

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.

174

No. A-267861

REPORTERS' DAILY TRANSCRIPT

Wednesday, November 17, 1971

VOLUME 74

PENALTY PHASE

APPEARANCES:

For the People:

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

For Defendant Manson: IRVING A. KANAREK, Esq.

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I N D E XE X H I B I T S

<u>DEFENDANT'S:</u>	<u>FOR IDENTIFICATION</u>	<u>IN EVIDENCE</u>
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LL - Photograph, Exhibit 104 by reference		10391
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MM - Photograph, Exhibit 105 by reference		10391
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NN - Affidavit		10536
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OO - Not identified	10537	
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PP - Not identified	10537	
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QQ - Not identified	10537	
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LOS ANGELES, CALIFORNIA, WEDNESDAY, NOVEMBER 17, 1971

10:35 A.M.

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THE COURT: Good morning, ladies and gentlemen.

The record will show that all the members of the jury and the alternates are present, as are both counsel. And we are ready to proceed.

Mr. Williams?

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

THE COURT: Is there any point in asking Mr. Manson this morning -- do you wish to ask him?

MR. KANAREK: Yes, your Honor.

THE COURT: You may.

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

MR. KANAREK: No, your Honor.

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

You are in the course of reading Mary Brunner's testimony.

MR. KANAREK: Yes, your Honor.

THE COURT: All right.

MR. MANZELLA: Your Honor, does the record reflect what we just did? I'm not sure it does.

THE COURT: Well, the record should show that Mr. Kanarek, at the request of the Court, has asked Mr. Manson whether he

1 would conduct himself properly in the courtroom and not disturb  
2 the proceedings.

3 Now, we have done that each morning, and the Court  
4 has accepted Mr. Manson's statement that he would behave,  
5 from time to time. And if he does not make a promise to the  
6 Court, through his attorney, that he will behave, then the  
7 Court doesn't permit him in the courtroom.

8 The Court believes that if he were allowed in the  
9 courtroom and did comport himself improperly, that it would  
10 simply prejudice him in the eyes of the jury.

11 MR. MANZELLA: Your Honor, specifically, I was wondering  
12 if the record reflects that Mr. Kanarek asked Mr. Manson if he  
13 could behave properly in the courtroom.

14 THE COURT: I think that's what you have asked him.

15 MR. KANAREK: I've asked him, your Honor, if he wishes  
16 to be in the courtroom.

17 THE COURT: And you've asked him whether or not he --

18 MR. KANAREK: No, I haven't asked him that.

19 I will be glad to.

20 THE COURT: Well, each morning here, as you've approached  
21 the window -- well, not each morning, but from time to time  
22 I've heard you asking whether he would behave himself, and he  
23 has said no.

24 MR. KANAREK: Yeah. Well, I didn't utter those words,  
25 those exact words this morning, but I --

26 THE COURT: Well, you might ask him --

27 MR. KANAREK: Yes.

28 THE COURT: -- whether or not he will behave himself.

1 (Further discussion off the record through the  
2 screen in the detention room door between Mr. Kanarek and the  
3 defendant.)

4 MR. KANAREK: I asked Mr. Manson, and he says that he  
5 does not represent anything, your Honor.

6 THE COURT: All right. Then the Court will seat him in  
7 the detention tank, and you may proceed with what you are doing,  
8 Mr. Kanarek.

9 You can take the witness stand, if you'd like,  
10 again.

11 MR. KANAREK: Thank you.

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

14 MR. KANAREK: Your Honor, I wonder if we might approach  
15 the bench for a moment? I have a request of the Court.

16 THE COURT: All right. Do you want it on the record?

17 MR. KANAREK: It's in connection with the jury -- in  
18 connection with something I want your Honor to state to the  
19 jury.

20 THE COURT: All right. Very well.

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

24 MR. KANAREK: Your Honor, I would ask your Honor to  
25 state to the jury, in general terms, so that they would get an  
26 appreciation for some of these matters that we are putting on,  
27 that -- that in connection with the penalty phase, that there  
28 is -- that the defendant -- that the -- well, let's put it this

1 way:

2 That the jury may consider evidence going to  
3 innocence of the crimes charged before them, in connection with  
4 the penalty phase.

5 So that there will be some insight, just a  
6 preliminary statement to that effect.

7 THE COURT: Well, I think that --

8 MR. KANAREK: I think that would --

9 THE COURT: The Court wouldn't make it at this time.  
10 But draw an instruction for me and submit it, and the Court  
11 may very well give it.

12 MR. KANAREK: Yeah. But I mean, rather than do it at  
13 the end, it would be of help and assistance in assimilation of  
14 this evidence, if your Honor would just make some very brief  
15 statement to that effect.

16 THE COURT: The Court is not going to make any comment  
17 at this time. I am sure that the jury is not so dense that  
18 they will not see what you are driving at.

19 If you wish an instruction, draw it, and I'll  
20 probably give it.

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AA M 1 MR. KANAREK: Well, yes. Right. All right, your  
2 Honor.

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

5 THE COURT: Ladies and gentlemen, before Mr. Kanarek  
6 begins, again, we had other business this morning. I'm sorry  
7 to keep you waiting, so that we couldn't get started. But we  
8 had other business of the court.

9 Some judges can do their work and get it over with,  
10 and there are others who drag it on every morning, and I --  
11 it's just one of those things.

12 Go ahead, Mr. Kanarek.

13 MR. KANAREK: Yes, your Honor.

14 I will read beginning at 2679, which I believe I  
15 read yesterday, but just for the continuity, your Honor.

16 THE COURT: Still reading the testimony of Mary  
17 Brunner, given before Judge Keene in Department 107, on the  
18 motion for new trial in the case of People vs. Bobby Beausoleil?

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

20 "THE COURT: Excuse me just a minute,  
21 Miss Brunner. In this case, I have had testimony  
22 from you -- and it was received in front of the  
23 jury -- that Mr. Beausoleil actually killed Gary  
24 Hinman.

25 "THE WITNESS: That's right.

26 "THE COURT: I have also had testimony in  
27 this case -- and the jury heard the testimony from  
28 Mr. Beausoleil -- that he did not kill Gary Hinman,

1 "but that Charles Manson killed Gary Hinman.

2 "And Mr. Beausoleil testified to that  
3 under oath. You have now signed an affidavit  
4 that your testimony given in front of the jury  
5 was untrue.

6 "Now, the only way in which I am going to  
7 be able to determine whether or not that testimony  
8 that you gave was untrue is to have you testify  
9 at this time as to what you now contend is the truth,  
10 if in fact in any way your testimony in front of  
11 the jury was untrue.

12 "That is the only way I am going to be able  
13 to make that determination. Now, as I have  
14 indicated to you, when we started this procedure,  
15 as long as you took the witness stand and decided  
16 that you were going to testify, that you would  
17 have to testify.

18 "Now, once again, I am instructing you to  
19 tell me under oath what transpired in the Gary  
20 Hinman house, at the time that you first arrived.

21 "Start from the beginning and tell me what  
22 happened.

23 "THE WITNESS: If I get into that, I will be  
24 incriminating myself.

25 "THE COURT: I am instructing you to do so.  
26 You tell me what happened in the Hinman house at  
27 the time that you first arrived.

28 "MR. BEAUSOLEIL: No court of law can



1 "instruct --

2 "THE COURT: Mr. Beausoleil, your objection  
3 is overruled. I want you to keep quiet until I've  
4 finished talking to this witness.

5 "Now, are you going to tell me what happened?

6 "THE WITNESS: No.

7 "THE COURT: You refuse to testify?

8 "THE WITNESS: I refuse to incriminate  
9 myself in this manner.

10 "THE COURT: The Court finds that you are in  
11 contempt of this court --"

12 MR. MANZELLA: Your Honor, excuse me.

13 MR. KANAREK: "-- for refusing to obey a direct  
14 order."

15 MR. MANZELLA: I'm sorry, Mr. Kanarek; sorry to interrupt  
16 you. But your Honor, again, I think we are interested in the  
17 testimony of Mary Brunner, and not the statements made by the  
18 Court.

19 MR. KANAREK: Well, your Honor, this goes to her state  
20 of mind, so that the jury can get the full context of what the  
21 proceedings were; because her statements --

22 THE COURT: The testimony --

23 MR. KANAREK: She's testifying; she's responding to the  
24 Court, your Honor.

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1 THE COURT: Under the section of the Code in which  
2 you are submitting this, her testimony only is what should  
3 be read.

4 MR. KANAREK: Right, and in order to get the feeling  
5 of her testimony, you have to read the words that were  
6 uttered to her including the words uttered by the Court.

7 THE COURT: Only if it is a question and answer.

8 MR. KANAREK: Well, yes, your Honor, there is a  
9 response by her to the -- to the -- uh --

10 THE COURT: Let me see it.

11 MR. KANAREK: Certainly.

12 THE COURT: The objection is sustained to the reading  
13 of the latter part -- that is, from 22 on, line 22 on, 2680  
14 and 2681.

15 You may go on to 2682.

16 MR. KANAREK: Thank you, your Honor.

17 All right.

18 "THE COURT: All right, I'll have the record  
19 reflect the appearance in court of Mr. Beausoleil,  
20 the presence of Mr. Katz and Miss Mary Brunner now  
21 on the witness stand.

22 "Miss Brunner, it has been my advice  
23 during the noon hour, an attorney by the name of  
24 Ernest Graves, who is now in the courtroom,  
25 has been retained to represent you. And I am  
26 further advised that you have had an opportunity  
27 to confer with him.

28 "Is that correct?

1 "THE WITNESS: That's right.

2 "THE COURT: Do you want Mr. Graves to repre-  
3 sent you in this matter?

4 "THE WITNESS: Yes.

5 "THE COURT: Mr. Graves, do you want to  
6 represent this witness?

7 "MR. GRAVES: Yes.

8 "THE COURT: All right, then, I will order  
9 you in as her attorney in this matter to advise  
10 her.

11 "Now, what I want to do at this time,  
12 Miss Brunner, is to advise you as to just what  
13 situation you currently find yourself in in the  
14 presence of your attorney, Mr. Graves, and I'm  
15 going to give you this advice, and then I want  
16 you and your attorney to discuss the matter, and  
17 then I want you to come back and give this Court  
18 your decision as to what you want to do.

19 "Now, your situation --

20 "MR. GRAVES: May I interrupt the Court?

21 "THE COURT: Yes.

22 "MR. GRAVES: The witness appears to be  
23 temporarily confused. May I just repeat just  
24 a little to be sure she understands?

25 "THE COURT: Let me conduct the proceedings  
26 at this point, Mr. Graves.

27 "Do you understand what I told you?

28 "THE WITNESS: Basically, yeah, you're

1 "going to tell me the situation right now.

2 "THE COURT: What your situation is right now.

3 "THE WITNESS: Yes.

4 "THE COURT: I'm going to take a recess. I  
5 want you to talk to your lawyer. After you have  
6 talked to your lawyer, then you will be brought  
7 down into the courtroom, and then we will  
8 proceed one way or the other. You have been  
9 offered immunity from the prosecution of murder  
10 by the office of the District Attorney, predicated  
11 upon your doing three things:

12 "One, your testimony in front of the  
13 Grand Jury honestly and truthfully on behalf of  
14 the People. You have concluded that testimony."

15 THE COURT: You needn't read the Court's statement.  
16 Simply read the testimony of Miss Brunner. Get back to that.

17 MR. KANAREK: Well, it is -- your Honor, she responds  
18 under oath.

19 THE COURT: Just get back --

20 MR. KANAREK: I am.

21 THE COURT: You needn't read the Court's statement.

22 MR. KANAREK: In order for her statement -- she issues  
23 a statement under oath in response to what the Court  
24 stated, so it is part of her testimony.

25 THE COURT: Get back to what Miss Brunner stated.

26 MR. KANAREK: Her next statement is "Yes." Your  
27 Honor, for the jury to understand --

28 THE COURT: Get back to her testimony.

1 MR. KANAREK: Her next testimony is "Yes." It is  
2 meaningless --

3 THE COURT: Go on to where she is asked about -- asked  
4 the next question concerning the issue of guilt or innocence  
5 of Mr. Beausoleil.

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

7 THE COURT: No, you may not. You can read it from  
8 where you are.

9 MR. KANAREK: The Court has not read what the statements  
10 are. Because she made a statement on the witness stand under  
11 oath in answer to what the Court stated to her, your Honor.

12 THE COURT: The Court goes on for an entire page.  
13 You wish to read that?

14 MR. KANAREK: That is correct, because she made a  
15 statement from the witness stand after that, and that is a  
16 part of her testimony as much as anything else.

17 THE COURT: People?

18 MR. MANZELLA: I have no objection, your Honor.

19 MR. KANAREK: Thank you, your Honor.

20 "THE COURT: I am going to take a recess and  
21 I want you to talk to your lawyer. After you have  
22 talked to your lawyer, then you will be brought down  
23 into the courtroom, and then we'll proceed one way  
24 or the other. You have been offered immunity from  
25 the prosecution of murder by the office of the  
26 District Attorney, predicated upon your doing three  
27 things:

28 "One, your testimony in front of the

1 "Grand Jury honestly and truthfully on behalf of  
2 the People. You have concluded that testimony.

3 "Next in order to gain immunity from  
4 prosecution from murder, you are to testify  
5 honestly and truthfully in front of the jury  
6 in the Beausoleil matter which you did.

7 "Now, part of that trial is still in  
8 progress, because I considered a motion for a  
9 new trial as part of that trial, and you walked  
10 into this courtroom and offered yourself as a  
11 witness on behalf of the defendant, based upon  
12 the affidavit that you filed.

13 "So the second part of your gaining  
14 immunity has not as yet been concluded.

15 "The third thing you are to do in order  
16 to gain immunity is to testify in any future trials  
17 that may be brought in reference to the Hinman  
18 murder, specifically the two charges or the case  
19 that has now been filed against Charles Manson,  
20 Bruce Davis and Susan Atkins. You are to  
21 testify in that trial as well.

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1 "If you do all of those things truth-  
2 fully and honestly on behalf of the People you  
3 are granted immunity and you cannot be prosecuted  
4 for murder.

5 "You understood that to be the immunity  
6 grant; did you not?

7 "THE WITNESS: Yes.

8 "THE COURT: --"

9 MR. MANZELLA: Excuse me again, Mr. Kanarek.

10 At this point, your Honor, there is just state-  
11 ments by the Court in conversation between the Court and  
12 counsel. No testimony on the part of the witness.

13 MR. KANAREK: That this happened --

14 THE COURT: Mr. Kanarek, again, the Court is going to  
15 tell you, read her testimony under 1291, under which you  
16 are asking that this be admitted. The Court would admit it.  
17 But you are admonished by the Court that you should read her  
18 testimony, not the more or less full page statement there of  
19 the Court.

20 MR. KANAREK: But, your Honor, this was done in her  
21 presence.

22 THE COURT: Do what I have told you to do.

23 MR. KANAREK: I understand.

24 Then, may I approach the bench?

25 THE COURT: No, you may not.

26 MR. KANAREK: Well, I'm reading from 2684. I would  
27 wish to read line 22 through line 13 at 2687, which includes  
28 statements made in the presence of Mary Brunner by the

1 Court which we allege affects her state of mind and it is  
2 not offered for the truth of the matter asserted, your Honor,  
3 it is offered to show that these statements were --

4 THE COURT: All right, just a minute, Mr. Kanarek. Go  
5 ahead with what I have told you to do.

6 MR. KANAREK: Well -- well, your Honor, then I ask to  
7 approach the bench, because after the recess --

8 THE COURT: You need not do so.

9 MR. KANAREK: The Court made statements and, again, the  
10 witness made a statement in response to the Court and she's  
11 on the witness stand under oath.

12 THE COURT: Mr. Kanarek, do what I have told you.

13 MR. KANAREK: May I approach the bench?

14 THE COURT: You may not.

15 MR. KANAREK: I want to follow the Court's orders.

16 THE COURT: Follow the Court's orders and step down  
17 from the witness stand.

18 MR. KANAREK: Well, may I have guidance from the Court,  
19 then, because I can't do it because her statement is meaning-  
20 less without reading -- without somebody hearing what the  
21 Judge said before she made her statement, your Honor, and she  
22 is on the witness stand under oath.

23 THE COURT: A great deal of this is colloquy between  
24 the Court and counsel.

25 MR. KANAREK: And the witness, your Honor. The witness  
26 is on the witness stand under oath, and it goes to her state  
27 of mind.

28 THE COURT: Go on, on line -- on line 18, page 2697.



1 MR. KANAREK: Well -- well, your Honor, then, your  
2 Honor --

3 THE COURT: Will you begin? The Court -- the record  
4 may show that the Court has skipped what, ten pages?

5 MR. KANAREK: It includes statements by the witness,  
6 your Honor.

7 THE COURT: Go ahead.

8 But nothing concerning, as the Court has read,  
9 nothing concerning the incident at the Hinman house. Get  
10 to the next question.

11 MR. KANAREK: Very well, then, your Honor, may I make  
12 the record?

13 THE COURT: You have made the record and the Court  
14 believes --

15 THE DEFENDANT: (Shouting through the screen of the  
16 holding tank door.) We're not covering up anything. We just  
17 want to insure a fair trial here.

18 THE COURT: The Court wants to make it clear.

19 THE DEFENDANT: Yeah, are you upset? Like a bunch of  
20 dogs covering up shit.

21 THE COURT: Go ahead, Mr. Kanarek.

22 (Whereupon, the bailiff closed the little  
23 door of the holding tank door.)

24 THE COURT: Thank you, Mr. Kuczera.

25 MR. KANAREK: Your Honor, 2697, line 18?

26 THE COURT: If that's not plain, I'll write it on the  
27 board for you.

28 MR. KANAREK: (Reading.)

1 "THE COURT: --"

2 Line 18.

3 "THE COURT: All right. Suppose, now, then,  
4 that you start and you, in your own words, tell me  
5 what happened inasfar as your personal knowledge is  
6 concerned in the Hinman house --"

7 Then, your Honor, I would like to approach the  
8 bench.

9 THE COURT: You need not do so. You have made your  
10 record.

11 Let's proceed.

12 MR. KANAREK: Because this is out of context, your  
13 Honor.

14 THE COURT: I am ordering you to proceed now, if you  
15 wish to proceed. Otherwise, get down from the witness stand.

16 MR. KANAREK: (Reading.)

17 "THE WITNESS: You've already got that from  
18 the last trial.

19 "THE COURT: I want you to tell me at this time,  
20 Mrs. Brunner, as to just what exactly happened in  
21 that house from the time you first got there until  
22 you left.

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1 "THE WITNESS: We went there Friday night.

2 "THE COURT: Wait a minute, speak into the  
3 microphone.

4 "THE WITNESS: We went to the house Friday  
5 night. There was a fight.

6 "THE COURT: Who went to the house?

7 "THE WITNESS: Bobby, Sadie and I.

8 "THE COURT: Bobby, Sadie and you?

9 "THE WITNESS: Yes.

10 "THE COURT: Go ahead.

11 "THE WITNESS: Later on Charlie and Bruce  
12 came and Gary got cut in the cheek. We stayed  
13 there a couple of days and Sunday Bobby killed  
14 Gary.

15 "THE COURT: Now, tell me what happened back  
16 in Wisconsin inasfar as this affidavit that you  
17 signed.

18 "THE WITNESS: Bobby got the gas chamber,  
19 and that to me is the same -- you're doing the  
20 same thing to him as he did to Gary, and you made  
21 me a part of the second one, too.

22 "MR. LEAVY: --"

23 May the record reflect that is another District  
24 Attorney, Deputy District Attorney in the court along with  
25 Mr. Katz?

26 MR. MANZELLA: Excuse me, your Honor, I don't see  
27 reading other statements under Section 1291.

28 THE COURT: That is not a statement, however, it is

1 clear Mr. Leavy, so far as the Court knows, is a Deputy  
2 District Attorney.

3 MR. MANZELLA: I mean, the comments that Mr. Kanarek  
4 is reading from the record.

5 MR. KANAREK: They are not --

6 THE COURT: The comment yourself, Mr. Kanarek -- but  
7 the Court will at this time --

8 MR. KANAREK: I did not intend --

9 THE COURT: The statement to his knowledge that Mr.  
10 Leavy in this case was a Deputy District Attorney represent-  
11 ing the interest of the People in this case of People vs.  
12 Bobby Beausoleil at the motion for new trial -- go ahead.

13 MR. KANAREK: I did not intend to -- my statements --

14 THE COURT: That's all right, go ahead.

15 MR. KANAREK: To indicate that those words were in  
16 this transcript, your Honor.

17 THE COURT: Move it along.

18 MR. KANAREK: (Reading.)

19 "MR. LEAVY: I didn't hear that last.

20 "MR. GRAVES: -- '...and you made me a part  
21 of the second one, too.'

22 "THE COURT: Go ahead, so what happened  
23 insofar as your filing this affidavit with the  
24 Court?

25 "THE WITNESS: So I filed it hoping that  
26 Bobby could get a retrial and not get the death  
27 penalty.

28 "THE COURT: Are you now telling me that what

1 "you have told the jury under oath is the truth?

2 "THE WITNESS: Yes.

3 "MR. LEAVY: You mean at the Beausoleil trial?

4 "THE COURT: At the Beausoleil trial?

5 "THE WITNESS: Yes.

6 "THE COURT: Is that correct?

7 "THE WITNESS: Yes.

8 "THE COURT: Are you telling me what you told  
9 the Grand Jury was the truth?

10 "THE WITNESS: Yes.

11 "THE COURT: And are you now telling me that  
12 Bobby stabbed Gary Hinman? Is that the truth?

13 "THE WITNESS: Yes.

14 "THE COURT: And who cut Gary Hinman's ear?

15 "MR. GRAVES: May I address a question to the  
16 Court?

17 "THE COURT: --"

18 MR. MANZELLA: Excuse me again, Mr. Kanarek.

19 Again, your Honor, my objection is that under  
20 Section 1291 we're interested in Mary Brunner's testimony,  
21 not statements made by her attorney and other people at  
22 this hearing.

23 MR. KANAREK: The purport of 1291 includes the state  
24 of mind of the witness, your Honor, and if she has been  
25 browbeaten --

26 THE COURT: Excuse me, let me see what we are talking  
27 about now.

28 MR. KANAREK: It all occurred in open court, your Honor.

1 THE COURT: All right, the Court will permit you to  
2 continue to read. The objection is overruled. If that's an  
3 objection.

4 MR. KANAREK: (Reading.)

5 "MR. GRAVES: I am somewhat unfamiliar with the  
6 background of this case, somewhat unfamiliar with the  
7 record.

8 "I do not know whether any of these  
9 questions are going beyond the extent of the type  
10 of testimony -- the testimony she gave at the Grand  
11 Jury and the trial. If they are within the ambit  
12 of that I would have no objection, but may I, in  
13 the absence of knowledge, preserve any objection  
14 to any questioning that might go beyond that scope  
15 of our agreement?

16 "THE COURT: Yes, I would state that she did  
17 make the statement to the jury and to the Grand  
18 Jury as to how the ear was cut.

19 "THE WITNESS: By Charlie.

20 "THE COURT: By Charlie. Do you mean Charlie  
21 Manson?

22 "THE WITNESS: Yes.

23 "THE COURT: Mr. Katz, you may inquire."

24 "Q BY MR. KATZ:

25 "Q And with reference to your testimony,  
26 Miss Brunner, before the Grand Jury and in the  
27 Robert Beausoleil trial, was Mrs. -- strike that --  
28 was Miss Denise Atkins present at the Hinman house?

"A Yes.

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@

1 "Q And was she present at the time of  
2 the killing on Sunday, July 27, 1969?

3 "MR. GRAVES: To which I am going to object.  
4 The time of the killing assumes an expert question  
5 and assumes an expert knowledge as to the time of  
6 death. And therefore, cannot be answered within  
7 the lay person's knowledge.

8 "And I would object on the ground -- on  
9 that ground.

10 "THE COURT: Do you want to reword the  
11 question, Mr. Katz?

12 "MR. KATZ: Yes.

13 "BY MR. KATZ:

14 "Q I believe you told us that Bobby killed  
15 Gary Hinman on Sunday, July 27, 1969; is that  
16 correct?

17 "A I don't know about the date.

18 "All right. It was -- you stayed for two days,  
19 and you came on a Friday night; and on Sunday,  
20 after dinner, Bobby Beausoleil, as you testified in  
21 the Beausoleil trial and before the Grand Jury,  
22 stabbed Gary Hinman; is that correct?

23 "A Yeah.

24 "Q Was Susan Denise Atkins there at that  
25 time?

26 "A Yes.

27 "Q And it -- and it is also true,  
28 pursuant to your testimony both before the Grand

1 "Jury and in the Beausoleil trial, that you and  
2 Susan Denise Atkins both placed a pillow over  
3 Gary Hinman's face before he expired?

4 "A Yes.

5 "Q Is there anything regarding your  
6 testimony before the Grand Jury at this time, or  
7 before the jury in the Robert Kenneth Beausoleil  
8 trial, which you would like to recant because it  
9 was not truthful?

10 "A Not that I recall at this time.

11 "Q Were you telling us the truth as best  
12 you recall in your testimony before the Grand Jury  
13 on April 9th and April 14, 1969?

14 "A Yeah.

15 "Q Were you telling us the truth as best  
16 you recall in the Robert Kenneth Beausoleil trial,  
17 both on direct and cross, and redirect and recross?

18 "A Yes.

19 "Q And are you telling us the truth now,  
20 when you told Judge Keene that you filed the  
21 affidavit which is People's 61 because -- and only  
22 because -- you did not want to be a part of a death  
23 sentence as a result of your testimony?

24 "A That's right.

25 "Q In other words, because Robert Kenneth  
26 Beausoleil was sentenced to death, you feel responsi-  
27 ble; is that right?

28 "A That's right.



1 "THE COURT: You misspoke yourself. He  
2 has not been sentenced to death. The jury returned  
3 such a verdict.

4 "MR. KATZ: Yes. Thank you, your Honor.

5 "BY MR. KATZ:

6 "Understanding that --

7 "MR. GRAVES: May I intrude and have the last  
8 question and answer stricken for the purpose of an  
9 objection?

10 "It is quite argumentative in form, and  
11 I think it was recapitulated incorrectly on the part  
12 of the record. May it be restated by counsel?

13 "THE COURT: Yes, I will strike that answer.

14 "MR. KATZ: What I am driving at, Miss Brunner,  
15 is: After you learned that Mr. Beausoleil had been  
16 given a death penalty by a jury, you made up your  
17 mind to do something to remove that blight from your  
18 own conscience; is that correct?

19 "A. That's right.

20 "Q. And you contrived the fact that you  
21 would execute a false affidavit to secure a new  
22 trial for Mr. Beausoleil, in the hopes that he  
23 would not receive the death penalty; is that  
24 correct? As you have told Judge Keene?

25 "A. Yeah.

26 "MR. KATZ: Now, may the record reflect that  
27 I have shown People's 61 to counsel for Miss Brunner?

28 "THE COURT: Yes.

1 "MR. GRAVES: May the record reflect that  
2 this is the first time I have seen the 'affidavit'?

3 "MR. KATZ: May I approach Miss Brunner?

4 "THE COURT: You may.

5 "Miss Brunner, I want to direct your atten-  
6 tion to the fourth paragraph, where it says:  
7 'Everything I testified to at the Robert Beausoleil  
8 trial and the Grand Jury was not true, and did not  
9 happen as so testified.'

10 "Now, with respect to that particular paragraph,  
11 is that the truth? In other words, your claim in  
12 this affidavit?

13 "A What I testified to at the trial was  
14 basically the truth.

2a

1           "Q     So this fourth paragraph is false in  
2     People's 61; is that correct?

3           "MR. GRAVES: Just a minute. That's a  
4     conclusion. I am going to object on the ground  
5     that it is a conclusion that counsel draws, and it  
6     is argumentative in form.

7           "THE COURT: That objection is overruled.

8           "You may answer that question.

9           "THE WITNESS: What is it?

10          "Q     In substance, Miss Brunner, the fourth  
11     affidavit -- the fourth paragraph contained in  
12     People's 61, of your affidavit, is a false state-  
13     ment; is that correct?

14          "A     You know, I worded that -- I shouldn't  
15     have worded it the way I worded it.

16          "Q     Let me ask you this question: You have  
17     claimed in the fourth paragraph that, 'Everthing I  
18     testified to at the Robert Beausoleil trial and the  
19     Grand Jury was not true, and did not happen as so  
20     testified.'

21          "Now, is that statement, as reflected in  
22     People's 61, false?

23          "MR. GRAVES: May I object on the ground that  
24     it is compound and calls for an answer that may or  
25     may not be -- part of it, at this moment, she may  
26     not want to confirm.

27          "May I suggest that a question that might  
28     assist us here is to ask her if there is any

1 "portion of that particular paragraph she wishes  
2 to disavow, rather than asking her the blanket point.

3 "We get lost in verbiage, otherwise.

4 "THE COURT: That objection is overruled.

5 "You may answer that question.

6 "THE WITNESS: If this paragraph is -- it's  
7 both.

8 "BY MR. KATZ:

9 "I'm sorry; I don't understand. I don't  
10 understand your answer, by 'It's both.' What do  
11 you mean by that, Miss Brunner?

12 "A You know, I am so confused about what  
13 happened at the Hinman house, and other people  
14 telling me other things happened, and Gary says  
15 something and Bobby says something, and for all I  
16 know, they could have happened the way he saw them,  
17 and it could have happened the way I saw them.

18 "I don't know.

19 "Q Miss Brunner, you testified in this  
20 proceeding just a moment ago that Bobby Beausoleil  
21 stabbed Gary Hinman on Sunday, in July; is that  
22 correct?

23 "A That's right.

24 "Q Do you have any doubt in your mind that  
25 that happened?

26 "A No.

27 "Q Do you have any doubt in your mind that  
28 you and Miss Atkins placed a pillow over Gary Hinman's

1 "face after he was stabbed?

2 "A. No.

3 "Q Do you have any doubt in your mind  
4 that you and Susan Denise Atkins and Robert Kenneth  
5 Beausoleil were driven to Gary Hinman's house on  
6 Friday night by Bruce Davis?

7 "MR. GRAVES: May I object for a moment? I  
8 do not know if this is again within the scope of the  
9 previous testimony. If it is, I have no objection.

10 "THE COURT: It was.

11 "Q Do you have any doubt about that fact,  
12 as you've so testified?

13 "A. No.

14 "Q And do you have any doubt about the  
15 fact, as you previously claimed, that Charles Manson  
16 accompanied Bruce Davis to the Gary Hinman house?

17 "A. No.

18 "Q Do you have any doubt that Bruce  
19 Davis and Charles Manson entered the Hinman's house --  
20 entered the Hinman house?

21 "A. No.

22 "Q Do you have any doubt that Charles  
23 Manson cut the face and severed the left ear of  
24 Gary Hinman?

25 "A. No.

26 "Q Now, Miss Brunner, if I may again  
27 direct your attention to this paragraph of People's  
28 61, where it says, 'Everything I testified to at the

1       "Robert Beausoleil trial, and the Grand Jury was  
2       not true, and did not happen as so testified."

3       "Insofar as it relates to the answers that  
4       you have just given to my questions, isn't it a  
5       fact that this paragraph is false?  
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1 "MR. GRAVES: Just a moment. I'll object  
2 to that. It calls for a conclusion to be drawn  
3 from the previous testimony, and it's argumentative  
4 in form.

5 "THE COURT: I don't think so.

6 "MR. GRAVES: He is asking for the witness'  
7 conclusion, in addition, if it please the Court.

8 "THE COURT: I will overrule the objection.  
9 You may answer that question.

10 "THE WITNESS: What -- how did you phrase  
11 that question? Is it true or false? What am I  
12 answering to?

13 "Q In other words, insofar as the answers  
14 you have just given to me to the specific  
15 questions I directed you concerning the participa-  
16 tion of Susan Denise Atkins, Bruce Davis and  
17 Charles Manson and Robert Kenneth Beausoleil, is  
18 Paragraph 4 false?

19 "A Yes.

20 "Q Miss Brunner, did you consent to your  
21 mother taking custody of your baby as a foster  
22 parent?

23 "MR. GRAVES: Just a moment. I am going to  
24 object to that, also, as to whether it's --"  
25 I'm sorry.

26 "MR. GRAVES: Just a moment. I am going to  
27 object to that, also, whether it is within the  
28 terms of the agreement. I do not know, again, if  
this is collateral or not.

1 "THE COURT: I'm going to sustain the  
2 objection to that question.

3 "Wait a minute. I'm going to reverse my  
4 ruling on that question. You may answer the  
5 question.

6 "MR. GRAVES: May the Court please, may I be  
7 heard further?

8 "THE COURT: Yes.

9 "MR. GRAVES: I can't conceive of any grounds  
10 under which that particular question was relevant  
11 at the proceedings of the Grand Jury or the trial.

12 "THE COURT: In light of her testimony here  
13 this morning, Mr. Graves, on questioning by Mr.  
14 Beausoleil, it is relevant; and your objection is  
15 overruled.

16 "A You may answer that question.

17 "MR. GRAVES: May I preserve an objection?  
18 "I know I do not need to, but may I anyway?

19 "THE COURT: Yes.

20 "Q Miss Brunner, let me repeat it.

21 "Simply, isn't it a fact that you did  
22 consent to and desire your mother and parents to  
23 take custody as foster parents of your child?

24 "A Did I desire that? No.

25 "Q Did you consent to your mother taking  
26 custody of your baby?

27 "A It was that or McClaran's Hall.

28 "Q So, in otherwords, with respect to



1 "those two choices, you did consent to your  
2 mother taking custody of the child; is that  
3 correct?

4 "A That's correct.

5 "Q Is she taking good care of the child?

6 "A It depends on how you look at it.

7 "Q You say it depends on -- depends upon  
8 how you look at it. With reference to the amount  
9 of food and clothing she has, do you regard that as  
10 sufficient? I mean, the child has?"

11 Dash "I mean, the child has.

12 "MR. GRAVES: May I object? It seems to me  
13 that we're off on collateral --

14 "THE COURT: I agree. At this point, I am  
15 going to sustain the objection.

16 "Q BY MR. KATZ: Miss Brunner, is there  
17 anything else that you can think of now that you  
18 told us at the Grand Jury or told us at the Robert  
19 Kenneth Beausoleil trial which is false?

20 "A I can't even remember what I said any  
21 more.

22 "Q Can you think of anything?

23 "A No.

24 "Q You understood my previous question?

25 "MR. GRAVES: Just a moment. I will object  
26 to that as argumentative in form and an improper  
27 question.

28 "THE COURT: That objection is overruled.

1 "Do you understand that question?

2 "THE WITNESS: What was the question?

3 "BY MR. KATZ:

4 "Q In other words, what I am saying is,  
5 as you sit here now, can you think of anything  
6 which you testified to before the Grand Jury on  
7 April 9th and April 14th of 1970, and at the  
8 Robert Kenneth Beausoleil trial, which you alleged  
9 was true, which you now admit to being false?

10 "A At this moment, I can't think of any-  
11 thing.

12 "Q Miss Brunner, the last question I want  
13 to ask you, now, is pursuant to the understanding  
14 you now have with the Office of the District  
15 Attorney of Los Angeles County and the Court has,  
16 the Superior Court of Los Angeles County, will you  
17 make yourself available for all future proceedings  
18 concerning the killing of Gary Hinman, insofar as  
19 it concerns prosecution against all persons who  
20 may be charged or who are now charged with the  
21 crime of killing Gary Hinman?

22 "A You keep adding people to that all the  
23 time.

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2c

1 "MR. GRAVES: May I object to that question,  
2 your Honor?

3 "It seems to me that, in fact, the question  
4 by its terms is asking her to swear now to a  
5 commitment beyond the actual terms of the conditional  
6 immunity.

7 "Secondly, it seems to me that the form of  
8 readiness and availability that she should hold her-  
9 self out to is the same form of readiness and  
10 availability that she had when she was in Madison,  
11 Wisconsin before.

12 "THE COURT: The objection to that question is  
13 sustained.

14 "Anything further, Mr. Katz?

15 "MR. KATZ: Nothing further.

16 "THE COURT: Mr. Beausoleil, do you have any  
17 questions that you want to ask the witness?

18 "MR. BEAUSOLEIL: Yes, I do."

19 Questioning by Mr. Beausoleil:

20 "Q Mary, back on December 4th --

21 "A Yes.

22 "Q -- what you said when you testified  
23 about how the investigating officers obtained a  
24 statement from you, was that true?

25 "A Yeah, that was true.

26 "Q They used all those things against  
27 you, and told you those things and lies and implied  
28 threats about your child and different things like

1 "that; is that correct?

2 "A. That's correct.

3 "Q. And approximately a half an hour  
4 ago, you had a conversation, a rather lengthy  
5 conversation -- in fact, you had a broken  
6 conversation -- with your new attorney, Mr. Graves;  
7 isn't that correct?

8 "A. Yes.

9 "Q. And he told you that -- that your  
10 previous statements in front of the Grand Jury,  
11 on December 4th, and in my trial would be enough  
12 to convict you of murder, didn't he?

13 "MR. GRAVES: I object to that. First, I  
14 think she should answer it.

15 "Did you hear what his question was? Can  
16 you answer it?

17 "THE WITNESS: That my previous statements  
18 are enough to --

19 "Q. BY MR. BEAUSOLEIL: Let me rephrase it.  
20 I'll withdraw that question and ask another one.

21 "On December 4th, when the police officers.  
22 you know, were interviewing you, there was an awful  
23 lot of fear involved there, wasn't there?

24 "A. Yes.

25 "Q. You were very scared?

26 "A. Yes.

27 "Q. And at this time, now that the Court  
28 has put its pressure on you, and now that the

1 "District Attorney's Office has put its  
2 pressure on you, and all of Los Angeles -- and  
3 probably otherwise -- reporters from around the  
4 area are all here, the courtroom is jam-packed,  
5 you have a lot of pressure on you, are those fears  
6 rekindled?

7 "MR. LEAVY: I object to the use of the word  
8 'pressure.' I don't think the District Attorney  
9 or the Court --

10 "MR. BEAUSOLEIL: Well, I'm sure there is a  
11 certain amount of emotional pressure --

12 "THE COURT: The objection to that question  
13 is sustained.

14 "Q BY MR. BEAUSOLEIL: In view of the fact  
15 that you have been -- the Court has repeatedly  
16 told you your consequences, I'm sure your attorney  
17 has told you your consequences; is that correct?

18 "A. That's correct.

19 "The consequences of continuing on with your  
20 testimony this morning --

21 "Q The consequences of continuing on with  
22 your testimony this morning?

23 "A. That's right.

24 "And do you feel quite a bit of emotional  
25 strain from that, and the fact that there are a  
26 number of reporters here, and that the courtroom is  
27 now jam-packed?

28 "Do you feel somewhat of an emotional strain

"right now?

"A. You know I do.

2d

2d-1

1 "Q And would it be true to say -- would  
2 it be correct to say that those fears that you  
3 experienced on December 4th at the Holiday Inn  
4 Restaurant in Wisconsin, Madison, Wisconsin, are  
5 rekindled?

6 "A. Basically, that is correct.

7 "Q In other words, it could be inferred  
8 from that that the reason you are testifying --  
9 Mary, look at me, please -- the reason you are  
10 testifying at this time and saying what you are  
11 saying at this time could possibly and very well  
12 be because of the same fear; isn't that correct?

13 "MR. GRAVES: May I object to that question  
14 on the ground --"

15 MR. MANZELLA: Excuse me, Mr. Kanarek. I'm  
16 sorry to interrupt you again.

17 Your Honor, it was my understanding we were  
18 going to read the testimony of Mary Brunner and not read  
19 objections and argument and -- argument and objections and  
20 that sort of thing.

21 MR. KANAREK: Well, I thought the Court decided other-  
22 wise, in view of the last colloquy with your Honor.

23 THE COURT: Well, the Court will permit you to go on  
24 reading.

25 MR. KANAREK: Thank you, your Honor.

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

27 MR. KANAREK: "Mr. Graves: May I object to that  
28 question on the ground he says it may very well be,

1 "and it is a matter of general possibility that  
2 anyone can draw inference from previous statements  
3 and --

4 "THE COURT: I agree with you. I will sus-  
5 tain the objection to that question.

6 "Mr. Beausoleil, to give you some advice,  
7 since you're acting as your own attorney, and since  
8 you're asking this Court to grant you a new trial  
9 in this matter, might I suggest that you direct  
10 some of your inquiry to this witness as to what  
11 occurred in the Hinman house on the night and days  
12 in question, if you have any questions?

13 "MR. BEAUSOLEIL: Well, I don't think I could  
14 get the truth if I did ask her.

15 "THE COURT: I'm giving you a suggestion,  
16 insofar as any inquiry that you think -- that,  
17 within your judgment, acting as your own attorney --  
18 would assist the Court."

19 THE COURT: Mr. Kanarek, so far as possible, simply read  
20 her testimony. But do leave out any portion of it which,  
21 in your judgment, is not her testimony. And indicate for the  
22 record what you are leaving out.

23 But colloquy between Beausoleil and the Court,  
24 the Court does not believe that -- would not believe would be  
25 part of what you should read.

26 MR. KANAREK: Well, then, the Court is changing its  
27 order to me?

28 THE COURT: I am not changing any order. The Court's



1 has always been the same: that you were to read the testimony  
2 of Mary Brunner.

3 MR. KANAREK: Well, I understood previously that your  
4 Honor --

5 THE COURT: The Court was not ordering you to do that.  
6 This is what you --

7 MR. KANAREK: Well, may I say, the Court previously  
8 indicated a --

9 THE COURT: Well, it seems to me a very clear direction.  
10 Go ahead.

11 MR. KANAREK: Well, of course, I want to follow the  
12 orders of the Court. But my impression was that your Honor  
13 indicated I could read everything, the last colloquy we had.

14 THE COURT: I am sure you do. I don't have that copy  
15 before me, and the Court is relying upon you to read the  
16 testimony of the witness, Mary Brunner, on the motion for a  
17 new trial, in the case of People versus Beausoleil.

18 Go ahead.

19 MR. KANAREK: Okay. I'll -- this is:

20 "BY MR. BEAUSOLEIL:

21 "Okay. Okay. I'll ask one question and  
22 hope that I do get the truth.

23 "You testified that -- in my trial, previously  
24 in April, that you saw me standing over Gary's body,  
25 but you didn't actually see me stab Gary, but you  
26 saw me standing over Gary's body with a knife.

27 "Was that statement correct or incorrect?

28 "A. That I saw you standing over -- it's

1 "like one of those questions, Bobby, that the  
2 D.A. feeds me, you know; and it comes out -- well,  
3 it could have happened this way, you know. But I  
4 can't say that it did happen that way.

5 "Right now, what happened at Gary's house,  
6 you know, like -- well -- did I actually see you  
7 standing over him? I can't recall right now. I  
8 can't picture it right now."

2e

2e-1

1 "Q Was that last question -- did that put  
2 you under a lot of stress, and were you on the  
3 verge of tears?

4 "A No more so than it's been all day."

5 Well, your Honor, I would like to read this matter  
6 which is not questions and answers in connection with her  
7 state of mind, because what --

8 THE COURT: Mr. Kanarek --

9 MR. KANAREK: Would your Honor read it over? I'm  
10 referring to 2716.

11 THE COURT: -- what you are referring to -- the order  
12 seems to be perfectly clear.

13 MR. KANAREK: In my view, your Honor, the Code provides  
14 for the state of mind.

15 THE COURT: Just a minute, please.

16 (Pause in the proceedings while the Court  
17 perused the transcript.)

18 THE COURT: The Court will say that the portion on  
19 2716, the colloquy between the Court and Mr. Beausoleil,  
20 should be eliminated.

21 MR. KANAREK: Very well, then. It's my belief, and I  
22 do --

23 THE COURT: I do believe, yes; but you believe other-  
24 wise.

25 MR. KANAREK: I believe the Code provides for the  
26 reading, and it's -- and the state of mind of the witness is  
27 in issue in connection with her testimony, your Honor.

28 That's my -- and I would like to make argument to

2e-2

1 the Court on that.

2 THE COURT: I think you have made that abundantly  
3 clear; and you have argued it from where you are.

4 MR. KANAREK: (Reading.)

5 "Q Well, do you know what you testified to?

6 "A Yeah.

7 "Q Would you, in the state of mind that you  
8 are in now and the state of mind that you were in  
9 on December 4th, prefer --"

10 Well, that was -- page 2718 -- although it's my  
11 request that all of this be read -- at line 18:

12 "BY MR. BEAUSOLEIL: Would you prefer to lose  
13 all of your friends, or whatever, lost contact with  
14 your friends rather than lose contact with your  
15 child?

16 "THE WITNESS: --" after colloquy, between  
17 Mr. Katz and the Court --

18 "THE WITNESS: Yeah."

19 At line 26.

20 And then "No." There's a "No" at the top of  
21 2719, which appears to be part of the answer.

3 fls.

3-1

1 "Q Does losing your friends -- did you  
2 understand --

3 "A Say that one again, Bobby.

4 "Q The last question?

5 "A Yes.

6 "Q Would you prefer the loss of contact  
7 from your friends, you know, in other words --  
8 in other words, you'd have to find, say, new  
9 friends, you know.

10 "A Yeah.

11 "Q Like, in other words, you'd have to  
12 start sort of a new world rather than -- let me  
13 rephrase the question again, I'll ask the same  
14 question.

15 "Would you prefer the threat of  
16 your friends, your home, and the like, over the  
17 threat of having your child taken away from you?

18 "A Bobby, you know --

19 "THE COURT REPORTER: I didn't understand you.

20 "BY MR. BEAUSOLEIL:

21 "Q I know how you feel about him and --

22 "THE COURT: What was your answer? You know  
23 how I feel about that?

24 "THE WITNESS: He knows how I feel about my  
25 son.

26 "THE COURT: Your answer is, 'He knows how I  
27 feel about my son.'

28 "THE WITNESS: Yes."

3-2

1 MR. KANAREK: 2720, line 18.

2 (Reading.)

3 "Q I know that -- how you feel about  
4 your child. What I want to know is --"

5 That wasn't allowed to be answered.

6 2721:

7 "Q Would you like to save your child?  
8 Would you please tell me the truth?"

9 That's a question by Mr. Beausoleil.

10 After colloquy:

11 "THE WITNESS: Yes.

12 "THE COURT: What is your answer to that question?"

13 MR. MANZELLA: Excuse me, Mr. Kanarek.

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

15 MR. MANZELLA: You missed a question in there.

16 MR. KANAREK: That's correct. I think I'd have to --  
17 well, that question is out of context, your Honor.

18 THE COURT: Well, read it all so it is in context.

19 MR. KANAREK: All right, very well. Thank you.

20 Thank you, Mr. Manzella.

21 "Q Would you like to save your child?  
22 Would you please tell me the truth?

23 "MR. KATZ: Your Honor, I am going to object  
24 to the form of the question on the ground that it  
25 is too ambiguous and broad. Under what circumstances?

26 "THE COURT: I will overrule the objection, you  
27 may answer that question.

28 "MR. LEAVY: May I make an objection, your Honor?

3-3

1 "THE COURT: Make it through Mr. Katz so we  
2 just have a limited number of participants to this  
3 hearing.

4 "Do you recall the question?

5 "THE WITNESS: Yes.

6 "THE COURT: What is your answer to that question?

7 "MR. BEAUSOLEIL: May I ask the question again,  
8 your Honor?

9 "THE COURT: What is your answer to that question,  
10 Miss Brunner?

11 "THE WITNESS: It's a hard question to answer.

12 "THE COURT: Ask your next question.

13 "Q That isn't an answer.

14 "A What did you say?

15 "Q That isn't an answer.

16 "A You're right, it isn't an answer.

17 "Q Would you give me the answer to the  
18 question?

19 "Mary, look at me.

20 "Would you give me the answer to the  
21 question and give me the truth.

22 "You know the truth and you know that  
23 I know the truth.

24 "A Bobby, you know I'd do anything.

25 "Q Anything for your child?

26 "A Uh-huh.

27 "Q Including lying for him; isn't that  
28 correct?

3-4

1 "Q Is your answer yes?

2 "A Yes."

3 Then, Mr. Beausoleil says:

4 "I have no further questions."

5 Then, Mr. Beausoleil asks further -- asks  
6 further questions after colloquy with the Court.

7 "Q Mary, I am going to ask you just one  
8 last question and on the last question --

9 "A Yeah.

10 "Q -- I want the truth,

11 "Did I kill Gary Hinman? And please look  
12 at me when you answer me."

13 Well, that was objected to.

14 The Court then asks the question:

15 "Did he stab Gary Hinman?"

16 And the Court asks again over objection of --

17 "THE COURT: Mr. Beausoleil, your objection is  
18 overruled.

19 "Did he stab Mr. Hinman?

20 "THE WITNESS: Yeah.

21 "THE COURT: Ask your next question.

22 "MR. LEAVY: By 'he,' you referred to Beausoleil,  
23 did you not, your Honor?

24 "THE COURT: Yes.

25 "Q BY MR. BEAUSOLEIL: Mary, according to  
26 your testimony in trial in April you said on the stand,  
27 sworn testimony, that you did not see me kill -- that  
28 you did not see me stab Gary Hinman; isn't that



3-5

1 "correct?

2 "A That's right.

3 "Q Then, how could that last answer that you  
4 gave to the question have --

5 "A It was an assumption on my part.

6 "Q It was an assumption on your part?

7 "THE COURT; Based upon what?

8 "THE WITNESS: Based upon who was there at the  
9 time.

3a fls.

3a-1

1 "THE COURT: Any further questions of this  
2 witness?

3 "MR. BEAUSOLEIL: Yes, your Honor.

4 "Q Did you see Charles Manson slice Gary  
5 on the ear?

6 "A No.

7 "Q I see. But you testified earlier today  
8 that -- that Charlie sliced him on the ear. And how  
9 could you -- how could you answer that question  
10 honestly, the question that was asked by Mr. Katz --  
11 or the answer that you gave, anyway, saying that  
12 Charlie did slice Gary on the ear? How could you  
13 answer that if you didn't see Charlie slice Gary  
14 on the ear?

15 "THE WITNESS: It's the question, Bobby, like  
16 your last one about the stabbing.

17 "Q In other words, if Guenther, I'm speaking  
18 of Officer Guenther, Sheriff's Department, if he  
19 hadn't gotten emotional with you, that probably  
20 wouldn't have come out; isn't that correct?

21 "A Probably I wouldn't have bothered to say  
22 it and I wouldn't have said anything about it.

23 "Q You are testifying now so that you can  
24 go back to Wisconsin, so that you can obtain custody  
25 of your child and so that you will not be charged  
26 with the murder of Gary Hinman, so that you will  
27 not be charged with perjury, and so your violation  
28 of probation, or so that you won't -- so that you

3a-2

1 "will not be violated on probation, isn't that  
2 correct?

3 "A Those are my reasons.

4 "THE COURT: Anything further?

5 "MR. BEAUSOLEIL: Yes.

6 "Q And I could draw from that -- well,  
7 there are lots of things people could draw.

8 "That is your desire -- what your  
9 answer was -- is your desire; isn't that correct?"

10 Then, objection by Mr. Graves.

11 "MR. BEAUSOLEIL: Okay.

12 "Q It can be inferred that it is your  
13 desire based on --

14 "MR. GRAVES: I am going to object to that as  
15 a statement and not a question.

16 "THE COURT: Wait a minute, wait a minute. The  
17 reporter is trying to write down what is being said.  
18 The objection is overruled.

19 "Ask your next question.

20 "MR. LEAVY: You mean overruled or sustained?  
21 You said 'overruled.'

22 "THE COURT: I don't think -- I didn't hear  
23 the objection. I don't think the reporter heard  
24 it, when three people are talking at one time.

25 "MR. LEAVY: Very well.

26 "Q In regards to this desire to be able  
27 to go back and obtain custody of your child and  
28 to go back to Wisconsin and to avoid the charges of

3a-3

1 "murder, perjury, violation of probation, being  
2 incarcerated for a very long time, and especially  
3 to avoid not having custody of your child, is --

4 "Pardon me, I'll rephrase that.

5 "I'm sorry, your Honor, but this is  
6 very difficult for me -- for a lot of people.

7 "Because of the fact that you have a  
8 desire to go back to Wisconsin, and you have a  
9 desire to not be charged with the murder of Gary  
10 Hinman, and to be incarcerated for a long time,  
11 and because of the fact that you would like  
12 custody of your child and -- that you would do  
13 anything, as you so testified, almost anything,  
14 or anything, to keep custody of the child, it  
15 would cause you to say just about anything;  
16 isn't that correct?

17 "A It would cause me to testify.

18 "Q Yes, it would."

19 Objection by Mr. Katz. Overruled. The answer  
20 will stand.

21 The next question was sustained, the objection  
22 was sustained.

23 "Q BY MR. BEAUSOLEIL: In April of this  
24 year, when before you testified in this trial  
25 before you testified in front of the Grand Jury,  
26 was there any mention of your child by any  
27 of the prosecuting officers of any capacity?

28 "A Yeah.

1           "Q     And would you tell the Court what kind  
2 of things they said about it, about your child,  
3 what they referred to when they spoke to you or --

4           "A     I was told I'd have no trouble  
5 regaining custody when I finished testifying.

6           "Q     How many times did they tell you that?

7           "A     How many times?

8           "Q     Um-hmm.

9           "THE WITNESS: How many times. Like I stated  
10 it just now, I mean, like what I said just now, that  
11 I can get custody of him as soon as I finish testi-  
12 fying, that was put -- it was just put bluntly like  
13 that just once.

3b fls.

3b-1

1 "Q Just once?

2 "A Yeah.

3 "Q Were there ever any other statements  
4 concerning your child by either the prosecuting  
5 officers or investigating officers in and around  
6 this case of the murder of Gary Hinman?

7 "A I was told another time after I  
8 finished testifying at your trial and at the Grand  
9 Jury that if I gave Girl Scout honor and all that  
10 business that I'll come back and testify against  
11 Charlie and Sadie and Bruce, and that if I wanted  
12 to move from where I was and go to some place,  
13 preferably, I suppose, that the Family didn't know  
14 about, that I'd be able to get custody right then.

15 "Q In your conferences or discussions that  
16 you had with your attorney, Mr. Graves, he told you  
17 the consequences, did he not --

18 "A That's right.

19 "Q -- of your not testifying for the  
20 prosecution; is that correct?"

21 After colloquy between Mr. Graves and the Court:

22 "Q Could you answer the question, please?

23 "A Was the question that he and I dis-  
24 cussed --?

25 "Q The consequences of your not testifying --

26 "A -- the consequences of testifying?

27 "Q -- for the prosecution?

28 "A Yes, we did.

1 "Q And did that conference help to  
2 rekindle the original fears that you had in  
3 December of 1969?

4 "A Yeah.

5 "Q And there was also some type of  
6 an understanding made, was there not?

7 "A Understanding?

8 "Q Um-hmm.

9 "A The understanding was -- yeah, I  
10 guess there was a type of an understanding."

11 MR. KANAREK: Your Honor, a question here is sustained,  
12 and then the Judge overrules it and allows it. I wonder if  
13 I could read all of it?

14 THE COURT: Yes, you may read all of it, if that's the  
15 case.

16 MR. KANAREK: Yes, your Honor, thank you.  
17 I'll go back to just further get the context.

18 "Q And there was also some type of  
19 an understanding made, was there not?

20 "A Understanding?

21 "Q Um-hmm.

22 "A The understanding was -- yeah, I guess  
23 there was a type of an understanding.

24 "Q There was sort of a deal made, wasn't  
25 there?

26 "MR. KATZ: I'll object, your Honor, as a  
27 conclusion that there was a deal made.

28 "THE COURT: That objection is sustained.

1 "Q BY MR. BEAUSOLEIL: Was there a deal  
2 made or --

3 "MR. KATZ: Same objection.

4 "Q BY MR. BEAUSOLEIL: -- or a certain  
5 kind of an understanding as far as a type of deal  
6 between your attorney, myself, and you?

7 "MR. KATZ: Same objection, your Honor.

8 "MR. BEAUSOLEIL: I have rephrased the  
9 question. I believe it's a very proper question.

10 "THE COURT: Well, I'm going to overrule the  
11 objection in light of its amplification.

12 "What is your answer to that question?

13 "THE WITNESS: The same old immunity deal.  
14 Is that -- well, your know --"

15 Uh, your Honor, then may I approach the bench on  
16 a point which is not a matter of testimony, but I think that  
17 in the context, again, on state of mind, I think --

18 THE COURT: Are you referring to something?

19 MR. KANAREK: Yeah, that's here, yes, your Honor.

20 THE COURT: All right, we'll take a short break, ten  
21 minutes, if you would, and we'll resume in ten minutes and  
22 continue the reading of this testimony.

23 MR. KANAREK: Thank you, your Honor.

24 THE COURT: During the recess you are admonished not  
25 to converse amongst yourselves, nor with anyone else, nor  
26 permit anyone to converse with you on any subject connected  
27 with the matter, nor form or express any opinion on it until it  
28 is finally submitted to you. Ten minutes.

(Recess.)



4  
1 MR. KANAREK: Are we still off the record, your Honor?

2 THE COURT: All right, this may be off the record.

3 (Whereupon, a discussion ensued off the record  
4 among the Court and counsel.)

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

7 THE COURT: Yes?

8 MR. KANAREK: Your Honor, your Honor has kindly allowed  
9 me to present this -- this point again to the Court, indicating  
10 so off the record.

11 And the point is that if we read to the jury  
12 everything that occurs in the presence of Mary Brunner -- and,  
13 as I say, some of it is certainly not favorable to our position  
14 -- but if we let it all -- if we read it all, it's my belief  
15 that -- that due process requires it, and --

16 THE COURT: You are talking about from where to where?

17 MR. KANAREK: Because it affects -- I'm talking about  
18 from this point, where the Court -- right here, where your  
19 Honor -- where the Court says, "I find that you are in contempt  
20 of this Court by refusing to obey a direct order."

21 And then from that point on, your Honor  
22 eliminated that page, which is 2680, and 2681; and then after  
23 the recess, your Honor eliminated a certain portion, after I  
24 got down -- I think it was at the bottom of 2683.

25 THE COURT: So where do you want to read from?

26 MR. KANAREK: I just want to read it all, up to the  
27 point of where your Honor allowed me -- where your Honor drew  
28 the line, which is -- which is at 2697. And then, let it all

1 come in.

2 And then, the jury can assess the state of mind.  
3 It's my belief the Fourteenth Amendment and due process, as  
4 well as the Code, requires that.

5 Because the circumstances of her utterances are  
6 in the context of having just heard all of this colloquy and  
7 conferring with her lawyer.

8 And in statements of the Court, as I say -- as I  
9 say, much of that is not --

10 MR. MANZELLA: Your Honor, my objection to -- my  
11 primary objection to it is that it's too time-consuming.

12 MR. KANAREK: Oh, that can be done -- I can do that in  
13 ten minutes.

14 MR. MANZELLA: No. The point is that --

15 THE COURT: That was the Court's position. And it was  
16 covered fairly well by Mr. Beausoleil in his questions to  
17 Miss Brunner.

18 MR. KANAREK: Your Honor, that does not show what the  
19 Court --

20 MR. MANZELLA: Your Honor?

21 MR. KANAREK: -- the prestige and power of the Court.

22 MR. MANZELLA: My other point is that these other  
23 witnesses are not -- these other people, whose statements  
24 are reflected in the transcript, are not shown to be un-  
25 available as witnesses.

26 MR. KANAREK: All right. I'll call -- all right. I'll  
27 call Mr. Leavy and call the Court, and ask them if they so  
28 testified.

But I -- that's the real waste of time.

MR. MANZELLA: And thirdly, I don't think this is relevant.

MR. KANAREK: It's relevant to her state of mind, your Honor. It shows -- it shows --

THE COURT: All right. I'll let you read down to the line, then. I'll reverse my ruling.

MR. KANAREK: Thank you.

THE COURT: Speed it up. See if you can be through by 12:00.

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

THE COURT: Counsel has again requested that he have the right to read the entire proceedings before the Court, including the statements by other counsel, in that motion for a new trial -- and statements by the Court, statements by Miss Brunner's attorney, by Mr. Beausoleil, the Court. The Court's going to grant that motion.

MR. KANAREK: Your Honor indicated beginning at 2680, through 2697, Line 17? Is that correct, your Honor? I believe that's --

THE COURT: I don't know.

MR. KANAREK: I believe that's --

THE COURT: Let's see.

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

MR. KANAREK: Is that correct?

THE COURT: Yes.

1 MR. KANAREK: Thank you.

2 THE COURT: Do that very quickly.

3 MR. KANAREK: I will, your Honor.

4 "THE COURT: Mr. Beausoleil, your objection  
5 is overruled. I want you to keep quiet until I  
6 finish talking to this witness.

7 "Now, are you going to tell me what  
8 happened?

9 "THE WITNESS: No.

10 "THE COURT: You refuse to testify?

11 "THE WITNESS: I refuse to incriminate myself  
12 in this matter.

13 "THE COURT: I find that you are in contempt  
14 of this court by refusing to obey a direct order.  
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4a

4a-1

1 "I order that you be remanded to the custody  
2 of the Sheriff and retained by the Sheriff until  
3 such time as you are able to purge yourself of this  
4 contempt.

5 "Insofar as that order is concerned, you are  
6 remanded to the custody of the Sheriff.

7 "This matter is now in recess until 2:00  
8 o'clock this afternoon.

9 "I will order the Sheriff to bring you back  
10 into this court at that time.

11 "MR. BEAUSOLEIL: Your Honor --

12 "THE COURT: Court is in recess.

13 "MR. BEAUSOLEIL: Could the Court make an  
14 order that no one be allowed to speak to this  
15 witness?

16 "THE COURT: Mr. Beausoleil, court is in  
17 recess until 2:00 o'clock this afternoon.

18 "(Noon recess was taken.)"

19 At 2:35 o'clock p.m., Friday, June 12, 1970.

20 "THE COURT: All right. I'll have the record  
21 reflect the appearance in court of Mr. Beausoleil,  
22 the presence of Mr. Katz, and Miss Mary Brunner  
23 now on the witness stand.

24 "Miss Brunner, it has been my advice that  
25 during the noon hour an attorney by the name of  
26 Ernest Graves, who is now here in the courtroom,  
27 has been retained to represent you; and I am fur-  
28 ther advised that you have had an opportunity to

1 "confer with him; is that correct?

2 "THE WITNESS: That's right.

3 "THE COURT: Do you want Mr. Graves to  
4 represent you in this matter?

5 "THE WITNESS: Yes.

6 "THE COURT: Mr. Graves, do you want to  
7 represent this witness?

8 "MR. GRAVES: Yes.

9 "THE COURT: All right. Then, I will order  
10 you in as her attorney in this matter to advise  
11 her.

12 "Now, what I want to do at this time,  
13 Miss Brunner, is to advise you as to just what  
14 situation you currently find yourself in, in the  
15 presence of your attorney, Mr. Graves; and I am  
16 going to give you this advice and then I want you  
17 and your attorney to discuss the matter, and then I  
18 want you to come back and give to this Court your  
19 decision as to what you want to do.

20 "Now, your situation --

21 "MR. GRAVES: May I interrupt the Court?

22 "THE COURT: Yes.

23 "MR. GRAVES: The witness appears to be  
24 temporarily confused. May I repeat just a little  
25 to be sure she understands?

26 "THE COURT: Let me conduct the proceedings  
27 at this point, Mr. Graves.

28 "Do you understand what I told you?

1 "THE WITNESS: Basically, yeah. You're going  
2 to tell me about the situation right now.

3 "THE COURT: What your situation is right now.

4 "THE WITNESS: Yes.

5 "THE COURT: I am going to take a recess, and  
6 I want you to talk to your lawyer. After you have  
7 talked to your lawyer, then you will be brought down  
8 into the courtroom and then we will proceed one way  
9 or the other.

10 "You have been offered immunity from the  
11 prosecution of murder by the Office of the District  
12 Attorney, predicated upon your doing three things:

13 "One, your testimony in front of the Grand Jury,  
14 honestly and truthfully, on behalf of the People.

15 "You have concluded that testimony.

16 "Next, in order to gain immunity from  
17 prosecution for murder, you were to testify honestly  
18 and truthfully in front of the jury in the Beausoleil  
19 matter, which you did.

20 "Now, part of that trial is still in progress,  
21 because I consider a motion for a new trial as part  
22 of that trial, and you walked into this court and  
23 offered yourself as a witness on behalf of the  
24 defendant, based upon the affidavit that you filed,  
25 so the second part of your gaining immunity has not  
26 as yet been concluded.

27 "The third thing that you are to do in order  
28 to gain immunity is to testify in any future trials

1 "that may be brought in reference to the Hinman  
2 murder; specifically, the two charges -- or, the  
3 case that has now been filed against Charles  
4 Manson, Bruce Davis, and Susan Atkins. You're to  
5 testify in that trial as well.

6 "If you do all of those things truthfully and  
7 honestly on behalf of the People, you are granted  
8 immunity and you cannot be prosecuted for murder.

9 "You understood that to be the immunity  
10 grant, did you not?

11 "THE WITNESS: Yes.

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1 "THE COURT: All right. Now, at this point,  
2 you have not, in the Court's opinion -- and I  
3 believe in the opinion of the District Attorney's  
4 office -- lived up to the second part of that  
5 agreement. That is, testifying in the Beausoleil  
6 matter.

7 "Now, if after you talk to your  
8 attorney, you decide that you want to stand on  
9 the Fifth Amendment, as you told me this morning,  
10 and that you do not want to testify as to what  
11 happened on behalf of the People in the Hinman  
12 house, at the time that Gary Hinman met his  
13 death, then you will not be granted immunity,  
14 and you are subject to immediate arrest for  
15 murder for the death of Gary Hinman.

16 "Now, if after you talk to your  
17 attorney, and after you obtain the advice  
18 that he will give you, you decide that you  
19 will come back down into this court again and  
20 testify in this matter as to what happened in  
21 the Hinman house at the time that Gary Hinman  
22 met his murder -- met his death, honestly and  
23 truthfully on behalf of the People, you're  
24 back on the immunity track and you will not  
25 be arrested. You will not, at this point,  
26 be charged with murder.

27 "You will have then concluded your  
28 second step of your agreement with the District

4b-2

1 "Attorney's office.

2 "The only other thing that you have to  
3 do is testify in any future trial or trials that  
4 may come up involving the other defendants.

5 "So the choice is yours, and I want  
6 you to take a brief recess. Take the time that's  
7 necessary. I will put you in a room so that you  
8 can talk to your attorney, Mr. Graves, and he can  
9 advise you as to the situation as I have explained  
10 it to you; and after you have had a chance to  
11 confer with the attorney, you come back down to  
12 this court and tell me what you want to do.

13 "In the event that you decide that  
14 you are not going to testify, then I am going to  
15 take the position that your contempt citation this  
16 morning will be purged, we will strike your  
17 testimony offered here in this proceeding, and  
18 then you will undoubtedly -- I have been advised --  
19 be arrested by the District Attorney's office  
20 and charged with murder.

21 "Now, this is your choice. You weigh  
22 it carefully, and you decide what you want to do  
23 after you talk with Mr. Graves.

24 "All right. You and Mr. Graves can  
25 now go up to the jury room, and the bailiff will  
26 let you talk privately.

27 "MR. GRAVES: May I make an inquiry of the  
28 Court?

4b-3

1 "THE COURT: Yes.

2 "MR. GRAVES: First, do I understand that if  
3 she comes back and testifies on behalf of the  
4 prosecution in these proceedings, that she is then  
5 free to return to Wisconsin until such time as she  
6 is required to make herself available?

7 "THE COURT: That is my understanding.

8 "MR. GRAVES: Do I also understand that  
9 there has been filed a Complaint for murder  
10 waiting -- for which she could be arrested, now  
11 on file?

12 "THE COURT: That is my understanding.

13 "MR. GRAVES: Do I also understand,  
14 finally, that as of now you have purged her  
15 of the contempt citation of this morning, and  
16 have stricken her testimony, and the decision  
17 is open de novo when she comes back into court?

18 "THE COURT: At this point I haven't taken  
19 those actions, but I intend to do so after you  
20 have had a chance to talk to her.

21 "MR. BEAUSOLEIL: May I inquire --

22 "THE COURT: No, there is no need for  
23 you to inquire at this point.

24 "Court is still in session.

25 "Mr. Graves, you go and discuss this  
26 with your client.

27 "(A recess was taken.)

28 "THE COURT: All right. In this case of

4b-4

1 "People vs. Beausoleil, I'll again have the  
2 record reflect the appearance of the defendant,  
3 the presence of Mr. Katz, Miss Brunner again  
4 on the witness stand, and the presence here  
5 in the courtroom of her attorney, Mr. Graves.

6 "It's my understanding, Mr. Graves,  
7 that you have now had an opportunity to confer  
8 with Miss Brunner, and you have given her your  
9 advice; is that correct?

4c fls.

10 "MR. GRAVES: That is correct, your Honor.  
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1 "THE COURT: And so the record is also clear,  
2 at the request of Miss Brunner, you have had an  
3 opportunity to talk to Mr. Beausoleil; is that  
4 correct?

5 "MR. GRAVES: That is correct. I advised  
6 him of her position.

7 "THE COURT: And, in addition to that, at  
8 the request of Mr. Beausoleil, I arranged for a  
9 meeting of Mr. Beausoleil with this witness and  
10 you in a private meeting in the jury room upstairs;  
11 is that correct?

12 "MR. GRAVES: That is correct.

13 "THE COURT: All those matters have now  
14 been concluded, and it is my understanding, now,  
15 that Miss Brunner is now going to testify in  
16 this matter; is that correct?

17 "MR. GRAVES: That is my present understand-  
18 ing. Am I correct? You have a statement to make  
19 at this time?

20 "THE WITNESS: Yeah. I'd like to get two  
21 things straight, first.

22 "THE COURT: All right. Let me find out,  
23 what do you want to get straight, Miss Brunner?

24 "THE WITNESS: I want to get straight  
25 exactly what my position is if I testify for  
26 the prosecution.

27 "THE COURT: Miss Brunner, let me first make  
28 it perfectly clear to you that you are not under

4c-2

1 "a court order at this time to testify insofar as  
2 the order of the Court holding you in contempt of  
3 court. That order is vacated.

4 "Now, this decision to testify at this  
5 time is a free and voluntary decision on your part,  
6 and we're all done playing fun and games, and if  
7 you testify in this matter, you are going to  
8 testify to the truth and nothing but the truth,  
9 so help you God.

10 "You understand that?

11 "THE WITNESS: I understand that, and I want  
12 to know, too, what is my position afterwards?

13 "THE COURT: Your position, as I understand it,  
14 is that if you testify as to the truth, which you  
15 have already done in front of the Grand Jury, if  
16 you testify as to the truth here at this hearing  
17 on a motion for a new trial as to precisely what  
18 happened in the Hinman house at the time he met  
19 his death, and in the event that you testify on  
20 behalf of the People as to the truth as to  
21 precisely what happened at the Hinman house at  
22 any future trials that are brought, arising out  
23 of this death, that you are then granted immunity,  
24 and you personally cannot and never can be  
25 prosecuted for murder.

26 "Now, do you understand that?

27 "THE WITNESS: And if I testify today, then  
28 I can just walk out of the courtroom today and go

4c-3

1 "back to Wisconsin today?

2 "THE COURT: If you testify to the truth,  
3 then you may, as far as I am concerned, walk out  
4 of this courtroom, and you can go back to Wisconsin  
5 and remain there as long as you choose, pending  
6 the conclusion of this matter and any future  
7 trials that may come as a result of this death.

8 "THE WITNESS: Is that the DA's contention,  
9 too?

10 "THE COURT: We have here in court Mr. Katz,  
11 Mr. J. Miller Leavy of the office of the District  
12 Attorney.

13 "Mr. Leavy, you might make a statement  
14 at this point, as to what you have advised the  
15 witness, so far as your office is concerned.

16 "MR. LEAVY: I think you have correctly  
17 advised the witness -- that is, what I am told  
18 by Mr. Katz, at the Beausoleil trial, that he  
19 was advised that it was expected that she would  
20 testify to the truth concerning what she knew  
21 concerning the murder of Hinman, as to Beauso-  
22 leil's participation, as to anyone else's,  
23 which I understand included Charlie Manson,  
24 Susan Atkins, and that following the indictment  
25 of Charles Manson and Susan Atkins as a result  
26 of this witness's, Miss Brunner's testimony,  
27 if and when Charles Manson and/or Susan Atkins  
28 would go to trial in the Hinman murder, she would

4c-4

1 "again be expected to testify to the truth as to  
2 what she knew about the -- I understand there was  
3 also a Bruce Davis involved in the Hinman murder --  
4 she would testify to the truth concerning him at  
5 his trial and participation in the Hinman murder;  
6 that she would not be prosecuted for her participation,  
7 as I understood from her testimony both before the  
8 Grand Jury and the Beausoleil trial, for her partici-  
9 pation in the Hinman murder.

4d fls.

10 "That is the position of the District  
11 Attorney's office.  
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1 "MR. GRAVES: May I be heard briefly?

2 "THE COURT: Yes.

3 "MR. GRAVES: Your Honor has advised the  
4 witness, as far as you are concerned, speaking  
5 for the Court, that she is free to go back to  
6 Wisconsin.

7 "Do we have this equivalent repre-  
8 sentation on behalf of the District Attorney's  
9 office and the law enforcement agencies of the  
10 State of California?"

11 THE COURT: Excuse me, Mr. Kanarek. How much more  
12 do you have?

13 MR. KANAREK: Oh, not much. Very short.

14 THE COURT: Well, what do you mean by "very short"?

15 MR. KANAREK: I can do it in just five minutes, your  
16 Honor.

17 THE COURT: We'll take a recess, then. We will  
18 recess, ladies and gentlemen, until 2:00 o'clock.

19 During the recess, you are admonished not to  
20 converse amongst yourselves nor with anyone else, nor are  
21 you to allow anyone else to converse with you on any  
22 subject connected with this matter, nor are you to form or  
23 express any opinion on the matter until it is finally  
24 submitted to you.

25 MR. KANAREK: Thank you, your Honor.

26 (Whereupon, at 12:06 o'clock p.m., an adjourn-  
27 ment was taken in this matter until 2:00 o'clock  
28 p.m. of the same day.)

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LOS ANGELES, CALIFORNIA, WEDNESDAY, NOVEMBER 17, 1971 2:17 PM

- - - -

THE COURT: In the case of People vs. Manson, the record will show that the jurors and alternates are all present. Both counsel are present.

You were in the process of reading the record from the case of People vs. Beausoleil, the testimony of Mary Brunner. You may continue that, Mr. Kanarek.

MR. KANAREK: Thank you, your Honor.

I believe this was about the place I was reading, your Honor. I will backtrack just a short bit for continuity.

"MR. GRAVES: Your Honor has advised the witness --"

Oh, Mr. Graves speaking.

"Your Honor has advised the witness, as far as you are concerned, speaking for the Court, that she is free to go back to Wisconsin, do we have this equivalent representation on behalf of the District Attorney's office and the law enforcement agencies of the State of California.

"MR. LEAVY: You have my assurance of that, if I didn't say that, spell it out for you, with the understanding that Miss Brunner will not make herself unavailable if and when Manson or Atkins or Bruce Davis should go to trial on the Hinman murder or the evidence pertaining to that, which could be

1 "used at the penalty phase of Manson or Atkins or  
2 Krenwinkel, possibly at the trial that they may  
3 stand and as far as the penalty trial concerning the  
4 death of what we refer to generally as the Tate- La Bianca  
5 case murders, so long as she does not make  
6 herself unavailable.

7 "If she makes herself unavailable,  
8 that is part of the grant of immunity, being  
9 available.

10 "THE COURT: Do you understand your position?

11 "THE WITNESS: How did I get involved in the  
12 Tate-La Bianca murders?

13 "THE COURT: You are not involved in those  
14 murders.

15 "MR. LEAVY: You are not involved in those.  
16 It is a matter of evidence. What occurred at the  
17 Hinman murder could become a part of the evidence  
18 in other trials than Hinman. Not on guilt, but  
19 on penalty.

20 "MR. GRAVES: May I be heard briefly, your  
21 Honor?

22 "I understand that your Honor  
23 recapitulated the immunity under three separate  
24 conditions of immunity. It appears we are  
25 broadening the conditions. I presume the immunity  
26 itself will speak for itself and any additional  
27 conditions cannot be added to the immunity as  
28 it was designed.

1 "Am I correct?

2 "THE COURT: That is correct.

3 "Is there some statement that the  
4 District Attorney's office wishes to make  
5 insofar as the prosecution for perjury and  
6 insofar as this witness is concerned?

7 "MR. LEAVY: I don't intend to -- I haven't  
8 heard her testimony now. What has been the basis  
9 of the affidavit which was filed some days ago  
10 by Miss Brunner. Miss Brunner's affidavit,  
11 I haven't heard the explanation concerning that.  
12 I haven't heard what she is going to testify to  
13 now, which would be a repudiation of the testimony  
14 she gave in the motion for new trial. But I have  
15 no plans of prosecuting her for perjury, as I  
16 understand it thus far, and I speak for the  
17 District Attorney's office.

18 "THE COURT: You have heard the statement  
19 of the District Attorney's office of Los Angeles  
20 County by Mr. Miller Leavy insofar as they are  
21 concerned, and I want you to clearly understand  
22 that as far as I am concerned that I am the man  
23 that has to make the decision as to whether or  
24 not the jury in this case received completely  
25 honest and truthful testimony insofar as I am  
26 concerned. And I will anticipate in this case  
27 that by permitting you to testify at this time  
28 that you are once and for all going to testify

1 "to the truth and nothing but the truth as to what  
2 occurred; do you understand that?

3 "THE WITNESS: Yeah.

4 "THE COURT: What is your decision? Do you  
5 now want to testify?

6 "MR. LEAVY: May the record show that as far  
7 as the District Attorney's office, that is all we  
8 ask of this or any other witness in this hearing on  
9 a motion for new trial or any trial, is the truth  
10 from the witness. That includes this witness. I  
11 hope she understands that.

12 "THE COURT: The Court having heard this and  
13 understanding your position and being represented  
14 here by your lawyer, is it your desire to testify  
15 in this matter pertaining to what occurred at the  
16 Hinman house, pertaining to this affidavit that  
17 you filed and what transpired back in Wisconsin  
18 at the time you filed this affidavit?

19 "THE WITNESS: You know I've talked to my  
20 lawyer. I have heard what you have had to say,  
21 your options, you know. The choice is up to me  
22 right now, either that I testify right now and  
23 incriminate myself, or else not testify and go  
24 to jail, and either way it comes out the same,  
25 so I am not going to testify.  
26  
27  
28

6 fls.

6-1

1 "THE COURT: In other words, you at this  
2 time have decided that you do not want to  
3 testify in this matter?

4 "THE WITNESS: That's right.

5 "THE COURT: And do you understand that by  
6 refusing to testify at this time, the grant of  
7 immunity previously given you by the Office of the  
8 District Attorney is null and void?

9 "THE WITNESS: My lawyer is trying to make  
10 a comment. Could I hear what he has to say?

11 "THE COURT: Yes.

12 "(Witness Mary Theresa Brunner and her  
13 counsel, Ernest Graves, confer.)

14 "MR. GRAVES: Your Honor, I have just talked  
15 with the witness.

16 "The witness asked me to make a request of  
17 the Court.

18 "As Mr. J. Miller Leavy just said, the  
19 District Attorney's Office is only interested in  
20 the ascertainment of the truth and the dispensation  
21 of justice. I concur.

22 "The witness has asked me if, before she  
23 does any further testifying, this Court would  
24 undertake to have her submitted to a lie detector  
25 test on the affidavit filed in camera with the  
26 Court.

27 "THE COURT: I'm not going to make any such  
28 order.

1 "Miss Brunner, the only thing that I'm  
2 interested in in listening to this motion for  
3 a new trial is to determine what your testimony  
4 is, and the only way that I am going to determine  
5 that is by having you testify in this matter.  
6 But you are under no court order at this time to  
7 testify, and if you do not want to testify, then  
8 you do not have to testify.

9 "As I have indicated to you, I'm all done  
10 playing games. If you testify in this matter,  
11 it's to be the truth and nothing but the truth,  
12 and that is all I want. We are not going to take  
13 any lie detector tests on any affidavit.

14 "Now, do you understand what I've told you?

15 "MR. GRAVES: May I, again, your Honor?

16 "THE COURT: Yes.

17 "(Witness Mary Theresa Brunner and her  
18 counsel, Ernest Graves, confer.)

19 "MR. LEAVY: May the record show that I am  
20 satisfied the witness is communicating, by expression  
21 with her eyes and the motion of her head, with some  
22 of the Manson Family, such as Lynn Fromme, who is  
23 seated in the audience?

24 "THE COURT: The only thing I can have the  
25 record reflect is that Lynn Fromme is seated in  
26 the audience.

27 "MR. LEAVY: I want the record to reflect  
28 what I said.

1 "THE COURT: Your statement will be  
2 reflected in the record.

3 "MR. GRAVES: May the record reflect that  
4 I saw nothing, didn't happen to observe anybody?

5 "MR. KATZ: Your Honor, may I ask that the  
6 record reflect Sandra Good is present in the court-  
7 room, also Catherine Share is present in the  
8 courtroom, and also Catherine Lutesinger ---"  
9 L-u-t-e-s-i-n-g-e-r; I'm spelling it. It's not spelled  
10 in the record --- "is present in the courtroom?

11 "THE COURT: Yes.

12 "MR. KATZ: Thank you, your Honor.

13 "MR. BEAUSOLEIL: Will the record so reflect,  
14 that these witnesses have been ordered here today,  
15 excepting Catherine Lutesinger?

16 "THE COURT: Yes.

17 "MR. BEAUSOLEIL: Thank you.

18 "MR. GRAVES: To the Court, I appreciate  
19 for myself courtesies the Court has extended me  
20 and my client. I will state for the Court that  
21 this is a very strenuous and difficult and traumatic  
22 experience for the witness, and I would appreciate  
23 as much of the Court's indulgence as I can get.

24 "THE COURT: Take your time.

25 "(Witness Mary Theresa Brunner and her counsel,  
26 Ernest Graves, confer.)



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1 "MR. GRAVES: Your Honor, I believe the  
2 witness is again prepared to meet the question  
3 whether she is prepared to testify in this case.

4 "THE COURT: What's your decision now,  
5 Miss Brunner?

6 "THE WITNESS: I'll testify.

7 "THE COURT: That is your decision as to  
8 what you intend to do at this time; is that  
9 correct?

10 "THE WITNESS: That's right.

11 "THE COURT: Do I have your assurance  
12 that anything that you are going to testify to at this  
13 time is going to be the truth and nothing but the  
14 truth, so help you God?

15 "THE WITNESS: Yes.

16 "THE COURT: In its entirety, without  
17 question; is that correct?

18 "THE WITNESS: That's right.

19 "THE COURT: All right. Suppose, now, then,  
20 that you start. . ."

21 And then we had already read that, your Honor.

22 THE COURT: All right, Mr. Kanarek.

23 MR. KANAREK: Thank you, your Honor.

24 THE COURT: Call your next witness.

25 MR. KANAREK: May I have a moment with Mr. Manzella,  
26 your Honor?

27 THE COURT: Yes, you may.

28 (Pause in the proceedings while a discussion off

1 the record ensued at the counsel table between Mr. Kanarek and  
2 Mr. Manzella, followed by another off-the-record discussion at  
3 the clerk's desk between Mr. Kanarek and the clerk.)

4 MR. KANAREK: Your Honor, may we approach the bench?  
5 I have a matter which I'd like to --

6 THE COURT: Very well. You may.

7 MR. KANAREK: -- bring to -- thank you, your Honor.

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

11 MR. KANAREK: Your Honor, I didn't want to read this,  
12 because this is, strictly speaking, not testimony. However --

13 THE COURT: Much of what you read was not testimony, but  
14 the Court permitted you to read it.

15 MR. KANAREK: Right. But I wanted to -- to bring this  
16 to the Court's attention.

17 It turns out that, later on, in the proceedings  
18 for new trial, when Mary Brunner was a spectator in court,  
19 she got up in court, after giving the testimony that I've read  
20 this morning, and she stated as follows -- in open court, but  
21 not from the witness stand --

22 "MARY THERESA BRUNNER: Bobby isn't guilty,  
23 and I told you that Friday, and I would have stuck  
24 with that, if you hadn't come up with some jackass  
25 statements about arresting me for murder immediately  
26 for telling the truth, and my lawyer is telling me  
27 that I've got to go along with you to work out some  
28 silly deal, by your silly legal code. And Bobby is

1 "not guilty."

2 Now, the Court said: "Would you take this  
3 woman out of the courtroom, please? And bring  
4 her back to the courtroom at the conclusion of this  
5 hearing? And we will have a hearing as to why she  
6 should not be held in contempt of this court.

7 "MARY THERESA BRUNNER: You're corrupt.  
8 You're a corruption of the Constitution,"

9 Now, this is clearly showing her state of mind.  
10 These are statements which were uttered, which -- which we are  
11 deprived of, by virtue of the fact that she has -- is unavail-  
12 able.

13 THE COURT: By virtue of the fact that they're hearsay?

14 MR. KANAREK: No, it matters not whether they're hear-  
15 say.

16 THE COURT: Oh?

17 MR. KANAREK: Your Honor, it's a matter of showing her  
18 state of mind. I mean, it -- it -- they're certainly not  
19 offered for the truth of the matter asserted. I am not  
20 advocating that Judge Keene is corrupt, or that Judge Keene is  
21 a corruption of the Constitution.

22 I'm not advocating that. I am saying that  
23 Mary Brunner stated that.

24 THE COURT: In brief, what are you asking?

25 MR. KANAREK: I'm asking to read this to the jury,  
26 because it shows her state of mind. She's --

27 THE COURT: The People?

28 MR. KANAREK: -- unavailable.

1 MR. MANZELLA: The People object on the grounds that  
2 it's not within any exception to the hearsay rule.

3 MR. KANAREK: Yes, it is. She's unavailable.

4 THE COURT: Sustained.  
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6b-1

1 MR. KANAREK: Then I would ask -- then I ask for an  
2 evidentiary hearing, so that we can have it --

3 THE COURT: On what point?

4 MR. KANAREK: On the point of whether or not it's a  
5 denial of due process and equal protection under the  
6 14th Amendment.

7 THE COURT: You don't need an evidentiary hearing in  
8 respect to that.

9 MR. KANAREK: Well, so your Honor can have all of  
10 the circumstances, everybody who is present --

11 THE COURT: The Court denies the motion for an  
12 evidentiary hearing.

13 MR. KANAREK: Well, because it -- this goes, you  
14 see --

15 THE COURT: Don't talk any further on the point.  
16 The Court denies the motion for an evidentiary hearing.

17 MR. KANAREK: Well, it's our --

18 THE COURT: And the Court sustains the objection.

19 MR. KANAREK: Well, it's -- all right. Then, the  
20 point is that -- it's our offer that we would ask that  
21 that be read to the jury, as part of --

22 THE COURT: I understand. And the motion is denied.

23 MR. KANAREK: It's later on -- I don't know if it's  
24 the same day or the next day; but in any event, it is --  
25 I believe it is within -- certainly a few days of her  
26 making that statement -- of her testifying in court,  
27 the matters just read, so that the record will reveal  
28 that, your Honor.

6b-2

1 THE COURT: The motion is denied.

2 You may, however, spell out the page on which  
3 it appears, so that the record will be clear as to --

4 MR. KANAREK: Thank you. It's page 2764.

5 THE COURT: Of the case --

6 MR. KANAREK: Volume 10 of the case -- of the Reporters'  
7 Transcript on appeal in the case of People of the State of  
8 California, Plaintiff and Respondent, versus Robert Kenneth  
9 Beausoleil, the Defendant-Appellant.

10 And the case number is -- may I have the  
11 Beausoleil file?

12 THE COURT: What other point do you wish to raise?

13 MR. KANAREK: That's in case No. A --

14 THE COURT: A057452.

15 MR. KANAREK: Yeah. Although in this transcript,  
16 there happens to be an SSC 15197, which may be -- it appears  
17 to be SSC 15197 -- although the "7" is hard to read.

18 But, anyway, maybe that's the Supreme Court  
19 number of the State of California.

20 THE COURT: Very well. Anything more?

21 MR. KANAREK: Well, no, not at this point, your Honor.

22 MR. MANZELLA: Your Honor?

23 THE COURT: Any further witnesses?

24 MR. KANAREK: Oh, yes, I have other matters to --

25 THE COURT: All right. Let's proceed.

26 MR. MANZELLA: Your Honor, I wanted to inquire of  
27 Mr. Kanarek if he was going to read Mary Brunner's testimony  
28 from the Tate-La Bianca case? Because if he was going to

6b-3

1 read that next, I wanted to ask the Court for a few minutes,  
2 so I could go downstairs and get the District Attorney's  
3 copy of the transcript.

4 MR. KANAREK: I have no objection to him -- I do  
5 intend to, not immediately, but in the next --

6 MR. MANZELLA: Well, just before he does, I would like  
7 to have a few minutes to get my copy of that transcript.

8 THE COURT: I assume -- it's 2:30. I suppose that  
9 at the next break you could do that.

10 MR. MANZELLA: All right. Fine.

11 THE COURT: If this is what you intend.

12 How long is that testimony?

13 MR. KANAREK: Uh --

14 MR. MANZELLA: I don't know.

15 MR. KANAREK: It might take -- it might take an hour  
16 or an hour and a half, something like that, your Honor.

17 THE COURT: All right. Let's proceed.

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

21 THE COURT: Call your next witness, Mr. Kanarek.

22 MR. KANAREK: Your Honor, I have a request that --  
23 may I have the Bobby Beausoleil file?

24 I have here the affidavit of Mary Brunner, your  
25 Honor, which purports to be sworn to the 21st day of May,  
26 1970; and I have -- may I have a moment?

27 (Pause in the proceedings while a discussion  
28 off the record ensued at the counsel table between

6c-1

1 Mr. Kanarek and Mr. Manzella.)

2 THE COURT: Is that the affidavit referred to in the  
3 motion for new trial? In the testimony --

4 MR. KANAREK: Yes, your Honor.

5 THE COURT: -- in the motion for new trial?

6 MR. KANAREK: Yes, your Honor. It was filed May the  
7 26th, 1970. But -- and it's the one that -- that was filed  
8 May the 26th, 1970, and concerning which there -- Mary Brunner  
9 testified.

10 There -- I believe there was another affidavit,  
11 but just for particularity, this is the one filed May the  
12 26th, 1970, dated May the 21st, 1970, before someone who  
13 purports to be a Notary Public in the State of Wisconsin,  
14 whose name appears to be Owen E. Rees, R-e-e-s, I believe.

15 MR. MANZELLA: Your Honor, I'll stipulate that this is  
16 People's 61, referred to in the testimony read by Mr. Kanarek.

17 THE COURT: It's the same document referred to?

18 MR. KANAREK: It might -- there were two --

19 No, your Honor. There were two affidavits, and  
20 I think that 61 is in fact another affidavit.

21 But in any event, this is the -- this is the  
22 prior affidavit, which -- which occurred in time before, I  
23 believe, People's 61, which -- the contents of which were  
24 read at the time that her testimony was read.

25 (Pause in the proceedings while a discussion off  
26 the record ensued at the counsel table between Mr. Kanarek  
27 and Mr. Manzella.)

28 MR. KANAREK: I think, if we refer to Page 2636 of the



1 Beausoleil transcript, that it is apparent that in that --  
2 what is People's 61, reference is made to this affidavit; so  
3 I would ask your Honor -- if it's agreeable with the prosecution  
4 -- that this document that I have be deemed to be an original,  
5 for the purpose of these proceedings.

6 And I ask that it be marked next in line, in  
7 evidence, for identification, and in evidence.

7  
1 THE COURT: Do the People have any objection to it  
2 going into evidence?

3 MR. KANAREK: At this point.

4 MR. MANZELLA: If it is People's 61, your Honor, I have  
5 no objection to it because it is referred to in the testimony.

6 If it is not People's 61, I object to it.

7 MR. KANAREK: Well, then, Counsel --

8 THE COURT: Well, then, you two gentlemen resolve it  
9 during the recess.

10 (Whereupon, Mr. Kanarek and Mr. Manzella confer at  
11 counsel table off the record.)

12 THE COURT: Let's pass on to something else.

13 MR. KANAREK: Yes. Well, in any event, I have here  
14 the original Beausoleil file, if there's any question about it.

15 THE COURT: Well, let's not discuss it at this time.  
16 You can resolve it.

17 (Whereupon, Mr. Kanarek and Mr. Manzella  
18 confer at counsel table which was not reported.)

19 THE COURT: Mr. Kanarek, if you are seeking the  
20 admissibility of that affidavit --

21 MR. KANAREK: All right, rather than go by way of  
22 stipulation, I offer into evidence the affidavit, the original  
23 affidavit in the file of People versus Beausoleil, May 26,  
24 1970.

25 Joyce has made a copy of that and in order -- for  
26 the convenience of the clerk -- I am only suggesting that this  
27 copy, which is a photocopy, be used in place of having to  
28 disrupt the file, your Honor.

1 THE COURT: You needn't go into that, Mr. Kanarek.  
2 Simply make your offer.

3 MR. KANAREK: I do offer --

4 MR. MANZELLA: Object on the grounds it constitutes  
5 hearsay, your Honor.

6 THE COURT: Sustained.

7 MR. KANAREK: Well, then, your Honor, this is the  
8 affidavit that was referred to in the testimony of Mary  
9 Brunner.

10 THE COURT: It is still hearsay.

11 MR. KANAREK: Well, then, I offer it as an exhibit.

12 THE COURT: It will be received -- it will not be  
13 received, but it will be marked for identification as the  
14 defendant's next in order, whatever that may be.

15 MR. KANAREK: All right.

16 Excuse me just a minute, then.

17 THE COURT: The receipt in evidence is denied.

18 Are you prepared now to go forward?

19 MR. KANAREK: Well, yes, your Honor, if we get the  
20 exhibit. It is another way of -- it is the same, and I offer  
21 People's 61 which was used in the motion for new trial into  
22 evidence by reference. But it is exactly the same, the copy  
23 that I have is exactly a copy of People's 61. It is the same.  
24 Just copied in at a different time.

25 THE COURT: It does not make it any less hearsay. The  
26 objection is sustained.

27 MR. KANAREK: Well, then, People's 61, your Honor, was  
28 referred to in the testimony. That's Mr. Manzella's point.

1 THE COURT: The objection is sustained.

2 MR. KANAREK: Well, I offer it into evidence, your  
3 Honor.

4 THE COURT: The motion is denied.

5 Call your next witness.

6 MR. KANAREK: Well, then -- then, I would like to  
7 approach the bench, your Honor.

8 THE COURT: All right, you may approach the bench.

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

12 MR. KANAREK: Your Honor, Mr. Manzella --

13 THE COURT: First you have the problem with authentica-  
14 tion, don't you, if you have no stipulation; and

15 Second, you have the problem it is hearsay.

16 Now, why do you believe it is any exception to  
17 the hearsay rule?

18 MR. KANAREK: It is not offered for the truth of the  
19 matter asserted. It is offered because it was used in the  
20 proceeding. It is exactly the same way as the other exhibits.

21 THE COURT: You believe because it was used in the  
22 proceeding that it is an exception to the hearsay rule, comes  
23 in under 1291, you believe?

24 MR. KANAREK: No, it comes under -- because of the  
25 fact it is an exhibit, and in the same way that all of the  
26 exhibits were being used, they were referred to in the testimony  
27 the same way as all of them were, your Honor.

28 THE COURT: You mean because an affidavit is a --

1 because an affidavit is a piece of evidence in another case,  
2 it can be received in this case; that's your theory?

3 MR. KANAREK: But, your Honor, it was -- it matters not  
4 whether it is an affidavit or whether it is a gun or whatever.  
5 It was used in the testimony. And when a witness is unavail-  
6 able, the law does not contemplate --

7 THE COURT: You haven't really established that the  
8 witness is unavailable for the purpose of what you have read  
9 in the testimony, read of the testimony of the Beausoleil  
10 case. It was stipulated to. I don't think it was on the  
11 record, but it was agreed that counsel will stipulate that  
12 Mary Brunner was unavailable and wouldn't testify to what  
13 she would testify concerning to in the Beausoleil trial.  
14 Rather than put her back on the witness stand, that was the  
15 stipulation.

16 MR. KANAREK: Right. The whole purport of the  
17 stipulation was that she was unavailable.

18 Now, Counsel has told me a few moments ago  
19 that he will stipulate --

7a

7a-1

1 THE COURT: Do you believe that this is admissible in  
2 any way, this affidavit?

3 MR. MANZELLA: I don't see how the affidavit itself  
4 is admissible because it is not prior testimony.

5 MR. KANAREK: It doesn't have to be prior testimony.

6 MR. MANZELLA: This is hearsay, and it doesn't come  
7 in under Section 1291.

8 MR. KANAREK: Counsel just a few minutes ago told me  
9 he would stipulate to this affidavit if it was People's 61.

10 MR. MANZELLA: I did stipulate that was People's 61.

11 MR. KANAREK: And you said you would stipulate in  
12 evidence it was in fact --

13 MR. MANZELLA: Well, that's --

14 MR. KANAREK: That's what he told me.

15 MR. MANZELLA: I offered the stipulation to stipulate  
16 that it was People's 61.

17 MR. KANAREK: Yes, and you offered that if it referred  
18 to any testimony, that this would go into evidence. This  
19 is what counsel --

20 MR. MANZELLA: That's what happens when Mr. Kanarek  
21 asks for stipulations in front of the jury at counsel table.  
22 You ought to give me a little time.

23 MR. KANAREK: I'd be more than glad to have him have  
24 time --

25 THE COURT: The motion is denied at this time. Go  
26 on with your presentation of your next witness.

27 MR. KANAREK: Well, then, may this --

28 THE COURT: It is marked in evidence. The motion to

7a-2

1 receive it is denied.

2 MR. KANAREK: All right.

3 Well, then, your Honor, may this, for conveni-  
4 ence, may this document -- it is more convenient than using  
5 People's 61 from another case -- this document is a copy of  
6 it.

7 THE COURT: Is it stipulated that it is a copy?

8 MR. MANZELLA: Yes, your Honor, so stipulated.

9 THE COURT: And it may be marked your next in evidence.

10 THE CLERK: NN.

11 THE COURT: NN for identification.

12 MR. KANAREK: All right. All right, very well, thank  
13 you, your Honor.

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

17 THE COURT: You may call your next witness.

18 MR. KANAREK: I have Exhibits C, D and E which were  
19 referred to in the testimony of Mary Brunner, and I ask that  
20 they be -- and I offer them into evidence in connection  
21 with our case, C, D and E, Defendant's C, D and E, which  
22 were so denominated at the motion for new trial in case  
23 No. A057452, and may they be -- they may be used by  
24 reference, if that's convenient for the Clerk, and I do  
25 offer them.

26 THE COURT: Pass them to Mrs. Holt.

27 MR. KANAREK: I do offer them into evidence.

28 Yes, your Honor.

NN Id.

7a-3

OO,PP,QQ

1 THE COURT: They would be O, P, Q, OO, PP, QQ,  
2 respectively. They may be marked for identification by reference.

3 MR. KANAREK: I offer them into evidence, your Honor.

4 THE COURT: Have you seen them, Mr. Manzella?

5 MR. MANZELLA: No, your Honor, I haven't.

6 THE COURT: It is customary to let opposing counsel  
7 see these, Counsel.

8 MR. KANAREK: They're District Attorney's -- may I put  
9 it this way: The District Attorney is privy to all of this  
10 information. I did not know that Mr. Manzella had not seen  
11 them and I apologize to him if he has not seen them, and I  
12 certainly accept that, his statement that he hasn't, your  
13 Honor.

14 And I apologize to the Court for not showing  
15 them. I thought that he had seen them.

16 THE COURT: Very well.

17 MR. MANZELLA: Mrs. Holt.

18 The People would object on the grounds they  
19 constitute hearsay, your Honor.

20 MR. KANAREK: Well --

21 THE COURT: The objection is sustained.

22 MR. KANAREK: Well, then, may I approach the bench on  
23 that, your Honor?

24 THE COURT: No, I would assume it would be the same  
25 argument that you made in respect to NN.

26 MR. KANAREK: Well, may I, in order -- I think this  
27 will save time, if we may approach the bench and discuss  
28 a possible resolution of it, your Honor. I think that it



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1 would save a lot of time.

2 THE COURT: You will approach the bench and you will  
3 discuss the same thing that you have discussed previously.

4 MR. KANAREK: No, I represent to the Court it is a  
5 different point.

6 THE COURT: All right, I'll hear from you at the bench  
7 again.

8 MR. KANAREK: Thank you.

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

12 THE COURT: You are showing me what purports to be  
13 what, a marriage and birth certificate?

14 MR. KANAREK: All right, first of all, under the law,  
15 under the law which is in the Code, this -- this seal is  
16 given equal dignity by the law of the State of California.  
17 This independently is admissible under the Code because it  
18 is a certified document. I could send to Wisconsin to get  
19 it or anyone. It is completely and absolutely independent  
20 of any kind of authentication. I mean, if this were offered  
21 in this courtroom, it would have to be admitted and there is  
22 no reason it can't be admitted standing on its own two  
23 feet.

24 MR. MANZELLA: The objection is that is, showing that  
25 Mr. Rees is a Notary Public is irrelevant unless -- strike  
26 that.

27 That is irrelevant because there are no documents  
28 that are admitted which he's notarized.

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MR. KANAREK: That's not so. He has -- he's been  
referred to in the testimony, your Honor.

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7b-1 1 THE COURT: All right, it appears to be irrelevant and  
2 immaterial.

3 MR. KANAREK: This --

4 THE COURT: Yes, yes, the certification that Reese is  
5 a Notary.

6 MR. KANAREK: Well, in what way is it irrelevant and  
7 immaterial?

8 THE COURT: Well, there is -- what Mr. --

9 MR. MANZELLA: Because there are no --

10 THE COURT: -- Mr. Manzella says is true.

11 MR. KANAREK: Well, then all it is going to --

12 THE COURT: Go on to the next document.

13 MR. KANAREK: It is going to waste time, that's all  
14 it is going to do. This next document is --

15 THE COURT: An affidavit of Mary Brunner.

16 MR. KANAREK: Right, is the signature by Mary Brunner.

17 THE COURT: What makes you believe that that's  
18 admissible?

19 MR. KANAREK: All right, I could call Mary Brunner and  
20 ask her if she signed it. There are other ways of authenti-  
21 cating it.

22 THE COURT: You may do so.

23 The People are not stipulating.

24 MR. KANAREK: Will you stipulate that's her signature?

25 MR. MANZELLA: You don't understand my objection to this  
26 is it is hearsay. Hearsay whether it comes from a third  
27 party witness or a piece of paper, it is still hearsay. That's  
28 my objection.

1 MR. KANAREK: It is offered to show her state of mind  
2 and hearsay has got nothing to do with it. It is offered to  
3 show her state of mind. It's got nothing to do with hearsay.  
4 It is to show what Mary Brunner's thinking was at the time  
5 this was going on.

6 Well, will you go -- this -- are you seriously  
7 questioning this is Mary Brunner's signature?

8 MR. MANZELLA: I am objecting to it on the grounds it  
9 is hearsay and it is not within any exception to the hearsay  
10 rule.

11 MR. KANAREK: We can accomplish one hurdle --

12 MR. MANZELLA: And likewise, you haven't authenticated  
13 it.

14 MR. KANAREK: Likewise, I am requesting here at the  
15 bench, which is outside the presence of the jury, the District  
16 Attorney to agree that that is the signature of Mary Brunner;  
17 do you so stipulate?

18 MR. MANZELLA: Why? It is objectionable on the grounds  
19 of hearsay.

20 THE COURT: Let's get on to another point.

21 MR. KANAREK: We're trying to save time. It is a way  
22 of saving time.

23 THE COURT: Save a little time and get on to your next  
24 document.

25 MR. KANAREK: All right, I'll have to call her back  
26 here, then.

27 I'm trying -- this is a letter by Mary Brunner.

28 THE COURT: Consisting of how many pages?

1 MR. KANAREK: One, two, three, four pages.

2 Now, this letter is offered to show her state of  
3 mind in connection with the proceedings which occurred at  
4 the motion for a new trial. I certainly am not advocating --

5 THE COURT: How is that relevant?

6 MR. KANAREK: It is relevant so that the jury can  
7 understand in assessing her credibility -- a big factor is  
8 her state of mind, whether she's being pressured, whether she  
9 is actually telling the truth or whether she's saying things  
10 because --

11 THE COURT: I see.

12 MR. KANAREK: And this letter is a reflection of her  
13 state of mind. The same way that your Honor allowed matters  
14 in -- it is certainly analogous to matters showing intent,  
15 purpose and so forth, that related to Shorty Shea. And if  
16 the District Attorney seriously doubts that this is Mary  
17 Brunner's letter, and her signature, then, I would ask that  
18 she be brought here and we ask her. I'm trying to save time.

19 MR. MANZELLA: My objection is on the grounds it  
20 constitutes hearsay. It is not within any exception to the  
21 hearsay rule.

22 MR. KANAREK: It reflects her state of mind.

23 MR. MANZELLA: Her state of mind is not relevant.  
24 If it is not offered for the truth of the matter asserted,  
25 it is irrelevant. If it is offered for the truth of the  
26 matter, it is hearsay.

27 MR. KANAREK: Well, it is offered to show the back-  
28 ground -- it is offered to show the background of her

1 testimony at the motion for new trial. And it denies Mr.  
2 Manson a fair trial, and it denies him due process and equal  
3 protection for your Honor not to allow the jury to have that.

4 Otherwise, all we have are her statements from  
5 the witness stand. But this is just as much a part of it  
6 than anything else.

7 THE COURT: The objection seems to be well taken. I  
8 have read the letter. It does appear to be well taken.  
9 There are many factual matters related in there that simply  
10 don't show a state of mind.

11 MR. KANAREK: But the Court can make a limiting  
12 instruction, just like the Court did in connection with the  
13 Shorty Shea --

14 THE COURT: And the motion for admission of these is  
15 denied.

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

19 MR. KANAREK: Your Honor, then, out of courtesy to  
20 Mr. Manzella, may we have a recess so that he can get his  
21 copies of the transcripts?

22 THE COURT: Well, what do you propose to do now at  
23 this time?

24 MR. KANAREK: Read the testimony of Mary Brunner,  
25 your Honor.

26 THE COURT: You intend to read more testimony of  
27 Mary Brunner?

28 MR. KANAREK: Yes, your Honor.

1 THE COURT: From the Tate-La Bianca case?

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

3 THE COURT: How long will that take?

4 MR. KANAREK: I'd say about an hour, an hour and a half,  
5 something like that, your Honor.

6 THE COURT: You don't have your copy, Mr. Manzella?

7 MR. MANZELLA: No, I don't, your Honor.

8 THE COURT: All right, I'll permit you time to get your  
9 copy.

10 MR. MANZELLA: Thank you.

11 THE COURT: We'll recess, then, ladies and gentlemen.

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

17 About 15 minutes.

18 (Afternoon recess.)

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1 THE COURT: All right. All the jurors and alternates  
2 are present.

3 Are we squared away, now, gentlemen?

4 MR. MANZELLA: Yes, your Honor.

5 MR. KANAREK: Yes, your Honor. I have a matter which  
6 I would like to bring to the Court's attention at the bench,  
7 if I may, your Honor.

8 THE COURT: Is it concerning what you argued previously?

9 MR. KANAREK: It is. But I have the exact wording in  
10 the -- in the file, your Honor, which -- and I believe that --

11 THE COURT: Well, if it was argued previously in  
12 respect to the admissibility of MM, and the rest of those  
13 exhibits, then the Court doesn't wish to hear your argument.

14 I have already ruled on that.

15 MR. KANAREK: Oh, very well, your Honor. I believe  
16 that the Court was -- and I'm sure it's honestly mistaken.

17 THE COURT: Well, I have been honestly mistaken before  
18 in my lifetime.

19 MR. KANAREK: Yeah. Well, I am sure the Court did not  
20 purport to memorize; and it's written down right here, in  
21 reference to --

22 THE COURT: All right. The Court believes that the  
23 exhibits you offer are inadmissible, as hearsay -- and other-  
24 wise inadmissible -- as had been stated.

25 MR. KANAREK: Very well.

26 THE COURT: You may proceed.

27 MR. KANAREK: Very well, your Honor.

28 Your Honor, then what I have -- your Honor, I am



1 going to -- what I am going to read is the testimony of Mary  
2 Theresa Brunner, which occurred -- uh -- in February or March  
3 of 1971. I don't have the exact date.

4 THE COURT: You don't mean '71, do you?

5 MR. KANAREK: Pardon me?

6 THE COURT: '71?

7 MR. KANAREK: Yes.

8 THE COURT: Actually, I guess it was probably '71,  
9 wasn't it?

10 MR. KANAREK: Yes, it was.

11 THE COURT: It was in the penalty phase of the Tate-  
12 La Bianca trial.

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

14 THE COURT: All right. And the foundation for this  
15 testimony is stipulated to?

16 MR. MANZELLA: Yes, your Honor, in that the testimony  
17 was given at the penalty phase of the Tate-La Bianca trial,  
18 we will stipulate to the foundation, and to --

19 THE COURT: The foundation under Section 1291 of the  
20 Evidence Code?

21 MR. KANAREK: Yes.

22 MR. MANZELLA: Yes, your Honor. So stipulated.

23 THE COURT: All right. And this is the previous  
24 testimony of Miss Brunner given in the Tate-La Bianca trial in  
25 1971?

26 MR. MANZELLA: At the penalty phase.

27 MR. KANAREK: In February or March. Probably February,  
28 your Honor.

1 MR. MANZELLA: And that it was given at the penalty  
2 phase; is that correct?

3 THE COURT: Yes.

4 Read it as rapidly as you can, without the jury --  
5 without reading so fast that the jury loses understanding of  
6 it, though. You could pick it up a little bit.

7 MR. KANAREK: That's what I am trying to do, your Honor.

8 "Q BY MR. KANAREK: Now, Miss Brunner,  
9 directing your attention to Charles Manson, would  
10 you tell us when, if ever, you met him? When did  
11 you first meet him?

12 "A April of 1967.

13 "Q And is it a fair statement that you are  
14 the mother of a child of his?

15 "And is it a fair statement that you are the  
16 mother of a child of his?

17 "A Yes.

18 "Q What is the name of that child?

19 "A His legal name?

20 "Q Yes.

21 "A Michael Manson.

22 "Q Michael --

23 "A -- Manson.

24 "Q And you have known Charles Manson how  
25 long?

26 "A Since April of '67. That's about four  
27 years.

28 "Q Now, directing your attention, then, to

1 "Mr. Manson, after you met him, did you take up  
2 living with him?

3 "A Yeah, about a month after I met him.

4 "Q And were you living with him in the  
5 company of any other people?

6 "A Not at first.

7 "Q It was just you and Mr. Manson?

8 "A Yeah.

9 "Q And in what area did you live?

10 "A Northern California.

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1 "Q And was that around San Francisco,  
2 Berkeley?

3 "A We lived in Berkeley for a while,  
4 and San Francisco, and Mendocino.

5 "Q Now, would you tell us where you  
6 lived with Mr. Manson prior to coming to live with  
7 him at the Spahn Ranch?

8 "A Oh, first when we got together, we  
9 went to the woods in Mendocino; and we had a  
10 cabin in the woods there.

11 "We spent a lot of time in a school bus,  
12 and a Volkswagen bus, traveling mainly Highway  
13 101. And we camped a lot of places.

14 "And we had homes in Malibu and in Topanga  
15 Canyon.

16 "Q How old is your child of Mr. Manson?

17 "A Almost three.

18 "Q And are you originally from the State  
19 of Wisconsin?

20 "A That's right.

21 "Q Do you have a degree from the  
22 University of Wisconsin?

23 "A That's right.

24 "Q What is your degree in?

25 "A Bachelor of Arts in history.

26 "Q And when you met Mr. Manson, were you  
27 engaged in some work, using your schooling?

28 "A I was a library assistant at the

1 "University of California Library in Berkeley.

2 "Q And was that in connection with any  
3 particular school at the University of California?

4 "A No.

5 "Q Was it the general library?

6 "A It was the main library of the  
7 university.

8 "Q And sometime -- let me withdraw that.

9 "Would you say that you have continuously  
10 lived with Mr. Manson and others since you met him  
11 until his arrest in Inyo County in 1969?

12 "Is that a fair statement?

13 "A Almost until my arrest. I did not go  
14 to him --

15 "Almost to my arrest. I did not go to him  
16 to the desert the last time, because I was in jail  
17 then.

18 "Q You mean that you were arrested on or  
19 about August 8th, 1969; right?

20 "A Yeah.

21 "Q So at the time he went to the desert,  
22 the last time, are you telling us you were in custody?

23 "A I think I was, because I had not seen  
24 him since August 8th.

25 "Q Of 1969?

26 "A That's right. Not out of jail.

27 "Q Well, were you arrested in the raid  
28 of August the 16th, 1969?

1 "A No.

2 "Q You were not at the Spahn Ranch at  
3 the time of that raid; right?

4 "A That's right.

5 "Q You were in custody in Sybil Brand?

6 "A That's right.

7 "Q You were arrested with Sandy Good  
8 on August 8th, 1969; is that correct?

9 "A That's correct.

10 "Q Now, at the time that you were arrested  
11 with Sandy Good, were you arrested with any other  
12 person?

13 "A No.

14 "Q Now, is it a fact that you have been  
15 arrested by law enforcement officers in connection  
16 with the Gary Hinman matter?

17 "A Yeah. I was once.

18 "Q And --

19 "A Twice -- I don't know how many times.  
20 Once or twice.

21 "Q Now, directing your attention to your  
22 statements to police officers in connection with the  
23 Gary Hinman matter, has -- pardon me -- have law  
24 enforcement officers discussed with you Mr. Manson  
25 in connection with this Gary Hinman matter?

26 "A Yes."

27 Objection sustained.

28 "Q At one time -- there was a time when you were

1 "a defendant in connection with the Gary Hinman  
2 matter; is that right?

3 "A. Yeah.

4 "Q When were you first arrested in  
5 connection with the Gary Hinman matter?

6 "A Well, the first time was when I refused  
7 to testify. And I don't know what I was charged  
8 with then, but it was in connection with the Hinman  
9 matter, for refusing to testify to the Grand Jury.

10 "I was arrested. And then I was arrested for  
11 murder at another time.

12 "Q In connection with the Gary Hinman  
13 matter?

14 "A That's right. The first time was in  
15 April.

16 "Q April of what year?

17 "A '70.

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"Q 1970?

"A Yeah.

"Q And were you arrested again in 1970  
in connection with the Gary Hinman matter?

"A Yeah, in June of '70."

(Pause in the proceedings while Mr.  
Kanarek perused the transcript.)

"Q --" Well --

"Q Did you have a discussion with law  
enforcement officers concerning Gary Hinman?

"A Yes.

"Q Will you tell us what police officers  
you discussed the Gary Hinman matter with?

"A Paul Whiteley and Charlie Guenther.

"Q And would you tell us when you first  
spoke to those police officers?

"A In December, '69.

"Q Concerning the Gary Hinman matter; right?

"A That's right.

"Q And directing your attention to on or  
about July 15th, 1969, were you at the Gary Hinman  
home?

"A No.

"Q Were you in the vicinity of the Gary  
Hinman home at a time when Susan Atkins was at the  
Gary Hinman home?

"A In '69?

"Q Yes.



8b-2

1 "A July of '69? No.

2 "Q At a time in -- you say December of 1969,  
3 you spoke to these police officers; could you tell  
4 us where it was that you spoke to these police  
5 officers? Where were you at that time?

6 "A I was in Wisconsin.

7 "Q And they came to Wisconsin to speak with  
8 you?

9 "A That's right.

10 "Q Is that right?

11 "A That's right.

12 "Q And would you --"

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

15 "Q Well, in the summer of 1969, at some time  
16 were you at the Gary Hinman home?

17 "A No.

18 "Q At some time or other?

19 "A No, I don't think I have been at his  
20 house since quite a while before that.

21 "Q When was the last time that you were at  
22 the Gary Hinman house at a time when he was alive?

23 "A I don't think I ever went back there,  
24 since I lived there; and that was over two and a  
25 half years ago.

26 "Q Well, can you give us the month and  
27 year?

28 "A It was '68, in the springtime.

8b-3

1 "Q In the spring of '68?

2 "A Um-hum." U-m h-u-m.

3 "Q Now, did you testify at the Bobby Beausoleil  
4 trial?

5 "A Yes.

6 "Q And in connection with that testimony,  
7 did you make any statements concerning the passing  
8 away of Gary Hinman?

9 "A Yes.

10 "Q On how many occasions, Miss Brunner,  
11 have you been interrogated by a Los Angeles Police  
12 Officer concerning the Gary Hinman matter?

13 "A Just three major ones that I can think  
14 of.

15 "Q Can you tell us the times?

16 "A December of '69 and February or March of  
17 '70, and I think April of '70.

18 "Q Have you been interrogated by members  
19 of the District Attorney's office concerning the  
20 Gary Hinman matter?

21 "A Yeah.

22 "Q On how many occasions has that occurred?

23 "A Oh, members of the District Attorney's  
24 office were present at the last few times that I  
25 mentioned, along with the Sheriff's Department  
26 people.

27 "Q All right. Other than those occasions,  
28 have you been interrogated concerning the Gary Hinman

1 "matter?

2 "A By the Sheriff's Department or the  
3 District Attorney?

4 "Q You mentioned three times; right?

5 "A Uh-huh." U-h h-u-h.

6 "Q Now, other than those three times, have  
7 you been interrogated by members of the District  
8 Attorney's office?

9 "A No, I don't think so. Not that I can  
10 recall.

11 "Q When did you first find out that Bobby  
12 Beausoleil had been arrested in connection with this  
13 Gary Hinman matter?

14 "When did you first find out about that?

15 "A Well, he called the ranch about it right  
16 after -- or sometime after he had been arrested;  
17 not too long after that, that is when I found out.

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1 "Q All right, at that time, was Linda  
2 Kasabian living at the ranch?

3 "A Yeah.

4 "Q Now, did you have any discussions  
5 with Linda Kasabian in connection with the arrest  
6 of Bobby Beausoleil?

7 "A Linda?

8 "Q Yes.

9 "A I don't recall any with Linda, no.

10 "Q Did you have any discussions with  
11 Susan Atkins concerning the arrest of Bobby  
12 Beausoleil?

13 "A Yeah, I was privy when more than one  
14 of us talked about it.

15 "Q All right, who was -- would you tell us  
16 who was present when more than one of you talked  
17 about it?

18 "A About the arrest of Bobby --

19 "A About the arrest of Bobby we are talking  
20 about?

21 "Q Yes.

22 "A Oh, Sadie and myself, Katie, maybe  
23 Sandy, I'm not sure.

24 "Q What was said concerning the arrest of  
25 Bobby Beausoleil -- before you tell us that, would  
26 you tell us when it was in connection with his  
27 arrest? Can you give us an estimate of how long  
28 it was after his arrest that this conversation took

1 "place?

2 "A It isn't like, you know, a get-  
3 together-and-have-a-conversation type of  
4 conversation. It is like after he got arrested  
5 we talked about it.

6 "Q All right.

7 "And I can --

8 "A And I can remember talking about it  
9 with different people.

10 "Q And was --

11 "All right, now, directing your attention to  
12 this conversation right now that you mentioned  
13 where you -- and you say it was Sandy and Katie --

14 "A Probably Sandy. I'm not sure of that.

15 "Q All right, what was said and would  
16 you tell us what each person said at this conver-  
17 sation?

18 "A I cannot tell you what each person said,  
19 no. I can tell you that we talked about getting --  
20 about that we --" Start again.

21 "I cannot tell you what each person said,  
22 no. I can tell you that we talked about Bobby  
23 getting arrested and that it was a bum rap and he  
24 would be getting out of it somehow or other.

25 "Q And did Susan Atkins make any statements  
26 in connection with the passing away of Gary Hinman  
27 at this meeting or at this conversation that you  
28 are speaking of?

1 "A Sadie told me that she had killed  
2 him and she was going through changes about  
3 Bobby getting arrested behind her.

4 "Q And in that connection was anything  
5 else said by anyone that was present? Any one  
6 of those individuals that you have mentioned?

7 "A Was anything else said?

8 "Q Yes.

9 "About Bobby Beausoleil, about getting him  
10 out of jail or about the Gary Hinman matter; what  
11 else was said, if anything?

12 "A I can remember just talking about it  
13 and wanting to get him out. And Brenda calling  
14 to find out if we could bail him out, but there  
15 wasn't any way.

16 "And we were just talking about getting him  
17 out, nothing specific, you know, was said. Just  
18 wondering how we were going to do it. And we talked  
19 about the L.A. County Jail setup and at the time we  
20 didn't know how we were going to do it.

21 "Q What do you mean, you talked about how  
22 the L.A. County Jail is set up?

23 "A About getting people out of the L.A.  
24 County Jail.

25 "Q Using what means --

26 "Using what means?

27 "A Any means you can get him out of there.

28 "Q Did you discuss the possibility of

1 "raising bail?

2 "A Oh, Brenda called about that, but  
3 there was no bail.

4 "Q There was no bail.

5 "What other means did you discuss with  
6 getting -- with getting Bobby Beausoleil out of  
7 jail?

8 "A Going in the jail and taking him out.

9 "Q And Susan Atkins discussed that?

10 "A Yes.

11 "Q And --

12 "A We discussed it together.

13 "Q And what was said in this regard?

14 "A It didn't seem very feasible at the  
15 time.

16 "Q Where were you when this conversation  
17 took place?

18 "A "Some place at the ranch, I don't know.  
19 Probably on the boardwalk or somewhere, I don't  
20 remember.

21 "Now, was this at a time when Linda Kasabian  
22 was still living at the Spahn Ranch?

23 "A Yes. Linda was living at the ranch  
24 until after I was arrested.

9a-1

1 "Q Now, when is the first time that you  
2 heard that the people at the Tate home had died?

3 "A When I was in jail it was over the news.

4 "Q When is the first time that you heard  
5 the people at the La Bianca home had died?

6 "A The same time.

7 "Q Now, directing your attention to your  
8 state of mind when you heard those events; did you  
9 in your mind think of Bobby Beausoleil?"

10 Well, that was sustained.

11 "Q At sometime between August 8th, when you  
12 were arrested, and the date that Mr. Beausoleil was  
13 arrested, which was earlier, was there any discussion  
14 about committing other crimes in order to get Bobby  
15 Beausoleil out of jail?

16 "A Not in my presence.

17 "Q After you were released from the custody  
18 that you were in on August 8th, 1969, where did you  
19 go when you were released?

20 "A First I went to the ranch, and then the  
21 next day I flew to Wisconsin.

22 "Q How many days after August 8, 1969, were  
23 you released?

24 "A About six weeks.

25 "Q You were in custody for a full six weeks?

26 "A About that, I believe, yes.

27 "Q Now, during the time that you were in  
28 custody, were you interrogated by Los Angeles



9a-2

"Police Officers concerning the Gary Hinman matter?

"A No.

"Q Do you remember what date it was that you were actually released? You say it was six weeks.

"Do you know precisely or on or about what day it was when you were released?

"A No, it was about the middle of September, I think.

"Q And you went to the ranch and the people at the ranch -- well, let me withdraw that.

"Who was at the ranch when you went there?

"A I think Katie, and Sadie, and Leslie were all there, and Tex, and Bruce, and probably a few other people, but I don't really remember.

"Q At the time that you went to the ranch, was a girl named Stephanie Schram --" (spelling) S-c-h-r-a-m, "there at that time?"

That's not spelled in the transcript.

"A After my release?

"Q Yes.

"A I don't think she was. I don't recall her being there.

"Q Have you, in your lifetime, ever met Stephanie Schram?

"A Yes, briefly.

"Q All right. Would you tell us when was it that you met Stephanie Schram?

1 "A On August 8th. She and Charlie drove up  
2 to the ranch in a milk truck, and then I talked to  
3 her for a little while, and then I took the milk  
4 truck and went downtown and got arrested. So I  
5 only saw her for maybe a half hour.

6 "Now, you met Mr. Manson with Stephanie  
7 Schram on August 8, 1969, and then you drove off  
8 with Sandy, is that right?

9 "A That's right.

10 "Q And where were you arrested?

11 "A In San Fernando.

12 "Q And for what offense were you arrested?

13 "A Forging credit cards.

14 "Q Pardon?

15 "A Forging credit cards.

16 "Q Now, you and Sandy were then taken to  
17 Sybil Brand, right?

18 "A Yes.

19 "Q And the automobile that you were  
20 driving, was that automobile impounded?

21 "A Yes, I believe so. I don't believe  
22 we ever got it back. It was a van. I don't  
23 think anyone ever saw it again. I don't know  
24 what happened to it.

25 "Q Now, would you describe the relationship  
26 -- that was on August 8th. About what time of day  
27 was it?

28 "A What time of day was what?

1 "Q When you met Stephanie Schram?

2 "A Oh, probably early afternoon.

3 "Q Would you say like this was around 1:00  
4 o'clock or so?

5 "A Yes. I think I got arrested maybe  
6 around 4:00 o'clock. So it must have been about  
7 that time, 12:00, 1:00 o'clock.

8 "Q Well, what did you see Mr. Manson do  
9 in the presence of Stephanie Schram, and what  
10 did you see Stephanie Schram do in his presence?

11 "A Get out of the milk truck together,  
12 and then Charlie went off with the guy somewhere,  
13 and then Stephanie stood around talking to the  
14 girls. She was telling us that she was pregnant  
15 and a whole bunch of other stuff and she had some  
16 maternity clothes with her that Sandy could wear.

17 "Q And how soon was it after she got  
18 out? How soon after that was it that you drove  
19 away?

20 "A Maybe an hour. It wasn't any -- maybe  
21 an hour. It wasn't long.

22 "Q Well, did you have conversation with  
23 Stephanie Schram concerning Mr. Manson?

24 "A Yes.

25 "Q Is that the only time before your  
26 release from jail that you saw Stephanie Schram?

27 "A It is the only time I recall seeing  
28 her.

1 "Q Did you see Bobby Beausoleil at the  
2 Gary Hinman house, say, in July of 1969?

3 "A No.

4 "Q Did you see Susan Atkins at the Gary  
5 Hinman house in July of 1969?

6 "A No.

7 "Q Now, Miss Brunner, do you know Leslie  
8 Van Houten?

9 "A Yeah.

10 "Q Did Leslie Van Houten discuss with you  
11 the Hinman matter?

12 "A Yes.

13 "Q Would you tell us what did Leslie --

14 "Q Would you tell us when you had this  
15 conversation with Leslie Van Houten?

16 "A Exactly when, I don't know, but it  
17 must have been sometime probably in the beginning  
18 of August or late July of '69, right before I got  
19 arrested, a while before I got arrested.

20 "Q Was this before Bobby Beausoleil got  
21 arrested?

22 "A I am not really sure if it was before  
23 or after. It was probably after.

24 "Q And who was present, if anyone else,  
25 besides yourself and Leslie Van Houten?

26 "A I can't say for sure any more, Irv,  
27 it was too long ago. I know I talked to Leslie  
28 about it and I can remember what she said, but

1 "I can't remember what happened when or who was  
2 there.

3 "Q Where did the conversation take place?

4 "A Some place at the ranch.

5 "Q Would you tell us what she said?

6 "A Leslie told me --

7 "A Leslie told me about being at the Gary  
8 Hinman house at the time that he was killed.

9 "Q Did she tell you what she observed?

10 "A She said she saw Sadie kill Gary Hinman.  
11 She also saw a few other things.

12 "Q Tell us what else she saw.

13 "A She told me that she had seen Gary's  
14 ear cut as she described to me how it had been  
15 cut. And she told me that they were there, I think,  
16 for a couple of days. And I can't remember what  
17 she said in particular about what happened in the  
18 couple of days.

19 "Q Who was there for a couple of days?

20 "A She and Sadie.

21 "Q How was Gary Hinman's ear cut?

22 "A She said it was cut with a knife.

23 "Q And who cut Gary Hinman's ear?

24 "A I don't recall if she said that or not  
25 -- or not. She told me that it had been cut.

26 "Q All right. What else?

27 "A She told me that there had been a fight  
28 and that Gary was after Bobby for some reason and that

1 "Sadie had stabbed Gary and killed him.

2 "Q Did she say that she saw Sadie stab  
3 Gary?

4 "A I don't know if she said she saw it  
5 or not. I know that she said that it had happened.  
6 I assumed that she saw it because she said that it  
7 happened.

8 "Q Well, did she tell you that Sadie told  
9 her that it happened or did she say that she was  
10 actually physically at --

11 "A She said that she and Sadie had been at  
12 Gary's house and that in the course of time Sadie  
13 had killed Gary, had stabbed him. Now, she didn't  
14 say 'I saw it.' She just said it happened and  
15 she was there when it happened.

16 "Q I see.

17 "Now, did she say anything about what  
18 Mr. Hinman said or did?

19 "A About what?

20 "Q At the time when she and Sadie were  
21 at the Gary Hinman home.

22 "A Before he got cut or stabbed or something  
23 or after?

24 "Q Yes.

25 "Let's say before he got cut or stabbed.

26 "A There was an argument over a car that  
27 at the time I was using that we had gotten from him.  
28 And they were arguing over that. And that is what

"started the fight somehow.

10-1

1 "Q When you say they were arguing, who  
2 are you speaking of?

3 "A Well, Sadie, I think, got a car from  
4 Gary. I think it was Sadie that got it. Anyway,  
5 it was a car that I was driving.

6 "And the title wasn't straight on it, or  
7 else the money wasn't straight. I don't remember  
8 whether it was the title or the money.

9 "Anyway, they wanted to get it straightened  
10 out, so there wouldn't be any question if I were  
11 ever stopped with the car, and it led to a fight.

12 "Q I see. And did she tell you anything  
13 that Gary Hinman said during the fight?

14 "A Other than telling them to leave, I  
15 don't know if she told me there was anything that  
16 he said.

17 "Q All right. Did she tell you anything  
18 that Gary Hinman said after he was cut?

19 "A No, not that I recall.

20 "Q Now, when he was cut -- I will with-  
21 draw that.

22 "Did she tell you how long it was after he  
23 was cut that Sadie killed him?

24 "A Yes. I think she said there was a  
25 couple of days in between.

26 "Q Between the time he was cut until  
27 Katie killed him?

28 "A See, they got in a fight, and they cut

1 "him. Then they were afraid and didn't know  
2 what to do, so they stuck around. And then  
3 they didn't know what to do, so they killed him.

4 "Q I see. Now, subsequently -- may I  
5 ask you this? -- on how many different occasions  
6 did you discuss this matter with Leslie Van Houten?

7 "A Just once.

8 "Q She told you this once?

9 "A Yes.

10 "Q In her lifetime, has she told it to  
11 you more than once?

12 "A No, she told it to me once.

13 "Q Just that one time; right?

14 "A Yes."

15 (Pause in the proceedings while Mr. Kanarek  
16 perused the transcript.)

17 Let's see.

18 "Q Subsequent to this time, have you  
19 spoken with law enforcement officers?

20 "(Pause in the proceedings while Mr. Kanarek  
21 perused the transcript.)

22 MR. KANAREK: The Court says: "Reframe it, Mr.  
23 Kanarek.

24 "Q Subsequent to this date, Miss Brunner,  
25 have you spoken with law enforcement officers?

26 "A Yes, many times."

27 (Pause in the proceedings while Mr. Kanarek  
28 perused the transcript.)



1 MR. KANAREK: Your Honor, may I approach the bench on  
2 this?

3 THE COURT: Is there something you wish to read?

4 MR. KANAREK: Yes, your Honor.

5 THE COURT: Well, the Court would say that the same  
6 admonition would pertain: that if it's her testimony, it may  
7 be read, and --

8 MR. KANAREK: Can I give the entire --

9 THE COURT: Let me see it.

10 MR. KANAREK: Certainly, your Honor.

11 (Pause in the proceedings while the Court perused  
12 the transcript.)

13 MR. KANAREK: It is her testimony.

14 (Further pause in the proceedings while the Court  
15 perused the transcript.)

16 THE COURT: After Page 26,997, it would appear to the  
17 Court that you should not read anything after that.

18 MR. KANAREK: Well, it is her testimony, your Honor.

19 THE COURT: All the objections were sustained.

20 MR. KANAREK: Yes. But she did so testify.

21 THE COURT: Well, the objections were sustained.  
22 It was stricken. And therefore --

23 MR. KANAREK: That's why I want to approach the bench.

24 THE COURT: -- it should not be read.

25 MR. KANAREK: Well, that's why I wanted to approach the  
26 bench.

27 THE COURT: No need to approach the bench.

28 You shouldn't read any material that was stricken

1 from her testimony.

2 MR. KANAREK: Well -- very well, your Honor.

3 (Further pause in the proceedings while Mr.  
4 Kanarek perused the transcript.)

5 MR. KANAREK: Your Honor, there are certain statements  
6 that she made here that I would like to --

7 THE COURT: Will you direct the Court's attention to  
8 that page?

9 MR. KANAREK: Yes, your Honor.

10 (Pause in the proceedings while the Court  
11 perused the transcript.)

12 THE COURT: Again, the Court struck the answer, and it  
13 shouldn't be a part of the testimony to be read.

14 Judge Older sustained the objection, and also  
15 struck it.

16 MR. KANAREK: Well, I want to make a certain point to  
17 the Court, if I might.

18 THE COURT: It's not necessary. You shouldn't read that  
19 part. It was not admitted into evidence in the previous case.

20 (Further pause in the proceedings while Mr.  
21 Kanarek perused the transcript.)  
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10a-1

1 MR. KANAREK: Your Honor, in order to work it out so  
2 that I follow the instructions of the Court, I think that the  
3 colloquy here is -- is of such a nature that --

4 THE COURT: If there is any colloquy between the Court  
5 and counsel, or between counsel, it should be eliminated.

6 MR. KANAREK: All right.

7 (Further pause in the proceedings while Mr.  
8 Kanarek perused the transcript.)

9 THE COURT: Mr. Kanarek, look. I'll tell you. We'll  
10 go until 4:00 o'clock tonight.

11 The Court knows that you have just recently been  
12 loosed from that hotel, and that you do need to make  
13 arrangements to get home. The bailiff told me that he  
14 noticed that some of you were waiting out on the corner  
15 pretty late for buses last night.

16 I'll let you go at 4:00 o'clock. Now, I told  
17 you that you'd probably be sequestered over the weekend,  
18 but it's my intention now that, even should the argument  
19 end on Friday afternoon, to hold over the instructions until  
20 Monday, so you are going to be free on the weekend.

21 So, I will give you that information to cheer  
22 you up.

23 (Whereupon, murmurs of approbation were heard  
24 from members of the jury.)

25 THE COURT: Have you resolved --

26 MR. KANAREK: Well, the problem, I think, is for the  
27 Court; because what actually it says --

28 THE COURT: All right. Let me see it.

1 MR. KANAREK: Yes, your Honor. 27,001.

2 (Pause in the proceedings while the Court  
3 perused the transcript.)

4 THE COURT: Where the Court has checked on 27,003,  
5 line 14, for your information, it appears to be in answer  
6 to -- an answer that was left in by the Court; and therefore,  
7 she testified to it.

8 MR. KANAREK: All right.

9 THE COURT: I mean, that was her testimony, and it  
10 should be read.

11 MR. KANAREK: "In fact, Miss Brunner, were you present  
12 when Gary Hinman was killed?

13 "A No.

14 "THE COURT: Not if she wants to answer.

15 "Do you want to answer, notwithstanding  
16 your attorney's objection?

17 "THE WITNESS: I answered it.

18 "THE COURT: All right.

19 "Q What is your answer?

20 "A I told you: No.

21 "I have told you five times now.

22 "Is it a fair statement, Miss Brunner --

23 "Q Then, other than Leslie Van Houten, Miss  
24 Brunner, have you spoken to Susy?

25 "Do you know someone named Susy?

26 "A Do you mean Sadie?

27 "Q What do you call her?

28 "A Sadie.

1 "Q You call her Sadie?

2 "A Yes.

3 "Q Have you spoken to Sadie concerning  
4 matters at the Hinman house?

5 "A Yes.

6 "Q And when did you speak to her?

7 "A Sadie has told me about matters at the  
8 Hinman house several times.

9 "Q Will you tell us who was present on each  
10 occasion?

11 "A I couldn't tell you. I don't know.

12 "Sadie would say something in front  
13 of me and Katie; then something else in front of  
14 me and Brenda; and then something else in front  
15 of me and another girl.

16 "Sadie has told me several different  
17 things that happened at the Hinman house.

18 "Q All right. Would you tell us, if you  
19 can -- would you tell us when each conversation  
20 occurred, and what was said at each conversation?

21 "Can you do that? Is that possible?

22 "A Not exactly. Sadie talked about killing  
23 Gary several times, and it was all within a period  
24 of a couple of weeks, and every time she told it,  
25 it came out a little bit different.

26 "Q Well, would you tell us as best you can--  
27 were all of these conversation at the Spahn Ranch?

28 "A Yes.

1           "Q    Was anyone else present other than yourself  
2 when you spoke to Sadie concerning these matters?

3           "A    I think one time I talked to her alone  
4 about it; and other times, I talked to her with other  
5 people present.

6           "Q    All right. Will you tell us who the other  
7 people were who were present?

8           "A    Just other girls, other girls in the Family.  
9 I don't remember for sure who.

10b fls.

10b-1

1 "Q All right. Then would you tell us each  
2 of the versions that Sadie told you?

3 "You may -- she told it a little different  
4 each time."

5 I think there's a -- an A is missing there, your  
6 Honor.

7 I'm sorry. I'm sorry. I think --

8 THE COURT: Well, whatever it is, you can resolve it  
9 between now and tomorrow morning, --

10 MR. KANAREK: All right.

11 THE COURT: -- if and when "A" is missing. Perhaps you  
12 can read it differently tomorrow.

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

18 I delayed proceedings about an hour today,  
19 with other matters. However, I managed to, I think, clear  
20 the calendar sufficiently so that I won't have a similar  
21 day tomorrow, so that we can go right ahead.

22 The estimate is that it will take two hours  
23 to read Miss Brunner's testimony? Is it the balance of that  
24 volume?

25 MR. KANAREK: No, it isn't the whole volume, your Honor.  
26 I don't --

27 THE COURT: Well, that's good to hear.

28 MR. KANAREK: I'm sure.

1 THE COURT: At any event, I am sure that we'll speed  
2 it along.

3 Good night. And I'll see you tomorrow morning.  
4 Remember the admonition I've given you previously concerning  
5 the publicity.

6 (Whereupon, at 4:03 o'clock p.m. and adjournment  
7 was taken until 9:30 o'clock a.m. of the follow-  
8 ing morning, Thursday, November 18, 1971.)  
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