SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

DEPARTMENT NO. 130 HON. EDWARD A. HINZ, JR., JUDGE

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9014

THE PEOPLE OF THE STATE OF CALIFORNIA,
Plaintiff,

vs.

LESLIE VAN HOUTEN,
Defendant.

NO. A253156

REPORTERS' DAILY TRANSCRIPT

Tuesday, April 19, 1977

Volume 14

Pages 2063 to 2208, incl.

APPEARANCES: (See Volume 1.)

EMANUEL J. SANZO, C.S.R. No. 1267
- and -
LOIS R. JOHNSON, C.S.R. No. 812
Official Reporters

COPY

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LOS ANGELES, CALIFORNIA, TUESDAY, APRIL 19, 1977, 10:18 A.M.

DEPARTMENT NO. 130 HON. EDWARD A. HINZ, JR., JUDGE

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(Appearances as heretofore noted.)

THE COURT: All right. People versus Van Houten.

Let the record show the defendant is present, represented by counsel, the People are represented by counsel, the jurors are in their assigned places.

Ladies and gentlemen of the jury, each of you have been provided notebooks so that you may take notes. And, of course, you can take all the notes you want to.

But let me just caution you about one matter, and that is, unless you are able to take down what is said with the speed of a certified court reporter, you are not going to get everything down. So don't get so wrapped up in taking notes that you can't observe the witnesses and you don't hear what they say. At the end of each session, just leave the books in your chairs. The bailiff will collect them and have them for you the next day.

All right. The People may call their first witness.

MR. KAY: Thank you, Your Honor. The People will call as their first witness Mrs. Ruth Sivick.

RUTH SIVICK,

called as a witness by the People, was sworn and testified as follows:

THE CLERK: Come right around there, please, ma'am.

Would you raise your right hand, please. You do solemnly swear that the testimony you may give in the cause now pending before this court shall be the truth, the whole truth, and nothing but the truth, so help you God.

THE WITNESS: I will.

THE CLERK: Just take the stand and be seated, please.

Would you pull the microphone over directly under your chin, up as close as you possibly can, and would you give your name for the record, please.

THE WITNESS: Ruth Sivick.

THE CLERK: Would you spell your last name, please.

THE WITNESS: S-i-v-i-c-k.

THE CLERK: Thank you, ma'am.

DIRECT EXAMINATION

BY MR. KAY:

Q Mrs. Sivick, without telling us exactly where, do you currently reside outside the State of California?

A Yes.

Q Directing your attention to August of 1969, did you know Leno and Rosemary LaBianca?

A Yes.

Q What was your relationship with Rosemary LaBianca?

A She was my dearest friend and business partner.

Q And you had a partnership.

What was that in?

A A ladies' ready-to-wear shop.

Q What was the name of the dress shop?

A The Boutique Carriage.

Q Where was it located?

A Figueroa and 26th.

Q In Los Angeles?

A Yes.

Q How long had you and Rosemary been partners in the Boutique Carriage?

A Approximately three years.

Q When was the last time that you saw Rosemary

LaBianca alive?

A August 8th, 1969.

Q It was a Friday?

A Yes.

Q About what time of the day did you see her?

A About 4:00, 4:30.

Q In the afternoon?

A Yes.

Q And where was that that you saw her?

A At the shop.

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Q Did you and Rosemary come back from a trip of some sort?

A Yes; we went on a buying trip to Los Angeles.

Q Now, on Saturday, August 9th, in the morning did you receive a call from Rosemary?

A Yes, I did.

Q Where were you when you received the call?

A At the store.

Q And what did Rosemary tell you?

A Well, she had told me she was going up to the lake and that she wouldn't be back until about 3:00 or 4:00 in the morning, and would I feed her animals.

Q Sometime that Saturday did you go over to her residence at 3301 Waverly Drive?

A Yes, I did.

Q And at about what time was it that you went there?

A About 6:00 or 6:15.

Q In the --

A In the evening.

Q In the evening.

And what was your purpose in going over there?

A To feed the dogs.

Q How many dogs did the LaBiancas have?

A Three.

Q How many times had you been to the LaBianca residence?

A Innumerable times. About --

I really couldn't say. Probably about 30, 40.

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3-2

Q Now, when you went over there about 6:00 or 6:15 on Saturday, August 9th, how did you get in the house?

A Well, we made arrangements to have the key put under the mat of the front door.

And I just took the key and opened the door to feed the animals.

Q And walked right in.

A Yes.

Q The dogs were inside?

A Yes, they were.

Q Approximately how long did you stay at the LaBianca residence that evening?

A Thirty minutes.

Q Was anybody else there besides the dogs?

A No.

Q Did you feed the dogs?

A Yes, I did.

Q Where did you get the dog food?

A The refrigerator.

MR. KAY: Your Honor, I have an envelope which has as its contents a photograph of a refrigerator.

May this be marked as People's 1 for identification?

THE COURT: Yes.

Mr. Keith, I will assume you have seen these exhibits unless I hear to the contrary.

3a f MR. KEITH: I have seen them many years ago.

3a-1

1 MR. KAY: We both have.

2 May I approach the witness?

3 MR. KEITH: If I may see it now I'd appreciate it.

4 THE COURT: Apparently you haven't seen it today.

5 (Brief pause.)

6 Q BY MR. KAY: Mrs. Sivick, showing you People's 1

7 for identification, do you recognize that refrigerator?

8 A Yes, I do.

9 Q And where did you last see that refrigerator?

10 A Where did I last see it?

11 Q Yes.

12 A In the kitchen of her home.

13 Q Of Rosemary LaBianca's home?

14 A Right.

15 Q Now, when you went there on Saturday, August 9th --

16 you notice on the right side of the refrigerator has the

17 writing "Healter Skelter" -- was that there?

18 A There was no writing on that refrigerator when

19 I was there.

20 Q Now, you will notice the refrigerator has --

21 appears to be a double-door --

22 A It was.

23 Q -- refrigerator.

24 When you got the dog food how did you open the

25 door?

26 A With the right handle. Just pulled it open.

27 Q And then you took the dog food out?

28 A Right.

Q Now, what —

Before you left the house did you check to make sure the doors were locked?

A Yes, I did.

Q And were they?

A Yes.

Q What condition was the home in while you were there?

A Immaculate.

Q Did you check the windows before you left?

A No, I did not.

Q Did you enter the living room of the home when you went there?

A I don't think so, other than entering.

MR. KAY: May I have just a moment, Your Honor?

THE COURT: Yes.

(Brief pause.)

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MR. KAY: I have no further questions of this witness.

THE COURT: Thank you.

You may cross-examine.

CROSS-EXAMINATION

BY MR. KEITH:

Q Mrs. Sivick, what kind of dogs were they?

A Well, one was a French Poodle; another one was a --

(Brief pause.)

I've forgotten --

Q What about the third one?

A -- it was a big dog.

Q What about the third dog?

A Third dog was a mongrel that she kept outdoors.

Q Did you say all the dogs were inside the house at the time you fed them?

A No. The third dog was outside. It was tied up outside. The two dogs --

Q That's the mongrel?

A The mongrel.

Q Was that a big dog, too?

A It was a medium-sized dog.

Q Would you say they were acquainted with you, the three dogs, having been there so many times yourself?

A Yes, very much.

Q And was the French Poodle a toy French Poodle or --

A It was a toy.

Q And they lived inside the house?

1 A The dog was a Labrador Retriever. I just recalled
2 that.
3 Q The lab and the poodle --
4 A Inside the house.
5 Q -- were inside the house?
6 A Yes.
7 Q And you left them inside the house?
8 A Yes, I did.
9 Q Did they occupy a particular part of the house?
10 A No.
11 Q They had the run of the house?
12 A Run of the house.
13 Q You were friends, I take it, with all three dogs?
14 A Well, the dog that was outside was one that we had
15 found as a stray, and she had taken it home. And it was a
16 comparatively new resident of the LaBiancas.
17 Q It would be fair to say you were friendly, at least,
18 with the other two dogs?
19 A Very.
20 Q The poodle and the lab?
21 A Yes.
22 Q Was there --
23 You went in the front door, didn't you?
24 A Yes.
25 Q And you locked up after you left?
26 A Yes, I did.
27 Q Are there other doors leading --
28 A Yes.

Q — to the outside of the house?

A The door that led from the —

Q Wait, we've got to —

A Well, there is a door that — off the family room where I had let the Labrador Retriever out for a romp, which is the reason why I had stayed the thirty minutes or so, and let him run around and do his little thing, and then had him come back into the house.

Q My question was, how many doors are there or were there at the LaBianca home leading to the outside?

A Well, there —

Q Besides the front door.

A — there's the back door, side door, and front door.

Q All right.

Was the back door or side door locked?

A Yes.

Q Both locked?

A Yes.

Q And when you left, did you lock them from the inside?

A I checked them to see that they were locked.

MR. KEITH: I don't have anything further.

THE COURT: Anything further?

MR. KAY: Yes.

REDIRECT EXAMINATION

BY MR. KAY:

Q Mrs. Sivick, when you opened the refrigerator door,

were you barehanded?

A Yes, I was.

MR. KAY: I have no further questions.

THE COURT: Anything further?

MR. KEITH: No, Your Honor.

THE COURT: May this witness be excused?

MR. KAY: Yes.

THE COURT: Any objection?

MR. KEITH: No, Your Honor.

THE COURT: All right, you may step down.

Thank you, you are excused.

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MR. KAY: Sgt. Sartuche is going to get the next witness.

THE COURT: All right.

MR. KAY: The People will call as their next witness Mr. John Fokianos.

THE CLERK: Just go right around there, please, sir.

JOHN FOKIANOS,

called as a witness by the People, was sworn and testified as follows:

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

You do solemnly swear the testimony you may give in the cause now pending before this court shall be the truth, the whole truth, and nothing but the truth, so help you God.

THE WITNESS: I do.

THE CLERK: Just take the stand and be seated, please, sir.

Would you pull the microphone over, please, directly under your chin, up as close as you possibly can, and would you give your name for the record.

THE WITNESS: John Fokianos, that's F-o-k-i-a-n-o-s.

THE CLERK: Thank you.

DIRECT EXAMINATION

BY MR. KAY:

Q Mr. Fokianos, what is your current occupation?

A Well, actually I'm in property management somewhat now, but I was in the newsstand business before.

Q All right.

1 Directing your attention to August of 1969, did
2 you have a newsstand on the corner of Hillhurst and Franklin
3 in the Los Feliz area?
4 A Yes, I did.
5 Q Do you actually still own that stand?
6 A Yes, I do, to a degree.
7 Q All right.
8 Now, how long have you had that newsstand there?
9 A Since 1945.
10 Q Did you know Leno and Rosemary LaBianca?
11 A Yes, I did, as customers.
12 Q And on August 10th, 1969, a Sunday, about how long
13 had they been customers of yours?
14 A I'd say in the neighborhood of two years. Close
15 to that.
16 Q Now, directing your attention to Sunday morning,
17 August 10th, 1969, did you see Leno and Rosemary LaBianca?
18 A Yes. They were together.
19 Q All right.
20 About what time did you see them?
21 A It would be just prior to 2 o'clock in the morning.
22 Q And how do you place that time?
23 A Well, at the time I was just getting ready to
24 close up. I was getting some of the things ready and every-
25 thing. And business slows down quite a bit at that time of
26 the morning.
27 Q And is that the usual time you closed up in those
28 days?

A Yes.

Q Now, do you remember the car that the LaBiancas were driving?

A It was a Thunderbird.

Q And did they have anything behind the car?

A Yes. They had a trailer and on the trailer they had a boat.

Q Now, did you sell anything to the LaBiancas that morning?

A Yes. I sold them -- it was the Daily Herald and the Sunday Herald -- Herald Examiner.

Q And did you give them anything in addition to the papers you sold them?

A Yes. I gave them an insert from the L. A. Times.

It was the midnight insert that we use for stuffing the Sunday papers.

Q All right.

And did they ask for that, or did you give that to them?

A Well, actually, the conversation came up about the Tate murder --

MR. KEITH: May the court please, I'll move to strike as hearsay.

THE COURT: That may be stricken as nonresponsive to the question.

You may put your next question.

MR. KAY: Yes.

Q Without telling us the exact conversation, what

was the general nature of the conversation you had with the LaBiancas at that time in the morning when you saw them?

A Well, we were talking about the event that occurred that morning, Saturday morning, about --

You know, that was the big news of the day.

Q The Tate murders?

A Yes.

Q And had the LaBiancas heard of that before you told them?

MR. KEITH: Well, I'll object to the question as calling for speculation.

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5-1

THE COURT: Well, the objection is sustained.

Q BY MR. KAY: And what was the reaction, if any, of the LaBiancas when you told them the news of the Tate murders?

MR. KEITH: I object to the question as immaterial. What's the relevance of that?

THE COURT: Well, the objection is overruled.

The witness may answer.

THE WITNESS: Well, she was quite disturbed about the events that had occurred.

He took it a little easier. You know, it didn't bother him quite as much.

MR. KEITH: I will move to strike that answer as calling for a conclusion.

THE COURT: The objection is overruled.

You may put your next question.

Q BY MR. KAY: Other than that, did the LaBiancas appear to be in good spirits?

A Yes, they did.

I would say they were somewhat tired because they had just come back from Lake Isabella and it was quite a long trip, and everything.

And it was early in the morning or late at night, whichever you choose.

Q Approximately how long did your conversation with them last?

A I would say it was within the proximity of about three minutes or maybe a little longer.

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Q And after the conversation did they leave?

A Yes, they did.

Q And did you close up your newsstand after that?

A After that.

MR. KAY: May I have just a moment, Your Honor?

THE COURT: Yes.

(Brief pause.)

MR. KAY: I have no further questions of this witness.

THE COURT: All right, Mr. --

MR. KEITH: No questions.

THE COURT: May this witness be excused?

MR. KEITH: Yes, Your Honor.

MR. KAY: Yes, Your Honor.

THE COURT: All right, sir, you are excused. Thank you for your attendance upon the Court.

MR. KAY: Sergeant Sartuche will have to get the next witness. She is not in the immediate area.

(Brief pause.)

MR. KAY: The People will call Susan Struthers.

SUSAN WOLK,

called as a witness by the People, was sworn and testified as follows:

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

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

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THE WITNESS: I do.

THE CLERK: Just take the stand and be seated, please.

Would you pull the microphone over, please, directly under your chin, up as close as you possibly can.

Would you give your name for the record, please.

THE WITNESS: Susan Wolk.

THE CLERK: Would you spell your last name.

THE WITNESS: W-o-l-k.

THE CLERK: Thank you.

DIRECT EXAMINATION

BY MR. KAY:

Q Susan, was your maiden name "Struthers"?

A Yes.

Q And was Rosemary LaBianca your mother?

A Yes.

Q And Leno LaBianca your stepfather?

A Yes.

MR. KAY: Your Honor, I have a photograph in an envelope here. It appears to be a picture of a female.

I would ask it be marked People's 2 for identification.

THE COURT: It may be so marked.

MR. KAY: And I have a second photograph in another envelope, a photograph of a male.

May this be marked as People's 3 for identification?

THE COURT: It may be so marked.

MR. KAY: May I approach the witness, Your Honor?

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THE COURT: Yes, you may.

Q BY MR. KAY: Susan, showing you People's 2 for identification, is that your mom?

A Yes.

Q And People's 3 for identification, is that your stepdad?

A Yes.

Q In August of '69 how old was your mother?

A Forty.

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Q And how old was your stepdad?

A Forty-four.

Q How long had they been married?

A Ten years.

Q When did they move into the residence at 3301 Waverly Drive?

A November of '68.

Q Now, in August of 1969 did you live with them at that residence?

A No, I didn't.

Q Where did you live?

A I lived on Greenwood Avenue in Los Angeles.

Q And how far was that from your mom and stepdad's residence?

A About a mile or two.

Q That was in an apartment?

A Yes.

Q Now, directing your attention to Saturday, August 9th, 1969, about 10 o'clock in the morning.

Did you and your mom and stepdad leave on a trip?

A Yes, we did.

Q And where did you go?

A We went to Lake --

Q Lake Isabella?

A Lake Isabella.

Q And what was the purpose of that trip?

A We went to pick up our boat that we had -- that my parents had left there the week before.

5-6

Q Do you have a brother?

A Yes, I do.

Q And what's his name?

A Frank.

Q And how old was Frank in August of 1969?

A He was 15.

Q How old were you in August of '69?

A I was 21.

Q Did anyone besides you and your mom and stepdad go on this trip up to Lake Isabella?

A No.

Q About what time in the afternoon did you arrive at Lake Isabella?

A It was around 1:00.

Q And what did you do once you got there?

A We skied a while --

Well, we went over to get my brother and his friend, Jim, and we went to the lake and skied.

Q Did you spend the day water skiing?

A Yes.

Q Did your mom water ski?

A Yes.

Q What about your dad?

A No; he didn't ski.

Q Did he do anything on the lake?

A He drove the boat.

Q Now, that -- did you leave to come back that evening?

A Yes, we did.

Q About what time did you leave?

A About 8:00.

Q And did Frank come back with you?

A No, he stayed with Jim Saffie.

Q And what about the boat?

A We brought the boat back.

Q So you, your mom and your stepdad were the only ones to come back.

Did anyone else come back with you?

A No.

Q Did you stop for dinner?

A Yes, we did.

Q And where was that?

A We stopped in Mojave.

Q Do you remember roughly what time it was when you got back into Los Angeles?

A It was after midnight. It was late.

Q Now, did your mom say anything to you about where you should spend the night?

A She asked if I wanted to come home with them and stay with them.

Q What did you say?

A I told them no.

Q And so did they take you home?

A They dropped me off at my house.

Q Were your mom and stepdad in good health at the time?

A Yes, they were.

Q Now, on Sunday, August 10th, 1969, about 9:30 in the evening did you receive a call from your brother Frank?

A Yes.

Q And after receiving the call --

Without telling us what was said, what was the tone of voice of your brother?

A Well, he was very concerned.

Q Now, after your brother called you did you call somebody?

A Yes; I called Joe Dorgan.

Q Was Joe Dorgan your boy friend at the time?

A Well, he was a friend.

Q And after you called Joe Dorgan what happened?

A He came and picked me up at my apartment.

Q And then what did you do?

X A We went to pick up Frank at the Hot Diggity Dog.

Q The Hot Diggity Dog, what's that?

A It's a hot dog stand.

Q Where is that located in relation to your mom and stepdad's home?

A It's about three long blocks.

Q And then from the Hot Diggity Dog hot dog stand where did you go?

A We went to my parents' house.

Q Roughly what time was it when you arrived at your parents' house?

A It was between 10:00 and 10:15.

Q Now, when you went to your parents' house did you notice anything out in the street?

A The car and the boat were on the street.

Q Did you think that anything was unusual about seeing the boat on the street?

A Well, we kept the boat at my grandmother's house; so it was unusual that the boat would still be there.

Q Now, did you park out on the street?

A No; we drove up the driveway.

Q All right.

Is it a short driveway, or what?

A No; it's a fairly long, steep driveway -- well, medium steep.

Q And Joe Dorgan was driving?

A Yes.

Q All right.

Now, after you got up the driveway what happened?

A My brother Frank went over to my mom's car and got the keys out of the car.

And he opened the back door; and Joe and Frank went into the kitchen.

6-1

Q All right.

Now, did your mom have a habit of leaving her house keys in the car?

A She always left her keys in the car.

Q Now, did you notice from the outside -- did you notice anything about the --

Could you see your parents' kitchen from the outside --

A Yes.

Q -- before you went in?

Did you notice anything unusual about the kitchen before you went in?

A Well, we had shades in the kitchen, and they were usually never drawn down.

Q And were they down when you went there on August 10th?

A Yes, they were down.

Q Now, after Joe and Frank went in, did you also go in?

A Yes.

Q And where did you go?

A I went in through the back porch into the kitchen and into the dining room.

Q All right.

Now, did you notice any lights on in the residence?

A There was a light on in the dining room.

Q And did that illuminate any portions of the house?

A It illuminated the living room partially and the

1 back porch partially and the kitchen partially.
2 Q Did you notice anything unusual about the
3 refrigerator when you went in?
4 A Well, not when I went in. When I was coming out,
5 I noticed that there was something written on the refrigerator.
6 Q What did you notice once -- when you first went
7 inside?
8 A I noticed that the light was on, and then I went
9 into the dining room and I noticed my mother's purse was
10 there on the gold chest, and it was open.
11 And that's about all.
12 Q Now, did you go into the living room?
13 A No.
14 Q Did Joe and Frank go into the living room?
15 A Yes.
16 Q And what, if anything, did you hear when Joe and
17 Frank went into the living room?
18 A I heard my brother say, "Let's get out of here."
19 Q And then what happened?
20 A And Joe and Frank came through the living room
21 into the dining room into the kitchen and started shoving me
22 out the back door.
23 And Joe stopped and picked up the phone, and then
24 he slammed the phone down, and we all went out the back door.
25 Q What was your state of mind at the time?
26 A Well, I didn't know what was going on, and I kept
27 asking them what was going on.
28 And they said, "Nothing, nothing, let's just get

6-3

1 out of here."

2 Q What was their emotional state?

3 A Well, we were all very emotional.

4 Q What happened after you went out?

5 A We got into the car --

6 Oh, well, we tried to get all the dogs and get

7 them in the car, because they were running all over the

8 driveway.

9 And then we tried to back down the driveway, and

10 we couldn't. So we were up there fiddling around with the car

11 for a while and trying to get out of the driveway.

12 And we finally went down the driveway.

13 And then we stopped and got out of the car and

14 went and knocked on one of the neighbor's doors. And they

15 wouldn't let us in.

16 So another neighbor came out, and she let us into

17 her house, and we used her telephone.

18 Q Did you call the police?

19 A We called the police.

20 Q And about how long after you called the police

21 did they come?

22 A Ten, fifteen minutes, twenty minutes at the most.

23 Q Now, when you went in your mom and dad's -- stepdad's

24 house, were there any dogs inside?

25 A Yeah, there was two dogs inside.

26 Q All right.

27 And would you describe -- how many dogs did your

28 parents have?

A Three.

Q Would you describe the dogs.

A We had a black Labrador Retriever, a small toy poodle --

Q What was the coloring of the poodle?

A Brown and beige.

And then we had a mutt that was mostly brown and black.

Q Did you go back into your parents' home that night?

A No.

Q Did you go back in the home a couple of weeks later?

A Yes.

Q In the meantime, had it been sealed by the public administrator?

A Yes.

Q Now, when you went back in, did you look in the area of your mother's purse, the purse that you say you saw open when you went in on the 10th?

A Yes.

Q And did you notice anything missing?

A Yes, her wallet.

MR. KAY: Your Honor, I have here a large envelope with a smaller envelope inside which contains a wallet and a watch.

I'd ask that this be collectively marked People's 4 for identification.

id. THE COURT: It may be so marked.

MR. KAY: May I approach the witness, Your Honor?

THE COURT: Yes, you may.

Q BY MR. KAY: Susan, showing you the watch, part of People's 4, do you recognize that?

A Yes, that's my mom's.

Q Showing you the wallet, which is also part of People's 4, do you recognize the wallet?

A Yeah, that's her wallet.

Q I'm opening the wallet now and inside there appear

1 to be some different cards. There is a driver's license in
2 the name of Rosemary LaBianca.
3 Is that your mom's?
4 A Yes.
5 Q Robinson's credit card, is that your mom's?
6 A Yes.
7 Q Bullock's credit card, is that your mom's?
8 A Yes.
9 Q There's some business cards, Charge-A-Plate, is
10 that your mom's?
11 A Yes.
12 Q Fedco credit card, is that your mom's?
13 A Yes.
14 That's her real estate license.
15 Q Division of real estate license identification.
16 She had a real estate license?
17 A Yes.
18 Q Broadway credit card, is that your mom's?
19 A Yes.
20 Q And Mandel's credit card, is that your mom's?
21 A Yes.
22 Q I'm replacing those items back in the wallet.
23 On the other side there appears to be a photograph
24 of a group of people.
25 Do you know what that is?
26 A That's my brother graduating from junior high school.
27 Q It is a photograph of your brother Frank graduating
28 from junior high school?

6-7

A Mm-hmm.

Q In the group of cards there appears to be a card, The Boutique Carriage.

A That was my mother's business.

Q Los Angeles Athletic Club membership card, is that your mom's?

A Yes.

Q I'm replacing --

And there are other cards in there, too?

A Yes.

Q When you went back in the house, besides the wallet did you find this watch?

A No, it wasn't there.

Q The carpet in your mother's bedroom, what color was that?

A It's gold.

MR. KEITH: I'm sorry, I couldn't hear.

THE WITNESS: Gold.

MR. KAY: Gold.

May I have a moment, Your Honor?

THE COURT: Yes.

Q BY MR. KAY: What color hair did your mother have?

A It was dark brown.

Q When your mom left her keys, the house keys, in the T-Bird, whereabouts did she leave them?

A In the ignition.

MR. KAY: I have no further questions at this time.

MR. KEITH: I have no questions.

THE COURT: All right.

May this witness be excused?

MR. KAY: Yes.

MR. KEITH: Oh, yes.

THE COURT: All right, ma'am, you may be excused.

THE WITNESS: Thank you.

THE COURT: Thank you.

All right. At this time we will take the morning recess.

Ladies and gentlemen of the jury, bear in mind during this recess, as at all recesses, you are not to discuss this case amongst yourselves or with anyone else; you are not to form any opinion concerning this matter or express any opinion concerning this matter until the case is finally given to you.

Furthermore, you must not allow yourselves to read, see, or hear any news media accounts concerning this matter.

The court is in recess for ten minutes, until five minutes past the hour.

All jurors, defendant, and counsel are ordered to return at that time.

Court is in recess. Thank you.

(Recess taken.)

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7-1

THE COURT: People versus Van Houten.

Let the record show the defendant is present, represented by counsel, the People are represented by counsel, the jurors are in their assigned places.

You may call your next witness, Mr. Kay.

SE

D-1

MR. KAY: Thank you, Your Honor.

People will call as their next witness Mr. Joe Dorgan.

JOSEPH DORGAN,

called as a witness by the People, was sworn and testified as follows:

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

You do solemnly swear the testimony you may give in the cause now pending before this court shall be the truth, the whole truth, and nothing but the truth, so help you God.

THE WITNESS: I do.

THE CLERK: Just be seated, please. Thank you.

Would you pull the microphone over, please, directly under your chin, up as close as you possibly can, and would you give your name for the record, please.

THE WITNESS: Joseph Dorgan.

THE CLERK: Would you spell your last name, please.

THE WITNESS: D-o-r-g-a-n.

THE CLERK: Thank you.

DIRECT EXAMINATION

BY MR. KAY:

Q Mr. Dorgan, directing your attention to August of 1969, was Susan Struthers your girl friend?

A Yes, sir.

Q Now, further directing your attention to Sunday evening, August the 10th, 1969, did you receive a call from

Susan?

A Yes.

Q And after receiving the call, what did you do?

A I went over to her house.

Q All right.

Where did she live at the time?

A On Greenwood off of Vermont in Los Angeles.

Q All right.

A 4116.

Q Was that an apartment?

A Apartment 5.

Q Now, after you went to Susan's apartment, did the two of you go somewhere?

A Yes. We went over to pick up her brother Frankie at this hot dog stand called the Hot Diggity Dog on Rowena and Hyperion.

9 f1

9-1

Q All right.

And after you picked up Frankie where did you go?

A We went directly to the house on Waverly Drive.

Q That's the LaBiancas' residence?

A Yes.

Q And where did you go --

Did you park on the street or in the driveway, or where?

A I parked at the top of the driveway, by the back door.

Q And when you were --

Did you notice anything out on the street in front of the LaBiancas' residence?

A The boat was out there on the street. It was still hooked up to the car.

Q The LaBiancas' boat?

A Yeah.

Q And after you parked at the top of the driveway what, if anything, did you do?

A I think Frank had found the keys in his mother's car, the small T-Bird.

And so he unlocked the rear door, and we entered the house.

Q You and Frank?

A Yes.

Q All right.

Did you notice any lights on --

A The kitchen --

9-2

Q — in the house?

A The kitchen light was on when we entered.

Q And where did you go once you went in the house?

A We just walked through the kitchen into the dining area.

Q Did you notice anything in the dining area?

A There was —

Well, the first thing I noticed was her purse on the left as I entered the dining area, on the sideboard.

Q When you say "her purse" who do you mean?

A Rosemary's.

I recognized the purse. It was wide open and — spread open.

Q Had you been to the LaBiancas' residence on numerous occasions?

A Yes, sir.

Q Now, after noticing the purse in the dining room, where did you go?

A We walked several steps into the dining room, and just entered the living room a few paces, I guess.

Q And when you entered the living room what if anything did you see?

A I observed — it looked like a fight scene.

I noticed newspapers strewn around and an overturned pop can.

It looked like there had been a fight.

And Leno was laying behind the coffee table, between the coffee table and the couch, with something

9-3

1 protruding from his chest.

2 Q What if anything --

3 Was Frankie with you when you made these

4 observations?

5 A Yes.

6 Q And what if anything did you do after seeing

7 Leno on the floor?

8 A I just told Frankie to get out.

9 And he went on his way past the -- or the same

10 way we came in, and I followed him.

11 And I picked the phone up as we -- in the kitchen --

12 Well, we met Sue -- she was in the kitchen a few,

13 couple of feet; and I picked the phone up to call.

14 And Sue was upset. So I just put the phone down

15 and went next door, across the street, and phoned the police.

16 Q How long after you phoned the police did they

17 come?

18 A About 10 minutes.

19 MR. KAY: May I have just a moment, Your Honor?

20 THE COURT: Yes.

21 (Brief pause.)

22 Q BY MR. KAY: When you were in the living room

23 did you notice anything about -- were there drapes in the

24 living room?

25 A Yes; they were all closed.

26 Q And was that a normal thing, to have --

27 A Well, that was -- What was abnormal was that all

28 the drapes in the kitchen were closed.

2-4

That had never -- I had never seen -- they had never been closed.

The house was sealed off. All the drapes were closed.

MR. KAY: I have no further questions of this witness.

THE COURT: You may cross-examine.

9-5

CROSS-EXAMINATION

BY MR. KEITH:

Q Mr. Dorgan, this was Sunday evening that you went to the LaBiancas'?

A Yes, sir.

Q About what time would you say?

A About 10:00.

Q Were there any lights on in the living room, if you recall?

A No.

There was a light -- when I entered the living room there was a light which shined through the kitchen, from the kitchen into the living room.

There was no light in the living room.

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10-1

Q Was there any light on in the dining room that you recall?

A No.

Q The only light you noticed was the kitchen light?

A I believe there was a bedroom light on also.

Q You didn't go into a bedroom, though --

A No.

Q -- did you?

I take it you were only in the LaBianca house on that occasion for a minute or two?

A Probably a couple of minutes at the most, yes.

Q There wasn't anything wrong with the phone, was there, that you picked up? You just --

A No, I just --

Q Well, you just simply didn't want to call in front of Susan?

A Right, right.

Q How close would you say you got to Mr. LaBianca?

A About six feet.

Q I take it you didn't determine at that time whether he was dead or alive?

A Well, I assumed he was dead.

Q From your vantage point where you were just inside the living room, I suppose you couldn't tell precisely one way or the other?

A Well, I didn't take his pulse or anything like that, so --

Q You just saw him lying there motionless?

A Yes.

Q Then you left immediately?

A Yes.

Q And was Mr. Struthers beside you at the time you entered the living room those few steps?

A Yes.

Q And did he go into the living room any farther than you did?

A No, I didn't --

Q And did you both leave at the same time?

A Yes.

Q How often had you visited the LaBianca home there before?

A Several times.

They hadn't lived there that long. I'd been there probably a dozen times.

Q Had you been there --

I was just going to suggest, had you been there perhaps a dozen times.

Had you been there during the evening and the daytime?

A Yes, sir.

Q Did you notice any dogs on the evening of August 10th that Sunday evening?

A Not that I recall, no.

Q Were you aware the LaBiancas had three dogs?

A Yes.

Q But you didn't see any that you recall that evening?

A Well, I --

Q By "that evening," --

A Through the course of the evening, dogs were around. Like when the police got there, Shadow was there, the Lab.

But I didn't see the poodle. And I don't think I ever saw the other dog, the stray dog that they found somewhere, Charlie, or whatever the name was.

Q You don't recall seeing any of the three dogs, however, when you first went there at about 10 o'clock in the evening of August 10th?

A I think the Lab was in the house. I'm not -- I don't recall.

Q You returned to the house sometime later that evening?

A When the police arrived, when the radio car arrived, I walked up the driveway with the two officers.

Q Did you go inside?

A No, no.

Q Did you wait outside the LaBianca home for the police to come?

A Yes. We were directly across the street at the neighbor's.

Q You waited for them there?

A Yes.

Q And that's where you called at a residence across the street?

A Yes.

Q Did you attempt to call from a residence next door, not across the street but on the one side or the other?

A No. By "next door," I meant across the street.

Q All right.

A We went right across the street.

Q But did anybody attempt to call the police from a home on either side --

A No.

Q -- of the LaBianca home?

A No.

Q Or any other home in that neighborhood?

A No.

Q Nobody went to another house --

A No.

Q -- and was rebuffed?

A (No response.)

Q Not permitted to call?

A As I recall, I went across the street to the first house, and they were -- they didn't want to let us in at first, but I think then they let us in to call, use the phone.

Q So you only went to one house across the street to use the phone and not two?

A Yes.

Q How many policemen came?

A Well --

Q At first, at first.

A Two.

Q In one --

A The one car.

MR. KEITH: I have nothing further of this witness.

THE COURT: Anything further?

MR. KEITH: Nothing further, Your Honor.

THE COURT: May this witness be excused?

MR. KEITH: No objection.

THE COURT: All right, sir, you are excused.

THE WITNESS: Thank you.

THE COURT: Thank you.

MR. RAY: At this time Mr. Keith and I have a stipulation that we are going to enter into.

Maybe Your Honor could explain to the jury what a stipulation is.

THE COURT: All right.

MR. KAY: It is of Frank Struthers.

(To Mr. Keith) You already have a copy.

(Mr. Keith reads stipulation to himself.)

THE COURT: All right.

Are you prepared to read it?

MR. KAY: Do you want me to read it?

THE COURT: I'm going to instruct them first if the stipulation is agreed to.

MR. KAY: Yes, it is.

THE COURT: All right.

Ladies and gentlemen of the jury, a stipulation is an agreement between attorneys as to matters relating to the trial.

I have previously instructed you that you must not consider as evidence any statement of counsel made during the trial; however, if counsel for the parties have stipulated to any fact, then you will regard that fact or facts as being conclusively proved as to the parties making the stipulation.

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All right; you may proceed, Mr. Kay.

MR. KAY: Thank you.

Counsel, may it be stipulated that Frank Struthers, Jr., be deemed to be called as a witness, duly sworn and that he testifies:

That he is the son of Rosemary LaBianca and that Leno LaBianca was his stepfather;

His mother, Rosemary, was part owner in a dress shop called the Boutique Carriage, located on Figueroa in Los Angeles;

In August of 1969 Frank lived with his mother and stepfather at 3301 Waverly Drive in Los Angeles; they were the only ones that lived in that residence; Frank was 15 years old at the time;

He has a sister, Susan Struthers, but his sister lived in her own apartment, located near the 3301 Waverly Drive residence;

The first week of August, 1969, Frank went up to Lake Isabella with some friends of his parents and their son; his parents brought their boat up for him and his friends to use; Leno and Rosemary then left their boat at Lake Isabella and went home;

One week later, on Saturday, August 9, 1969, his parents returned to Lake Isabella in the company of his sister, Susan; Rosemary, Leno and Susan spent the day and left for home that night, taking the boat with them;

Frank left Lake Isabella the next day with his friends and returned home the night of Sunday, August 10, 1969;

11-2

His friends dropped him off in front of his home at 3301 Waverly Drive; he noticed that his parents' boat was still attached to their car which was parked on the street;

He thought this to be unusual, since his stepfather did not like to leave the boat on the street for more than a few hours and usually kept it up by the garage;

Frank came up the driveway and put some of his baggage in the garage; he found the doors of the house to be locked and no one answered his knocks; the time was after 9:00 p.m.;

He then went to a nearby phone booth and called his parents' home but no one answered; he then called his sister Susan and told her of his concern;

His sister and sister's boy friend, Joe Dorgan, picked him up near the phone booth, and they all went to the 3301 Waverly Drive residence;

He found a house key in his mother's car, which was parked in the driveway, and the three of them entered the residence through the back door; the back door entrance leads to the kitchen;

Susan remained in the kitchen but he and Joe Dorgan entered the living room where he observed the body of his stepfather, Leno LaBianca, to be on the floor by the coffee table; Leno was on his back and appeared to be dead;

When he entered the house he noticed that the lights were off except for one or two rooms; the shades were all drawn, and he felt that this was unusual since his parents hardly ever closed the shades;

11-3

He and his sister Susan and Joe Dorgan then left the residence and called the police; the police came a couple of minutes after they were called;

Frank did not enter the house with the police that night but did enter it about one week later;

At that time he noted that his mother's wallet and watch were missing; People's No. 4 for identification is his mother's wallet;

Inside the wallet there is a photo of his junior high graduation;

11-4

He was unable to determine if anything else was missing from the house since he was not familiar with all of his mother's and father's possessions;

However, besides his mother's wallet and watch none of the possessions he was familiar with were missing.

So stipulated, counsel?

MR. KEITH: So stipulated.

THE COURT: All right, the Court accepts the stipulation.

MR. KAY: The People will call as their next witness Officer William Rodriguez.

WILLIAM RODRIGUEZ,

called as a witness by the People, was sworn and testified as follows:

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

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

THE WITNESS: I do.

THE CLERK: Take the stand and be seated, please.

Pull the microphone over, please, directly under your chin, up as close as you possibly can.

And would you give your name for the record, please.

THE WITNESS: William Rodriguez.

THE CLERK: Spell your last name.

THE WITNESS: R-o-d-r-i-g-u-e-z.

11-65

THE CLERK: Thank you.

DIRECT EXAMINATION

BY MR. KAY:

Q Officer Rodriguez, what's your current occupation and assignment?

A I'm a police officer for the City of Los Angeles, presently assigned to Jail Division.

Q And how long have you been a police officer?

A Nine years now.

Q Directing your attention to August the 10th, 1969, in the evening hours, were you -- where were you assigned?

A Hollywood Division.

Q And were you on patrol?

A Yes, sir.

Q Were you in a black and white marked police vehicle?

A Yes, sir.

Q And were you by yourself or with a partner?

A I was with a partner.

Q And how long had you been a police officer at that time?

A Approximately 14 months.

Q Now, that evening did you have an occasion to go to 3301 Waverly Drive?

A Yes, sir.

Q And about what time in the evening did you arrive at that location?

11-6

A It was approximately 10:35 in the evening.

Q And why did you go there?

A I received a radio call to go to that location.

Q And when you went there did you see anybody outside of the location?

A Yes, sir.

Q And was one of those that you saw Frank Struthers, Jr.?

A Yes, sir.

Q And what was his condition when you saw him?

A He was very excited, hysterical.

Q And without telling us the conversation, did you talk to the three people that you met outside the residence?

A Yes, sir.

Q Did you —

After talking to the people outside the residence did you go in?

A Yes, sir.

Q And how did you get in?

A Through the front door.

Q Did you find the front door to be locked or unlocked?

A It was unlocked.

MR. KAY: Your Honor, I have here a diagram. It purports to be a diagram of 3301 Waverly Drive, Los Angeles, California.

May this be marked as People's 5 for identification?

THE COURT: Yes, it may be so marked.

11-7

Q BY MR. KAY: Officer Rodriguez, can you step down from the stand a minute here?

A (Witness complies.)

Q Now, do you recognize this diagram?

A Yes, sir.

Q And does that appear to be a diagram of the residence at 3301 Waverly Drive --

A Yes, sir.

Q -- that you entered on August 10th, 1969?

A Yes, sir.

11-6

Q All right. Could you resume the stand a minute?

A (Witness complies.)

Q When you went in what room did you enter first?

A The living room.

Q And could you describe for the ladies and gentlemen of the jury what you saw when you entered the living room?

A Well, as I entered the living room, on the north wall, I observed blood on the wall -- what appeared to be blood on the wall and some writing.

And to my right was a body on the rug.

Q When you say that there appeared to be writing, could you read the writing on the wall?

A Yes, sir.

Q What did it say?

A It said, "Death to pigs."

MR. KAY: Your Honor, I have an envelope with a photograph in it.

May it be marked People's 6 for identification?

12f

12-1

THE COURT: It may be so marked.

MR. KAY: May I approach the witness, Your Honor?

THE COURT: Yes, you may.

Q BY MR. KAY: Officer Rodriguez, showing you People's 6 for identification, would you describe what is in that photograph.

A There is a body laying on the floor, his head resting between two couches, and he has a pillow over his face and a large fork protruding from the stomach area.

Q Is that the body you saw when you entered the living room area of the residence at 3301 Waverly Drive?

A Yes, sir.

Q And when you say there was a pillow on the head, what type of pillow was that?

A It was, I would say, a sofa pillow.

Q And does this photograph fairly and accurately depict the scene as you saw it when you entered the residence on August 10th, 1969?

A Yes, sir.

MR. KAY: May I have just a moment, Your Honor?

THE COURT: Yes.

Q BY MR. KAY: Did you approach the body after you saw it?

A Well, I was, I'd say, within two feet of it; two to three feet.

Q All right.

Besides what you described as the large fork protruding from the abdomen, did you notice anything unusual

about the abdomen area?

A Yeah. I observed it to be carved.

Q Do you remember if there were any lights on in the residence when you entered?

A Yes, there was.

Q All right.

I wonder if you would step down from the stand a minute here and approach the diagram.

Directing your attention to the diagram, I wonder if you could point out for the ladies and gentlemen of the jury first where the front door was that you entered, if you can find that.

A The front door is right here.

Q All right.

And it is marked on there "Front door," is that right?

A Yes.

Q Is that the right place?

All right.

Now, if you could further indicate to the ladies and gentlemen of the jury the location of the body.

First let me ask you, the body was of a male or female?

A It was a male.

Q Where was the body of the male, if you could point that out, on the diagram.

A The body was right here where it is marked "Spot."

Q All right.

12-3

And it is marked "Spot," and there is a little arrow, and there appears to be a black ink smudge of some type there?

A Yes, sir.

Q And there are two sofas perpendicular to each other?

A Yes, sir.

Q And the writing, the "Death to Pigs," where was that in relation to where you saw the body?

A It appeared to be on this wall over here (pointing).

Q And I wonder if you could --

Could we have a marking pen that the officer could --

Thank you, Your Honor.

I'm handing you a red marking pen, courtesy of Judge Hinz. I wonder if you could write "Death to Pigs" in front of the wall where you remember seeing it.

(Witness marks on diagram.)

MR. KAY: You may resume the stand. Thank you.

Q When you went inside, did you notice any dogs inside?

A Yes, I observed two dogs.

Q And where were they when you entered?

A There was a small dog wandering around in the living room, and there was another dog. He appeared to come from the hallway.

Q Now, where the writing "Death to Pigs" was, did it appear that there was anything on the wall before that "Death to Pigs" had been written there?

A It appeared that a picture was hanging there.

Q All right.

A Had been hanging there.

Q Did you see the picture anywhere in that area?

A It was on the floor.

Q Where?

A Leaning up against the wall.

Q Where in relation to the writing?

A Below the writing.

Q Now, when you entered the residence, did you notice from the point you entered -- could you see if there were any doors open in the residence?

A Yes, sir.

Q And what did you see?

A From the living room area, I looked into the den, and there was a door on the east side of the residence that appeared to be open slightly.

MR. KAY: Your Honor, I have an envelope with a photograph in it.

May it be marked as People's --

THE COURT: Seven?

MR. KAY: Wrong envelope. I'll get it yet.

Here we go.

-- People's 7 for identification?

id. THE COURT: Yes, it may be so marked.

MR. KAY: May I approach the witness?

THE COURT: Yes.

Q BY MR. KAY: Showing you People's 7 for identification, would you describe what you see in that photograph.

A It is a small porch with a door open.

Q All right.

And does that appear to be the door that you saw ajar from --

A Yes, sir.

Q All right.

And how far was this door open when you saw it?

A I'd say it was -- I'd say approximately a foot.

Q Now, I wonder if you could step down to the diagram again here, and if you can find the place where you saw that open door, could you write in "Open door"?

A The open door is right here just below "Porch." (Witness marks on diagram.)

MR. KAY: May the record reflect that the witness has written in red ink the words "Open door" by a doorway?

THE COURT: The record may so reflect.

MR. KAY: And may the record also reflect that the witness has written "Death to Pigs" in front of a wall in the living room?

THE COURT: Yes, the record may so reflect.

Q BY MR. KAY: And I wonder if you could, taking this pen, when you testified before about the location of the body of the male, if you could circle that location with the red.

A Right here. (Witness marks on diagram.)

MR. KAY: May the record reflect that the witness has circled the location where he said that he found the body of the male.

THE COURT: The record may so reflect.

Q BY MR. KAY: After you saw the body inside, what did you do?

A I went back to the radio car and requested a supervisor and ambulance and a back-up unit.

Q Did a supervisor come?

A Yes, sir.

Q How long did it take him to come?

A Approximately three to five minutes.

Q Was that Sgt. Cline?

A Yes, sir.

Q Did you go back in the house again?

A I stayed at the front door.

Q All right.

And what about your partner, Officer Toney?

A Officer Toney was at the rear of the house.

Q Approximately how long did you stay at the residence that evening?

A Approximately three hours.

Q And besides going in the living room, did you go in any other room of the house?

A No, sir.

Q And when the supervisor, Sgt. Cline, arrived, did he take over the investigation?

A Yes, sir.

MR. RAY: I have no further questions at this time of this witness, Your Honor.

THE COURT: All right.

You may cross-examine.

CROSS-EXAMINATION

BY MR. KEITH:

Q Officer, did you tell us that the front door was open when you arrived; that you didn't have to use a key to get in?

A It was unlocked.

1 Q By "open," I meant unlocked.
2 A Yes, sir.
3 Q You did not have to use a key?
4 A No.
5 Q Did you ask any of the persons who summoned you
6 for a key before you tried to get in?
7 A I don't recall.
8 Q Did any of the persons who summoned you, that would
9 be the Struthers children and Joe Dorgan --
10 Do you remember them?
11 A Yes, sir.
12 Q -- did any of them tell you that the front door
13 was unlocked?
14 A No, sir.
15 Q Did any of them tell you that the back door was
16 unlocked?
17 A No, sir.
18 Q Did any of them tell you anything other than
19 appearing hysterical?
20 A Yes, sir.
13 f1 21
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mkbs
13-1

Q How many lights did you see in the residence?

A I don't recall how many lights were in the residence.

Q There were lights in the residence?

A Yes, sir.

Q This was in the evening, was it not?

A Yes.

Q And there was a light on in the living room?

A Yes, sir.

Q And there was a light on in the dining room?

A There appeared to be a light in the dining room.

Q And there was a light on in the kitchen?

A I didn't go into the kitchen.

Q You only went into the living room?

A Yes, sir.

Q You didn't go into any of the other rooms to see if somebody else was either dead or injured?

A No, I didn't.

Q Did the Struthers children tell you that they were concerned about both their parents?

A (No response.)

Q If you recall.

A I don't recall.

Q Did your partner go in with you?

A No, he didn't.

Q He stayed out with the three young people?

A No; he was at the rear of the location.

Q Did you see a dog outside that was tied up?

13-2

A I did not.

Q You do recall seeing two dogs inside?

A Yes, sir.

Q When you noticed the --

Let's see; there is a front door, and then there is a back kitchen door.

And is there another door leading to the outside of the house or leading to the inside, depending upon what you want to do?

A There appeared to be one on the east side of the house.

Q Is that the den door that you talked about?

A Yes, sir.

Q You noticed three doors leading inside and outside the house; is that right?

A As far as I can recall.

Q And the third door -- that's the door leading into the den -- was slightly open?

A Yes, sir.

Q It was that way when you first saw it?

A Yes, sir.

Q Had anybody gone in and out, to your knowledge, after your arrival, from that den door?

A Not to my knowledge.

Q This photograph, People's 7, I believe -- yes, People's 7.

The door appears in this photograph to be open all the way. Is that right?

13-3

A Yes, sir.

Q It wasn't that way when you first saw it?

A I did not see the screen door on the outside.

Q What do you mean by that answer?

A I believe the door opened inward.

Q Oh; it's the screen door that's open all the way in this photograph.

Is that what you are telling us?

A Yes.

Q And there is another door you can't see very well?

A Yes.

Q You don't know when this photograph was taken, do you; that's People's 7 for identification.

A No, I don't.

Q Do you see the barbecue in the photograph, the portable barbecue?

A I saw it in the photograph.

Q Do you remember seeing it that evening?

A No, I don't.

Q Did you see the hose?

A I didn't go to that side of the house from the outside.

Q Did somebody?

A I don't know.

Q I take it you were only in the house initially a very short period of time?

A Yes, sir.

Q Did you spend the three hours that you stayed at

the residence mostly securing the front door?

A No, sir.

Q All right.

You stayed there three hours, approximately.

A Approximately three hours.

Q And after you called for the backup you stationed yourself at the front door?

A Yes, sir.

13-5

Q And how long did you stay at the front door?

A Approximately -- I'd say about 15 minutes.

Q Was your main job after the backup arrived -- Sergeant Cline, that is -- to secure the premises to see that no unauthorized persons came in?

A Yes, sir.

Q How many police officers, including investigators, would you say came on the scene during the three hours you were there?

A I recall approximately two or three investigators.

Q How many uniformed policemen?

A Uniformed police? I don't recall.

Q A number?

A It was approximately -- it was approximately four other officers.

Q Did your partner ever go inside the house, to your knowledge?

A I don't know.

Q At least --

I take it you paid some particular attention to the writing on the wall?

A Yes, sir.

Q And did you examine it for a minute or so?

A I just looked at it.

Q All right.

Was the picture, that appeared to have been hanging there, directly beneath the writing on the wall?

A It was on the floor in the area beneath the

13-6

writing on the wall.

Q The picture hadn't been, as far as you can tell, damaged or defaced in any way, had it?

A As far as I could tell, no.

MR. KEITH: I don't have anything further of this witness.

THE COURT: Anything further, Mr. Kay?

MR. KAY: Nothing further.

May this witness be excused?

MR. KEITH: No objection.

THE COURT: All right, sir, you may be excused. Thank you.

MR. KAY: My next witness will be here at 1:30.

THE COURT: Yes; we are going to recess. I have two other matters.

Ladies and gentlemen of the jury, at this time we are going to recess in this matter until 1:30.

Bear in mind during this recess you are not to discuss this case amongst yourselves or with anyone else, you are not to form any opinion concerning this matter or express any opinion concerning this matter until the case is finally given to you.

Furthermore, you must not allow yourselves to read, see or hear any news media accounts of this matter.

All right. The Court will be in recess as to this matter until 1:30.

All jurors, the defendant and counsel are ordered to return at that time.

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Thank you.

(At 11:53 A.M. a recess was taken until 1:30 P.M. of the same day.)

14-1

LOS ANGELES, CALIFORNIA; TUESDAY, APRIL 19, 1977; 1:50 P.M.

DEPARTMENT NO. 130 HON. EDWARD A. HINZ, JR., JUDGE

---oOo---

(Appearances as heretofore noted.)

THE COURT: People versus Van Houten.

Let the record show the defendant is present and represented by counsel; the People are represented by counsel; the jurors are in their assigned places.

Mr. Kay, you may call your next witness.

16 f1

15-1

MR. KAY: Thank you.

The People will call Edward Cline.

EDWARD A. CLINE,

called as a witness by the People, was sworn and testified as follows:

THE CLERK: Raise your right hand, please.

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

THE WITNESS: I do.

THE CLERK: Just take the stand and be seated, please, sir.

Pull the microphone over, please, directly under your chin, up as close as you possibly can.

Would you give your name for the record, please.

THE WITNESS: Edward A. Cline, C-l-i-n-e.

THE CLERK: Thank you.

DIRECT EXAMINATION

BY MR. KAY:

Q Mr. Cline, what's your occupation?

A I'm an assistant to the golf pro at California Country Club.

Q And how long have you had that job?

A Approximately a year and a half.

Q Did you used to be on the Los Angeles Police Department?

A Yes, I did.

Q And how many years were you a police officer?

A Twenty-one years.

Q Directing your attention to August the 10th, 1969, were you on the Police Department?

A I was.

Q And where were you assigned?

A I was assigned to the Hollywood Division as a field supervisor.

Q Approximately 10:45 p.m. on the night of Sunday, August 10th, 1969, did you have occasion to go to 3301 Waverly Drive?

A I did.

Q And when you went there did you meet an Officer Rodriguez?

A I did.

Q And an Officer Toney?

A Yes.

Q And did you have occasion to enter the residence at 3301 Waverly Drive?

A Yes.

Q All right.

When you entered the residence, what did you see when you went in the house, when you first went in?

A When I first entered I saw some writing on the north wall of the living room.

16 E

16-1

Q And what was the writing?

A It said, "Death to Pigs."

Q All right.

And what else did you see in the living room area?

A I saw the body of a male person lying on the floor.

MR. KAY: May I approach the witness, Your Honor?

THE COURT: Yes.

Q BY MR. KAY: Showing you People's 6 for identification, do you recognize what is depicted in that photograph?

A Yes, I do.

Q And would you describe what is in that photograph for the ladies and gentlemen of the jury.

A It is a male body laying between a pair of couches, one a love seat, one a couch; a coffee table; the Sunday paper; a pillow over the face of the male; a fork protruding from just below the sternum area of the stomach; and a carving in the stomach.

Q Now, is this a fair and accurate picture of what you saw when you entered the residence at 3301 Waverly Drive on August 10th, 1969?

A It is.

Q After you went in the --

Well, when you got there, after you entered, did an ambulance come, or were they there already?

A No, they came afterward.

Q And did they examine the body as depicted in People's 6?

A Yes, they did.

Q And pronounce the person dead?

A Yes.

Q Now, after you made the observation of the body in the living room, did you go to any other room in the house?

A Not immediately; but subsequently, yes.

Q About how long after you made the observation in the living room?

A I would say 10 to 15 minutes.

Q And did you have occasion to go into the main bedroom area of the residence?

A Yes.

Q And what, if anything, did you see when you got in the bedroom area?

A When I first went into the bedroom area, I observed a -- on the left-hand side of the bed -- an end table with the drawer pulled out and papers on the floor. And I believe there was a couple of $1 bills laying on the floor.

Q All right.

Now, before you go any further --

Your Honor, I have a photograph here. May it be marked People's 8 for identification?

id. THE COURT: It may be so marked.

MR. KAY: May I approach the witness, Your Honor?

THE COURT: Yes, you may.

Q BY MR. KAY: Mr. Cline, showing you People's 8 for identification, do you recognize what is depicted in that photograph?

A Yes, I do.

Q And would you describe to the ladies and gentlemen of the jury what you see in the photograph.

A It shows a half of the large bed that was in the bedroom, an end table on the left-hand side, a chair, some papers on the floor. What I can see here is one of the $1 bills that I observed.

17 f1

217-1

Q Does the door appear to be open?

A Not in this photograph. I can't tell.

Q Well, look closely.

I see you have some glasses on and you are squinting.

A Oh, yes; it's partially open, yes.

Q And is that about the distance that you saw it open when you went in?

A Yes, uh-huh.

Q I have poor eyesight, too; so I don't blame you for having to squint.

Now, after you made the observation that was in the photograph, in People's 8, what else did you see in the bedroom?

A I noticed that the lamp that had been -- that I assumed was on one of the stands was laying over on the floor.

And the cord was drug over to the right-hand side of the bed.

And then, I then observed the body of a female laying face down on the right-hand side of the bed.

MR. KAY: Your Honor, I have a photograph here.

May it be marked as People's 9 for identification?

THE COURT: It may be so marked.

(Brief pause.)

MR. KAY: May I approach the witness, Your Honor?

THE COURT: Yes, you may.

Q BY MR. KAY: Showing you People's 9 for

17-2

identification, do you recognize what's depicted in that photograph?

A Yes, I do.

Q And would you describe to the ladies and gentlemen of the jury what you see in that photograph.

A This is a photo of I believe you would call it a vanity -- not a vanity, but a clothes chest, a lamp turned over and the lower portion of a body face down, from just above the buttocks.

Q Is that the body that you saw of the female in the bedroom?

A This is what I observed, yes.

Q All right.

And in the top portion of the photograph there appears to be a lamp on the floor?

A Yes, right up against -- that would be the south windows where the lamp is turned over.

Q There appears to be a lamp table also knocked over.

A Yes.

Q Is that photograph a fair and accurate representation of the way that portion of the bedroom looked when you entered on August 10th, 1969?

A It does.

MR. KAY: I have another photograph here, Your Honor.

May it be marked as People's 10?

THE COURT: It may be so marked.

(Brief pause.)

17-3

MR. KAY: May I approach the witness, Your Honor?

THE COURT: Yes, you may.

Q BY MR. KAY: Mr. Cline, showing you this photograph which is now marked People's 10 for identification, do you recognize what's depicted in that photograph?

A Yes, I do.

Q And would you describe what's in the photograph to the ladies and gentlemen of the jury?

A This appears to me to be the female body that I observed face down on the floor with a pink-type -- or lavender negligee and a robe of some type over the head area.

Some stab wounds in the buttocks and in the lower back.

Q Now, in that photograph it appears that the female has no clothes from the back down.

Was she in that condition when you found her?

18f A Yes.

18-1

Q In other words, completely nude from about the lower portion of the back all the way down?

A From the lower portion of the back, yes.

MR. KAY: Your Honor, I have another photograph here. May it be marked as People's No. 11 for identification?

id. THE COURT: It may be so marked.

MR. KAY: May I approach the witness, Your Honor?

THE COURT: You may.

Q BY MR. KAY: Mr. Cline, showing you a photograph that's now been marked People's No. 11 for identification, do you recognize what is depicted in that photograph?

A Yes, I do.

Q And would you describe to the ladies and gentlemen of the jury what you see in that photograph.

A It is the same as the large photograph; the lavender or pink negligee with the clothes pulled up over the head and the nude lower portion of a female body.

Q That's from a different angle than the People's 10?

A Yes.

This angle is from the south wall or windows -- south of the bedroom -- south wall of the bedroom.

Q And is that a fair and accurate representation of the scene as you saw it in the bedroom on August 10th, 1969?

A It is.

Q I notice there appears to be a small dog on the bed.

Do you remember that dog in there when you were there?

1 A Yes, there were two dogs.
2 MR. KAY: May I have a moment, Your Honor?
3 THE COURT: Yes, you may.
4 Q BY MR. KAY: After you found the body of the
5 female, what did you do?
6 A The ambulance crew had already issued the pink
7 slip pronouncing the male dead. And they had left.
8 And I had found the female body in the interim,
9 and they were going down the driveway, so I called them back
10 to issue another slip for the second victim.
11 Q And did they pronounce the female dead?
12 A Yes, they did.
13 MR. KAY: Mr. Keith, may it be stipulated that the female
14 depicted in People's 9, 10, and 11 is Rosemary LaBianca?
15 MR. KEITH: So stipulated.
16 MR. KAY: And that the male depicted in People's 6 for
17 identification is Leno LaBianca?
18 MR. KEITH: Yes.
19 THE COURT: All right. The court accepts the stipulation.
20 Q BY MR. KAY: Now, you were the supervisor, the
21 original supervisor, at the scene, were you not?
22 A Yes, I was.
23 Q And after the ambulance drivers or the attendants
24 announced Mrs. LaBianca dead, what, if anything, did you do?
25 A I had my two officers, Rodriguez and Toney, stand
26 by, one in the front door and one the rear door, to make sure
27 that no one entered.
28 Q Did you let anybody in besides yourself until the

homicide investigators got there?

A No, no one.

Q Even Officer Rodriguez or Officer Toney?

A No.

MR. KAY: Your Honor, I have another photograph here. May this be marked as People's 12 for identification?

THE COURT: It may be so marked.

19 f1

19-1

MR. KAY: May I approach the witness, Your Honor?

THE COURT: Yes, you may.

Q BY MR. KAY: Mr. Cline, showing you People's 12 for identification, do you recognize what's depicted in that photograph?

A Yes, I do.

Q And would you please tell the ladies and gentlemen of the jury what you see in the photograph.

A This is the north wall of the home.

There are several pictures on the wall and the writing "Death to pigs." A picture, an oblong picture standing up on its end on the floor underneath "Death to pigs."

Q Now, the letters in "Death to pigs," how would you describe the writing?

Was it small? Large?

A It was quite large.

Q And the picture which is on the floor there, where did it appear that was? Did it appear that that had come from that wall?

A I believe it did, yes.

In my opinion, I thought it did.

Q About how long was the writing "Death to pigs" in feet and inches, approximately?

A I would say it covered an area of four and a half to five feet, maybe.

Q Now, when you were inside did you have occasion to look at the area above the front door on the inside part of the house?

19-2

A Yes, I did.

Q And did you notice anything unusual there?

A There were the words -- the word "Rise" written on -- just about the top of the doorjamb, on the left-hand side.

MR. KAY: Your Honor, I have a photograph here.

May it be marked as People's 13 for identification?

THE COURT: It may be so marked.

(Brief pause.)

MR. KAY: May I approach the witness, Your Honor?

THE COURT: Yes, you may.

Q BY MR. KAY: Mr. Cline, showing you the photograph now marked People's 13 for identification, do you recognize what's depicted in that photograph?

A Yes, I do.

Q And would you describe to the ladies and gentlemen of the jury what you see in the photograph?

A This is the south wall of the living room.

There is a large painting on the left-hand side of the entry; and above that, at the top of the jamb, are the words -- the word "Rise," r-i-s-e.

Q And there is a door in the photograph. Is that the front door?

A That is the front door, yes.

Q Now, did you have occasion to go into the kitchen portion of the residence?

A Yes, I did.

Q And did you look at the refrigerator?

A Yes.

Q Did you notice any writing on the refrigerator?

A I did.

MR. KAY: May I approach the witness, Your Honor?

THE COURT: Yes, you may.

Q BY MR. KAY: What did you notice on the refrigerator, what writing?

A "Healter Skelter."

Q Showing you People's 1 for identification, do you recognize what's depicted in that photograph?

A Yes, I do.

Q And would you describe to the ladies and gentlemen of the jury what you see in the photograph.

A This is a double-door refrigerator-freezer combination, and on the right-hand side of the door are the words "Healter Skelter."

Q Now, People's 1 with the words "Healter Skelter" and People's 13 with the word "Rise" and People's 12 with the words "Death to pigs," are those all fair and accurate photographs depicting the scene as you saw it on August 10th, 1969?

A It is.

Q Now, Mr. Cline, I wonder if you would step down from the witness stand a moment.

20f We have a diagram over here of 3301 Waverly Drive.

20-1

And I wonder if you could first indicate -- I'm going to give you a --

Well, let me see. Oh, here we go. I do not want to have Sartuche getting mad at me, so I'm going to give you an orange pen here.

And if you would mark on the diagram the location where you found Rosemary LaBianca's body.

Look at it for a while.

A This is north, right?

Q It appears that that is marked "Living room," and "Front door" here, if you can orient yourself from there.

A All right.

It would be this bedroom here (pointing).

Q All right.

Could you write "Rosemary" at about the location where you --

A Had my finger?

Q About the location where you found her body.

A Oh, all right.

Q All right.

Now, do you see writing --

May the record reflect that the officer has written "Rosemary" in the -- what is labeled the main bedroom.

THE COURT: Record may so reflect.

MR. KEITH: Your Honor, does that exhibit have a number yet?

THE COURT: Yes, that diagram is No. 5.

MR. KEITH: Okay.

1 MR. KAY: And he has written the word "Rosemary" in
2 orange ink.
3 THE COURT: The record may so reflect.
4 MR. KAY: Thank you, Your Honor.
5 Q You notice in the living room there are the words
6 "Death to Pigs."
7 Is that about the location where you saw the
8 writing on the wall?
9 A Yes.
10 Q All right.
11 Now, the word "Rise," can you indicate to the
12 ladies and gentlemen of the jury on this diagram, People's 5,
13 where you saw the word "Rise"?
14 A It would be right in this area here (marking).
15 Q All right.
16 You have put an X there, and there is an R by that?
17 A Yes.
18 Q And that's the area?
19 May the record reflect that the officer has made
20 an orange X by the spot that says "Front door," and there is an
21 R next to it.
22 THE COURT: Record may so reflect.
23 Q BY MR. KAY: Now, the refrigerator with the words
24 "Healter Skelter," could you mark on this diagram where you
25 saw that.
26 A That would be right here in this location
27 (marking).
28 Q All right.

Could you make that a star instead of an X?

A I'll try to (marking).

MR. KAY: All right.

May the record reflect that the officer has made an orange star in the area marked "Kitchen" next to the refrigerator.

THE COURT: Yes, the record may so reflect.

MR. KAY: You can resume the stand.

Q Approximately how long did you stay at the LaBianca residence at night?

A It was a little over two hours.

Q And do you know Sgt. Danny Galindo?

A Yes, I do.

Q And did Sgt. Danny Galindo arrive while you were still there?

A Yes.

Q Did anybody else besides Sgt. Galindo come that you remember at this time --

A Yes.

Q -- while you were there?

A There were quite a number of detectives and so on.

Q Sgt. Dolan? Do you remember Sgt. Dolan? Was he there?

A I don't recall if Sgt. Dolan was there.

MR. KAY: May I have just a moment, Your Honor?

THE COURT: Yes.

Q BY MR. KAY: At the time you were assigned to Hollywood Division, had you in the past been assigned to the homicide division?

A Yes, I had.

Q And how long had you been assigned to the homicide division?

A Approximately six years.

Q Did the writing "Death to Pigs" and "Rise" and "Healter Skelter" all appear to have been done with the same substance?

A Yes.

Q And what did that appear to be?

A It appeared to me to be blood.

MR. KAY: I have no further questions at this time.

THE COURT: All right, thank you.

Mr. Keith, you may cross-examine.

21 f1

21-1

CROSS-EXAMINATION

BY MR. KEITH:

Q Mr. Cline, you have told us that the writing "Death to pigs" took up a space on the north wall of about four and a half to five feet in length.

Correct?

A Approximately, yes.

Q And how far above the floor would that writing have been, in your estimation?

A I estimated approximately six feet.

Q All right.

And how deep was the lettering?

A I didn't hear you, counsel.

Q How deep was the lettering?

I mean, from the bottom of the "D" to the top of the "D." Do you understand that question?

A Yes.

Q I mean, was it six inches or a foot high?

A I don't recall.

All I know is that they were -- those particular letters were larger than -- I think they were more than six inches. I'm not sure.

Q Very plain for anybody to see, I gather.

A Yes, it was.

Q And would the same apply to the word "Rise" over the doorjamb?

It was in large letters, was it not?

A Large but not as large as the "Death to pigs."

21-2

Q And the words "Healter Skelter" on the refrigerator, that was plain for anyone to see?

A Yes.

MR. KEITH: May I approach the witness, Your Honor?

THE COURT: Yes, you may.

Q BY MR. KEITH: Do you notice something unusual about the words "Healter Skelter"?

A Yes.

Q How is it spelled?

A H-e-a-l-t-e-r.

Q And it was obviously misspelled by whoever wrote it. Is that a fair statement?

A That's correct, yes.

Q You told us there were a number of detectives, and so on.

How many detectives would you say, to the best of your recollection, arrived at the scene during the time you were there?

A Well, I know that Sergeant Galindo and his partner arrived, and of course my captain arrived, and our photographic units.

And of course my captain being a commander of detectives at Hollywood, I'd classify him as a detective.

Q Would you say there may have been as many as 10 law enforcement officers on the scene that night?

A I would say probably 10, yes.

Q And the photographs, were they taken under your direction?

A No, only partially.

I was only there on some of them.

Q I see.

When you think back, does it appear to you that nothing has been moved or changed from what you saw, compared to the photographs?

A That's correct.

Q When you first entered the master bedroom did you have to use a flashlight to see about?

A No. If I recall correctly, I believe the light was on.

Q And you have a distinct recollection of there being dollar bills on the rug?

A Absolutely.

Q And a distinct recollection, even apart from the photographs, of there being papers and other things strewn on the rug?

A Yes.

Q By the night stand?

A Yes.

21a #

21a-1

Q For the life of me I can't see that drawer pulled out.

I'm beginning to lose faith --

I don't know where that photograph is.

(Brief pause.)

MR. KEITH: Here it is. Mr. Kay has it.

MR. KAY: Here it is. Look at the top part. It's pulled out.

Q BY MR. KEITH: I don't think --

Can you see where it's pulled out?

A Yes, I can now. You see right here (indicating)?

Q I see a crack.

A Yeah.

Q Oh, I see. There is an upper partition and apparently a lower partition.

A Yes; there is an upper and lower drawer.

THE COURT: Let's identify that for the record.

MR. KEITH: Excuse me, Your Honor. That appears to be People's 8 for identification.

THE COURT: All right; thank you.

MR. KEITH: I don't have any further questions.

THE COURT: All right; thank you.

Anything further, Mr. Kay?

REDIRECT EXAMINATION

BY MR. KAY:

Q Sergeant Cline, in the living room were there tables and chairs, and things like that, besides the two

1 sofas that you have described?

2 A Yes, there was -- it was well furnished.

3 MR. KAY: I don't have any further questions.

4 THE COURT: May this witness be excused?

5 MR. KEITH: Yes.

6 MR. KAY: Yes.

7 THE COURT: All right, sir, you are excused. Thank

8 you for your attendance upon the Court.

9 MR. KAY: May we approach the bench a minute?

10 THE COURT: Yes.

11 Could we have the court reporter?

12 MR. KAY: I don't think we need him.

13 THE COURT: All right.

14 (A conference was held at the bench,

15 not reported.)

16 THE COURT: All right.

17 Ladies and gentlemen, at the request of counsel

18 the Court at this time is going to recess for 20 minutes

19 until the next witness is available.

20 Bear in mind during this recess, ladies and

21 gentlemen, the admonition that I previously gave you on

22 each occasion of recess:

23 That is, you are not to discuss this case amongst

24 yourselves or with anyone else and you are not to form any

25 opinion concerning this matter or express any opinion

26 concerning this matter until the case is finally given to

27 you.

28 Furthermore, you must not allow yourselves to

read, see or hear any news media accounts of this matter.

All right. The Court will be in recess for 20 minutes, until 20 minutes of 3:00.

All jurors, the defendant and counsel are ordered to return at that time.

The Court is in recess.

22f (Recess.)

22-1

THE COURT: People versus Van Houten.

Let the record show the defendant is present and represented by counsel; People are represented by counsel; the jurors are in their assigned places.

Mr. Kay, you may call your next witness.

23-1

23-1

MR. KAY: Thank you.

The People call Sergeant Galindo.

DANNY GALINDO,

called as a witness by the People, was sworn and testified as follows:

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

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

THE WITNESS: I do.

THE CLERK: Take the stand and be seated, please.

Pull the microphone over, please, directly under your chin, up as close as you possibly can.

And would you give your name for the record, please.

THE WITNESS: Danny Galindo, G-a-l-i-n-d-o.

THE CLERK: Thank you.

DIRECT EXAMINATION

BY MR. KAY:

Q Sergeant Galindo, what's your occupation and assignment?

A I'm a police officer for the City of Los Angeles, assigned to Homicide Division.

Q And how long have you been assigned to the Homicide Division?

A Thirty and a half years plus.

Q And that's how long you have been a police officer?

A Yes, sir.

Q When are you going to retire?

A When this case is over.

Q Now, directing your attention to Monday morning, August the 11th, 1969, about 1 o'clock in the morning.

Were you working that night for the Homicide Division?

A Yes, sir, I was.

Q And at that time did you have occasion to go to the LaBiancas' residence at 3301 Waverly Drive?

A Yes, sir.

Q And how long did you stay at the residence after you got there?

A Over a day.

Q When you got there was Sergeant Cline still there?

24f A Yes, sir.

24-1

1 MR. KAY: Your Honor, I have an aerial photograph here.
2 May this be marked as People's 14 for identifi-
3 cation?
id. 4 THE COURT: It may be so marked.
5 Q BY MR. KAY: Sgt. Galindo, when you arrived at
6 the LaBianca residence, did you take over the investigation?
7 A Essentially; yes, sir.
8 Q And the next morning, did you direct aerial
9 photographs to be taken of the LaBianca residence?
10 A Yes, sir; I did.
11 MR. KAY: May I approach the witness, Your Honor?
12 THE COURT: Yes, you may.
13 Q BY MR. KAY: Showing you People's 14 for identi-
14 fication, do you recognize what is depicted in this aerial
15 photograph?
16 A Yes, sir; I do.
17 Q What is depicted?
18 A In the center of the picture the LaBianca residence
19 surrounded by the neighborhood, the immediate neighborhood.
20 Q Now, on the left --
21 As you are facing the photograph, where is the
22 LaBianca residence?
23 A It is encircled by a red marker.
24 Q All right.
25 It is in the middle of the photograph?
26 A Yes, sir, just off -- left -- to the left of center.
27 Q On the left of the LaBianca residence there appears
28 to be a large wall surrounding something, some type of

24-2

residence.

Do you know what that is?

A Yes, sir.

Q What is that?

A It's a property demarcation between the Earl C. Anthony property and the LaBianca property.

Q And is there a house also on the right of the LaBianca's property as you look -- as you are facing the LaBianca's?

A Yes.

Q Does this photograph, People's 14, appear to you to be a fair and accurate photograph of the way the LaBianca residence looked Monday, August the 11th, 1969?

A Yes, sir.

Q Now, while you were at the LaBianca residence and in charge of the investigation, did you direct that a search be made of the grounds around the LaBianca house for any bloody clothing?

A Yes, sir. That was the morning of the 11th.

Q All right.

And did you find any bloody clothing outside the residence?

A No, sir; I didn't, or we didn't.

Q All right.

And you had some officers working for you, I take it?

A Yes, sir.

Q How many?

A Oh, in the neighborhood of 40 to 50.

Q Now, did you also direct a search of the area around the LaBianca residence for any weapons?

A Yes, sir.

Q Outside the residence, I'm talking about.

A Yes, sir.

Q And did you or your crew find any?

A No.

MR. KAY: May I approach the witness, Your Honor?

THE COURT: Yes, you may.

Q BY MR. KAY: Showing you People's 6 for identification, a photograph which has been identified as a photo of Leno LaBianca, does that appear to be an accurate photograph of the way he looked when you arrived on the scene?

A Yes, sir.

Q All right.

And there appears in the top part of this photograph, People's 6, to be a white cord from a large lamp going down to the area of Mr. LaBianca's head.

Did you determine what that was?

A Yes, sir.

Q And would you tell the ladies and gentlemen of the jury what you determined that to be.

A It was a length of electric wire, either 14 or 16 gauge, that ran from the area of his neck to the base of a massive lamp that rested on a coffee table between the couches in the living room.

25-1

And --

Q When -- go ahead.

A That's okay.

Q When you say it was in the area of his neck, what was it, just lying on top of his neck, or what?

Where did it go?

A It ran underneath the pillow that was on top of Mr. LaBianca's face and toward the area of his neck.

Q Was it tied around his neck?

A Yes.

We determined that later, yes, sir.

Q And did you find anything protruding from Mr. LaBianca's abdomen when you got there?

A Yes, sir, I did.

Q And what was that?

A A carving fork.

MR. KAY: Your Honor, I have what appears to be a carving fork.

May this be marked as People's No. 15 for identification?

THE COURT: It may be so marked.

MR. KAY: May I approach the witness?

THE COURT: Yes, you may.

Q BY MR. KAY: Sergeant Galindo, showing you People's 15 for identification, do you recognize that?

A Yes, sir, I do.

Q And where did you --

Did you see that on the morning of August 11th, 1969?

1 A Yes, sir, a fork exactly like this one.
2 Q And where did you see it?
3 A I saw it protruding from Mr. LaBianca's abdomen,
4 in the area of the belly button.
5 Q Now, how far into Mr. LaBianca's abdomen did the
6 tines, the two tines of the fork go?
7 A They went practically all the way to the --
8 I'd say about two, two and a quarter inches
9 right through the definition between the tines and the major
10 part of the fork.
11 Q To the bifurcation of the tines?
12 A Exactly.
13 Q Now, did you remove that carving fork from
14 Mr. LaBianca's abdomen?
15 A Yes, sir, I did.
16 Q And how did you do that?
17 A I took some nail clippers and reversed the hook
18 on the nail clippers so that it would open wider.
19 And I grabbed the metal part of the fork, at the
20 bifurcation of the fork, and pulled it up.
21 And another officer, another investigator there,
22 wrapped a string around it; and in that way we were able to
23 remove it without touching it.
24 Q Was that Sergeant Dolan?
25 A Yes, sir.
26 Q What was your purpose in taking the fork out in
27 the manner you did?
28 A For examination, for later examination for

1 prints and --

2 Q When you say "prints," you mean fingerprints?

3 A Yes.

4 Q So I take it --

5 Did either you or the other investigator touch

6 the handle of that fork when you took it out?

7 A Not when we were mechanizing it in that situation,

8 no, sir.

9 Q I take it while you there at the residence you

10 performed a search of the residence?

11 A Yes, sir.

12 Q Did you go in the kitchen area?

13 A Yes, sir, I did.

14 Q And did you find any utensils similar to

15 People's 15 for identification in the kitchen area?

16 A I found instruments that appeared to be matching

17 sets to it, yes.

18 MR. KAY: Your Honor, I have an envelope here which

19 appears to contain numerous kitchen items: A spatula,

20 soup ladle and a couple of cooking tablespoons.

21 May these four items collectively be marked as

22 People's 16 in the envelope?

23 THE COURT: They may be so marked.

24 MR. KAY: May I approach the witness?

25 THE COURT: Yes, you may.

26 Q BY MR. KAY: Sergeant Galindo, showing you

27 People's 16 for identification, do you recognize these

28 utensils?

A Yes, sir, I do.

Q And did you see those on August 11th, 1969?

A I saw some identical to these, yes, sir.

Q And where did you see them?

A August the 11th?

Yes, sir; I pulled all of these out of the top right-hand drawer of the kitchen cabinets, just to the right of the kitchen stove.

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26-1

Q On the coffee table by the location where you saw Mr. LaBianca's body, was there a newspaper spread on the coffee table?

A Yes, sir. There were some portions of the Sunday Times.

Q All right.

And did you check the date on that?

A Yes, sir; I did.

Q And what date?

A I don't remember, but it was -- it related to that particular day that we were there.

Q Was it the Sunday paper?

You were there on a Monday, and was it the paper from the previous day?

A Yes.

Q In People's 6 for identification, the photograph that you have in front of you of Mr. LaBianca, you notice that there is a small pillow over his head?

A Yes, sir.

Q And what kind of pillow is that?

A Oh, it was kind of like a throw pillow, satin, about 14 by 14 inches, fluffy.

Q Did you remove that?

A Yes, sir; I did.

Q And would you describe to the ladies and gentlemen of the jury what you saw underneath the pillow when you removed it.

A I saw the area of Mr. LaBianca's head, and it was

fully encompassed by a pillow slip.

It was bloody; blood on his shoulders and on his chest, and there was blood onto the floor in that area.

Q Did you, while Mr. LaBianca was still at the residence there, ever take the pillow case off?

A I didn't, no.

Q All right.

Did anybody while you were there?

A No.

Q Did you have occasion to go down to the morgue, the coroner's morgue, after you left the LaBianca residence?

A Yes, sir; the following day.

Q And did you see Dr. Katsuyama there?

A Yes, sir; I did.

MR. KAY: Your Honor, I have a knife.

May this be marked as People's 17 for identification?

id. THE COURT: It may be so marked.

Q BY MR. KAY: Sgt. Galindo, showing you People's 17 for identification, when you went to the coroner's -- the morgue the next day and saw Dr. Katsuyama, did you also see that knife?

A Yes, sir; I did.

Q And was that the first time you saw it?

A Yes.

Q You never saw that particular knife at the LaBianca residence?

A No, I didn't.

26-3

Q All right.

Now, other than that knife, when you were searching the kitchen at the LaBianca residence, did you find any knives similar to that in the LaBianca kitchen?

A Yes, sir; I did.

Q And approximately how many did you find?

A I don't remember. There were less than half a dozen, I would say, with the same type of a handle.

It seemed to be like a set.

Q After the carving fork was removed by you and Sgt. Dolan, was Mr. LaBianca's body turned over?

A Yes, sir; it was.

Q And did you observe the area of Mr. LaBianca's hands?

A Yes.

Q And what, if anything, did you notice?

A I noticed the hands had been tied behind his back with what appeared to be a leather thong.

I noticed it was a great amount of blood gathered beneath his body adjacent to the couch.

Q Did Mr. LaBianca's hands appear to have been tied tightly or loosely?

A My impression now was that they were very tightly tied.

MR. KAY: Your Honor, I have a photograph here showing the back portion of Mr. LaBianca with the hands.

May this be marked as People's 18 for identification?

id. THE COURT: Yes, it may be so marked.

26-4

MR. KAY: May I approach the witness, Your Honor?

THE COURT: Yes, you may.

Q BY MR. KAY: Sgt. Galindo, showing you People's 18 for identification, do you recognize what is depicted in that photograph?

A Yes.

Q And would you describe to the ladies and gentlemen of the jury what you see in that photograph.

A It's a body of a human being depicting the back with both hands tied together with a leather thong and both hands showing marks of -- where appears to be the thongs have been tying the hands together.

Q Does it appear in that photograph that the thongs were tightly tied on the hands?

A Yes.

27 £1

27-1

Q Did they leave impressions on the hands and wrists?

A Yes, that's the impression I get.

Q And also it appears that --

Well, counsel, on People's 18, may it be stipulated that that's a photograph of Leno LaBianca?

MR. KEITH: Yes.

THE COURT: All right, the Court accepts the stipulation.

Q BY MR. KAY: The left hand of Mr. LaBianca, the left wrist, did you notice anything on the left wrist?

A Yes; there appeared to be a flexible band of sorts, gold-colored, around his left wrist.

Q Did you notice if that was a watch, that he had a watch on his wrist?

A I don't know; I didn't look at it.

All I saw was the hand.

MR. KAY: All right.

Your Honor, I have another photograph here.

May it be marked as People's 19 for identification?

THE COURT: Yes, it may be so marked.

(Brief pause.)

MR. KAY: May I approach the witness?

THE COURT: Yes, you may.

Q BY MR. KAY: Showing you People's 19 for identification, do you recognize what's depicted in that photograph?

A Yes.

Q And would you please relate to the ladies and gentlemen of the jury what you see in that photograph.

A It's a picture of a human body, which we later determined to be Leno LaBianca.

And it has what appears to be a pillow slip wrapped around his head, a white cord tied around his neck area and some red lettering on his stomach area, along with some puncture wounds.

Q Now, the pillowcase on Mr. LaBianca's head, was that wrapped around his head, or was his head inside the pillowcase?

A My best recollection was that it was wrapped around his head area, including the pillow slip, as best as I can remember.

Q You mean the cord was wrapped around his head area, including the pillowcase?

A Yes.

Q The question I'm asking you is, the pillow slip itself, was the pillowcase wrapped around his head, or was his head inside the pillowcase?

A It was outside the pillowcase.

Q His head was outside the pillowcase?

A No. The head?

It was inside the pillowcase.

Q All right.

And the cord was then wrapped around the pillowcase?

A Yes.

Q And was the cord tightly or loosely wrapped around the pillowcase?

A (No response.)

Q To the best of your recollection.

A I don't remember.

Q All right.

Were you there when Mr. LaBianca's body was taken away?

A Yes.

Q And did you do anything to the cord that was around Mr. LaBianca's head and also connected to this massive lamp?

A Yes.

Q What did you do?

A I took the nail clippers and clipped the cord as close to the lamp base as I could.

And the body was transported, removed from the premises with the cord still attached to it and with the pillowcase around his head yet.

Q When the body was removed did you notice anything -- the body of Mr. LaBianca.

When the body of Mr. LaBianca was removed did you notice anything underneath the body?

A Yes, sir, I did.

Q What did you notice?

A I noticed a great big pool of blood, dried. Some of it was a little wet.

And I noticed some blood along the front part of the right side of the couch, and some blood on the seat part of the couch, giving the appearances the body had been sitting on the couch at the time it began to bleed.

Q Now, the letters that you say you observed on Mr. LaBianca's abdomen, are they depicted in People's 19 for identification, at least partially so?

A Yes.

Q And did you determine what those letters were?

A Yes.

Q What were they?

A "W-a-r."

Q Were they large or small?

A They were large. They covered the major portion of the stomach area.

Q And can you describe the wounds, the lettering? What did they appear like, other than just letters?

A They were flesh marks. They were scratch marks on the flesh.

And although they didn't appear to have any massive bleeding, they were nevertheless angry enough to show that they were on the flesh itself.

Q Now, was there anything in the immediate area around Leno LaBianca's body that you determined could have been used to make those letters?

A No. I didn't recover anything other than the fork.

Q Where was the fork, People's 15, in relation to the lettering "War"?

A That fork had already been removed when this photograph was taken.

Q All right.

Well, now, in People's 6 for identification the fork still appears to be in the abdomen.

Where was the fork in relation to the lettering "War"?

A Approximately two and a half or three inches

above the umbilical -- the belly button, and just immediately to the left -- on his left side and nearest the --

Oh, that's as close as I can bring it.

Q Is it near one of the --

A Letters.

Q -- letters?

Which letter?

A I don't remember.

Q Can you tell on that photograph, People's 6?

A (Pause.)

I can't tell exactly.

Q Well, it appeared it was right by one of the letters of the "War", is that right?

A Yes.

28-1

Q BY MR. KAY: Now, the newspaper that you observed in the living room, where was that in relation to Mr. LaBianca's body?

A The Sunday Times?

Q Yes.

A A portion of it was -- was on the coffee table right in front of the couch; and another portion of it was underneath his body, blood soaked.

Q Now, did it appear to you from looking at the area around Mr. LaBianca's body that there had been a struggle?

A No, No, sir.

Q Were any objects of furniture overturned, anything like that?

A Not at all.

Q But there were a lot of newspapers there, I take it?

A Well, it was the Sunday Times, and it was -- it wasn't particularly scattered, it was distributed somehow over the area.

I didn't see any signs of any struggle or --

Q By the way --

A -- upheaval.

Q What was Mr. -- Excuse me. Did you finish?

A Yes.

Q What was Mr. LaBianca wearing?

A He had on a pair of blue pajamas, two piece, lowers and uppers.

Q All right.

1 Did you have occasion to go into the bedroom, the
2 main bedroom?
3 A Yes, sir; I did.
4 Q And what did you see when you went in the main
5 bedroom?
6 A I saw some bedroom furniture, and I saw Mrs. LaBianca
7 lying on the floor on the right side of the bed as you face
8 the bedstead.
9 MR. KAY: May I approach the witness, Your Honor?
10 THE COURT: Yes, you may.
11 Q BY MR. KAY: Showing you People's 10 for identi-
12 fication, do you recognize that?
13 A Yes, sir; I do.
14 Q And is that a fair description of how you found
15 Mrs. LaBianca's body?
16 A Yes, sir.
17 Q Did it look that way when you found it?
18 A Yes.
19 Q And showing you People's 9 for identification,
20 does that accurately reflect a portion of Mrs. LaBianca's body
21 and the portion of the bedroom as you saw it on August 11th --
22 A Yes, sir.
23 Q -- 1969?
24 And People's 11 for identification, does that also,
25 from a different vantage point, accurately reflect Mrs. LaBianca's
26 body in the bedroom as you saw it in the early morning hours
27 of August 11th, 1969?
28 A Yes, sir.

Q Now, did you determine, was there -- did there appear to have been a struggle in Mrs. LaBianca's bedroom?

A I didn't think there was a struggle. There was -- there were two overturned lamps, one from the left side of the bed had toppled over onto the bed and crossways to the bed, and the one on the right side of the bed, which had been on a lamp table, had toppled over and was lying in the same longitudinal axis as Mrs. LaBianca's body was lying.

But other than that, I didn't think there had been any kind of a struggle.

28-4

Q Showing you People's 9 for identification, the upper portion of that, is that the lamp that you said was on the floor?

Does that show the lamp that was on the floor?

A Yes, sir.

Q And there appears to be a lamp table that was knocked over also?

A Yes, sir.

Q Now, there appears to be a cord from the lamp running underneath Mrs. LaBianca's body.

Did you determine what that was and where it went?

A Yes, sir.

Q What did you determine?

A I determined that it went underneath the right leg, the full length of her body, and around her neck.

Q Was that also tied around her neck?

A Yes.

Q Did she have anything over her head?

A Yes, sir.

Q What did she have over her head?

A Let's see. She had on her clothes, which had been pulled up over her head.

She had on either a pink or salmon-colored peignoir.

Also, she had a blue-striped bathrobe; looked like a pullover bathrobe.

Q Now, besides her own clothes, was there anything over her head?

A Well, later, when we removed some of the clothes,

1 it was determined there was a pillow slip had been slipped over
2 her head.
3 Q In the same manner as was over Mr. LaBianca's head?
4 A Generally, yes.
5 Q And the lamp cord, was that tied around her head?
6 A Yes.
7 Q In the same manner as it had been tied around
8 Mr. LaBianca's head?
9 A Pretty much.
10 Q Was Mr. LaBianca, when you found his body --
11 How was he lying, on his front or on his back?
12 A He was lying on his back.
13 Q And Mrs. LaBianca, how was she lying?
14 A She was lying on her stomach.
15 Q And which way was her head pointed?
16 A Her head was pointing from the foot of the bed --
17 she was lying beside the right side of the bed.
18 Q Did she have any clothes on her from the lower
19 portion of the back down?
20 A No. She was exposed from about midback down to
21 her toes.
22 Q Did you notice anything about the area of her back
23 when you saw the body?
24 A Yes.
25 Q What?
26 A I saw numerous puncture wounds.
27 Q And by "puncture wounds," what do you mean?
28 A Flesh wounds that had been made by some instrument,

some pointed instrument.

Q Were Mrs. LaBianca's hands tied?

A No.

Q And how did you find her hands when you found her body?

A Her right hand was raised at about the shoulder level, head-shoulder level, approximately in this manner (demonstrating) on the floor with the palm down.

MR. KAY: May the record reflect that Sgt. Galindo is holding his right hand kind of just maybe an inch above his head and about five or six inches out from his head with the palm open.

THE COURT: The record may so reflect.

Q BY MR. KAY: And now, what about the left hand, where was that?

A Her left hand was underneath her -- the area of her abdomen and incongruously twisted with the palm down.

29 f1

29-1

Q Sergeant Galindo, did you bring some exhibits with you today from the police evidence locker?

A Yes, sir, I did.

Q And is the envelope that I'm holding right now the one that you brought with you this afternoon (indicating)?

A Yes, sir, it is.

MR. KAY: Your Honor, I ask that this envelope and its contents be marked as People's No. 20 for identification.

THE COURT: It may be so marked.

(Off the record discussion between counsel.)

Q BY MR. KAY: Sergeant Galindo, did you have an occasion to recover near the right foot of Mrs. LaBianca some hair?

A Yes.

Q Did you make a property report about the items in evidence that you found at the LaBianca residence?

A I made a compilation, from what the report was drawn, yes, sir.

Q And the item that you --

Your Honor, I am removing from the larger envelope, People's 20 for identification, a smaller envelope marked No. 5.

Sergeant Galindo, you recovered hair from near the right foot of Mrs. LaBianca.

And then what did you do with it?

A I wrapped it in a piece of yellow foolscap paper.

THE REPORTER: "Foolscap"?

THE WITNESS: Yes.

MR. KAY: For the benefit of the reporter, you mean yellow legal paper?

THE WITNESS: Yes.

Q BY MR. KAY: And then what did you do?

A I initialed it and labeled it and annotated the time that this was done.

MR. KAY: May I approach the witness, Your Honor?

THE COURT: Yes, you may.

Q BY MR. KAY: Showing you an envelope marked No. 5, and removing therefrom what appears to be a piece of yellow legal paper, or whatever you said it was -- and don't sneeze.

A I'm allergic to that stuff.

Q Do you recognize --

There is some writing on the upper right-hand corner of the paper. Do you recognize that writing?

A Yes, sir.

Q Is that yours?

A Yes.

Q What does it say?

A It says "D.G., left foot." I can't read the rest of it.

Q Are you sure that says "left foot"?

A "Right foot."

Q It's nice to know somebody writes as badly as an attorney.

Did you recognize, when we were up there and I asked you not to sneeze, that there did appear to be a

few articles of hair in the envelope?

A Yes.

Q Can you remember from about eight years ago if those were exactly the hairs that you found?

A No, I don't remember.

Q But you do recognize the yellow legal paper with your writing on it?

A Yes, sir, I do.

THE COURT: Excuse me just a minute.

Would counsel approach the bench.

Could we have the court reporter?

MR. KAY: Yes, Your Honor.

(The following proceedings were held at the bench:)

THE COURT: I'm concerned about this Exhibit 20. Apparently you have got other items marked in there.

Are you going to introduce -- or mark for identification every item in No. 20?

MR. KAY: Not with this witness; with Agent Granado. He will be testifying tomorrow.

He will be identifying some of the other items.

THE COURT: How many items do you have in that envelope, roughly?

MR. KAY: Oh, roughly 15.

THE CLERK: What was it marked as prior?

THE COURT: 20; it's been marked as 20.

MR. KAY: It's a new exhibit.

THE COURT: It's marked as 20, and you pulled out an

THE COURT: How many more items is this witness going to identify?

MR. KAY: Just two more out of the envelope.

THE COURT: Let's go like we are now.

I assume every item in there is numbered.

MR. KAY: Oh, yes -- Well, the envelopes are. There are blood samples in there.

But I am not going to go into the blood samples with this witness.

THE COURT: All right.

Let's proceed, then.

MR. KAY: Would you like to do it 20-A, 20-B and 20-C?

THE COURT: I think it might be a whole lot better.

MR. KAY: All right.

(The following proceedings were held in open court in the presence of the jury:)

MR. KAY: Your Honor, the envelope that was marked No. 5 in the larger envelope, 20, may we mark that as 20-A?

THE COURT: Yes, that may be so marked for identification.

MR. KAY: And there is another smaller coin envelope in there with a No. 4 on it.

May that be marked as 20-B?

THE COURT: Yes.

MR. KAY: And there is another envelope marked No. 3.

May that be marked as 20-C?

THE COURT: Yes, that may be so marked.

MR. KAY: May I approach the witness?

THE COURT: Yes, you may.

item marked 5.

MR. KAY: Yes. It's a smaller envelope in there marked 5.

The thing is --

THE COURT: Do you want to mark it 20-A?

MR. KAY: Well -- okay.

I just don't want to break up the continuity because Gransdo will look at the envelope and he will recognize it that way.

Q BY MR. KAY: Sergeant Galindo, did you also recover an item, some hair from the right hand of Mrs. LaBianca?

A Yes, sir, I did.

Q And what did you do with that?

A I also placed those in a sheet of foolscap, that yellow --

30f

30-1

Q Legal paper?

A -- legal paper.

And I marked the time and my initials and serial number on the paper.

Q All right.

Now, I have a coin envelope marked 20-B now, and there is also a No. 4 on it.

I'm opening it up and pulling out a piece of yellow legal paper and opening it, and, again, please don't breathe too hard.

Do you notice some writing on that yellow legal paper?

A Yes.

Q What does that say?

A It says, "D. Galindo, 3434, H.D., right hand, Rosemary."

Q All right.

Does there appear to be some hair in the envelope?

A Certainly does.

Q And did you also recover from the left hand of Mrs. LaBianca some hair?

A Yes, sir, I did.

Q Now, I have an envelope No. 3, which has also been marked 20-C.

Now, there appear to be a whole bunch of smaller little envelopes in this coin envelope.

That's not your handwriting, is it, on those envelopes?

30-2

A None of it is mine.

Q All right.

But there appears to be a yellow legal-size paper in there.

A Foolscap.

Q If you say so, Sergeant.

And do you recognize the writing?

A Yes, sir, I do.

Q What does it say?

A It says, "D.G., 3434, 0405, left hand and left chest."

Q Is that your writing?

A Yes, it is.

Q There doesn't appear to be any hair in that foolscap, right?

A I guess. I put some in there.

Q All right.

But there are some smaller envelopes, but you didn't put the smaller envelopes in here.

But the legal paper is yours, is that right?

A Yes. Yes, sir.

Q All right. And you did put some hair in that legal-size paper; is that right?

A Yes, I did.

Q And then turned it over to SID?

A Yes, sir; I did.

Q That's Scientific Investigation Division?

By the way, was Agent Granado, Joe Granado, was he

30-3

there at the crime scene while you were there?

A Yes, he was.

Q All right.

And he was from the Scientific Investigation Division?

A Yes, he was.

Q Currently with the FBI?

A I do not know. I thought he retired.

Q Let's see.

I'm going to replace People's 20 in the envelope that Sgt. Galindo brought it in.

THE COURT: Where are 20-A, -B, -C?

MR. KAY: Yes, sir. 20-A, -B, and -C are all in there. I removed them all.

THE COURT: All right.

Q BY MR. KAY: Now, Sgt. Galindo, did you make a search of the LaBianca residence to determine if any ransacking had taken place?

A For -- besides that, for other reasons. Yes, sir; I did.

Q Well, besides ransacking, did you make a search to see if any items of value were there?

A Yes, sir.

Q And did you find any sign of ransacking in the entire house?

A Not in my opinion; no, sir.

Q All right.

Did you find any items of value?

30-4

A Yes, sir; I did. Many.

Q All right.

What about jewelry? Did you find any items of jewelry?

A Yes, sir; I did.

30-5

Q All right.

And could you tell the ladies and gentlemen of the jury what you found and where in the residence you found it.

A Let's see.

Counsel, it's been a long time. I may need to refresh my memory.

But if it serves me correctly, on top of the lamp table, on the left side of the bed as you face it, there were some rings which appeared to be gold.

Q Any stones in the rings?

A Yes. There appeared to be some stones. Two of them had --

Q What kind of stones did they appear to be?

A They appeared to be diamonds. I don't --

Q Now, was that --

A Okay.

Q Excuse me, was that in the bedroom where you found Rosemary LaBianca's body?

A Yes, sir.

Q All right.

And were those plainly visible on top of the nightstand?

A Yes, sir.

Q Did you have to move anything to find them?

A Nothing.

Q And did you find any paper money near that nightstand?

A I saw one dollar bill on the floor by the nightstand.

Q Now, in the hallway near the bedroom, was there a series of drawers under a linen closet?

Do you recall that?

A In the hallway leading to the bedroom; yes, sir.

Q All right.

Did you look in those drawers?

A Yes, sir, I did.

Q What, if anything, did you find in there?

A I found more jewelry that was considerably more potentially than just ~~custom~~ costume jewelry.

Q You thought --

A Rings.

Q Diamond rings?

A Yes.

Q Any gold rings?

A They appeared to be diamonds. They appeared to be gold.

I remember the one ring was either -- it was white metal; could have been silver or platinum, I do not know.

Q Did you have to unlock anything to get to these items of jewelry?

A No.

Q Now, did you find any cameras in the location?

A Yes.

I remember particularly one expensive-looking camera with a lens -- adaptable lenses, and a set of binoculars, a large pair of binoculars in a case.

Q Did you go in the wardrobe --

1 Was there a wardrobe closet in the bedroom where
2 you found Mrs. LaBianca's body?
3 A Yes.
4 Q And did you find anything of value in that closet?
5 A Yes, sir.
6 Q What did you find?
7 A Well, other than Mrs. LaBianca's clothes and some
8 of Mr. LaBianca's clothes, there was a fur coat, and there was
9 a shotgun, and there was what I thought was a 30-aught-6 rifle.
10 Q Did there appear to be any ransacking at all in
11 the closet?
12 A No.
13 Q Did you go to the rear den area?
14 A The northwest side of the house --
15 Q Did you find --
16 A The leftmost rearmost den. Yes, sir; I did.
17 Q Did you find a checkbook in there?
18 A Yes
19 Q Did the checkbook have any money in it?
20 A Yes, sir.
21 Q What did it have?
22 A It had 20 $1 bills. Twenty $1 bills.
23 Q Did you have to unlock anything to get to that?
24 A No. No, sir.
25 Q And going back to the bedroom in the wardrobe
26 closet, did you have to unlock anything to get to the two guns?
27 A No, sir.
28 Q Did you find any coin collections on the premises?

A We found pieces of coins, items of numismatism of various dimensions and value.

I'm not familiar with them, but they appeared to be valuable coins.

Q Did you find any foreign coins?

A Yes.

Q More than a few?

A Yes.

Q Did you find Mr. LaBianca's vehicle parked in front of the residence?

A Yes.

Q Was there a boat still attached to it?

A Yes, there was.

31 £1

31-1

Q Did you search the trunk of Mr. LaBianca's car?

A Yes, sir, I did.

Q Did you find any money in the trunk?

A Yes.

Q What did you find?

A I found some bags of mint nickels.

I never saw the money. They were labeled, and I was able to determine later they were in fact mint nickels.

Q In the dining room area of the LaBianca residence did you find a purse?

A Yes, sir, I did.

Q And did you search the purse?

A Yes.

Q Did you notice if there was a wallet in the purse?

A I noticed that there was not a wallet in the purse.

Q Did you later find Mr. LaBianca's wallet?

A Yes, sir.

Q And did you find that in his car?

A Yes.

Q In the glove compartment?

A In the glove compartment.

Q In the sink of the kitchen, did you find anything in the sink?

A Yes, sir, I did.

Q What did you find in the sink?

A I found some pieces of watermelon rind.

Q How many would you estimate?

A I don't remember. There were maybe half a dozen

31-2

1 slices that had been eaten down to the rind.

2 Q Did you notice any damage to any doors or windows

3 of the LaBianca residence?

4 A Not particularly, no.

5 MR. KAY: Your Honor, I have a photograph here of --

6 it appears to be of a black about 1955 or '56 T-Bird outside

7 a residence.

8 May it be marked as People's 21 for identification?

9 THE COURT: Yes, it may be so marked.

10 (Brief pause.)

11 MR. KAY: May I approach the witness?

12 THE COURT: Yes, you may.

13 Q BY MR. KAY: Sergeant Galindo, showing you

14 People's No. 21 for identification, do you recognize that?

15 A Yes, sir, I do.

16 Q Is that a photograph of part of the LaBianca

17 residence?

18 A Yes.

19 Q Which portion?

20 A It's the rear portion of the house.

21 Q And there is --

22 A By the back kitchen door.

23 Q And the small, say, '55 or '56 T-Bird, is that

24 in the photograph?

25 A Yes, it's in the photograph.

26 Q And whose car did you determine that to be?

27 A I don't remember.

28 That's not the car where I found the --

31-3

Q Well, the car where you found the mint nickels was out in the street with the boat attached.

A That's right.

Q And this was the other car that was in the driveway; is that right?

A Yes.

MR. KAY: May I have just a moment, Your Honor?

THE COURT: Yes, you may.

(Brief pause.)

Q BY MR. KAY: When Mrs. LaBianca's body was removed did you also clip the lamp cord around her neck?

A Yes, sir.

Q And what did you clip that with?

A The same nail clipper.

Actually, it's a toenail clipper.

Q And while she was in the residence did you ever take the pillowcase off of her head?

A I didn't, no.

Q Did anybody?

A Not in my presence.

Q When Mrs. LaBianca's body was removed did you notice anything underneath her body?

A Yes.

Q What?

A A towel. To the best of my recollection it was a pink towel.

Q Now, all the items of value that you described in the LaBianca residence, to reach any of those items of

31-4

value did you have to unlock anything?

A Not at any time, no, sir.

Q They were all readily accessible to you?

A Yes, sir.

MR. KAY: I don't have any further questions of this witness at this time, Your Honor.

THE COURT: All right.

Would counsel approach the bench, please.

We don't need the reporter.

(A conference was held at the bench, not reported.)

THE COURT: At this time, ladies and gentlemen, we are going to recess in this matter as to this case until tomorrow morning at 10:00 a.m.

Bear in mind during this recess you are not to discuss this case amongst yourselves or with anyone else and you are not to form any opinion concerning this matter or express any opinion concerning this matter until the case is finally given to you.

Furthermore, you must not allow yourselves to read, see or hear any news media accounts of this matter.

Now, ladies and gentlemen, there's a strong possibility there will be news accounts on TV, radio or in the newspapers from now on concerning this case.

In order that you clearly understand, you must not read, see or hear any of those matters until you have been discharged from this case.

Have a good evening. We will see you tomorrow

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morning.

All jurors to be in this court tomorrow at 10:00.

The defendant and counsel are ordered to be present at that time, as is the witness.

The Court is in recess. Thank you.

(At 3:50 P.M. an adjournment was taken until Wednesday, April 20, 1977, at 10:00 A.M.)