution in

1 connection with the Gary Hinman matter. She testified.

2 She took the witness stand and testified con-  
3 cerning these matters. And we have a right -- the privilege is  
4 certainly waived. And if your Honor wishes, I have the book  
5 right here.

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1 THE COURT: Mr. Weitzman?

2 MR. WEITZMAN: Thank you, your Honor. The record should  
3 reflect Miss Brunner is presently being prosecuted not only  
4 in the Hinman case as a principal, but also for perjury, your  
5 Honor, perjury arising out of statements made in court, under  
6 oath, regarding this particular matter, the Hinman matter, at  
7 times when she was called by Mr. Kanarek.

8 I think that any further statements by her  
9 regarding those would be a violation of her rights against self-  
10 incrimination, as every statement she makes regarding any-  
11 thing in connection with the Hinman matter is incriminating,  
12 from -- from the word "go."

13 She is now being indicted as a principal in this  
14 case, and -- and furthermore, I think the perjury indictment  
15 substantiates the fact that cross examination on this point,  
16 with respect to what she's said in court under oath, --

17 THE COURT: I believe that is correct.

18 MR. WEITZMAN: -- would be incriminating.

19 THE COURT: I believe you are correct, Mr. Weitzman.

20 The Court does not believe that she's waived the  
21 privilege.

22 MR. KANAREK: She testified -- your Honor, she waived  
23 the privilege when she testified concerning the Gary Hinman  
24 matter, your Honor. She had --

25 MR. WEITZMAN: As a matter of fact, the record should  
26 further reflect, there was no actual waiver taken at the time  
27 she testified.

28 MR. KANAREK: That is a de facto thing. You don't have

4b-2

1 to waive it explicitly. If she takes the witness stand and  
2 testifies, then she waives it.

3 It wasn't just a little -- I can show the Court  
4 the extensive testimony that she entered into. And if your  
5 Honor -- then, it's a suppression of evidence, by virtue of  
6 State action; and this is the -- the way it's a suppression,  
7 the prosecution then goes out and indicts her for murder and  
8 perjury, and that deprives us of her testimony, after she has  
9 been granted immunity.

10 So, we are denied equal protection and due process  
11 under the Fourteenth Amendment, and it is -- it is a State  
12 action. The District Attorney, by filing that Complaint --  
13 that Information, your Honor, or whatever; I don't know the  
14 status of it; I would gather at the present time -- maybe it's  
15 a grand jury indictment perhaps -- but in any event, whatever,  
16 as a result of State action, we are denied the use of her as a  
17 witness. And this is a suppression of evidence, within the --  
18 within the concept of Brady versus Maryland and People versus  
19 Kiihoa, and those kinds of cases, which say that the action of  
20 the prosecution, in denying relevant and material evidence to  
21 a defendant, constitutes a denial of due process.

22 THE COURT: The Court believes that she has waived the  
23 privilege -- does not believe that she has waived the  
24 privilege, rather.

25 MR. KANAREK: We are entitled to this testimony. State  
26 action has deprived us of it. Therefore, we -- we ask that  
27 your Honor declare a mistrial.

28 This is most important, because we have a right,

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1 under People versus Terry --

2 THE COURT: Motion for mistrial is denied.

3 MR. KANAREK: -- to put on a defense, at the time of the  
4 penalty phase.

5 THE COURT: Let's proceed.

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

8 THE COURT: The Court believes that she has not pre-  
9 viously waived the privilege which she has under the Fifth  
10 Amendment.

11 MR. KANAREK: Well, it's not under the Fifth Amendment;  
12 it's under the California constitution.

13 THE COURT: And under the --

14 MR. KANAREK: The Fifth Amendment is only on --

15 THE COURT: And/or under the California constitution,  
16 regarding her right to refuse to testify concerning matters  
17 of which the answers may tend to incriminate her.

18 Therefore, the Court will sustain her claim to that  
19 privilege.

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22 Anything further?  
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1 MR. KANAREK: Well, then, your Honor is foreclosing me  
2 from interrogating concerning the matters allegedly pertaining  
3 to Gary Hinman; is that correct?

4 THE COURT: Concerning any previous testimony that she  
5 may have uttered in any other trial, the Court forecloses you  
6 from that -- from asking such questions, yes, by reason of  
7 Miss Brunner's having claimed the privilege --

8 MR. KANAREK: Then we are --

9 THE COURT: -- against self-incrimination.

10 MR. KANAREK: Then we are denied the -- the Sixth  
11 Amendment right to confront, which is incorporated in the  
12 Fourteenth Amendment.

13 THE COURT: Well, you have argued that at the bench.

14 Anything further?

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

16 Q Now, Miss Brunner, you were at the Spahn Ranch  
17 during the summer of 1969; is that correct?

18 A (No response.)

19 THE COURT: You may consult with your counsel.

20 (Whereupon, there was a pause in the proceedings  
21 while a discussion off the record ensued at the witness stand  
22 between the witness and her counsel.)

23 THE COURT: Are you refusing to testify on the same  
24 grounds?

25 THE WITNESS: I am refusing to testify on the same  
26 grounds: If Charlie asks those questions, I'll answer them.

27 MR. KANAREK: Then, your Honor, I would ask for an  
28 answer to the question, because it is obviously not a --



1 because it is not on the basis of the Fifth Amendment. That's  
2 a subterfuge.

3 THE WITNESS: I can't incriminate myself, whenever I  
4 choose.

5 THE COURT: All right. Miss Brunner, you be quiet,  
6 unless you are responding to a question, or unless you are  
7 giving your reason for a failure to respond to the question.

8 The Court believes that since she is claiming the  
9 Fifth Amendment privilege against self-incrimination, as her  
10 reason -- part of her reason for failure to testify, that --  
11 or refusal to testify, that she can claim that privilege and  
12 refuse to testify.

13 MR. KANAREK: Well, your Honor, then I move for an  
14 evidentiary hearing in connection with this previous testimony.

15 THE COURT: Motion is denied.

16 MR. KANAREK: Well, then, may I -- this witness --  
17 well, then, does your Honor wish me to approach the bench?

18 THE COURT: No.

19 MR. KANAREK: Then, your Honor, this witness has  
20 testified concerning these matters previously, and this is an  
21 arbitrary and capricious --

22 THE COURT: You have argued that --

23 MR. KANAREK: No, not the point that I am raising at this  
24 point, that has not been argued previously.

25 THE COURT: Then you may argue it at the bench, if it has  
26 not been heard before.

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

28 (Whereupon, the following proceedings were had at

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

3 MR. KANAREK: Your Honor, she testified --

4 THE COURT: It's simply -- Part of her reason is that  
5 her answer might tend to incriminate her. It's the -- it's  
6 for the Court to judge as to whether or not that privilege  
7 can be exercised.

8 And the Court believes, from what I know of this  
9 case, that it can be properly exercised.

10 MR. KANAREK: It can't, though. She testified  
11 extensively --

12 THE COURT: Even though she may have other reasons  
13 for --

14 MR. KANAREK: And this is why I ask for --

15 THE COURT: -- refusing to testify.

16 MR. KANAREK: That's why I ask for --

17 THE COURT: Now, what is your point that you have not  
18 discussed?

19 MR. KANAREK: She testified --

20 THE COURT: That you wanted to discuss with the Court at  
21 the bench?

22 MR. KANAREK: She testified extensively at the Tate-  
23 LaBianca case concerning Gary Hinman -- extensively -- and we  
24 have a right -- we have a right that that -- there's no  
25 question about it --

26 THE COURT: What is there that you have not raised  
27 before?

28 MR. KANAREK: That is the point. That's why we are

1 entitled to an evidentiary hearing on -- under your Honor's  
2 determination that she can waive -- that she can use the  
3 privilege at this time.

4 It's absolutely -- it's absolutely improper. She --  
5 she testified concerning --

6 THE COURT: The Court is familiar with the record of  
7 the Tate-LaBianca case and knows that she has testified.

8 The Court knows that she has testified in the case  
9 of Beausoleil, and has heard her testimony, of course, in this  
10 case.

11 I am well aware of the background and circumstances  
12 involving --

13 MR. KANAREK: Well -- all right.

14 THE COURT: -- those previous cases, as well as her  
15 problems that exist now, wherein she is represented by  
16 Mr. Weitzman --

17 MR. KANAREK: Well, but we are entitled --

18 THE COURT: -- in another prosecution.

19 MR. KANAREK: I know. But the point, -- the point is that  
20 the prosecution cannot deprive us of evidence by just going  
21 out and filing and causing an indictment or Information to be  
22 filed. They're depriving -- in other words, they choose to  
23 file on her. They're the plaintiff in this case. They  
24 therefore synthetically create a condition where she is  
25 charged with murder and perjury, and then we are deprived of  
26 the evidence --

27 THE COURT: All right.

28 MR. KANAREK: -- that -- that --

1 THE COURT: You've argued that before.

2 MR. KANAREK: Well, no. Now, what I am saying is: We are  
3 entitled to an evidentiary hearing on that.

4 THE COURT: All right. The motion for evidentiary  
5 hearing is denied.

6 Let's proceed.

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

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

4 THE COURT: For what reason?

5 MR. KANAREK: To show her some objects.

6 THE COURT: Show her the objects from there. If she  
7 can't see them, you may approach.

8 Q BY MR. KANAREK: I show you two objects, Miss  
9 Brunner, and ask you, do you recognize these objects?

10 I'm referring to People's 20.

11 A (No response.)

12 THE COURT: Are you refusing to testify on the same  
13 grounds?

14 THE WITNESS: Yes.

15 MR. KANAREK: What is the Court's ruling?

16 THE COURT: The Court sustains her claim of privilege  
17 under the Fifth Amendment.

18 Q BY MR. KANAREK: Miss Brunner, did you testify at the  
19 Bobby Beausoleil trial that it was a short sword that was used  
20 at the Hinman home?

21 A (No response.)

22 Irving, I am not going to answer your questions.  
23 I don't know why you keep up with them.

24 THE COURT: Are you refusing to testify on the same  
25 grounds?

26 THE WITNESS: That's right.

27 MR. KANAREK: Your Honor, I would like to approach the  
28 witness so that I can --

1 THE COURT: You may not.

2 Mr. Kanarek, you may approach the bench.

3 MR. KANAREK: Approach the bench, your Honor?

4 THE COURT: Yes.

5 MR. WEITZMAN: Is that all, Counsel?

6 THE COURT: Yes, would you wait just a moment?

7 Yes, all counsel.

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

11 THE COURT: Mr. Weitzman, you've advised her, have you  
12 not, that she's -- she should claim the privilege in connec-  
13 tion with anything concerning Mr. Hinman?

14 MR. WEITZMAN: That's correct, your Honor.

15 THE COURT: And concerning Mr. Shea?

16 MR. WEITZMAN: Well, she hasn't been charged with that  
17 crime, but I think the possibility exists and I would so advise  
18 her on that.

19 THE COURT: All right, do you have anything --

20 MR. KANAREK: Yes.

21 THE COURT: -- any other subjects that you wish to offer?

22 MR. KANAREK: Well, I don't know what your Honor means  
23 by "subjects." I have some other questions to ask.

24 THE COURT: The Court is not going to permit you to  
25 inquire of anything further concerning the Hinman case or any  
26 previous testimony that she may have given in the Beausoleil  
27 matter.

28 MR. KANAREK: Well, your Honor, using the Grand Jury --

1 the way the District Attorney is using it, constitutes --

2 THE COURT: Without a speech.

3 MR. KANAREK: It is not a speech. I'm trying to convince  
4 the Court. By this kind of machination, depriving us of  
5 competent, relevant and material --

6 THE COURT: You've stated that before.

7 MR. KANAREK: It is a suppression of State evidence --

8 THE COURT: It is a suppression of evidence. This is  
9 the fourth or fifth time that you have that on the record.

10 MR. KANAREK: I want to convince the Court --

11 THE COURT: I don't want you to speak of it any more.  
12 I think it is clear on the record what your protestations are  
13 and the basis for them.

14 Now, do you have any other, any other questions?

15 MR. KANAREK: Yes.

16 THE COURT: That you wish to ask her about?

17 MR. KANAREK: I certainly do.

18 THE COURT: On any other subject?

19 MR. KANAREK: Yes, I do, your Honor.

20 THE COURT: All right.

21 MR. KANAREK: Thank you.

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

24 MR. KANAREK: May the record reflect that  
25 Mr. Weitzman is conferring with her again?

26 THE COURT: Ask your next question.

27 Q BY MR. KANAREK: Now, Miss Brunner, do you know a  
28 person whose name is Shorty Shea?

1 MR. WEITZMAN: I'll object on her behalf, your Honor.  
2 This is exactly in violation of what was discussed.

3 MR. KANAREK: That is not -- that is not so, your  
4 Honor.

5 THE COURT: Are you claiming the privilege for her under  
6 the Fifth Amendment?

7 MR. WEITZMAN: Yes, your Honor, on both grounds, Fifth  
8 Amendment and self-incrimination.

9 MR. KANAREK: She must claim it personally. She must  
10 claim it personally. It is a personal privilege.

11 THE WITNESS: You know, Irving, you couldn't possibly be  
12 representing Charlie, because you won't even let me talk to  
13 him. Now, I don't know why you're even standing there.

14 THE COURT: That's stricken.

15 Miss Brunner, would you reply to the Court's  
16 question?

17 THE WITNESS: What's the question?

18 THE COURT: Are you claiming the privilege under the  
19 Fifth Amendment in your refusal to answer that question?

20 THE WITNESS: Shorty Shea doesn't have anything to do  
21 with me, but he doesn't have anything to do with Charlie. I  
22 don't know why he is there.

23 THE COURT: Let's hear your answer.

24 THE WITNESS: I refuse to answer.

25 THE COURT: Are you claiming the privilege?

26 THE WITNESS: I'm claiming some privilege. I don't  
27 know what it is.

28 THE COURT: Have you received the advice from Mr.



1 Weitzman?

2 THE WITNESS: Yes.

3 THE COURT: And is it your Fifth Amendment privilege  
4 under which you refuse to testify?

5 MR. KANAREK: Your Honor, I must object on the grounds --

6 THE COURT: Your objection is overruled.

7 THE WITNESS: That's one of the grounds.

8 MR. KANAREK: There is no showing -- there must be some  
9 showing to the Court.

10 THE COURT: All right, your remarks are stricken.

11 Ask your next question.

12 The Court permits the claiming of the privilege.

13 MR. KANAREK: Then, may --

14 THE COURT: Ask your next question. Proceed with your  
15 next question.

16 Q BY MR. KANAREK: Miss Brunner, during June, July,  
17 August, September, October, November, December of 1969,  
18 were you living at the Spahn Ranch?

19 A You don't represent Charlie. I'm not going to  
20 answer your questions.

21 THE COURT: Miss Brunner, you refuse on the same  
22 grounds?

23 THE WITNESS: Yes.

24 MR. KANAREK: Well, then, your Honor -- I do object to  
25 your Honor sustaining the privilege in view of the fact that  
26 there is not -- there is not one whit of a showing of any  
27 basis for that.

28 THE COURT: The Court sustains the privilege.

1 We'll recess, ladies and gentlemen, until 2:00  
2 o'clock. You are admonished not to converse amongst yourselves,  
3 nor permit anyone to converse with you on any subject  
4 connected with this matter, nor are you to form or express  
5 any opinion on it until it is finally submitted to you.

6 Miss Brunner is ordered to return at 2:00 o'clock.

7 I would like to see all counsel at the bench.

8 Ladies and gentlemen, I'll see you at 2:00.

9 (Whereupon, at 11:45 a.m. the jury was excused  
10 and retired from the courtroom.)

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

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1 THE COURT: All right, there was some evidence  
2 concerning the disposition of the body of Mr. Shea that the  
3 Court believes that Miss Brunner may have some knowledge that  
4 I don't have concerning that, and perhaps you don't have,  
5 Mr. Kanarek, which would impel her to claim the privilege in  
6 connection with anything about the Shea homicide and aiding or  
7 abetting. Perhaps the disposition of the body or the conspiracy  
8 that was allegedly ongoing to dispose of Mr. Shea. If -- so  
9 that the Court would preclude you from asking about either or  
10 any of the counts of this Indictment in view of the fact that  
11 she is claiming her privilege under the Fifth Amendment  
12 against self-incrimination.

13 However, the Court does not wish to preclude you  
14 from asking her questions concerning Mr. Manson's background or  
15 anything you wish to offer in Mr. Manson's favor that she may  
16 have knowledge of.

17 But to shorten these proceedings, this trend of  
18 thought in respect to questioning concerning this Indictment --

19 MR. KANAREK: Well, I would like to state this --

20 THE COURT: Now, if it is something you've stated before --

21 MR. KANAREK: I want to make the record.

22 THE COURT: Don't belabor the record.

23 MR. KANAREK: It is not belaboring it. I feel I have  
24 to make this record.

25 This is the record, first of all, I claim that  
26 there's been illegal suppression of evidence as to each of the  
27 three counts. I want to make that clear.

28 THE COURT: That's not new.

1 MR. KANAREK: No, I just want to enunciate it so there's  
2 no question.

3 THE COURT: I think you've made that point clear. It  
4 is the basis of your objection. It is almost unbelievable --

5 MR. KANAREK: I'm trying to convince the Court. My  
6 point is to convince the Court.

7 THE COURT: The Court doesn't wish to be -- wish to hear  
8 you in connection with that at this time or at any time in the  
9 future.

10 MR. KANAREK: I have another point.

11 I would like also an evidentiary hearing concerning  
12 how this -- it is my allegation that there is an illegal use  
13 of the purported powers of the District Attorney to grant  
14 immunity about this particular witness which constitutes a  
15 deprivation of due process as to Mr. Manson under the Fourteen-  
16 th Amendment which stands alone. The wheeling and dealing and  
17 the hot-and-cold attitude of the District Attorney towards  
18 this girl --

19 THE COURT: The motion for an evidentiary hearing is  
20 likewise denied.

21 MR. KANAREK: Very well.

22 THE COURT: Now, do you wish to have her back at 2:00  
23 o'clock?

24 MR. KANAREK: Yes, your Honor.

25 THE COURT: But you understand the Court will limit you  
26 in that respect because of her claim of the privilege in  
27 respect to any other counts of this Indictment.

28 MR. KANAREK: Well, then, I guess there's not much that --

1 there's no point, if your Honor is going to do that.

2 THE COURT: But I don't wish to preclude you from  
3 presenting what you wish to present.

4 MR. KANAREK: The pertinent matters, your Honor, as far  
5 as we are concerned, is what we've indicated. We are entitled  
6 to put on a defense at penalty, so I have -- so she may be  
7 brought back then --

8 THE COURT: Pardon me?

9 MR. KANAREK: What I am saying is, I am not excusing  
10 her. I am not excusing her. So -- because -- she --

11 THE COURT: The Court understands.

12 MR. KANAREK: Just so the record will be clear, I am  
13 not excusing her so that I may make use of -- without  
14 belaboring it, the matters we've gone into in connection with  
15 California versus Green, that is the Evidence Code provisions  
16 and so, therefore, my position is that she --

17 THE COURT: I'm sure -- I understand it.

18 MR. KANAREK: Well --

19 THE COURT: You would like to utilize the previous  
20 record, the case of People versus Beausoleil, under the case  
21 of People versus Green, California versus Green, as substan-  
22 tive evidence of -- of what?

23 MR. KANAREK: Well --

24 THE COURT: What occurred at the time of the killing of  
25 Gary Hinman?

26 MR. KANAREK: As to this witness, and there is that  
27 provision in the Evidence Code that a witness must not be  
28 previously excused, and if she is not excused, then certain

1 things occurred, that then previous testimony --

2 THE COURT: The Court understands that.

3 MR. KANAREK: The Court understands what I am speaking  
4 of without belaboring it. I forget the number.

5 THE COURT: 970 or 770.

6 MR. KANAREK: So I am not excusing her.

7 MR. WEITZMAN: Perhaps I can inquire, your Honor, if  
8 the Court -- or through the Court whether Mr. Kanarek has any  
9 other questions outside of the areas the Court has stated for  
10 the record that he could not examine?

11 THE COURT: Do you have? If you don't have, then you will  
12 save Mr. Weitzman an appearance here this afternoon.

13 MR. KANAREK: I don't wish to impose upon Mr. Weitzman,  
14 but what I am saying is I don't wish to -- in view of the  
15 Court's orders, I do not have any -- I do have questions, but  
16 I have to follow the Court's orders.

17 THE COURT: They would be the questions that would  
18 pertain --

19 MR. KANAREK: To the three counts of the Indictment.

20 THE COURT: To the three counts of the Indictment.

21 MR. KANAREK: Right. I have questions that pertain to  
22 the three counts of the Indictment.

23 THE COURT: The Court will take it you have not excused  
24 her?

25 MR. KANAREK: Right, but also, so there's no question  
26 about it, I am interested in eliciting questions from her  
27 concerning Tate-La Bianca, because your Honor has allowed that  
28 to go in. Your Honor has allowed --

1 THE COURT: Yes, that's true, the Court has permitted  
2 the judgments in that case to be admitted in evidence.

3 MR. KANAREK: Right, so she --

4 MR. WEITZMAN: Well, I was going to ask for some offer  
5 of proof. I don't believe she was indicted or in any way  
6 implicated. When those murders took place she was in custody  
7 at the time. Obviously I have no objection to her testifying  
8 and will so testify that she can testify as to some favorable  
9 testimony as to Mr. Manson's character --

10 MR. KANAREK: I'm not going to ask that in the light of  
11 this record. It would be --

12 MR. WEITZMAN: All right.

13 MR. KANAREK: In the light of what the prosecution has  
14 done in connection with Mr. Manson and the so-called Family  
15 and all of that, I'm not going to ask that type of question.

16 MR. WEITZMAN: It would appear to me, then, that perhaps  
17 the Court, if I could ask, could order Miss Brunner dismissed,  
18 if there is no cross-examination by the People.

19 Mr. Kanarek has made his record and made it clear.

20 MR. KANAREK: I want to interrogate her on that Tate-  
21 La Bianca also.

22 THE COURT: What would be your position in respect to  
23 that?

24 MR. WEITZMAN: I'd have to discuss it with her.

25 THE COURT: Then, I'm afraid you're going to have to  
26 come back at 2:00 o'clock.

27 MR. WEITZMAN: All right.

28 THE COURT: All right. 2:00 o'clock.

(Whereupon, a recess was taken at 11:49 a.m. to  
reconvene at 2:00 p.m., same day.)

6  
1 LOS ANGELES, CALIFORNIA, THURSDAY, NOVEMBER 4, 1971

2 2:08 P.M.

3 ---O---

4 THE COURT: The record will show all the jurors and  
5 alternates to be present, --

6 MR. LATINER: Your Honor?

7 THE COURT: -- Mr. Kanarek present for the defendant,  
8 and Mr. Manzella for the People.

9 MR. KANAREK: Would your Honor call the Meyers arraign-  
10 ment?

11 (Proceedings had on an unrelated matter.)

12 THE COURT: Mr. Kanarek, you may proceed.

13  
14 MARY THERESA BRUNNER,  
15 the witness on the stand at the time of the noon recess,  
16 resumed the stand and testified further as follows:

17  
18 DIRECT EXAMINATION (CONTINUED)

19 BY MR. KANAREK:

20 Q Miss Brunner, do you know a person who has gone  
21 under the name of Bill Vance?

22 A (No response.)

23 THE COURT: Are you refusing to answer that on the same  
24 grounds?

25 THE WITNESS: Yes, I am.

26 MR. KANAREK: What grounds are those, your Honor?

27 THE COURT: Proceed with your next question.

28 MR. KANAREK: Well, may I -- I would like to know what



1 grounds they are, if I may.

2 THE COURT: She is asserting her privilege under the  
3 Fifth Amendment against self-incrimination.

4 MR. KANAREK: As incorporated into due process, of the  
5 Fourteenth?

6 THE COURT: I am not interested in any other --

7 MR. KANAREK: Well, but as to --

8 THE COURT: -- any other grounds.

9 Would you proceed, Mr. Kanarek? Ask your next  
10 question.

11 Q BY MR. KANAREK: Do you know a person named  
12 Danny De Carlo?

13 A I am not going to answer that, on the same grounds.

14 Q Do you know a person named Linda Kasabian?

15 A I am just -- can I make a blanket refusal to  
16 answer his questions?

17 THE COURT: Well, are you refusing to answer on the  
18 same grounds?

19 THE WITNESS: Yes.

20 THE COURT: Mr. Kanarek, the Court has told you the  
21 limitations of the examination.

22 MR. KANAREK: As to anything pertaining to Mr. Shea --

23 THE COURT: Yes.

24 MR. KANAREK: -- or Mr. Hinman; is that correct, your  
25 Honor?

26 THE COURT: Yes, Mr. Kanarek.

27 MR. KANAREK: Thank you, Miss Brunner, then.

28 Thank you, your Honor.

1 THE COURT: You may step down.

2 MR. WEITZMAN: Is there to be any cross-examination?

3 MR. MANZELLA: No cross-examination.

4 THE COURT: Mr. Weitzman, thank you.

5 MR. WEITZMAN: My pleasure, your Honor.

6 MR. KANAREK: I am not asking that she be excused, your  
7 Honor.

8 THE COURT: Call your next witness.

9 MR. KANAREK: Call Preston Guillory, your Honor.

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

11 You do solemnly swear that the testimony you may  
12 give in the cause now pending before this Court shall be the  
13 truth, the whole truth, and nothing but the truth, so help you  
14 God?

15 THE WITNESS: I do.

16  
17 PRESTON GUILLORY,  
18 called as a witness by and on behalf of the defendant, being  
19 first duly sworn, was examined and testified as follows:

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

21 THE BAILIFF: State and spell your full name, please.

22 THE WITNESS: Preston Guillory, G-u-i-l-l-o-r-y.

23  
24 DIRECT EXAMINATION

25 BY MR. KANAREK:

26 Q Mr. Guillory, were you employed by the Sheriff's  
27 Department --

28 A Yes, sir.

1 Q -- of Los Angeles County?

2 A Yes, sir, I was.

3 Q Would you tell us, Mr. Guillory, when were you a  
4 Deputy Sheriff of Los Angeles County?

5 A From November 2nd, 1966 till December 4th, 1969.

6 Q And were you stationed at the Malibu Station?

7 A Yes, I was.

8 Q And were -- did you participate in the raid at the  
9 Spahn Ranch, on August 16th, 1969?

10 A Yes, I did.

11 Q Would you tell us, what did you observe in  
12 connection with that raid?

13 A Well, would you like the numbers involved, the  
14 tactics --

15 Q Yes.

16 A -- and what the objective was?

17 The raid --

18 Q Well, would you first tell us: What did you  
19 observe, of your own knowledge, at the Spahn Ranch on August  
20 15th, 1969?

21 A During the beginning, we launched the raid at  
22 dawn on that date; and we had a Superior Court search warrant  
23 for Grand Theft Auto.

24 We proceeded to kick in all the doors on the  
25 store fronts, and then we entered the location of --

26 MR. MANZELLA: Your Honor, excuse me. I object to  
27 the use of the term "we" on the grounds that it seems to  
28 include matters not within the personal knowledge of the witness.

1 THE COURT: All right. Sustained. That's stricken.

2 Refer to what you did, Mr. Guillory, and what you  
3 observed others do.

4 THE WITNESS: Yes, your Honor. The deputies that were  
5 in the group I was in were kicking in the doors to the store  
6 fronts and entering the stores, the various stores, the saloon  
7 and so on, to take the defendants that we found inside -- the  
8 suspects, I should say -- into custody.

9 The particular door that I went into contained  
10 Danny De Carlo, a member, I believe, of the Satan's Slaves  
11 Motorcycle Club.

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1 Q BY MR. KANAREK: Would you tell us, what did you  
2 observe in the immediate vicinity of Danny DeCarlo, if any-  
3 thing?

4 A In Danny DeCarlo's possession was a .45 caliber  
5 automatic with a full clip. We also found on his person  
6 various other clips for this same purpose.

7 After we -- correction, after I and the deputies  
8 I was with handcuffed Mr. DeCarlo, we went outside temporarily  
9 with him where he was put into a circle, where all the other  
10 suspects were put, and they were being guarded by deputies  
11 who were armed with M-16 rifles and they had them squatting  
12 down on the ground in a circle-fashion. I went back into the  
13 storefront where Danny DeCarlo had been found asleep and  
14 I started inventorying the property that was in there. There  
15 was a number of wallets, radios, various items which appeared  
16 as though they had been taken on small, petty crimes.

17 During the course of my inventory other officers  
18 from the Sheriff's Special Enforcement Bureau came into that  
19 storefront and began removing property from the location for  
20 their own personal use.

21 MR. MANZELLA: I object to that. It appears to call for  
22 a conclusion and I ask it be stricken.

23 THE COURT: The Court does strike it. "For their own  
24 personal use," is stricken.

25 Q BY MR. KANAREK: Did you see property that was  
26 taken at the Spahn Ranch in the personal possession of  
27 deputies who participated in that raid?

28 MR. MANZELLA: Objection, your Honor, the term "personal

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1 possession" appears to be vague and ambiguous, and also appears  
2 to be a conclusion on the part of the witness.

3 THE COURT: Sustained.

4 Q BY MR. KANAREK: Directing your attention to the  
5 property that you saw taken by Los Angeles County Sheriff's  
6 deputies, did you see that property later, elsewhere?

7 A Yes, sir, I did.

8 Q Where?

9 A Some of it was seen later at the Malibu station  
10 where it was booked into evidence. During my course of --  
11 during the course of my inventory, a couple of officers from  
12 the Special Enforcement Bureau came in and indicated a piece  
13 of property which they thought they could make use of in their  
14 detail, that piece of property being a power winch, which they  
15 told me they intended to use on the front of one of their  
16 rescue vehicles.

17 Q Yes, go on.

18 Did you see any other property taken from the Spahn  
19 Ranch after it was taken?

20 A No, sir, I did not.

21 An attempt with --

22 THE COURT: You've answered.

23 Q BY MR. KANAREK: Go ahead.

24 A An attempt was made by the same officer to recover  
25 a weapon which was also in the same room where DeCarlo was,  
26 there was a carbine in there, was removed. They wanted the  
27 carbine. I told them I was inventorying and I would not allow  
28 them to take it. And they backed off and let the carbine there.

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1 Q Can you tell us the name of the officers that did  
2 this?

3 A My memory is not that good, I'm afraid, your Honor.  
4 I do know the officer on sight and I have seen him subsequently  
5 in the newspaper, rescue and so on. He's now a member of the  
6 rescue detail, mountain rescue. One of the officers. I don't  
7 recall his name.

8 (Whereupon, Mr. Kanarek conferred with the clerk.)

9 Q BY MR. KANAREK: Now, Mr. Guillory, would you tell  
10 us, were you briefed before you came to the Spahn Ranch that  
11 day?

12 A Yes, sir, we were.

13 Q Would you tell us what the briefing consisted of?

14 A The briefing took place at Malibu Justice Court  
15 in Malibu. The night, just prior to the raid, we assembled,  
16 I believe, at 11:00 o'clock that evening, knowing the raid was  
17 to be at 6:00 o'clock the following morning at the break of  
18 dawn. We were being briefed by Inspector John Graham who was  
19 in charge of the detail.

20 We were also briefed by a member of the Sheriff's  
21 intelligence unit whose name I don't recall.

22 We were told that the ranch would contain weapons  
23 and that there would be probably fortifications. And they  
24 alleged -- well, they felt there was probably also a  
25 sophisticated system set up for the warning of our arrival,  
26 such as walkie-talkies or something such as that nature.

27 There were 120 deputies involved. This included  
28 most of the officers of Special Enforcement and most of

7-4

1 Malibu, and Malibu at that time was being manned primarily  
2 by reserves so, most of the regular officers could be  
3 relieved so the officers could participate in the raid.

4 We also employed two of their -- at that time,  
5 the department helicopters for this assault.

6 Q Prior to the date of August -- the early morning  
7 of August 16, 1969, had you been briefed concerning matters  
8 at the Spahn Ranch?

9 A Yes, sir, we had.

10 Q Would you tell us what those briefings were?

11 A The sergeant at briefings and the lieutenant at  
12 the station advised us that there was some activity going on  
13 at the Spahn Ranch. They were not sure exactly what it was at  
14 that time, but they told us that we were to submit any informa-  
15 tion that we had or had contact with from the citizens or from  
16 members of the Spahn Ranch to the captain of the station  
17 through -- I should say, through the captain of the station,  
18 through Intelligence. This information was to be submitted  
19 on a memo with a cover sheet.

20 Q After the raid at the Spahn Ranch had occurred,  
21 were records at the Malibu station destroyed?

22 A Sir, to my knowledge, I don't know that they were  
23 destroyed. They were removed from the records temporarily.  
24 When I saw them, they had been taken out of the file.

25 Q Now, you saw records of the August 16, 1969,  
26 raid, removed from the files at Malibu station after the raid  
27 occurred, is that correct?

28 A Uh, sir, this was after the --



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1 Q Would you answer that question?

2 A After the raid, sir, you have to give me a time  
3 factor. How soon after the raid?

4 Q Any time after the raid of August 16, 1969, were  
5 the records at Malibu station concerning that raid removed  
6 from the Malibu station?

7 A To the best of my knowledge, yes, sir, they were.

8 THE COURT: The Court will call the case of People versus  
9 Mayers.

10 (Whereupon, an unrelated matter was called and  
11 heard before the Court.)

12 THE COURT: Thank you, Mr. Kanarek. You may go ahead.

13 MR. KANAREK: Your Honor, may I have the last question  
14 and answer read back?

15 (Whereupon, the record was read as follows:

16 QUESTION: Any time after the raid of  
17 August 16, 1969, were the records at  
18 Malibu station concerning that raid  
19 removed from Malibu station?

20 ANSWER: To the best of my knowledge,  
21 yes, sir, they were.)

22 THE COURT: Miss Briandi, I'm sorry, could you read that  
23 again?

24 Perhaps you could turn towards the jurors?

25 (Whereupon, the record was read by the  
26 reporter as follows:

27 QUESTION: Any time after the raid of  
28 August 16, 1969, were the records at

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Malibu station concerning that raid  
removed from Malibu station?

ANSWER: To the best of my knowledge,  
yes, sir, they were.)

8 fols.

8  
1 Q BY MR. KANAREK: Now, how close to the time that  
2 you observed the removal of these records, or -- pardon me;  
3 I'll withdraw that.

4 How close to this time that you became aware of the  
5 removal of these records were you no longer working for the  
6 Los Angeles County Sheriff's Department?

7 A The records were removed on the date that the  
8 arrest of Charles Manson, by the Inyo County Sheriff's  
9 Department, was made public.

10 That very same day, these records were observed by  
11 me to be on the sergeant's desk, out of the file, en route  
12 to another location -- apparently.

13 They did not go back into the files, to my  
14 knowledge.

[SEE PAGE 9601]

15 Q What is the name of that sergeant?

16 A That would have been the sergeant who was on duty  
17 at the desk at that time, sir, and I do not recall his name.

18 Q And what was your duty at that time?

19 A I was in the Malibu patrol division.

20 Q And how did you become aware of the fact of  
21 Charles Manson being arrested?

22 A I first heard of it on the radio, and through the  
23 newspapers, on the date of the arrest, when it was made public.

24 Q All right. And directing your attention to the  
25 time, the instant in time that you heard of the arrest of  
26 Mr. Manson, at that instant in time, were these records in-  
27 tact in the Malibu station?

28 A Yes, sir, they were.

1           Q       How -- how long after Mr. Manson was arrested,  
2 based upon what you heard, were these records no longer in  
3 their place of repose at Malibu station?

4           A       The same day, sir.

5           Q       The same day that this occurred, they were removed  
6 and put on the sergeant's desk?

7           A       That's right, sir.

8           Q       Who removed them from their place of repose and  
9 put them on the sergeant's desk?

10          A       That, sir, I do not know.

11          Q       Now, these records that you are speaking of,  
12 were they -- would you tell us -- would you give us a -- I'll  
13 withdraw that,

14                   About how many pages, or how high a package of  
15 paper did this involve, that was on the sergeant's desk?

16          A       I would say, sir, it was in excess of fifteen  
17 pages. It was a large sheaf of papers, because there was  
18 quite a bit of evidence seized, the guns and other property,  
19 and it all had to be itemized.

20                   So, it was a pretty good-sized record.

21          Q       And after these items were taken out of their place  
22 of repose, did you ever see them again?

23          A       No, sir. I might add: I have made no effort to  
24 look for them. I just noticed that they were out of file,  
25 and it was on the same day of the disclosure of the arrest.

26          Q       Now, directing your attention to Danny DeCarlo, on  
27 August the 16th, 1969, when you say that he was arrested, would  
28 you tell us, what was -- what did you observe concerning

1 Mr. DeCarlo, as far as his attire was concerned? What was he  
2 wearing?

3 Do you know?

4 A Yes, sir. He was wearing a pair of blue denim  
5 pants and a matching blue denim jacket. I don't recall the  
6 color shirt he was wearing.

7 Q And when you first saw him, where was he?

8 A He was lying on the floor, on the floor of this  
9 storefront that we entered, and he was reaching for the .45.

10 It was on the floor next to him.

11 Q And when you -- would you describe for us -- you  
12 say you came into a room where he was laying on the floor; is  
13 that right?

14 A Yes, sir.

15 Q And at the time that he was laying on the floor,  
16 did you see his hand move towards the .45?

17 A No, sir. I couldn't. I was directly behind a  
18 sergeant who was in front of me, and he indicated this motion,  
19 and then he kicked the gun away from the suspect.

20 Q And did you see the kicking motion of the gun  
21 away from Danny DeCarlo?

22 A Yes, I did.

23 Q And so, is the scene that Danny DeCarlo is laying  
24 on the floor, with this gun in immediate proximity to him,  
25 as you come through the door?

26 A That's right, sir.

27 Q A loaded gun?

28 A Yes, sir, it was.

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

2 THE COURT: Yes, you may.

3 Q BY MR. KANAREK: Showing you, Mr. Guillory, some  
4 pictures, and I ask you if you would look at those pictures,  
5 peruse them, and tell us whether you recognize the scenes that  
6 are depicted in those pictures.

7 A Yes, sir, I do.  
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1 Q Would you look through, briefly, at each one?

2 (Pause in the proceedings while the witness  
3 perused the exhibits.)

4 THE WITNESS: Do you wish me to go through all the  
5 pictures, before making a statement?

6 Q BY MR. KANAREK: Yes. And don't make any statement  
7 until a question is asked you.

8 A Yes, sir.

9 (Further pause in the proceedings while the  
10 witness perused the exhibits.)

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

12 THE COURT: Yes, you may.

13 Q BY MR. KANAREK: Now, did you, Mr. Guillory,  
14 in going through these pictures, see any pictures of yourself?

15 A I see pictures I believe may be myself.

16 Q All right. Would you show us --

17 A It's a partial picture of my arm sticking out of a  
18 door, which was the location where Danny DeCarlo was  
19 arrested.

20 This photo right here (indicating), that would be  
21 me; because this is the last storefront, where DeCarlo was  
22 found.

23 Q So, you feel that that arm and shoulder and  
24 sort of upper right-hand portion of your back, that -- or,  
25 the back of this person, you feel, is yours?

26 A Yes, sir. Of course, I can't be sure. The  
27 majority of my time at the Spahn Ranch was spent inside that  
28 location, inventorying the property.

1 Q Of Danny DeCarlo?

2 A Yes, what was found in proximity to DeCarlo.

3 THE COURT: Would you further identify -- is it  
4 identified by -- referring to the photograph -- by any letter  
5 or number?

6 MR. KANAREK: I don't think this exhibit is. I think  
7 it's just an exhibit of 44 pictures.

8 Am I correct, Mrs. Holt?

9 (Whereupon, a discussion off the record ensued  
10 between Mr. Kanarek and the clerk.)

11 MR. KANAREK: Oh, I'm sorry. It's Defendant's L.

12 Q Now, would you tell us -- would you describe for us  
13 the arsenal that you found in Danny -- in the immediate  
14 proximity of Danny DeCarlo?

15 A There was the .45 caliber automatic I mentioned  
16 earlier.

17 There was also on a table in this particular store-  
18 front a carbine, what looked like a .30 caliber carbine.

19 Also, there was sufficient equipment there for  
20 making bullets: Powder, lead, and the whole works. It was a  
21 regular bullet-making apparatus.

22 This apparently -- it -- well, it appeared to me as  
23 though this is the room that they used for making ammunition,  
24 and that's what the equipment was used for.

25 Q Any other weapons that you could -- did you find  
26 any other weapons?

27 A No, sir, not in that room.  
28



1 Q Did you find any weapons of any type in that room,  
2 other than the guns that you are speaking of?

3 A Not to my recollection, sir, no. No firearms.

4 Q Did you find any non-firearm type of weapons?

5 A I don't recall, sir. Because our only concern --  
6 my concern, of course, was just the firearms --

7 Q I see.

8 Now, when you -- prior to the time that you --  
9 of this date, how many days before August 16th, 1969, did you  
10 know that there would be a raid on August 16th, 1969?

11 A We had, sir, I believe, about four to five days'  
12 notice.

13 The raid was supposed to take place on Sunday  
14 morning, but it was moved up, because we were told that  
15 members on the ranch -- or somebody -- had knowledge of the  
16 raid; and that they may have made efforts to pull out or to  
17 fortify further.

18 Q So, you were going to -- the raid was to take  
19 place later?

20 A It was to take place, sir, one day later, on  
21 Sunday morning, instead of Saturday morning.

22 Q Now, when were you first told that a raid would  
23 take place at the Spahn Ranch?

24 A The specific day, sir?

8b fol

8b 1 Q Yes. Or give us your best estimate.

2 A My best estimate is that I had knowledge we were  
3 going to -- I had knowledge we were going to make a raid about  
4 a week in advance.

5 Q In other words, August the 16th; and subtract about  
6 seven days, it would be about August the 9th that the raid  
7 was to take place; is that correct?

8 A I believe so, sir. I don't have any calendar in  
9 front of me, and I can't refer to it.

10 But that sounds about right: Seven days prior to  
11 the raid.

12 Q Well, do you need the calendar to estimate the time,  
13 if -- can you look at any calendar, and will that assist you  
14 in -- in ascertaining how much time -- how long before the date  
15 of -- of the actual raid, that you were first told that this  
16 raid would take place?

17 A It was seven days, sir. About a week in advance.

18 Because we were told to prepare to have the  
19 class C uniform, or else old trousers and a Sheriff's department  
20 shirt available for the raid.

21 Q And that would be August -- about August the 9th  
22 of 1969?

23 A That would have been --

24 THE COURT: Will counsel approach the bench?

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

28 THE COURT: This is difficult for the Court to see, after

1 your having gone now for over a half-hour, what the point of  
2 such testimony is.

3 Do you have an offer of proof?

4 MR. KANAREK: Oh, I don't have to --

5 THE COURT: You do not?

6 MR. KANAREK: I don't know what you mean by "offer of  
7 proof." For what reason?

8 THE COURT: Well, this all appears -- although there has  
9 been no objection -- all appears to be immaterial.

10 MR. KANAREK: Well, it's relevant and material.

11 THE COURT: All right. That's what I want to hear.

12 MR. KANAREK: Well, that's not an offer of proof. An  
13 offer of proof is a factual allegation as to what somebody's  
14 going to testify to. Your Honor means argument.

15 THE COURT: All right. Let's hear your offer of proof.

16 MR. KANAREK: Do you mean --

17 THE COURT: First, let's hear an offer of proof. And  
18 then, --

19 MR. KANAREK: Well, wait.

20 THE COURT: -- I'll hear from you as to why you believe  
21 it's relevant and material.

22 MR. KANAREK: Because, your Honor, if Mr. Manson --  
23 if -- if Mr. Manson didn't have anything to do with --

24 THE COURT: First, let's hear your offer of proof.

25 MR. KANAREK: Well, I -- I don't -- I don't have to  
26 tell the -- I'll tell the Court in camera, but I don't have  
27 to state what my offer of proof is going to be with the  
28 prosecution present.

1 THE COURT: That's ridiculous, Mr. Kanarek.

2 The Court is telling you that it believes that this  
3 line of questioning is incompetent, irrelevant and immaterial,  
4 has no bearing on any issue that I can see. And you tell me  
5 that you don't have to tell me -- don't have to give me an  
6 offer of proof?

7 MR. KANAREK: No, what I mean is, I don't have to  
8 disclose what I am going to ask this witness to the prosecu-  
9 tion.

10 But I'll tell it to the Court, outside the presence  
11 of the prosecution.

12 THE COURT: All right. Tell me what your offer of proof  
13 is.

14 MR. KANAREK: Well, may I respectfully --

15 THE COURT: The Court orders you to tell me what your  
16 offer of proof is, or take the witness off the stand.

17 MR. KANAREK: Well -- well -- well, I -- it's my  
18 position that that -- that that order denies the right to  
19 effective counsel and due process, in that -- if there is a  
20 question that's immaterial, then the Court can -- then the  
21 Court can sustain it or -- or if the prosecution is not making  
22 an objection --

23 THE COURT: What is the materiality -- now, you don't --  
24 certainly, you don't have any difficulty, do you, in discussing  
25 before Mr. Manzella the import and bearing of what you have been  
26 discussing with this witness?

27 MR. KANAREK: Yes. This -- this is in aggravation or  
28 mitigation on penalty, and we have a right to know -- we have

1 a right to -- if -- if they are -- if they are framing  
2 Mr. Manson on these charges, we have a right to know it, if  
3 law enforcement is doing that.

4 THE COURT: All right. You intend to prove, then,  
5 that this -- through this officer, that they're framing  
6 Mr. Manson?

7 MR. KANAREK: Yes.

8 THE COURT: Basically, that's your offer of proof?

9 MR. KANAREK: Yes. The inference -- the inference can  
10 be made, from what he's going to testify to, yes, that  
11 Mr. Manson has been framed; that Mr. Manson --

8c fol

1 THE COURT: Let me suggest to you that --

2 MR. KANAREK: The inference can be made. Of course, I  
3 can't -- I can't -- I wasn't there when the conspiracy took  
4 place; but I believe that -- I believe that -- that this is a  
5 fair purport of what this man's going to testify to.

6 THE COURT: All right. To treat the jury and the Court  
7 to a series of non sequiturs and immateriality doesn't seem to  
8 me to be in the interests of your client; but you certainly are  
9 able to argue that, that your client has been plotted against  
10 by the Sheriff's department, and that he has been the object of  
11 a conspiracy to convict him wrongfully.

12 But it seems to me as though you could do this  
13 much more -- if this is the witness you anticipate using for  
14 this -- do it much more directly than you have been doing it.

15 You've spent a considerable amount of time now,  
16 simply getting nowhere.

17 Let's proceed, now.

18 MR. KANAREK: Thank you, your Honor.

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

21 Q BY MR. KANAREK: Now, Officer, --

22 A Mister.

23 Q I'm sorry. Mr. Guillory, when the Tate-LaBianca  
24 events occurred, did they become known at the Malibu station?

25 MR. MANZELLA: Objection, your Honor, on the ground that  
26 it calls for a conclusion on the part of the witness.

27 THE COURT: Objection sustained.

28 MR. KANAREK: This is to show state of mind, your Honor.

1 THE COURT: Objection sustained.

2 Q BY MR. KANAREK: Were the Tate-LaBianca -- the  
3 alleged Tate-LaBianca murders, were those discussed at Malibu  
4 station?

5 A Yes, sir, they were.

6 Q And they were discussed at Malibu station on or  
7 about this -- or, I'll withdraw that.

8 They were discussed at Malibu station during the  
9 period of time that you have spoken of, wherein this raid was  
10 being planned; is that correct?

11 A Yes, sir. They were discussed in the manner that  
12 you would discuss any sensational crime, amongst other law  
13 enforcement officers.

14 We drew no special conclusions or significance from  
15 these particular killings -- except that they were sensational  
16 killings.

17 Q Now, in your work as a police officer, when you  
18 first became a police officer, where were you stationed?

19 A Initially, sir, I was stationed at the Hall of  
20 Justice Jail, for one year.

21 Q And would you tell us -- would you tell us what  
22 your experience has been in the Sheriff's department?

23 A During the entire three years?

24 Q Yes. Tell us the types of duty that you have --  
25 that you have had, and what you have done.

26 A I worked one year, custody, in the jail division  
27 of the Hall of Justice Jail, during which I worked most  
28 phases of the jail, the homosexual tanks, straight decks, high

1 power -- and high power, for your edification, is where they  
2 keep inmates who are informants or a danger to each other --  
3 crime partners -- the heavy -- what we call a heavy prisoner.

4 After that, I worked for one -- approximately  
5 one year patrol division, East Los Angeles patrol station; and  
6 after that, I worked for approximately six months -- from, I  
7 believe June to July -- correction; June through December at  
8 Malibu patrol station.

9 Q Now, when you were in East Los Angeles, would you  
10 tell us what your work consisted of? That is, give us some  
11 detail.

12 MR. MANZELLA: Your Honor, excuse me. I object on the  
13 grounds that --

14 THE COURT: Sustained.

15 MR. MANZELLA: -- it does not appear to be a relevant --

16 MR. KANAREK: I am laying a foundation for expert  
17 testimony, your Honor. I have a right to lay the foundation.

18 THE COURT: All right. I'll -- on that offer, the Court  
19 will overrule the objection.

20 You may answer.

21 THE WITNESS: Sir, I was working black-and-white patrol  
22 car, a uniformed patrol, and -- well, I worked primarily the  
23 evening shift. Usually at 3:00 -- 3:00 to -- it would be  
24 11:00 -- the 3:00 to 11:00 car, or the early morning hours,  
25 frequently.

26 Infrequently, I worked days.

27 Duty consisted of just general law enforcement.

28 This is a matter of how much detail you want me to



1 go into.

2 Q BY MR. KANAREK: Yes. I would like the detail,  
3 all the --

4 A I would say the majority of my arrests at East  
5 Los Angeles, which is primarily a Mexican-American area, the  
6 primary -- well, the majority of my arrests were narcotic  
7 arrests of one form or another.

8 They sometimes were other arrests, but they  
9 originally would start out as narcotic arrests -- and grand  
10 theft auto; recovering stolen cars; lost children; traffic  
11 warrants.

12 A very -- I would say it was -- because the  
13 station was considered in the Sheriff's department the second  
14 fastest station, next to the Firestone station, it was a very,  
15 I feel, well-rounded year of law enforcement.

16 MR. MANZELLA: Excuse me, your Honor. I object on the  
17 grounds that none of this appears to be relevant, and it also  
18 is calling for a conclusion and opinions on the part of the  
19 witness, that don't appear to be relevant.

20 MR. KANAREK: I am laying --

21 THE COURT: The last sentence is stricken.

22 Q BY MR. KANAREK: Mr. Guillory, were you told by  
23 your superiors to go out and break the constitution and get  
24 as much evidence as you can in connection with the arrest of  
25 people that lived in the East Los Angeles area?

26 MR. MANZELLA: Objection, your Honor. I -- it doesn't  
27 appear to be relevant. The question is vague and ambiguous.

28 THE COURT: Sustained.

1 Q BY MR. KANAREK: Were you told by your superiors  
2 in the Sheriff's department what to do in connection with  
3 preserving the constitutional rights of people of Mexican  
4 descent who lived in that area?

5 MR. MANZELLA: Again, your Honor, I object on the  
6 grounds that it doesn't appear to be relevant. It calls for a  
7 conclusion on the part of the witness.

8 THE COURT: Mr. Kanarek, of course it's not relevant,  
9 and it -- and it is irrelevant and immaterial, and the Court  
10 sustains the objection.

9 fol

9-1

1 Q BY MR. KANAREK: In your work at the Sheriff's  
2 department -- I'll withdraw that.

3 Is there a group of individuals in the Sheriff's  
4 department that is known as Sheriff's Intelligence?

5 A Yes, sir, there is.

6 Q Would you tell us what the function of the  
7 Sheriff's Intelligence is in connection with the work of the  
8 Los Angeles County Sheriff's Department?

9 MR. MANZELLA: If the Court please, I object on the  
10 grounds it doesn't appear to be relevant. It calls for a  
11 conclusion on the part of the witness.

12 THE COURT: The objection is sustained.

13 Q BY MR. KANAREK: In connection with the Spahn Ranch  
14 raid, Officer, there was information given to you at  
15 briefings wherein you were told matters that you didn't have  
16 any personal knowledge of; is that correct?

17 A That is correct, sir.

18 Q And your experience in work as a deputy sheriff  
19 involved knowledge that matters were obtained by this so-called  
20 intelligence unit from time to time, is that correct?

21 A That is correct, sir.

22 Q Have you been told by anyone in the Sheriff's  
23 department that there was rivalry between the Sheriff's  
24 department and the Los Angeles Police Department in connection  
25 with the alleged Tate-LaBianca matters?

26 A Yes, sir, I was.

27 MR. MANZELLA: Your Honor -- I'll withdraw the objec-  
28 tion.

9-2

1 Q BY MR. KANAREK: And who is it that told you of  
2 this rivalry between these police departments concerning the  
3 Los Angeles Sheriff's Department -- pardon me, concerning the  
4 Tate-LaBianca matters?

5 MR. MANZELLA: If the Court please, I object on the  
6 grounds it doesn't appear to be relevant, and it calls for a  
7 conclusion on the part of the witness.

8 THE COURT: Sustained.

9 MR. KANAREK: Well, then, your Honor, may I -- I would  
10 like to approach the bench, if I may, your Honor.

11 THE COURT: You may not.

12 Q BY MR. KANAREK: Officer, were you on the desk  
13 when the passing away of Gary Hinman was brought to the  
14 attention of the Malibu Sheriff's station?

15 A Yes, I was. I was on desk duty because I was  
16 recovering from an injury on duty. I took the phone.

17 Q Yes, go ahead.

18 A I took the phone call from a friend of Mr. Hinman's,  
19 who indicated they had tried to gain entrance to his home,  
20 knocked and they couldn't gain entrance. And they noticed  
21 flies near the windows of the home, indicating something  
22 perhaps dead or fermenting, decayed.

23 Q And directing your attention to the passing away  
24 of Gary Hinman.

25 Were you told about how long it was that Mr. Hinman  
26 was dead?

27 MR. MANZELLA: Objection.

28 Q BY MR. KANAREK: Before his body was found.

9-3

1 MR. MANZELLA: Objection, calls for hearsay and it  
2 doesn't appear to be relevant.

3 THE COURT: The objection is sustained.

4 Q BY MR. KANAREK: So, well, you received this call  
5 concerning Mr. Hinman, is that right?

6 A Yes, sir, I did.

7 Q And after you received this call concerning  
8 Mr. Hinman what did you do?

9 A I dispatched a unit to the location of Mr. Hinman's  
10 home. I don't recall the location. And, uh --

11 THE COURT: You've answered the question.

12 Q BY MR. KANAREK: Now, at that time, at the time  
13 that you received this call, had you at that time ever heard  
14 the name of Charles Manson?

15 A Yes, I had.

16 Q At the time that that call came through, the name  
17 of Charles Manson was well known in the Malibu station; is  
18 that right?

19 MR. MANZELLA: Objection, your Honor, that appears to  
20 call for a conclusion.

21 THE COURT: Sustained.

22 Q BY MR. KANAREK: When was it, Officer, that you  
23 first heard the name Charles Manson?

24 A I believe, sir, it was in my first week at Malibu  
25 station.

26 Q That would be in June of 1969?

27 A That's right.

28 Q And Mr. Manson was discussed from time to time by

9-4  
1 the people at that substation from the day that you came there  
2 until the day that you left, right?

3 A Off and on, yes, sir.

4 Q When you left, what date was that?

5 A I quit the department the 4th of December, 1969.

6 Q Now, in connection with your quitting the  
7 department, if I may, you were given an alternative of being  
8 fired or quitting, is that correct?

9 A Yes, sir, I was.

10 MR. MANZELLA: Objection, your Honor. I ask the answer be  
11 stricken for the purposes of making an objection. It doesn't  
12 appear to be relevant.

13 THE COURT: The answer is stricken, ladies and gentlemen.  
14 The objection is sustained.

15 Q BY MR. KANAREK: Now, you were a member of civil  
16 service, is that right, Officer?

17 A Yes, sir, I was.

18 MR. MANZELLA: Objection, your Honor, that doesn't  
19 appear to be relevant, and ask the answer be stricken for the  
20 purpose of making the objection.

21 THE COURT: The answer is stricken. The objection is  
22 sustained.

23 Q BY MR. KANAREK: Were you given the alternative,  
24 Officer, of resigning or quitting or being fired when you  
25 brought to the attention of certain people the attempt to  
26 conceal matters concerning Mr. Manson?

27 A Yes, sir, I was.

28 MR. MANZELLA: Objection, your Honor. I ask Mr. Guillory's

9-5  
1 answer be stricken for the purpose of making the objection.  
2 Object on the grounds the purpose -- it doesn't appear to be  
3 relevant.

4 THE COURT: Yes, sir, Mr. Guillory's answer is stricken  
5 and the objection is sustained.

6 Q BY MR. KANAREK: Were you given the opportunity of  
7 resigning or being fired when you protested --

8 THE COURT: You needn't answer this question,  
9 Mr. Guillory.

10 Go ahead and finish it. You may finish it for the  
11 record.

12 Q BY MR. KANAREK: -- when you protested injustices  
13 that were occurring concerning Charles Manson?

14 THE COURT: Do not answer the question.

15 The Court sustains its own objection to the  
16 question. It is incompetent, irrelevant and immaterial.

17 Q BY MR. KANAREK: Did you, Officer --

18 THE COURT: Excuse me, Mr. Kanarek. The Court will ask  
19 you to desist from this line of questioning since the Court has  
20 sustained several objections to it.

21 MR. KANAREK: I don't know what your Honor means by  
22 "this line of questioning."

23 THE COURT: The line of questioning concerning why this  
24 gentleman left the Sheriff's department.

25 Q BY MR. KANAREK: All right, Officer, did you --

26 THE COURT: It is immaterial. The Court is not going to  
27 try that issue.

28 Q BY MR. KANAREK: Did you take it, Officer, to your

9-6  
1 superior officers, certain matters pertaining to the injustices  
2 heaped upon Charles Manson?

3 MR. MANZELLA: Objection, your Honor, upon the same  
4 grounds. I have no objection to anything the witness wants  
5 to testify to as to his observations, what he saw or what he  
6 heard, but this matter appears to be irrelevant to any issue in  
7 this case.

8 MR. KANAREK: Well, your Honor --

9 THE COURT: And it calls for hearsay. The objection is  
10 sustained.

11 Now, the Court warns you, now, Mr. Kanarek, to  
12 persist to do so is at your own peril.

13 Go ahead.

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

15 THE COURT: No, you may not.

16 MR. KANAREK: Because I am not asking about --

17 THE COURT: You may not.

18 MR. KANAREK: Well, I would like guidance from the Court,  
19 if your Honor considers this matter to be irrelevant and  
20 immaterial at a penalty.

21 THE COURT: As well as hearsay.

22 MR. KANAREK: It is not hearsay. It is offered to show  
23 the state of mind of the police officers, and the reason these  
24 charges against Mr. Manson were brought. It is not offered for  
25 the truth --

26 THE COURT: You may not approach the bench and you may  
27 ask your next question, but not the same question and not on the  
28 same subject.



9a  
1 MR. KANAREK: Then, I would like to approach the bench  
2 for guidance on the Court because I --

3 THE COURT: You may not.

4 Q BY MR. KANAREK: Was there a discussion at the  
5 Malibu station concerning Mr. Acosta, who was running against  
6 Mr. Pitchess for Sheriff of Los Angeles County?

7 MR. MANZELLA: Objection, your Honor, calls for hearsay  
8 and doesn't appear to be relevant.

9 THE COURT: Sustained.

10 Q BY MR. KANAREK: Now, Mr. Guillory, directing  
11 your attention to the time before August 8, 9 and 10, of  
12 1969, for instance, at a time prior to that, to those dates,  
13 at a time prior to August 16, 1969.

14 Was Mr. Manson arrested?

15 A Yes, sir, he was.

16 Q And directing your attention to that -- to the  
17 time that he was arrested, when, would you tell us -- can you  
18 give us your best estimate of when that was?

19 A My best estimate, sir, would be probably a month  
20 or six weeks after my arrival at the station. I arrived in  
21 June. That would have been about late July or early August.  
22 I would say probably late July.

23 Q When was it that Mr. Manson was arrested with  
24 reference to the date that you received the call concerning  
25 the passing away of Gary Hinman?

26 A My knowledge of Mr. Manson's arrest occurred prior  
27 to the call on Mr. Hinman.

28 Q And -- now, to your knowledge, was there

1 surveillance during the time that you were at Malibu station?  
2 Was there surveillance of the Spahn Ranch by the Los Angeles  
3 County Sheriff's Department?

4 MR. MANZELLA: Your Honor, excuse me. I object on the  
5 grounds that the term "surveillance" is vague and ambiguous.  
6 I have no objection to the witness testifying to what he  
7 observed.

8 THE COURT: Overruled. I'll permit him to answer. You  
9 may answer.

10 THE WITNESS: We were advised, sir, that we were to pay  
11 special attention to the Spahn Ranch and to report via memo  
12 with a cover sheet anything that we observed relating to  
13 Charles Manson or any members of the Satan's Slaves or any  
14 people living on, near Spahn Ranch.

15 The only surveillance I have personal knowledge of  
16 would be the surveillance that took place by uniformed  
17 officers working patrol division.

18 Q Now, to your knowledge, was Danny DeCarlo a member  
19 of the Satan's Slaves?

20 A To my knowledge, yes, sir, he was.

21 Q And would you tell us what -- what is the Satan's  
22 Slaves?

23 A The Satan's Slaves is one of your, supposedly, out-  
24 lawed motorcycle clubs. They -- or maintained their head-  
25 quarters for a while at the Spahn Ranch during the period that  
26 we are discussing, and they also maintained residence for a  
27 while also in Santa Monica. I don't know where their home  
28 base was, if they had one, as such.

1 Q Now, at the time that this August 16, 1969 raid  
2 occurred, were the law enforcement officers at Malibu station  
3 aware that Charles Manson was on probation.

4 MR. MANZELLA: Objection, your Honor, it appears to call  
5 for a conclusion on the part of the witness.

6 THE COURT: Sustained. Objection is sustained.

7 Q BY MR. KANAREK: Well, was your state of mind such  
8 that you thought that Charles Manson was on probation in or on  
9 August 16, 1969?

10 A Yes, sir, I was.

11 Q And in briefings that occurred -- well, let me  
12 withdraw that.

13 Is it a fair statement that in this police work  
14 you are briefed at the beginning of each shift?

15 A Yes, sir, we are.

16 Q You are briefed by the watch commander?

17 A No, sir, you are briefed either by the desk  
18 sergeant or the patrol sergeant.

19 Q And, let's say, for instance, during the month  
20 of June, 1969, in these briefings, the name Charles Manson  
21 came up, is that correct?

22 A Yes, sir, his name did come up.

23 Q During the month of July, 1969, the name of  
24 Charles Manson came up?

25 A Yes, sir, it did.

26 Q During the month of August the name of Charles  
27 Manson came up?

28 A Yes, sir, it did.

1 Q During the month of September his name came up?

2 A Yes, sir.

3 Q Is that right?

4 A That is correct, sir.

5 Q During the month of October?

6 A That's correct, sir.

7 Q His name was at these briefings?

8 A Yes, sir.

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

10 THE COURT: Yes.

11 Ladies and gentlemen, we'll declare a recess now  
12 for a few minutes.

13 During the recess, you are admonished, as I have  
14 admonished you many times in the past, that you are not to  
15 converse with anyone, nor are you to permit anyone to converse  
16 with you on any subject connected with this case.

17 Now, this admonishment I have given to you and  
18 you've heard it many times, and it means what it says, you are  
19 not to converse with anyone concerning this case. That means  
20 that you are not to converse with the clerk, the attorneys,  
21 the bailiffs, the witnesses, anyone who approaches you in the  
22 hall. And you are to converse with no one about it, unless  
23 with your fellow jurors in the course of your deliberations.  
24 This will prevent rumors and prevent speculations from arising  
25 and will keep you from hearing or saying things that perhaps  
26 should not be said concerning the case.

27 If you have any need to communicate with the Court,  
28 do so in writing through your foreman, and don't discuss this

1 case at all, as I've said, except while you're in deliberation,  
2 and then with your fellow jurors. And don't permit anyone  
3 else to talk to you concerning it.

4 All right, we're in recess. Don't form or  
5 express any opinions on the issues remaining until such time  
6 as the case is submitted to you.

7 We're in recess now.

8 (Afternoon recess.)  
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1 THE COURT: The record will show that both counsel are  
2 present, all the jurors and alternates are present.

3 You may proceed.

4 MR. KANAREK: Thank you, your Honor.

5  
6 PRESTON GUILLORY,  
7 having been previously duly sworn, resumed the stand and  
8 testified further as follows:

9 THE COURT: Would you state your name again for the  
10 record?

11 THE WITNESS: Preston Guillory.

12  
13 DIRECT EXAMINATION (RESUMED)

14 BY MR. KANAREK:

15 Q Now, during the recess just past, did Mr. Manzella,  
16 in my presence, want to speak to you? And did you speak to  
17 Mr. Manzella?

18 MR. MANZELLA: Objection, your Honor. That doesn't  
19 appear to be relevant at this stage of the proceedings.

20 THE COURT: Sustained.

21 BY MR. KANAREK:

22 Q Now, would you tell us, Officer -- you say that the  
23 Special Enforcement Bureau had certain activity at the Spahn  
24 Ranch on August 16th, 1969; right?

25 A Yes. The Special Enforcement Bureau was primarily  
26 responsible for the raid. The Malibu deputies were merely  
27 backing them up.

28 Q Would you tell us, what is the Special Enforcement

1 Bureau?

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

4 THE COURT: Overruled. You may answer.

5 THE WITNESS: Sir, the Special Enforcement Bureau is the  
6 detail within the Sheriff's Department of Los Angeles County  
7 which does saturation patrols.

8 They are a unit which can be sent to back up other  
9 police agencies, when they get into a problem where they lack  
10 manpower.

11 They're specially trained in riot techniques; and  
12 they also collect -- they also collect information on certain  
13 groups for the Sheriff's Department.

14 Q BY MR. KANAREK: You mean they -- they have certain  
15 -- there are certain secret files that they -- dossiers that  
16 they collect, concerning certain people?

17 MR. MANZELLA: Objection, your Honor, unless it's with-  
18 in the personal knowledge of the witness.

19 I also object on the grounds that it doesn't  
20 appear to be relevant.

21 THE COURT: Sustained.

22 Q BY MR. KANAREK: Does the Special Enforcement  
23 Bureau involve itself in political matters?

24 A Yes, they do.

25 MR. MANZELLA: Objection, your Honor, and I'll ask that  
26 the answer be stricken for the purpose of making the  
27 objection, on the grounds it doesn't appear to be relevant,  
28 and it calls for a conclusion on the part of the witness.

1 THE COURT: The answer is stricken, ladies and gentlemen.  
2 The objection is sustained.

3 Q BY MR. KANAREK: You say there were 102 deputies  
4 on this raid; is that correct?

5 A That's correct, sir.

6 Q And this 102 deputies met at Malibu, and then  
7 deployed themselves to the Spahn Ranch?

8 A That's correct.

9 Q And in bringing -- now, were all of these 102  
10 deputies normally stationed at Malibu?

11 A No, sir. The majority of them were normally  
12 stationed at East Los Angeles, in the Special Enforcement  
13 Bureau's barracks.

14 Q There's a barracks there for the Special Enforcement  
15 Bureau?

16 A At this time, sir, they maintained -- at the  
17 time the raid occurred, they were maintaining a barracks for  
18 them in a city called the City of Commerce, in the East  
19 Los Angeles area.

20 They have since been moved into, I believe, billets  
21 in the East Los Angeles Patrol Station, specifically built  
22 for them with County funds.

23 Q And in your -- I'll withdraw that.

24 At the present time, Officer, are you in fear for  
25 your life?

26 MR. MANZELLA: Objection, your Honor. That doesn't  
27 appear to be relevant to any issue in this case.

28 THE COURT: Sustained.



1 Q BY MR. KANAREK: Are you asking for the protection  
2 of this Court?

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

5 THE COURT: Sustained, Mr. Kanarek.

6 MR. KANAREK: Well, then, may I approach the bench, your  
7 Honor?

8 THE COURT: No, you may not.

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

11 Q BY MR. KANAREK: Would you answer? Are you  
12 asking the protection of this Court?

13 A Yes, sir, I am.

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1 Q Did you voluntarily ask me to ask the Judge to  
2 protect you from the police officers that you fear may hurt  
3 you, because you are testifying here?

4 A Yes, I do. I did request from you to ask the  
5 Court for protection.

6 Q Because you fear that you would be physically  
7 harmed by Los Angeles County Sheriff's personnel; is that  
8 correct?

9 A Yes, sir, based on the experience I have had with  
10 my own -- my former department, I do fear that I am in  
11 jeopardy, being in this municipality.

12 Q And your -- your family lives in this area; is  
13 that correct?

14 A Yes, sir, in the Greater Los Angeles area.

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

16 THE COURT: No, you may not.

17 (Pause in the proceedings.)

18 THE COURT: Just proceed.

19 Q BY MR. KANAREK: Now, would you describe for us,  
20 Officer, what you observed, the physical condition that you  
21 observed of Mr. Manson, at the time when he was in Malibu?

22 Did you see him after he was arrested in Malibu,  
23 after August the 16th, at the -- I mean, after the August  
24 16th raid?

25 A Yes, I did. I saw him at the lock-up at Malibu  
26 Station.

27 Q Would you describe his physical condition?

28 A Mr. Manson appeared as though he had suffered a

1 beating. He had abrasions, bruises, lacerations on his face,  
2 arms, upper torso.

3 Q Now, to your knowledge, after the August 16th,  
4 1969 raid, was Mr. Manson arrested and taken to the Malibu  
5 Station?

6 A Not to my knowledge, sir, not after the Spahn  
7 Ranch raid, no.

8 Q Prior to the -- prior to the -- to the time that  
9 you heard of the events at the Tate home, and the La Bianca  
10 home, prior to that time had there been some kind of intelli-  
11 gence report concerning the Satan's Slaves --

12 MR. MANZELLA: Objection, your Honor.

13 Q BY MR. KANAREK: -- and Danny De Carlo?

14 MR. MANZELLA: Objection, your Honor, on the grounds  
15 it appears to call for hearsay.

16 THE COURT: Sustained. Objection sustained.

17 Q BY MR. KANAREK: Officer, other than in the  
18 immediate area of Danny De Carlo at the Spahn Ranch, were  
19 any guns found anywhere else?

20 A Yes, sir. This would be hearsay on my part,  
21 because I was advised by other officers that they had found  
22 weapons in the other rooms which they had entered --

23 Q All right.

24 A -- at the Spahn Ranch.

25 Q All right. What rooms were they?

26 A Rooms within the store front, the -- the basic  
27 store front, which makes up the Spahn Ranch, the front  
28 entrance to it.

1 Q All right. What -- what -- in other words, you  
2 inventoried the weapons?

3 A No, sir. I inventoried what was found in the  
4 room where I arrested Danny De Carlo.

5 Q And to your knowledge, would you tell us -- perhaps  
6 with the assistance of these pictures --

7 May I approach the witness, your Honor?

8 THE COURT: Yes, you may.

9 MR. KANAREK: I have one other also.

10 Q With the assistance of Defendant's K, which is a  
11 group -- no, Defendant's K, which is a single picture;  
12 and Defendant's L, which is a group of pictures, Officer,  
13 could you tell us where, to the best of your knowledge, the  
14 weapons were found?

15 THE COURT: For the record, this is the same group of  
16 pictures you have been looking at before?

17 MR. KANAREK: With one addition, your Honor. There's  
18 one -- may I approach the witness, your Honor?

19 THE WITNESS: Yes, you may.

20 MR. KANAREK: There's one exhibit that has one picture  
21 by itself, which is Defendant's K.

22 Q All right. Now, would you -- may I see that?

23 May I speak to Mrs. Holt just a moment, your Honor?

24 THE COURT: You may.

25 (Pause in the proceedings while a discussion off  
26 the record ensued at the clerk's desk between Mr. Kanarek and  
27 the clerk.)  
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1 MR. KANAREK: Well, your Honor, may this be marked,  
2 especially these -- evidently, these 44 pictures are just one  
3 large exhibit.

4 THE COURT: They're L, are they?

5 MR. KANAREK: Evidently, they are all marked Defendant's  
6 L, am I correct?

7 THE CLERK: Yes.

8 THE COURT: Then, the one you hold in your hand may be  
9 marked L-1.

10 MR. KANAREK: May I write an L-1 on the back, your Honor?

11 THE COURT: Yes, please do.

12 MR. KANAREK: "L-1."

13 Q BY MR. KANAREK: And would you locate, Officer, for  
14 us the one where your elbow is sticking out?

15 A Okay. This is the picture you are talking about.  
16 This shows --

17 Q Please.

18 A The picture I am holding shows -- excuse me, the  
19 store fronts.

20 Q First, would you please locate for me the picture  
21 concerning which you've previously testified.

22 A Okay.

23 Q Because I don't think that's marked in ink.

24 A Okay, I believe that's it. That's it.

25 MR. KANAREK: Okay, your Honor, may this be marked L-2?

26 THE COURT: Yes, that may be marked L-2.

27 MR. KANAREK: The one he testified about his elbow and  
28 so forth.

1 THE COURT: Yes.

2 Q BY MR. KANAREK: Yes. Now, Officer, directing  
3 your attention to this picture that you say has the store  
4 front, would you show me that picture, this --

5 A This -- these two are the best pictures of the  
6 store fronts, between the two of them. They show the entire  
7 store front area.

8 MR. KANAREK: May these be marked L-3 and L-4, respec-  
9 tively, your Honor?

10 THE COURT: They may be so marked.

11 MR. KANAREK: Oh, this one is already -- this one is  
12 already L-1.

13 May this other store front one then be marked L-3?

14 THE COURT: Yes, they may be so marked.

15 MR. KANAREK: Yes, thank you.

16 Q BY MR. KANAREK: And where, in the store front  
17 areas, were weapons -- were guns found?

18 A Well, I was told by other officers that they had  
19 found guns in the cafe and the saloon and in all of the store  
20 front stores. I believe there were something like eight or  
21 nine individual store fronts.

22 Everything from barbershop to a cafe, a restaurant,  
23 a saloon. And I was told by other officers that they had  
24 found weapons throughout the store front area with various  
25 suspects who they arrested at the time.

26 Q And, then, directing your attention to those  
27 weapons, were those weapons inventoried by someone?

28 A Yes, sir, they were.

1 Q By whom were they inventoried?

2 A I imagine they were inventoried by the arresting  
3 officer. Each particular weapon that was found was probably  
4 inventoried by the officer that probably found it.

5 Q So is that the way the Sheriff's Department policy  
6 operates? Is that the officer who comes upon a weapon, is the  
7 one who inventories it? Is that the way it is done?

8 A In a situation like this, sir, that would apply to  
9 any kind of evidence or property found, that the officer that  
10 initially found it would normally be assigned to inventory  
11 unless he was needed elsewhere and someone in his presence  
12 could be delegated to where the property was found and what  
13 attitude the property was found in.

14 Q Now, some 26 people were arrested in connection  
15 with the Spahn Ranch raid, is that correct?

16 A That's correct, sir.

17 Q Now -- and Mr. Manson was one of them, right?

18 A Yes, sir, he was.

19 Q And directing your attention to the arrest at the  
20 Malibu Station or the booking at the Malibu Station of  
21 Mr. Manson, was any weapon associated with Mr. Manson at the  
22 Malibu Station?

23 Now, in other words, was any weapon in his  
24 immediate presence?

25 A Not to my knowledge, sir.

26 Q You -- apart from this raid, you generally at  
27 that time were doing work inside the station, is that correct?

28 A No, sir, I was on regular patrol at the station.

1 Q Well, during this period of time you did work in-  
2 side the station from time to time, is that correct?

3 A No, sir, I worked for one week in the station.  
4 During the week I sustained an injury. I was off duty for  
5 about a week and a half. I was on the desk for about one  
6 week. That was the period during which I received the call  
7 on Gary Hinman. All the other times I spent, I spent in the  
8 radio car.

9 Q I see.

10 Now, from the time of August the 16th, until the  
11 time that you left the Malibu station, did you from time to  
12 time go to the Spahn Ranch?

13 A No, sir, I did not, because my patrol -- the  
14 Spahn Ranch was not within my patrol area.

15 Q Well, is it a fair statement from the time  
16 subsequent to August 16, 1969, until the day that you no longer  
17 were working for the Sheriff, during that period of time you  
18 were briefed concerning Mr. Manson?

19 A A clarification, sir. You're talking about a time  
20 from the arrest forward until I left the department?

21 Q That's right, from time to time Mr. Manson was  
22 mentioned in these briefings we're talking about?

23 A You're talking about before he was arrested at  
24 the Spahn Ranch?

25 Q I'm talking about after, after August 16th.

26 A Manson was discussed after the raid, but not  
27 specifically because of the raid.

28 Q No, I -- I only want -- my only question is,



1 was Charles Manson mentioned in these briefings from -- after  
2 August 16th until that December 4th date when you were no  
3 longer working for the Sheriff?

4 A He was not mentioned at the briefings, no.

5 Q But he was discussed at the station by the  
6 Personnel?

7 A Yes, sir.

8 Q Is that correct?

9 A That's correct.

10 Q He was discussed before you heard of his arrest?

11 A Yes, sir, he was, prior -- that's prior to the  
12 Spahn Ranch raid he was discussed.

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1 Q And people in the area of the Spahn Ranch, to your  
2 knowledge, were unhappy with Mr. Manson and some of his friends  
3 who were called hippies, is that correct?

4 A That's correct, sir.

5 Q And the general -- the population in that part of  
6 the San Fernando Valley made numerous complaints, so to speak,  
7 concerning these people, is that right?

8 A That's correct.

9 Q Now, directing your attention to the name Bill  
10 Vance; is that name familiar to you?

11 A No, sir, it is not.

12 Q Directing your attention to the name Ella Jo Bailey,  
13 is that name familiar to you?

14 A No, it is not.

15 Q Directing your attention to the name Linda  
16 Kasabian, is that name familiar to you?

17 A Yes, sir, it is.

18 Q I'm speaking -- I'm speaking not subsequent to  
19 December -- I'm talking now in terms of your knowledge while  
20 you were at the Malibu Station, while you were working there.

21 A I would have to say no to that, not prior to the  
22 arrest. Her name was not known to me.

23 Q The name Charles Tex Watson, was that name known  
24 to you?

25 A No, sir, it was not.

26 Q Other than Charles Manson, can you name anyone  
27 else at -- who was living at the Spahn Ranch who was focused  
28 upon during the period of time that you were at the Malibu

1 Station?

2 A No, sir. I recall no other names that were  
3 discussed or briefed on other than Charles Manson.

4 Q But Charles Manson was practically daily discussed,  
5 briefed about, uh, written about, talked about, at that station;  
6 is that right?

7 A Yes, sir. It was discussed in the manner of  
8 Charles Manson and his followers. The followers were never  
9 mentioned by name specifically, just as a collective group of  
10 people.

11 MR. KANAREK: I see. Thank you. Thank you.

12 THE COURT: Any cross-examination?

13 MR. MANZELLA: Just a few questions, your Honor.

14  
15 CROSS-EXAMINATION

16 BY MR. MANZELLA:

17 Q Uh, Mr. Guillory, you said that you saw the  
18 files with regard to the August 16th raid on a Sergeant's  
19 desk sometime after the raid, is that correct?

20 A Yes, sir.

21 Q Did you ever see the files again after you saw  
22 them on the Sergeant's desk?

23 A No, sir, I did not.

24 Q Did you look for the files after you saw them on  
25 the Sergeant's desk?

26 A No, sir, I made no effort to look for them.

27 Q Mr. Guillory, how many times did you go to the  
28 Spahn Ranch?

1           A       I had never gone to the Spahn Ranch prior to the  
2 raid. After the raid I had probably gone there once or twice  
3 because my patrol area was shifted and I was then working a car  
4 which went to Twin Lakes and covered the Spahn Ranch area.

5           Q       So after the Spahn Ranch raid on August 16th,  
6 you went to the Spahn Ranch as part of your routine patrol, is  
7 that correct?

8           A       That's right, sir.

9           Q       Did you ever personally observe other Sheriff's  
10 deputies having Spahn Ranch under surveillance, as you called  
11 it?

12          A       No, sir, I did not.

13          Q       Did you see Mr. Manson when he was arrested on  
14 August 16th?

15          A       Yes, I did.

16          Q       Was Mr. Manson arrested, to your knowledge, after  
17 the August 16th raid?

18          A       No, sir, not to my knowledge.

19          Q       Were you aware that Mr. Manson was arrested on  
20 August 24, 1969?

21          A       No, sir, I was not.

22          Q       Now, do you know the chief investigating officer  
23 in this case, Sergeant Paul Whiteley?

24          A       No, sir, I do not.

25          Q       Do you know the person who was his partner at the  
26 time the investigations began in the Hinman murder and the  
27 Shea murder, Deputy Charles Guenther of the Los Angeles County  
28 Sheriff's Department?

1           A       Not by name, sir. If they are homicide officers,  
2 I may have seen them at Malibu during the preliminary hearing  
3 on the Hinman case.

4           Q       Mr. Guillory, you said that you were in fear for  
5 your life, is that correct?

6           A       I am in fear of my personal safety, yes, sir.

7           Q       Is that from Sergeant Paul Whiteley?

8           A       No, sir, it is from the Los Angeles County  
9 Sheriff's Office, based on my experience as a Los Angeles  
10 County Sheriff and procedures followed by that Department.

11          Q       Have you ever been threatened physically or have  
12 you ever been harmed physically?

13          A       No, sir, that used to be my job.

14          Q       And you have never been threatened with physical  
15 harm by members of the Los Angeles County Sheriff's Office?

16          A       As such, sir, no.

17          Q       Your answer is no, is that correct?

18          A       That's correct.

19          Q       And you've never been threatened by Sergeant Paul  
20 Whiteley or Deputy Charles Guenther, the two investigators in  
21 this case, is that correct?

22          A       No, sir, I have not.

23          Q       And you've never been threatened by any -- physical  
24 harm by any members of the Los Angeles County Sheriff's  
25 Department, is that correct?

26          A       Sir, one doesn't have to be threatened to know  
27 one has been subject to such threats by virtue of my position  
28 as a Deputy Sheriff, what I witnessed.

1           Q       I'm asking -- my question is to you, have you  
2 ever been threatened by physical harm by any member of the  
3 Los Angeles County Sheriff's Department?

4           A       No, sir, I have not.

5           Q       And you have not been threatened with harm from the  
6 chief investigator in this case, Sergeant Paul Whiteley, or  
7 his partner, at that time, Deputy Charles Guenther?

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1 MR. KANAREK: Well, your Honor, how can that be? He  
2 doesn't know these people. There's no foundation for that  
3 particular question.

4 THE COURT: If that is an objection --

5 MR. KANAREK: Maybe he should show him a picture, and  
6 maybe he can --

7 THE COURT: If that is an objection, it's overruled.

8 You may answer.

9 THE WITNESS: No, sir, I don't know either officer.  
10 And to the best of my knowledge, neither officer has ever  
11 threatened me.

12 Q BY MR. MANZELLA: And you were not involved in  
13 the investigation of this case; is that correct?

14 A No, sir, I was not.

15 Q Then the first time you went to Spahn Ranch was  
16 on August 16, 1969; is that correct?

17 A That's correct.

18 Q And when Mr. Manson was mentioned -- when Mr. Man-  
19 son and his followers -- which I think was a phrase you were  
20 using -- were mentioned in these briefings, while you were  
21 stationed at Malibu, was this in connection with Spahn  
22 Ranch?

23 A Yes, sir, it was.

24 Q And during these briefings, were you told that  
25 employees at Spahn Ranch had complained about the presence  
26 of Mr. Manson and his followers?

27 MR. KANAREK: Just a minute. I'll object to that on  
28 the grounds it's ambiguous. It's -- I don't object to what

1 he was told, but it's assuming facts not in evidence, your  
2 Honor, about employees. That calls for a conclusion.

3 THE COURT: Sustained.

4 Q BY MR. MANZELLA: During these briefings, you  
5 received information during these briefings that complaints  
6 were made about Mr. Manson and his followers being on Spahn  
7 Ranch; is that correct?

8 A Yes, sir, we did receive complaints.

9 MR. MANZELLA: Your Honor, with the Court's permission,  
10 I would like to have Sergeant Whiteley, Sergeant Paul  
11 Whiteley, stand. He's in the courtroom.

12 Sergeant Whiteley, would you stand, please?

13 Q Deputy Guillory -- or Mr. Guillory, directing your  
14 attention to Sergeant Paul Whiteley, do you recognize that  
15 man --

16 A No, sir.

17 Q -- standing in the courtroom now?

18 A No, sir, I don't recall ever having seen him  
19 before.

20 Q And where are you staying now? What part of  
21 California are you staying now?

22 A I am living in Northern California, sir.

23 Q And has anybody from the Los Angeles County  
24 Sheriff's Office tried to contact you up there?

25 A Not to my knowledge, sir. No.

26 Q Anybody threatened you up there, from the  
27 Los Angeles County Sheriff's Office?

28 A Not prior to my appearance here, sir, no.



1 Q You're talking about your appearance right now?

2 A Yes.

3 Q And you expect that you are going to be threatened  
4 after your appearance here?

5 A Yes, sir. I expect to be threatened and harassed  
6 by the Sheriff's Department of Los Angeles County.

7 Not maybe by the Department, as the department at  
8 large, but by individuals on that department.

9 Q Would these be individuals with whom you've worked?

10 A Individuals with whom I've worked, sir, and whom  
11 I've observed, by nature of their conduct and their day-to-day  
12 activities as law enforcement officers.

13 Q But up to now, nobody's threatened you with  
14 physical harm; is that correct?

15 A No, sir. I just want to bring it to your attention  
16 and the Court's attention, prior to my having any difficulties.

17 An ounce of prevention, shall we say, is better  
18 than an ounce of lead.

19 Q You're expecting to be shot?

20 A No, sir, I didn't say that.

21 Q You said "lead," did you not?

22 A It was a --

23 Q Am I right? If you didn't say lead, just say so,  
24 and I will withdraw --

25 A I did say "lead."

26 Q Well, when you said "lead," were you referring to  
27 a bullet? Is that correct?

28 A I perhaps was; but I'm trying to make a point,

1     sir.

2             Q     Well, my question, sir, is --

3     MR. KANAREK:   May he be allowed to finish?

4     MR. MANZELLA:   He has finished, and it was non-responsive.

5     MR. KANAREK:   Your Honor --

6     THE COURT:   Mr. Kanarek, raise your objection.

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1 MR. KANAREK: My objection is that Counsel is  
2 interrupting and not allowing the gentleman to finish.

3 THE COURT: He had finished, as far as the Court knew.

4 Q BY MR. MANZELLA: Mr. Guillory, are you expecting  
5 to be shot by members of the Los Angeles County Sheriff's  
6 Office for your testimony here?

7 A Sir, I do not plan on it, nor do I discount it.

8 The police department do set up suspects for things,  
9 as well as murder. They set up other crimes.

10 Q And you are suggesting that Sergeant Paul  
11 Whiteley, the gentleman you saw stand up here, the chief  
12 investigating officer in this case, has framed Mr. Manson on  
13 these murder charges?

14 MR. KANAREK: First of all, I'll object to that, your  
15 Honor. That is not -- that's clearly -- it is argumentative,  
16 in any event.

17 MR. MANZELLA: I have no further questions, your Honor.

18 THE COURT: Was there an answer, Mr. Williams?

19 THE REPORTER: I heard none, your Honor.

20 THE COURT: You may answer.

21 MR. KANAREK: Well, it's -- that particular question is  
22 argumentative, your Honor.

23 THE COURT: All right. I'll sustain the objection.

24 Anything further?

25 MR. KANAREK: Yes, yes, I have something.

26 MR. MANZELLA: Nothing further from me, your Honor.

27 MR. KANAREK: I have something further on this.  
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12a-2

## REDIRECT EXAMINATION

BY MR. KANAREK:

Q Now, Officer, have you ever testified before?

A Not against a police agency, such as --

Q No, I'm talking about --

A Yes, sir, I have testified on cases before, arrests I have made, and other officers' arrests.

Q But I'm speaking of -- in connection with Charles Manson, --

A No, sir.

Q -- have you ever testified before?

A No, sir. I never testified before in regard to the Charles Manson case.

Q Before this date?

A Before this date.

Q You have not; right?

A I have not, right.

Q Subsequent to December 4th, 1969, and up to the present time, have you testified concerning Charles Manson in any courtroom?

A No, sir, I have not.

Q Or in any -- or, have you testified in connection with any matters allegedly pertaining to Mr. Manson, or anyone that he knows?

A No, sir, not to my recollection.

Q Now, when you say -- when you mentioned the word "procedures," you know the police procedures in connection with your fear, what did you mean by that?

12a-3

1 MR. MANZELLA: Objection, your Honor. That appears to be  
2 irrelevant.

3 MR. KANAREK: He -- Mr. Manzella, your Honor,  
4 interrogated and brought out the subject matter.

5 THE COURT: Excuse me, just a minute. As I have told you  
6 many times before, during the course of this trial, do not  
7 argue your point --

8 MR. KANAREK: Yes, sir.

9 THE COURT: -- before the jury.

10 Overruled. You may answer.

11 THE WITNESS: Would you repeat the question, please?

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

13 THE COURT: Mr. Williams, would you read it, please.

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

16 "QUESTION: Now, when you say -- when  
17 you mentioned the word 'procedures,'  
18 you know the police procedures in  
19 connection with your fear, what did  
20 you mean by that?")

21 THE WITNESS: I can't answer yes or no. I have to answer  
22 in a narrative.

23 That would be that during my two years, I  
24 experienced -- I was privy or there when suspect were  
25 summarily beaten, or when evidence was planted, when arrests  
26 were set up, when constitutional law was violated on numerous  
27 occasions.

28 Not on individual -- on many, many occasions,

12a-4

1 especially in East Los Angeles station.

2 I can go back and point out -- which I hate to  
3 do -- my own arrests, most of which, for narcotics, in East  
4 Los Angeles, were unconstitutional.

5 And had the defendant had the wherewithal to have  
6 a defense, other than the Public Defender, he would not have  
7 been convicted; it would have been thrown out on illegal  
8 search and seizure.

12b fol

12b-1

1 I can say this about some of my own arrests, as well  
2 as those of fellow officers I observed.

3 I have also observed numerous suspects being  
4 beaten, shortly after their arrest, in the back of a radio  
5 car, at the station.

6 I can go on and on, but I don't think we need any  
7 more horror stories.

8 We know this takes place in our society.

9 Q BY MR. KANAREK: You have observed this, yourself?

10 A Yes, sir, I have.

11 Q And you know you are testifying under oath, under  
12 penalty of perjury?

13 A Yes, sir, I realize that.

14 Q And what you are telling us is the truth; is that  
15 correct?

16 A Yes, sir, it is.

17 Q Now, in connection with your own fear, I'm speaking  
18 of, when you have said, "An ounce of lead," or something like  
19 that, would you tell us what -- what did you mean by that?

20 THE COURT: That's asked and answered.

21 Q BY MR. KANAREK: Now, you say that you know from  
22 your experiences, as to what will occur, as far as harrassment  
23 goes, as far as you are concerned.

24 Now, would you tell us upon what you base that  
25 statement?

26 MR. MANZELLA: Objection, your Honor. That's not  
27 relevant, unless it applies to Mr. --

28 MR. KANAREK: Well, Mr. Manzella --

12b-2

1 THE COURT: Sustained.

2 MR. KANAREK: -- opened up the subject, your Honor.

3 THE COURT: The objection is sustained, Mr. Kanarek.

4 Q BY MR. KANAREK: Will you tell us, Officer, what  
5 you have observed occurs when someone, who has been a police  
6 officer, testifies in connection with the matter where he or  
7 she comes to court and is called by a defendant?

8 MR. MANZELLA: Objection, your Honor. That's not  
9 relevant.

10 THE COURT: Yes, it's not relevant, Mr. Kanarek.

11 The Court sustains --

12 MR. KANAREK: Well, Mr. --

13 THE COURT: -- the objection.

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

16 THE COURT: No, you may not.

17 Q BY MR. KANAREK: On how many different occasions  
18 did you see people, let's say, of Mexican or Latin descent  
19 beaten, in East Los Angeles, Officer, in the back of patrol  
20 cars, after they have been arrested, and evidence has been  
21 planted -- that is, attributed to them?

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

24 MR. KANAREK: This has been opened up by Mr. Manzella,  
25 your Honor.

26 THE COURT: The objection is sustained, Mr. Kanarek.

27 Q BY MR. KANAREK: On how many occasions have you  
28 seen people of black or Negro race beaten after they have been



12b-3

1 arrested, and evidence has been planted?

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

4 THE COURT: The same ruling, Mr. Kanarek.

5 The objection is sustained.

6 MR. KANAREK: Then, may I approach the bench, your  
7 Honor?

8 THE COURT: No, you may not.

9 Q BY MR. KANAREK: In connection with these events  
10 that you've spoken of, did these events involve people of the  
11 white or Caucasian race also?

12 MR. MANZELLA: Objection, same grounds, your Honor.

13 THE COURT: Objection sustained.

14 Q BY MR. KANAREK: Will you delineate for us,  
15 Officer, the times when Los Angeles County Sheriff's deputies  
16 planted evidence, which was used against defendants in the  
17 courts of Los Angeles County?

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

19 MR. KANAREK: Mr. Manzella -- May I approach the bench,  
20 your Honor?

21 THE COURT: No, you may not, Mr. Kanarek.

22 The objection is sustained.

23 Q BY MR. KANAREK: Would you tell us, Officer, what  
24 the policy of the Los Angeles Sheriff's Department is in  
25 connection with the planting of evidence, to be used against  
26 people who are arrested by the Los Angeles County Sheriff's  
27 Department?

28 MR. MANZELLA: Objection, on the same grounds, your

12b-4

1 Honor. It's not relevant.

2 THE COURT: The same ruling, Mr. Kanarek.

3 The objection is sustained.

4 Q BY MR. KANAREK: Would you tell us on how many  
5 occasions, Officer, you observed the Los Angeles County  
6 Sheriff's Department plant evidence, which was later used  
7 against defendants in court?

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

10 It's argumentative, and it assumes a fact not in  
11 evidence, and it's not relevant.

12 THE COURT: The same ruling, Mr. Kanarek.

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13 The objection is sustained.

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1 Q BY MR. KANAREK: Well, you've told us, Officer,  
2 of certain events that you observed.

3 Would you tell us on how many occasions you  
4 observed the planting of evidence?

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

7 THE COURT: Same ruling. The objection is sustained.

8 MR. KANAREK: Then, your Honor, may I approach the bench,  
9 for guidance from the Court, in view of the fact that --

10 THE COURT: You may not, Mr. Kanarek.

11 Q BY MR. KANAREK: Directing your attention to the  
12 Spahn Ranch, Officer, and the arrest of August the 16th, 1969,  
13 was there any discussion that you heard concerning the legality  
14 of that arrest by the people at the Malibu Sheriff's station?

15 MR. MANZELLA: Objection, your Honor. It calls for  
16 hearsay, and it doesn't appear to be --

17 MR. KANAREK: It's offered for state of mind, your Honor.

18 THE COURT: The objection is sustained.

19 MR. KANAREK: Well, your Honor, I have no further  
20 questions at this time of this witness in view of the Court's --

21 THE COURT: You may step down.

22 MR. KANAREK: -- orders. But I'm asking that he not be  
23 excused.

24 THE COURT: He's your witness. You may keep him here if  
25 you wish.

26 The Court will ask him to step down at this time.

27 All right. Ladies and gentlemen, it's 4:15, so  
28 we'll recess now until tomorrow morning at 9:30.

12c-2

1           During the recess, the Court admonishes you not to  
2 converse amongst yourselves or with anyone else, nor allow  
3 anyone else to converse with you on any subject connected  
4 with this matter, nor are you to form or express any opinion  
5 on the matter until it is finally submitted to you.

6           The Court will permit you to have at the hotel  
7 tonight -- will permit you to have television sets in your  
8 rooms; but the Court will order that you not view any news  
9 program.

10           And it will be part of your obligation, now, not  
11 to view any news programs on television, listen to them on  
12 radio, and not to expose yourself to any newspaper, until  
13 further notice, if you would, please.

14           That is the Court's order.

15           Good night.

16           (Whereupon, murmurs of, "Good night, your Honor,"  
17 were heard from members of the jury.)

18           THE COURT: I'll see you tomorrow morning at 9:30.

19           (Whereupon, at 4:16, the jury retired from the  
20 courtroom.)

21           THE COURT: Mr. Kanarek and Mr. Manzella?

22           MR. KANAREK: Yes, your Honor?

23           (Whereupon, the following proceedings were had at  
24 the bench, after the members of the jury had left the  
25 courtroom:)

26           THE COURT: Mr. Kanarek, the Court observes that many of  
27 your questions are couched in such terms that they're  
28 appealing -- attempting to appeal -- whether they do or not,

12c-3

1 I can't say -- but they're attempting to appeal to any racial  
2 -- any racial animosities that might be developed by reason  
3 of the question.

4 And I've noticed that you persist in doing that.  
5 I think that your conduct is unethical; it's unprofessional;  
6 it's a cheap and dishonest tactic for you to do that. And you  
7 know when you are doing it, and you persist in doing it, --

8 MR. KANAREK: If I --

9 THE COURT: -- in spite of the rulings of the Court.

10 And I'm warning you now that if you continue to  
11 do that, that you are going to incur the displeasure of this  
12 Court, even more than you have today.

13 MR. KANAREK: If I may respond to the Court on that?  
14 May I respond?

15 The point is, your Honor, I am trying --

16 THE COURT: The Court doesn't need any response. This is  
17 a matter, of course, which is most serious to Mr. Manson, and  
18 if you have some personal vendetta that you wish to conduct  
19 with the District Attorney's Office or with the county  
20 Sheriff's Office, the Los Angeles Police Department, that's  
21 something that should be done outside of this case.

22 MR. KANAREK: Oh, it's not -- there's no personal -- I  
23 have no personal vendetta. As a matter of fact, I regret --

24 THE COURT: And if you wish to appeal to racial  
25 prejudice, Mr. Kanarek, you do so --

26 MR. KANAREK: I'm not --

27 THE COURT: -- you do so at your -- at your own risk, if  
28 you continue to do what you did today, --

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MR. KANAREK: Well, if I --

THE COURT: -- asking a series of questions that -- which  
were obviously --

MR. KANAREK: Well, no.

THE COURT: -- a series of questions which were  
obviously irrelevant, immaterial, and had --

MR. KANAREK: Not so.

THE COURT: -- nothing whatsoever to do with any issue --

MR. KANAREK: Well, Mr. Manson --

THE COURT: -- that might be --

MR. KANAREK: And if your Honor will hear me?

THE COURT: I will hear you in a moment. But don't  
dare interrupt me again.

(Pause in the proceedings.)

12d fol

1 THE COURT: None of these questions which dealt with  
2 what this ex-deputy observed concerning racial minorities had  
3 any place in the case, --

4 MR. KANAREK: Well, I --

5 THE COURT: -- and the Court believes that you injected  
6 the questions simply to appeal to members of the jury who were  
7 Negro or Mexican-American -- are Negro or Mexican-American.

8 And that is the reason for my comment.

9 MR. KANAREK: If I may, your Honor, --

10 THE COURT: And I've seen it before in the course of  
11 this trial, time after time, by you.

12 MR. KANAREK: Well, may I say this, your Honor?

13 THE COURT: It has not always been objected to.

14 Yes, you may say something.

15 MR. KANAREK: If I may state this? Your Honor will note  
16 that I did not bring up these matters, any of these questions,  
17 your Honor is speaking to, until Mr. Manzella raised the  
18 subject.

19 Your Honor will note that this man is of the white  
20 or Caucasian race, and I wanted -- and that's why I covered  
21 both -- I covered all three. I didn't raise -- I covered --  
22 it was black people, Mexican people, and white.

23 I was trying to show that what was done was done  
24 across the board; it was not appealing to race. On the  
25 contrary --

26 THE COURT: All right. I've heard your comments now in  
27 respect to it, Mr. Kanarek.

28 MR. KANAREK: I was just trying to --

1 THE COURT: Now, you have informed your client that if  
2 he wishes to testify, he may, in the course of this hearing?  
3 In the course of this phase of the trial?

4 MR. KANAREK: Well, I'll discuss that --

5 THE COURT: All right. You will discuss it with him,  
6 then.

7 MR. KANAREK: I will discuss that.

8 THE COURT: 9:30 tomorrow morning.

9 (Whereupon, at 4:22 P. M., an adjournment was  
10 taken in this matter until 9:30 A. M. on Friday, November 5,  
11 1971.)

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