

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

DEPARTMENT NO. 130

HON. EDWARD A. RINZ, JR., JUDGE

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9027

THE PEOPLE OF THE STATE OF CALIFORNIA,

Plaintiff,

vs.

NO. A253156

LESLIE VAN HOUTEN,

Defendant.

REPORTERS' DAILY TRANSCRIPT

Tuesday, May 17, 1977

Volume 27

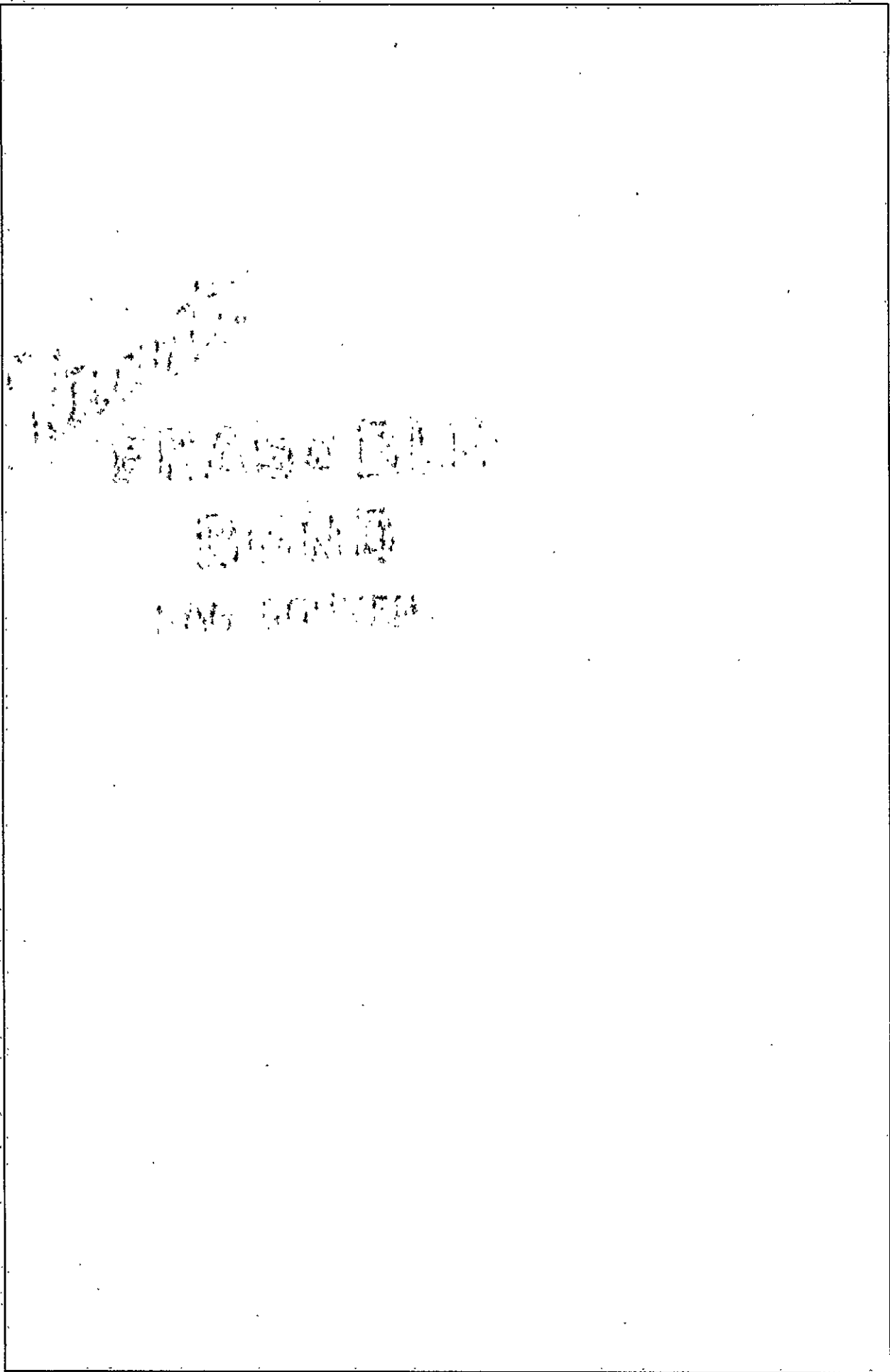
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APPEARANCES: (See Volume 1.)

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1 LOS ANGELES, CALIFORNIA, TUESDAY, MAY 17, 1977, 10:22 A.M.

2 DEPARTMENT NO. 130

HON. EDWARD A. HINZ, JR., JUDGE

3 - - -

4 (Appearances as heretofore noted.)

5
6 THE COURT: Good morning, ladies and gentlemen,

7 All right. People versus Van Houten.

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

11 Mr. Kay, you may call your next witness.

12
13 [Faint stamp]

14
15 [Faint stamp]

2-1

1 MR. KAY: Thank you.

2 Your Honor, at this time Mr. Keith and I have a
3 couple of stipulations that we've agreed to -- entered into.

4 The first is a stipulation concerning the testimony
5 of Colonel Paul Tate.

6 MR. KEITH: May we approach the bench before he reads it?

7 MR. KAY: Yes.

8 THE COURT: Yes, will counsel approach the bench.

9 (The following proceedings were held
10 at the bench:)

11 MR. KEITH: May the court please, I want to preserve my
12 objection to the testimony of Mr. -- of Colonel Tate, which
13 is being introduced by way of a stipulation.

14 If Your Honor recalls, we discussed this.

15 I'm willing to stipulate to Colonel Tate's
16 testimony, but I don't agree that it is admissible, and I've
17 made my objection heretofore.

18 THE COURT: Well, that relates to the conspiracy and
19 whether or not the evidence is admissible at this trial.

20 MR. KEITH: Yes.

21 Inasmuch as Miss Van Houten is not charged with
22 the Tate homicides and not --

23 And I don't believe it is the People's theory that
24 she joined any conspiracy, if there were a conspiracy, until
25 after the Tate homicides.

26 And, therefore, I object on the grounds that -- I
27 object to a stipulation on the grounds its prejudicial effect
28 exceeds its probative value.

1 And while I'm here, I'll object to the stipulation
2 involving the father, I believe, of Steven Parent.

3 MR. KAY: Wilfred Parent, W-i-l-f-r-e-d Parent.

4 MR. REITH: On the same grounds that its prejudicial
5 effect far outweighs any probative value even under the Weiss
6 case, People v. Weiss, W-c-i-e-s.

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1 I suppose at this time I could object to the
2 testimony of the police officers Mr. Kay is about to call after
3 this stipulation.

4 However, I think it would be more appropriate to
5 wait until they are called and I will ask to approach the
6 bench again.

7 THE COURT: All right.

8 So the record is clear, the matter of the
9 admissibility of the so-called Tate homicides in relation
10 to the count of conspiracy has already been gone into on the
11 record. Mr. Keith's objections have been overruled on that,
12 on 352 grounds.

13 The record should be clear that Mr. Keith, while
14 he is stipulating to the testimony of Paul Tate and
15 Wilfred Parent, is doing this --

16 MR. KEITH: Under protest.

17 THE COURT: -- knowing that the Court has so ruled as
18 to its admissibility.

19 And Mr. Keith intends to preserve any and all
20 appellate review of that matter, as to the admissibility of the
21 matter.

22 He has agreed to the stipulations rather than
23 having him call the witnesses.

24 And that's the limit of it; isn't that correct?

25 MR. KEITH: Yes, may the Court please.

26 THE COURT: All right.

27 MR. KAY: I do intend on the pictures of the victims
28 in life -- not the death pictures, but the pictures in life --

3-2
1 I do intend to offer them into evidence after the stipulations
2 so that they can be passed among the jurors so that they can
3 see -- just as I did with the Labiancas -- so that they can
4 see what the victims looked like in life.

5 MR. KEITH: All right. I will enter an objection now to
6 the relevancy of the pictures of the victims of the so-called
7 Tate homicides.

8 THE COURT: All right. I am going to reserve ruling
9 on the admissibility of any further exhibits concerning
10 photographs until the entire case is in.

11 You are almost there, and --

12 MR. KAY: Well --

13 THE COURT: -- and I will take that up. Because there
14 are going to be numerous photographs; and I will wait to look
15 at all of them in order to determine what should be and
16 shouldn't be admitted.

17 So I will sustain the objection at this time,
18 that is, to the admissibility of those photographs for the
19 purpose of passing them to the jury.

20 MR. KEITH: May I bring up one other matter?

21 THE COURT: Yes.

22 MR. KEITH: Unrelated, although significant.

23 I caused to be subpoenaed one Greg Jackobaen,
24 who was initially a witness for the prosecution, under
25 subpoena to the prosecution. He was excused by the
26 prosecution.

27 I caused him to be subpoenaed. The return day is
28 today in this department at 10:00 a.m.

1 I don't see him. I'm not going to make an issue
2 of it right now; it's only 10:25; but I wanted to advise the
3 court.

4 THE COURT: When you want to make an issue of it let's
5 get it on the record.

6 MR. KEITH: All right; yes.

7 THE COURT: All right. Mr. Keith's objection is
8 overruled relating to the stipulations of Paul Tate and
9 Wilfred Parent on both the conspiracy objection and the 352
10 objection.

11 The court has weighed this previously, and gives
12 it the same weight here, and determines its probative value
13 is greater than any prejudicial effect it may have. It is
14 not time consuming.

15 All right; thank you.

16 MR. KEITH: One other thing.

17 You don't see Jackobsen in the audience, do you?
18 I'm not sure I would recognize him. I'm not sure --

19 MR. KAY: No, I don't see him.

20 MR. KEITH: All right; thank you.

21 THE COURT: All right.

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

24 THE COURT: All right, Mr. Kay, you may proceed.

25 MR. KAY: Counsel, may it be stipulated that Paul Tate
26 be deemed duly sworn and called as a witness, and that he
27 testified that he is the father of Sharon Marie Tate;

28 That the last time he saw his daughter alive was

1 on July 20th, 1969, at the time of the first moon landing;

2 At that time he and his wife and other members of
3 his family visited Sharon at the house she and her husband
4 were renting, located at 10050 Cielo Drive in the City of
5 Los Angeles;

6 At that time Sharon was 26 years old and eight
7 months pregnant;

8 Jay Sebring, Abigail Folger and Voytek Frykowski
9 were all present at this time; these people were close friends
10 of Sharon and her husband.

11 I have a photograph, Your Honor, of a female.
12 May this be marked as People's next in order, People's 2347

13 THE COURT: 134.

14 MR. KAY: Oh, 134; excuse me.

15 THE COURT: It may be so marked.
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1 MR. KAY: And he identifies -- he'll testify that
2 People's 134 is a photograph of his daughter Sharon Tate in
3 life.

4 And I have another photograph of a male.

5 May this be marked as People's 135?

6 THE COURT: It may be so marked.

7 MR. KAY: And Colonel Tate testifies that People's 135
8 is a photograph of Jay Sebring in life.

9 I have another photograph of a female and a male.

10 May this be marked as People's 136?

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

12 MR. KAY: And Colonel Tate testifies that People's 136
13 is a photograph of Abigail Folger on the left of the picture
14 and Voytek Frykowski on the right of the picture in life.

15 And further that Colonel Tate testifies that
16 People's 77 for identification, which has already been
17 identified in this trial, is a picture of the house that
18 Sharon and her husband were renting at 10050 Cielo Drive in
19 the City of Los Angeles.

20 So stipulated, counsel?

21 MR. KEITH: So stipulated.

22 THE COURT: The court accepts the stipulation.

23 MR. KAY: The next stipulation:

24 Counsel, may it be stipulated that Wilfred Parent,
25 first name spelled W-i-l-f-r-e-d, Parent, P-a-r-e-n-t, be
26 deemed to be called and sworn as a witness, and that he
27 testifies that he is the father of Steven Parent.

28 I have a photograph here, Your Honor, of a young

1 man and a young girl.

2 May this be marked as People's 137 for identi-
3 fication?

4 THE COURT: It may be so marked.

5 MR. KAY: Mr. Parent testifies that People's 137 is a
6 photograph of his son Steven and Steven's girlfriend Tina.

7 The last time that he saw his son alive was on
8 Friday, August the 8th, 1969, at their home in El Monte;

9 That his son is pictured in People's 78 for
10 identification, which has already been identified at this
11 trial, and that his son's car is a 1965 white Rambler, which
12 is pictured in People's 69.

13 And I have another photograph here, Your Honor, of
14 a white Rambler.

15 May this be marked People's 138 for identification?

16 THE COURT: It may be so marked.

17 MR. KAY: And his son's car is also pictured in People's
18 138 for identification.

19 Steven was 18 years old at the time of his death.

20 So stipulated, counsel?

21 MR. KEITH: Yes.

22 THE COURT: The court accepts the stipulation.

23 MR. KAY: At this time the People would call Officer
24 Jerry DeRosa.

25
26 JERRY DE ROSA,

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

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

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

7 THE WITNESS: I do.

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

10 MR. KEITH: May we approach the bench?

11 THE COURT: Yes.

12 Will counsel approach the bench, and may we have
13 the court reporter, please.

14 (The following proceedings were held
15 at the bench:)

16 MR. KEITH: May the court please, I anticipate that
17 Mr. DeRosa will testify, as a Los Angeles Police Department
18 officer, that he was one of the first officers at the -- on
19 the scene at the Tate residence after the homicides.

20 And I anticipate that he will testify to his
21 observations at that time, including a depiction of five dead
22 bodies, blood, wounds, ropes around Jay Sebring and Sharon
23 Tate.

24 Generally a gruesome, bloody, gory scene.

25 I feel that this testimony goes far beyond the
26 bounds of People v. Weiss and related cases; that it serves
27 only to inflame the passions of the jury. It is prejudicial
28 to an extreme, and to such an extreme that it goes far beyond

1 the dictates of section 352 of the Evidence Code.

2 THE COURT: All right.

3 What is the offer of proof?

4 MR. KAY: Well, of course, this officer was the first
5 officer on the scene and will describe the scene and will,
6 of course, be corroborating the testimony of Linda Kasabian
7 as to the location of bodies, the woman with the long black
8 hair and the white nightgown, the man with the vest.

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1 He'll corroborate, if you remember Linda's
2 testimony, that Watson was carrying a rope when they were
3 going into the house. The rope, he'll describe, was inside
4 the location around Sharon Tate's neck going over a beam and
5 going over -- and wrapped around Jay Sebring's neck.

6 Also that Steven Parent, if you remember Linda
7 Kasabian's testimony -- it was that Parent was shot by Watson
8 and slumped to the right side of the car.

9 He will corroborate that when he got there that
10 Parent was slumped to the right side of the car.

11 He'll further corroborate, by the location of
12 blood on the front porch, that there was blood at the exact
13 location where Linda Kasabian testified she observed Voytek
14 Frykowski, the man with the vest who ran out by the post.

15 Certainly -- and, of course, his testimony is
16 relevant, too, because Dr. Noguchi's testimony will be based
17 on some of the observations that this officer has made about
18 the cause of death and what happened to the victims.

19 And, of course, we'll get to Dr. Noguchi after
20 this officer and the other officer.

21 MR. KEITH: May I respond?

22 Nobody is disputing Linda Kasabian's testimony
23 in this case. She doesn't need any corroboration. We've
24 already got five dead bodies there from her testimony and
25 other testimony in this case.

26 I think to say that she needs corroboration by
27 this officer is a specious argument.

28 Same with -- although we haven't reached that point --

1 but Dr. Noguchi's testimony, if the court allows that
2 stipulation to come into evidence.

3 He's already proven up the nature and objects and
4 incidents to the conspiracy through Linda Kasabian and others.
5 Why is it necessary to add to it?

6 There is only one logical reason, and that's to
7 prejudice Leslie beyond the bounds of the authorities and
8 the ends of justice.

9 MR. KAY: Well, of course, it is nice that I've convinced
10 Mr. Keith of the corroboration, but that's not my job. My
11 job is to convince the jury that the witness is corroborated,
12 and what they have is two different stories of what happened.

13 And I have to convince them that Linda Kasabian
14 is a truthful witness, as an accomplice, and that as an
15 accomplice, as a matter of law, I have to corroborate her.

16 Part of corroborating an accomplice's testimony
17 is that you have to corroborate her so that the jury is
18 convinced that she is telling the truth. And I have to
19 convince the jury that Linda Kasabian is a truthful witness.

20 MR. KEITH: All right. The only corroboration you need
21 is some independent evidence pointing to the involvement of
22 Leslie. You've already got that through the testimony you
23 read yesterday and previously from the record of the previous
24 trial. And you've got it from Diane Lake's testimony.

25 You've got ample corroboration that no Court of
26 Appeal could overturn.

27 And this kind of corroboration is not the kind
28 of corroboration that the law requires. This is pure -- purely

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inflammatory.

I'll submit the matter.

CONFIDENTIAL

NO DISSEMINATION

5-1

1 THE COURT: All right. The court being advised in the
2 matter, since one of the counts is Count VIII, conspiracy,
3 and since there has to be -- or it is appropriate for the
4 People to show the similarities between the two as part of
5 the Helter Skelter theory, and since we have the problem
6 of corroboration of an accomplice, which the court must as a
7 matter of law instruct as an accomplice, and the evidence is
8 probative, the objection is overruled.

9 I will permit the testimony.

10 (The following proceedings were held in

11 open court in the presence of the jury:)

12 THE CLERK: Would you give your name for the record.

13 THE WITNESS: DeRosa, Jerry.

14 THE CLERK: J-e-r-r-y?

15 THE WITNESS: Yes.

16 THE CLERK: And would you spell your last name.

17 THE WITNESS: D-e-R-o-s-a.

18 THE CLERK: Thank you.

19
20 DIRECT EXAMINATION

21 BY MR. KAY:

22 Q Officer DeRosa, what is your occupation and
23 current assignment?

24 A Police officer for the City of Los Angeles, currently
25 assigned to Community Relations at Rampart Division.

26 Q How long have you been a police officer?

27 A Approximately 11 years.

28 Q Directing your attention to August 9th, 1969, in

1 the morning hours.

2 Where were you assigned?

3 A West L.A. Patrol.

4 Q All right.

5 You were in a black and white?

6 A Yes.

7 Q Uniform?

8 A Yes.

9 Q And further directing your attention to about
10 8:05 in the morning.

11 Did you receive a call to go to 10050 Cielo Drive?

12 A Yes, I did.

13 Q And did you go there?

14 A Yes.

15 Q And about what time did you arrive?

16 A Approximately five minutes after 9:00, I believe.

17 Q Now, when you --

18 Do you know who Winifred Chapman is?

19 A Yes.

20 Q She is the maid at the -- was the maid at that time
21 at the Tate residence?

22 A Yes.

23 Q When you arrived at the scene did you see her there?

24 A Yes, I did.

25 Q Where did you see her first?

26 A I saw her outside the front gate of the residence.

27 Q And would you describe her condition.

28 A Hysterical.

5-3
1 Q Did you, after seeing her, did you enter the Tate
2 residence?

3 A Yes, I did.

4 Q How did you get in?

5 A I activated the gate button outside the gate --
6 it's an electric gate -- to open the gate.

7 Q You pressed the button.

8 A Yes.

9 Q And the gate opened?

10 A Yes.

11 Q When you entered did you have occasion to see a
12 white car?

13 A Yes, I did. I saw a white Rambler stopped in a
14 driveway.

15 Q And what --

16 How close was this to the gate?

17 A Approximately 20 to 30 feet away from the gate.

18 Q All right.

19 And did you approach this white Rambler?

20 A Yes, I did.

21 Q What if anything did you see when you approached
22 the Rambler?

23 A I observed a male Caucasian slumped over on the
24 right part of his body in the front seat, and appeared to be
25 dead.

26 Q Did you make any estimation of the age of this
27 male Caucasian that you saw in the white Rambler?

28 A He was in his teens.

5-4

1 MR. KAY: May I approach the witness with People's 78
2 and People's 138?

3 THE COURT: Yes, you may.

4 Q BY MR. KAY: Officer DeRosa, first directing your
5 attention to People's 138 for identification.

6 First, would you describe what you see in that
7 photograph?

8 A This is the white Rambler parked in the driveway
9 of the residence at 150 -- I don't recall the --

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1 Q 10050 Cielo Drive?

2 A Right.

3 Q Now, when you approached the vehicle were any of
4 the doors open?

5 A No, they weren't.

6 Q All right.

7 Were any of the windows down in the car?

8 A Just the driver's window.

9 Q Now, showing you People's 78 for identification,
10 Would you describe what you see in that photograph.

11 A This is the male Caucasian that I observed
12 slumped over in the front seat.

13 Q Slumped over to the right side?

14 A To the right side, yes.

15 Q Is that a fair and accurate photograph of the
16 way you saw him when you got there on August 9th, 1969?

17 A Yes.

18 MR. KAY: Counsel, may it be stipulated that People's 78
19 is the picture of Steven Parent?

20 MR. KEITH: All right.

21 THE COURT: The court accepts the stipulation.

22 Q BY MR. KAY: Now, after making your observations
23 in the white Rambler, what did you do next?

24 A I started to move towards the front of the
25 residence, at which time I observed the garage area to have
26 an apartment type above the garage area,

27 About that time Officer Wisenhunt arrived; and
28 the both of us checked out the garage area and the apartment

1 above the garage.

2 Q All right.

3 A At which time --

4 Q You didn't find anybody there, I take it.

5 A No, there was nobody there.

6 Q All right.

7 Then what did you do?

8 A Walked around towards the front of the residence,
9 at which time I observed a male and a female Caucasian on the
10 lawn. They both appeared to be dead.

11 MR. KAY: May I approach the witness with People's 77,
12 People's 79 and People's 80?

13 THE COURT: Yes, you may.

14 Q BY MR. KAY: First showing you People's 77 for
15 identification.

16 Do you recognize the house in that picture?

17 A Yes; this is the house on Cielo Drive.

18 Q And is that a fair and accurate photograph of the
19 way it appeared when you arrived there on August 9th, 1969?

20 A Yes, it is.

21 Q All right.

22 And in that photograph do you see the body of
23 the male and female that you observed?

24 A Yes, I do.

25 Q And where are they located?

26 A One is here (indicating) next to the hedge, which
27 is the male Caucasian.

28 And the female Caucasian is a distance away from

1 him, towards the side of the house (indicating).

2 Q Way over --

3 They are both over in the left -- about the
4 middle -- the far left of the photograph?

5 A Yes,

6 Q Showing you People's 80 -- or, first, People's 79
7 for identification,

8 Do you recognize what's depicted in that
9 photograph?

10 A Yes; this is the female that was out on the front
11 lawn.

12 Q And is that a fair and accurate photograph of the
13 way she appeared when you saw her?

14 A Yes, it is.

15 Q And what color nightgown was she wearing?

16 A White.

17 Q And what color hair does she have?

18 A Dark brown,

19 Q Showing you People's 80 for identification.

20 Do you recognize what's depicted in that
21 photograph?

22 A Yes; this is the male that was on the front lawn.

23 Q He appears to have a vest on?

24 A Yes.

25 Q Is that a fair and accurate photograph of the way
26 he appeared when you saw him there on August 9th, 1969?

27 A Yes, it is.

28 MR. KAY: Counsel, may it be stipulated that People's 79

1 is a photograph of Abigail Folger and People's 80 is a
2 photograph of Voytek Frykowski?

3 MR. KEITH: Yes.

4 THE COURT: The court accepts the stipulation.

5 Q BY MR. KAY: All right.

6 After making the observations of Abigail Folger
7 and Voytek Frykowski, what did you do next?

8 A I took a position outside the front of the
9 residence while Officer Whisonhunt and another officer,
10 Burbridge, went to the rear of the location.

11 I waited for them to appear inside the residence,
12 at the front door, at which time I walked towards the front
13 door to enter the residence.

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1 Q When you walked towards the front door did you
2 make any observations of anything unusual on the front door?

3 A Yes, I did.

4 Q And what did you see?

5 A I saw the word "pig" smeared in blood.

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

7 May it be marked as People's 139 for identification?

8 THE COURT: It may be so marked.

9 (Brief pause.)

10 MR. KAY: May I approach the witness?

11 THE COURT: Yes, you may.

12 Q BY MR. KAY: Showing you People's 139 for
13 identification, do you recognize what's depicted in that
14 photograph?

15 A Yes; this is the front door of the residence with
16 the word "pig" smeared in blood on it.

17 Q And is this an accurate photograph of the way
18 the front door appeared to you when you arrived at the Tate
19 residence on August 9th, 1969?

20 A Yes, it is.

21 Q Now, when you approached the front door did you
22 have occasion to look at the area of the front porch?

23 A Yes, I did.

24 Q And what if anything unusual did you notice about
25 the area of the front porch?

26 A There were pools and splatterings of blood on the
27 front porch and the entryway of the house.

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

1 of the front porch and the front door.

2 May this be marked as People's 140 for
3 identification?

4 THE COURT: It may be so marked.

5 (Brief pause.)

6 MR. KAY: May I approach the witness?

7 THE COURT: Yes, you may.

8 Q BY MR. KAY: Officer DeRosa, showing you
9 People's 140 for identification, do you recognize what's
10 depicted in People's 140?

11 A Yes; this is the threshold and the front porch
12 of the house, with the blood splatterings and pools of blood
13 there.

14 Q And is that an accurate photograph of the way
15 it appeared when you were there on August 9th, 1969?

16 A Yes, it is.

17 Q Did you have occasion to go inside the front
18 door?

19 A Yes, I did.

20 Q And around the area inside the front door was
21 there kind of a little entryway there?

22 A Yes.

23 Q And did you notice anything unusual about the
24 entryway?

25 A Yes; there were also splatterings of blood at that
26 location also.

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

28 May it be marked as People's 141 for

1 identification?

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

3 (Brief pause.)

4 MR. KAY: May I approach the witness?

5 THE COURT: Yes, you may.

6 Q BY MR. KAY: Officer DeRosa, showing you
7 People's 141 for identification, do you recognize what's
8 depicted in that photograph?

9 A Yes; this is the entry hall inside the residence,
10 and the blood splatterings.

11 Q And is that a fair and accurate photograph of the
12 way it appeared to you when you entered the front door of the
13 Tate residence on August 9th, 1969?

14 A Yes, it is.

15 Q Did you have occasion, after you went through the
16 front door and through the entryway, did you have occasion
17 to enter the living room area of the residence?

18 A Yes, I did.

19 Q And would you please describe to the ladies and
20 gentlemen of the jury what you saw when you entered the
21 living room area of the residence.

22 A As I entered the living room area I observed a
23 male and female Caucasian lying on the floor.

24 The female was in her underwear, her bra and
25 pants. She appeared to be dead from multiple stab wounds.

26 There was a rope around her neck that went from
27 her neck up over a beam in the ceiling down to the floor
28 again and around the male Caucasian, who was dressed and had

1 a pillowcase or a towel over his head,

2 The rope was connected around his neck also.

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Handwritten text, possibly a signature or name, appearing in the lower right quadrant of the page.

6-1
1 MR. KAY: I have a photograph of a female lying in front
2 of a sofa.

3 May this be marked as People's 142?

4 THE COURT: It may be so marked.

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

6 THE COURT: Yes, you may.

7 Q BY MR. KAY: Showing you People's 142 for identi-
8 fication, do you recognize what is depicted in that photograph?

9 A Yes. This is the female Caucasian with her bra
10 and pants,

11 She's in a pregnant condition.

12 Q And is that --

13 What else do you notice in the photograph there?

14 A The rope that's around her neck and large pools
15 of blood.

16 Q And is that an accurate photograph of the way that
17 this girl appeared when you entered the Tate residence on
18 August 9th, 1969?

19 A Yes, it is.

20 MR. KAY: Counsel, may it be stipulated that People's 142
21 is a photograph of Sharon Tate?

22 MR. KEITH: Sharon Tate Polanski, I will.

23 MR. KAY: Yes, so stipulated.

24 THE COURT: The court accepts the stipulation.

25 MR. KAY: I have a photograph of a male,

26 May this be marked as People's 143 for identi-
27 fication?

28 THE COURT: Yes.

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

2 THE COURT: Yes, you may.

3 Q BY MR. KAY: Showing you People's 143 for identi-
4 fication, what is depicted in that photograph?

5 A This is the male Caucasian that was at the opposite
6 end of the rope that the female was connected to, and it has
7 the rope around his neck with a towel covering part of his
8 head.

9 Q And is this an accurate photograph of the way this
10 gentleman appeared when you arrived at the -- when you entered
11 the residence on August 9th, 1969?

12 A Yes, it is.

13 MR. KAY: Counsel, may it be stipulated that the photo-
14 graph, People's 143, is a photograph of Jay Sebring?

15 MR. KEITH: Yes.

16 THE COURT: The court accepts the stipulation.

17 MR. KAY: I have a photograph of a male and female and
18 a long rope suspended in the air.

19 May this be marked as People's 144 for identi-
20 fication?

21 THE COURT: It may be so marked.

22 MR. KAY: May I approach the witness?

23 THE COURT: Yes, you may.

24 Q BY MR. KAY: Officer DeKosa, showing you People's
25 144 for identification, what's depicted in that photograph?

26 A This is the male and female in the living room
27 with the rope around the female's neck, going along the floor,
28 up over a beam, back down to the floor, over to the male's neck.

1 The male has the towel over his head.

2 They both appear to be dead.

3 Q That's the same rope, then, that connected both
4 Sharon Tate and Jay Sebring?

5 A That's correct.

6 Q And that photograph, People's 144, the last one I
7 showed you, is that an accurate photograph of the way the
8 scene was when you arrived there on August 9th, 1969?

9 A That's correct.

10 Q Did you have occasion, after making the obser-
11 vations inside the Tate house, to go to another house on the
12 premises?

13 A Yes, I did.

14 Q And where was this other house located in relation
15 to the main house where Sharon Tate and Jay Sebring were?

16 A It was out the side of the house through the
17 master bedroom and across from the pool area.

18 Q And, well, approximately how far would you say
19 this was from the main house?

20 A About 40 yards from the house.

21 Q Now, did you have occasion to find anyone in that
22 place?

23 A Yes.

24 Q And was that William Garretson?

25 A Yes, it was.

26 Q The caretaker?

27 A Yes.

28 Q Was he alive?

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A Yes, he was.

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

THE COURT: You may cross-examine.

1967
 JUNE 12
 10:00 AM
 COURT REPORTER
 RAY

CROSS-EXAMINATION

1
2 BY MR. KEITH:

3 Q Mr. DeRosa, Sharon Tate occupied that house with
4 her husband Roman Polanski; is that right?

5 A Yes, I believe so.

6 Q And he's a movie director, or was?

7 A Yes.

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

9 THE COURT: Anything further?

10 MR. KAY: Nothing further.

11 May this witness be ---

12 THE COURT: Any objection to excusing the witness?

13 MR. KEITH: No objection.

14 MR. KAY: No.

15 THE COURT: All right.

16 You may step down, sir, thank you. You are excused.

17 MR. KAY: Call the next witness, Sgt. Whisenhunt.

18
19 WILLIAM T. WHISENHUNT,

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

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

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

26 THE WITNESS: I do.

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

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1 Full the microphone over, please, directly under
2 your chin, up as close as you possibly can, and would you
3 give your name for the record, please.

4 THE WITNESS: William T. Whisenhunt, spelled
5 W-h-i-s-c-n-h-u-n-t.

6
7 DIRECT EXAMINATION

8 BY MR. KAY:

9 Q Sgt. Whisenhunt, what is your current occupation
10 and assignment?

11 A Sergeant of police assigned to personnel division,
12 City of Los Angeles.

13 MR. KEITH: May we approach the bench again, please?

14 THE COURT: Yes, will counsel approach the bench.

15 (The following proceedings were held
16 at the bench:)

17 MR. KEITH: Out of an abundance of caution, I'm going to
18 move to strike all of the testimony of the previous witness
19 on the grounds that I previously stated in objecting to his
20 testimony in the first place.

21 And I'm also going to raise the same objection
22 to this witness' testimony and adopt the same grounds I have
23 heretofore.

24 THE COURT: All right.

25 Well, insofar as striking the prior witness'
26 testimony, that motion is denied.

27 What is the offer as to this witness now?

28 MR. KAY: Well, this witness will not be cumulative.

6-7
1 He'll be testifying about finding the screen --

2 Remember Linda Kasabian testified that Tex Watson
3 was by a screen by the dining room. And he made a horizontal
4 slit.

5 The officer will corroborate that, that he did
6 find a screen off the window with a horizontal slit in it.

7 And he will testify to some of the conditions
8 inside the residence but not as to the bodies or anything.
9 Just as to some of the conditions inside the residence.

10 MR. KEITH: What conditions? What do you mean?

11 MR. KAY: About the trails of blood and the stains on
12 the door.

13 MR. KEITH: Is he going to testify to the dope he found
14 in there?

15 MR. KAY: I don't think he found any.

16 MR. KEITH: Okay, I'll --

17 THE COURT: Well, let me --

18 What is the purpose of this witness' testimony?
19 These things don't corroborate her. The screen might, but as
20 far as the pools of blood or trails of blood, how does that
21 corroborate?

22 MR. KAY: Oh, well, it corroborates her testimony about
23 what Manson said in the bunk room; that it was too messy the
24 night before, and that he was going to go out the night of
25 the LaBianca murders and show them how to do it; that there
26 was too much fear and panic.

27 And, of course, this will corroborate that there
28 was, that there -- that people were running --

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We found two people out on the lawn. There were --
there was blood all over the place.

And, of course, he went along the second night to
show them how it could be done without, you know, having
people run all over and creating fear and panic.

1. And, of course, this corroborates that he did say
2. these things, because that's -- that was what happened at
3. the Tace residence.

4. MR. KEITH: Now you are getting away from the Weiss
5. theory entirely. You are using this, offering this testimony,
6. as corroboration of Linda Kasabian's testimony primarily?

7. MR. KAY: Well, in addition to Weiss.

8. I mean, I've already argued Weiss; but that's the
9. additional ground.

10. MR. KEITH: I just reiterate, she doesn't need any
11. more corroboration than she's already gotten in this case. And,
12. again, this is pure inflammatory testimony.

13. THE COURT: Well, on the theory of the conspiracy, of
14. course, the objection is overruled. I'll find that the
15. probative value is outweighed by its possible prejudicial
16. effect. It will not be time-consuming. I will permit it.

17. Objection is overruled.

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

20. Q BY MR. KAY: Sgt. Whisenhunt, I take it you were
21. in the courtroom when Officer DeRosa testified?

22. A Yes.

23. Q And you know Officer DeRosa?

24. A Yes.

25. Q You heard him mention your name while he was
26. testifying?

27. A Yes, I did.

28. Q All right.

1 Here you the second officer that arrived at the
2 scene of the Tate residence on August 9th, 1969?

3 A Yes.

4 Q And, by the way, could you tell the ladies and
5 gentlemen of the jury basically where the Tate residence is
6 located.

7 A Yes.

8 The Tate residence is located in West Los Angeles
9 up in the mountains, and it is off of Benedict Canyon Road
10 leading off of Sunset Boulevard,

11 Benedict Canyon leads -- I believe it leads up
12 into the mountains off of Sunset, and Cielo Drive is, I believe,
13 two streets off of Benedict Canyon Road.

14 It is kind of difficult to find. It is kind of a
15 windy road leading up to Cielo Drive.

16 Q Is it kind of a secluded area?

17 A Very much so.

18 Q Now, I take it you did enter the location of the
19 Tate residence?

20 A Yes, I did.

21 Q All right.

22 When you were still outside, did you have occasion
23 to view the window outside the dining room of the Tate
24 residence?

25 A Yes.

26 Q All right.

27 And did you notice anything unusual about the
28 condition of that window?

1 The window was partially opened, and the screen
2 had been removed and was sitting underneath the window.

3 MR. KAY: Your Honor, I have a photograph here of an
4 open window with the screen on the ground.

5 May it be marked as People's 145 for identifi-
6 cation?

7 Oh, excuse me, I am sorry, it's already been marked
8 as People's 76 in this trial.

9 THE COURT: All right.

10 MR. KAY: May I approach the witness with People's 76?

11 THE COURT: Yes, you may.

12 Mr. Keith, are you with us here?

13 MR. KEITH: Yes, I'm listening to every word.

14 THE COURT: All right.

15 You may proceed.

16 MR. KEITH: Perhaps I shouldn't say that, but I'm not --

17 Q BY MR. KAY: All right, Sgt. Whisenhunt, showing
18 you People's 76 for identification, do you recognize that
19 photograph?

20 A Yes.

21 Q And what is it?

22 A That's the open window leading to the dining room.
23 The screen has been removed and is sitting beneath the window.

24 Q On that screen did you notice any cuts in the
25 screen?

26 A Yes, I did.

27 Q And would you describe the cut in the screen you
28 saw to the ladies and gentlemen of the jury.

1 A Yes.

2 The cut in the screen runs horizontal, and it's
3 approximately six inches from the bottom of the screen.

4 And, as I recall, it is one continuous slit all the
5 way across the width of the screen.

6 Q All right.

7 And further directing your attention -- looking
8 inside the window -- do you see a dining room table?

9 A Yes.

10 Q And do you see a basket of flowers, looking through
11 one of the windows?

12 A Yes.

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7-1
1 Q Now, I take it you had an occasion to enter the
2 residence.

3 A Yes.

4 Q Actually, you and Officer Durbridge were the first
5 ones to enter?

6 A Yes.

7 Q Did you have occasion to go to --

8 Well, did you have occasion to look throughout
9 the entire house while you were inside?

10 A Yes, sir.

11 MR. KAY: Your Honor, I have a photograph here of a
12 bedroom.

13 May it be marked as People's 146 for identification?

14 THE COURT: It will be 145; yes.

15 MR. KAY: Oh, excuse me; 145.

16 THE COURT: Yes.

17 (Brief pause.)

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

19 THE COURT: Yes, you may.

20 Q BY MR. KAY: Sergeant Hisenhunt, showing you
21 People's 145.

22 Do you recognize what's depicted in that photograph?

23 A Yes, I do.

24 Q And what's depicted?

25 A This is the Sharon Tate bedroom.

26 Q And did you find anything unusual in that
27 bedroom?

28 A Yes, I did.

7-2

1 Q What did you find?

2 A I found a trail of blood leading from the front
3 room of the house down the hallway through Sharon Tate's
4 bedroom out the back door, with bloody hand smears on the
5 back door as you exit toward the pool area.

6 Q And that back door is shown about in the middle
7 of the photograph?

8 A Yes, that's correct.

9 MR. KAY: I have another small photograph here showing
10 a portion of the inside of the residence.

11 May it be marked as People's 146?

12 THE COURT: It may be so marked.

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

14 THE COURT: Yes, you may.

15 Q BY MR. KAY: Sergeant Waisenhunt, showing you
16 People's 146 for identification.

17 Do you recognize what's depicted in that
18 photograph?

19 A Yes.

20 Q And what's depicted there?

21 A This is the hallway leading from the front room
22 of the Tate residence down into Sharon Tate's bedroom, through
23 Sharon Tate's bedroom out the back door, as previously
24 described in the other photograph, to the pool area.

25 Q And what if anything unusual did you find throughout
26 that pathway?

27 A Well, there was a trail of blood leading through
28 the hallway, as depicted in the photograph.

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

2 THE COURT: Yes.

3 (Brief pause.)

4 MR. KAY: I don't have any further questions of this
5 witness.

6 MR. KEITH: I have no questions.

7 May we approach the bench?

8 THE COURT: All right.

9 You may step down. You are excused. Thank you.

10 (The following proceedings were held
11 at the bench.)

12 MR. KEITH: The defendant moves to strike the testimony
13 of this witness on the grounds previously stated, plus
14 irrelevance, plus 352 of the Evidence Code, plus --

15 It only tends to inflame the passions and
16 prejudices of the jury.

17 I think I'm reiterating that, but nonetheless --

18 THE COURT: All right. The motion to strike the
19 testimony is denied as to all grounds.

20 MR. KEITH: I could bring up another matter?

21 Mr. Jackobsen is in the courtroom. He just came
22 in.

23 I would ask --

24 MR. KAY: I'm going to put on Noguchi's stipulation
25 now.

26 MR. KEITH: I didn't realize that.

27 Has Your Honor had an opportunity to look at the
28 proposed stipulation regarding the Coroner Noguchi,

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1 Dr. Noguchi?

2 THE COURT: No, I have not,

3 MR. KEITH: All right. It contains his findings of
4 51 stab wounds on this person, so many stab wounds, blood,
5 wounds created from blunt instruments -- Your Honor can imagine
6 -- because every single victim had multiple stab wounds or
7 multiple bludgeon wounds, or both.

8 This is really carrying this too far. We have
9 already identified five -- six -- five dead bodies in the
10 place.

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1 We have had the two officers. We have had
2 Linda. He's got his corroboration. He's got six dead bodies.

3 He's got his "pigs" on the front of the house.
4 All of these things I objected to previously.

5 Now it appears to me -- more than it appears to me;
6 I'm confident we have reached the point where Noguchi's
7 testimony has got to be offered just for pure inflammatory
8 purposes.

9 And the stipulation, or proposed stipulation, is
10 only to prevent, as far as I'm concerned -- and worse, if it
11 is received --

12 I'm happy to have Your Honor look at it; but I
13 think I am characterizing it properly.

14 It's an autopsy report. In effect somewhat
15 similar to Dr. Katsuyama's, although there is more blood,
16 there are more wounds, more blood.

17 And I see no probative value now. Absolutely no
18 probative value.

19 Linda's been corroborated, if she has to be
20 corroborated. You have got the nature and objects of
21 Helter Skelter. You have got the incidents there to this
22 presumed conspiracy.

23 You have got the acts and declarations of the
24 alleged co-conspirators -- at least we can draw inferences
25 therefrom -- in the form of the scene at the Tate residence.

26 The testimony of Dr. Noguchi is not an act of
27 a conspirator or a declaration of a co-conspirator.

28 It's the result of an act, I suppose; but it's not

1 the act, as the code provides.

2 And he's thoroughly covered all the other matters
3 pertaining to the contended conspiracy.

4 THE COURT: Do you wish to be heard on the matter?

5 MR. KAY: Well, just briefly.

6 I think that I would be entirely justified in
7 actually calling Dr. Noguchi here and having him testify and
8 introducing coroner's photographs.

9 I'm not proposing to introduce any coroner's
10 photographs.

11 I think that, if anything, I'm being kinder to
12 Mr. Keith than the law requires.

13 But I certainly want to show the cause of death.
14 I have to call a coroner.

15 I have never heard of a murder case where you
16 establish -- except when you haven't found the body -- and I
17 of course tried the Shorty Shea case and we didn't.

18 But I think it's incumbent upon the prosecutor,
19 if the body has been found, to call the coroner in to
20 establish the cause of death.

21 And of course the cause of death in this case is
22 greatly corroborative in tying in the Tate murders with the
23 LaBianca murders because of the multiplicity of stab wounds.

24 MR. KEITH: Can anybody dispute the cause of death?
25 The people were dead.

26 MR. KAY: Well --

27 MR. KEITH: They are dead on the lawn and --

28 MR. KAY: Well, people die --

1 MR. KEITH: They were covered with wounds,

2 MR. KAY: People die for different reasons,

3 MR. KEITH: Oh, boy.

4 MR. KAY: And these people die from the same reasons
5 that the LaBiancas died for.

6 And I think it is incumbent that I show that,

7 THE COURT: Well, I will overrule the objection.

8 The court so orders. And I will permit the stipulation in
9 lieu of the testimony,

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1 The objection is overruled, both on the -- the
2 objection based on the Weiss case and also under 352.

3 MR. KEITH: All right. I will go farther than that:
4 I am entering into this stipulation under duress, under
5 protest, and with my objections preserved.

6 THE COURT: Well, the record should so indicate, yes.

7 All right.

8 (The following proceedings were held in
9 open court in the presence of the jury.)

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

11 THE COURT: Yes.

12 (Brief pause.)

13 MR. KAY: At this time, Your Honor, Mr. Keith and I
14 have a stipulation to enter into as to the testimony of
15 Dr. Thomas Noguchi, the Coroner of Los Angeles County.

16 Counsel, may it be stipulated that Dr. Thomas
17 Noguchi be deemed called and sworn as a witness in this case;

18 That Dr. Noguchi testifies that he is a doctor
19 duly licensed to practice medicine in California, and that
20 he is the coroner for the County of Los Angeles;

21 That Dr. Noguchi is an expertly well qualified
22 autopsy surgeon;

23 That on August 9th, 1969, he went to the home
24 of Sharon Tate, located at 10050 Cielo Drive, and viewed all
25 five bodies in the location where they were found;

26 That he noted that inside the location there was
27 a rope around the neck of Sharon Tate;

28 That this rope extended over a beam in the ceiling.

1 and then came down and was wrapped around the neck of
2 Jay Sobring, as depicted in the photograph marked People's 144
3 for identification;

4 He noted that Sharon Tate had rope burns to her
5 left cheekbone; by examining the characteristics of the rope
6 burns he formed the opinion that Sharon Tate's body was
7 suspended in the air; in his opinion the suspension lasted for
8 a short time;

9 On August 10th, 1969, he personally performed
10 an autopsy on the body of Sharon Tate, as depicted in
11 People's 142 for identification;

12 He determined the cause of her death to be
13 multiple stab wounds of the chest and back that penetrated
14 the heart, lungs and liver, causing massive hemorrhage;

15 Sharon Tate was stabbed 16 times; five of the
16 wounds in his opinion would have been fatal in and of
17 themselves;

18 He determined that Sharon Tate was at least eight
19 months pregnant at the time of her death;

20 On August the 10th, 1969, Dr. Noguchi supervised
21 the autopsy of Abigail Folger as depicted in People's 79
22 for identification;

23 The actual examination was conducted by
24 Dr. R. C. Henry, a deputy medical examiner;

25 Dr. Noguchi determined that the cause of death
26 of Abigail Folger was a stab wound of the aorta, causing
27 massive hemorrhage; and Abigail Folger was stabbed 28 times,
28 and in Dr. Noguchi's opinion six of the stab wounds would

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1 have been fatal in and of themselves;

2 On August the 10th, 1969, Dr. Noguchi supervised
3 the autopsy of Jay Sebring, as depicted in People's 143 for
4 identification;

5 The actual autopsy was performed by Dr. R. E.
6 Henry, Deputy Medical Examiner;

7 Dr. Noguchi determined that the cause of death
8 of Jay Sebring was multiple stab wounds which caused him to
9 bleed to death;

10 Jay Sebring was stabbed seven times, and in
11 Dr. Noguchi's opinion three of the stab wounds would have
12 been fatal in and of themselves;

13 Jay Sebring was also shot once, and in
14 Dr. Noguchi's opinion this was also fatal;

15 On August the 10th, 1969, Dr. Noguchi supervised
16 the autopsy of Voytek Frykowski that is depicted in People's 80
17 for identification;

18 The actual autopsy was performed by Dr. Gaston
19 Herrera, a deputy medical examiner;

20 Dr. Noguchi determined the cause of death to be
21 multiple stab wounds causing massive hemorrhage;

22 Voytek Frykowski was stabbed 51 times, and in
23 Dr. Noguchi's opinion seven of the stab wounds were fatal in
24 and of themselves;

25 Mr. Frykowski also suffered 13 scalp lacerations
26 that in Dr. Noguchi's opinion collectively could have been
27 fatal;

28 It is Dr. Noguchi's opinion that the scalp wounds
were caused by a blunt instrument such as the butt of a gun;

1 Mr. Frykowski was also shot twice;
2 The locations of the stab wounds of Mr. Frykowski
3 Dr. Noguchi found to be as follows:

4 Eleven stab wounds to the chest and abdomen;

5 Five stab wounds to the back;

6 Three stab wounds to the right arm;

7 Sixteen stab wounds to the left arm;

8 Five stab wounds to the right hand;

9 Three stab wounds to the left hand;

10 Eight stab wounds to the left leg;

11 In Dr. Noguchi's opinion a number of these stab
12 wounds were inflicted after death, and also a number of the
13 stab wounds appeared to be inflicted during the agonal stage;

14 On August 10th, 1969, Dr. Noguchi supervised the
15 autopsy of Steven Parent, as depicted in People's 78 for
16 identification;

17 The actual autopsy was performed by Dr. Gaston
18 Herrera, a deputy medical examiner;

19 Dr. Noguchi determined the cause of death to be
20 multiple gunshot wounds of the upper chest area;

21 Steven Parent was shot four times with one of the
22 bullets going through his head;

23 Steven Parent also had a stab wound in his left
24 hand which, in Dr. Noguchi's opinion, is a defense stab wound.

25 So stipulated, counsel?

26 MR. KEITH: Yes.

27 THE COURT: All right, the court accepts the stipulation.

28 MR. KAY: At this time, Your Honor, the People would ask

1 the court to take judicial notice of the fact that when the
2 grand jury indicted Miss Van Houton she was indicted under the
3 name of Leslie Sankston.

4 MR. KEITH: Oh, I'll object to the court taking judicial
5 notice of that on the grounds of irrelevancy.

6 What's that got to do with this case?

7 THE COURT: Well, will counsel approach the bench.

8 (The following proceedings were held

9 at the bench:)

10 MR. KEITH: No, I realize what his purpose is is to show
11 some kind of a consciousness of guilt on her part. But I don't
12 think the evidence is sufficient for her being indicted under
13 that name to reach the proportions of that kind of an
14 inference, that merely because she was indicted under the name
15 of Leslie Sankston in and of itself is sufficient to show that
16 in some manner she tended to conceal her identity which, in
17 turn -- and her true name from which, in turn, we can draw the
18 inference that she suffered a consciousness of guilt.

19 That's a double inference.

20 I don't think the evidence in this case merits
21 drawing that double inference, and I will object to the court
22 taking judicial notice of that fact on the grounds of
23 irrelevance despite what the Court of Appeal may have said.

24 MR. RAY: Well, I think, of course, that goes to the
25 weight rather than the admissibility. I think that it is
26 certainly admissible, and what weight the jury gives it is,
27 of course, up to the jury.

28 THE COURT: Well, the objection is sustained.

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The court thinks that it's irrelevant. The name the grand jury used could be for a multitude of reasons which are not relevant here.

There's already been testimony concerning the names that the defendant used at the time of the various arrests, or two arrests, by the police officers.

So the objection is sustained.

1 All right. Now, are we at the point where you
2 are going to offer exhibits?

3 MR. RAY: Yes.

4 THE COURT: Do you know those by numbers that you want
5 to --

6 MR. KEITH: Not really,

7 But I'm wondering if we could take a brief recess;
8 that Jackobson is here and I'd like to confer with him. But I
9 don't want to put him on today.

10 But I'd like to figure out a date where the court
11 can order him back.

12 THE COURT: All right. Let's do this, then: I'll
13 excuse the jury to about 1:30. We will take a ten-minute
14 recess.

15 Do you have any exhibits that you object to?

16 MR. KEITH: The only pictures I object to are the bodies,
17 of course.

18 THE COURT: Let's check them by number so that the
19 record will be clear as to which items you are objecting to.

20 MR. KEITH: Yes.

21 THE COURT: So we'll do that at this time.

22 MR. KEITH: All right.

23 MR. RAY: Okay.

24 MR. KEITH: May I --

25 THE CLERK: Excuse me, we have a juror out.

26 THE COURT: I'm going to let them go until 1:30.

27 THE CLERK: She doesn't have to be here for that. Go
28 ahead.

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1 THE COURT: (To the jury) At this time, ladies and
2 gentlemen, the court is going to take a recess insofar as
3 the jury is concerned. You are at this time to retire to the
4 jury room to return to the court at 1:30.

5 Bear in mind during this recess that you are not
6 to discuss this case amongst yourselves or with anyone else;
7 you are not to form any opinion concerning this matter or
8 express any opinion concerning this matter until the case is
9 finally given to you.

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

12 The jury is directed to return to the jury room
13 at this time. Thank you.

14 (The jury exited the courtroom, and the
15 following proceedings were held:)

16 THE COURT: All right. Let the record show we are now
17 meeting in the absence of the jury.

18 Mr. Keith, I understand you want a short recess
19 to confer with a witness.

20 MR. KEITH: Yes, Your Honor.

21 THE COURT: And we'll recess at this time for ten
22 minutes.

23 I understand that we are going to resume, then,
24 at 20 minutes of 12:00 here when we will discuss the
25 admissibility of exhibits.

26 So I would like counsel to be prepared at that
27 time to state their objections to any exhibits by number so
28 that the court will know precisely the exhibits to which there

1 is an objection.

2 All right. The court will recess, then, for ten
3 minutes until 20 minutes of 12:00.

4 Defendant and counsel are ordered to return at
5 that time.

6 Thank you.

7 (Recess taken.)

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1 THE COURT: People versus Van Houten.

2 Let the record show the defendant is present and
3 represented by counsel; the People are represented by counsel;
4 we are meeting in the absence of the jury.

5 MR. KAY: Yes, Your Honor.

6 At this time the People would move for the
7 introduction of all of the People's exhibits, People's 1 through
8 146.

9 I know several of them have already been admitted,
10 but I will move for the admissibility of all of the ones that
11 have not yet been admitted.

12 THE CLERK: Numbers 49 through 57 were heretofore
13 admitted on April 21st.

14 MR. KEITH: May I address the court on another brief
15 matter before responding to counsel?

16 THE COURT: Yes.

17 MR. KEITH: Mr. Jackobsen, would you come forward.

18 This is Greg Jackobsen, may the court please. I
19 subpoenaed him. He responded promptly.

20 However, by reason of the exigencies of time I have
21 not had an opportunity to talk to him, nor have I had an
22 opportunity, because of prior commitments of other witnesses,
23 to provide for him as a witness this afternoon.

24 I would ask that the court excuse Mr. Jackobsen
25 at this time and order him back for not this Thursday but a
26 week from Thursday. That would be May 26th.

27 THE COURT: All right.

28 MR. KEITH: At 10 a.m.

1 THE COURT: Mr. Jackobsen, you are excused at this time.
2 You are ordered to return to this court on May 26th, 10 a.m.

3 You are to appear at that time without further
4 order, notice, or subpoena.

5 Do you understand that?

6 MR. JACKOBSEN: Yes, sir.

7 THE COURT: All right. That will be the order. Thank
8 you.

9 MR. KEITH: Thanks.

10 THE WITNESS: All right.

11 THE COURT: All right. Now, for the record, the court
12 notes that the following exhibits, 49 through 57, were
13 introduced on April 21st, '77, and that exhibit 85 that had
14 to do with the lyrics of the songs was admitted on May 3rd,
15 '77.

16 None of the other exhibits, so far as my records
17 show, have been admitted as of this date.

18 All right, Mr. Keith.

19 MR. KEITH: I'm going to object to certain photographs.
20 All the photographs are of persons in the posture of death.
21 And this will be exhibits 18, 19, 23, 24 --

22 MR. RAY: Wait, wait, wait. That's too fast.

23 THE COURT: 18, 19 --

24 MR. KEITH: I didn't realize I could talk too fast.
25 23, 24, 25, 26, 27, 29, 32, 33, 34, 35, 36, 38,
26 39, 40, 41, 42, 44, 45, 46, 78 --

27 MR. RAY: Wait, wait.

28 THE COURT: Excuse me. You go from 46, and the next one

1 is 78?

2 MR. KEITH: Yes, Your Honor.

3 THE COURT: Okay, thank you.

4 MR. KEITH: 78, 79, 80, and certain exhibits that were
5 identified today, which would be 134 -- I believe that's a
6 photograph of Sharon Polanski in life. I'm not --

7 Was that in death or life?

8 SGT. SARTUCHE: 134 is Sharon Tate.

9 MR. KEITH: I realize that.

10 THE COURT: 134 is a photograph of Sharon Tate.

11 MR. KEITH: It's in life. I'll object to that on the
12 grounds of irrelevance.

13 135; that's a photograph of Jay Sebring.

14 136; that's a photograph of Abigail Folger, I
15 believe.

16 THE CLERK: Two photos on 136.

17 THE COURT: Yes. That was Folger and Frykowski.

18 MR. KEITH: All right. I'll object to those.

19 I'll object to 135 and 136 collectively on the
20 grounds of irrelevance.

21 I'll object to 78 -- I believe I've done so.

22 THE COURT: Yes.

23 MR. KEITH: 68 is a photograph of a white Rambler. I'll
24 object to that on the grounds of irrelevance.

25 THE COURT: That's 68? Okay.

26 MR. KAY: 68 is the photo of a Standard service station
27 where the wallet was taken.

28 THE BAILIFF: 138.

1 MR. KEITH: Well, 139 is a photograph of a white Rambler.

2 I'll object to that on the grounds of irrelevance.

3 THE COURT: We'll strike 68; that's the service station.

4 MR. KEITH: Excuse me, but I wrote it down wrong
5 obviously.

6 THE COURT: Okay.

7 MR. KEITH: 140, blood on the front porch of the
8 Polanski residence.

9 141, I've got more blood.

10 142 is a photograph of Sharon Tate in death.

11 143 is a photograph of Jay Sebring in death.

12 144 is a photograph of -- another photograph of
13 Sharon Tate in death showing a more expansive scene of the
14 Polanski residence; shows a rope around her neck.

15 145 shows a bedroom at the Polanski residence
16 with more blood.

17 146 shows a hallway at the Polanski residence with
18 a trail of blood.

19 I'll object to 138, the Rambler, on the grounds --

20 There is also a photograph of Steven Parent in
21 death and in the white Rambler.

22 I don't know that I mentioned that or not. I may
23 have.

24 THE COURT: Well, there is a 137 that's a photograph of
25 Steven Parent.

26 MR. KEITH: All right.

27 THE COURT: You have not objected to that.

28 MR. KEITH: I do object to that -- thank you, Your Honor --

1 on the grounds of irrelevance and on the grounds of 352 of the
2 Evidence Code and under the Weiss case and supporting
3 authorities.

4 THE CLERK: Here is another one.

5 MR. KEITH: Pardon me?

6 THE COURT: What is the number on that?

7 THE CLERK: 76.

8 MR. KEITH: Yes, I've already objected to that.

9 THE COURT: That's objected to. That's Steve Parent.

10 MR. KEITH: Yes, I've objected to that.

11 THE COURT: Yes.

12 MR. KAY: Yes.

13 MR. KEITH: That's what my notes show.

14 What is 137?

15 THE COURT: There has been an objection to that already.
16 That is the photo of Steven Parent.

17 MR. KAY: In life.

18 MR. KEITH: Yes, I'll object to that on the grounds of
19 irrelevance only --

20 THE COURT: Yes.

21 MR. KEITH: -- inasmuch as it is in life.

22 Now, the photographs of the dead bodies and the
23 blood and the gore I object to on the grounds that, number
24 one, their prejudicial effect outweighs any probative value.

25 Number two, many of them are cumulative,
26 particularly the coroner's photos of the LaBiancas, which
27 are voluminous in all positions.

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1 And I don't think those photographs, even though
2 they are black and white, would tend to aid the jury that
3 much.

4 There are so many of them that the cumulative
5 effect may be devastating and overly prejudicial. Maybe? I
6 suspect it will be.

7 Those are photographs --

8 THE COURT: They start with 23, the coroner's
9 photographs.

10 MR. KEITH: Yes, 23 all the way up to 46 I believe are
11 coroner's photographs, with some exceptions, of course.

12 For instance, 28, which is not a coroner's
13 photograph, apparently; 30 and 31 are not. 37 --

14 THE COURT: Well, now you are confusing me here with
15 the numbers. You ran through numbers starting with 23, and
16 you went up through --

17 MR. KEITH: 27.

18 THE COURT: -- 46.

19 MR. KEITH: Yes.

20 THE COURT: They were the numbers; and you skipped a
21 number of them now. You are apparently --

22 MR. KEITH: No, no; I skipped a number of them
23 purposely because I have examined the list of exhibits and
24 I'm only objecting to the photographs of bodies.

25 And I believe I covered those photographs in my
26 initial objection, when I said, "28, 30, 31 I don't believe
27 under the evidence -- the exhibit list those are photographs
28 of dead bodies."

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1 So I'm excepting those in my objection, and I didn't
2 meant to imply that I was objecting to those also.

3 THE COURT: All right. So the numbers you have given
4 me are the numbers of those exhibits that you object to.

5 MR. KEITH: Yes.

6 THE COURT: I want to be sure I have got that.

7 All right.

8 MR. KEITH: Yes. On the grounds that their effect is
9 prejudicial. Some of them are cumulative,

10 And I am referring primarily to the coroner's
11 photographs. Even though in black and white, they tend to
12 inflame the passions and prejudices of a juror, who is just
13 a human being, and they don't see things like those photographs,
14 which are gruesome, and may lose sight of the evidence.

15 And the real issue in this case is the state of
16 mind of Miss Van Houten.

17 Unfortunately the photographs have a tendency to
18 obscure that issue because of the very horror created by
19 seeing those photographs.

20 Now, most people, may the court please -- they
21 don't bother me any, and they don't bother you. We have seen
22 hundreds of them.

23 But most people have never seen a dead body.
24 Much less -- either an actual dead body or pictures of dead
25 bodies, particularly people who have been stabbed or beaten
26 to death.

27 It's an experience that the average lay juror
28 does not go through.

1 There is obviously one member of the jury this
2 isn't going to bother at all. He sees it every day.

3 But the other 11, including the alternates,
4 haven't.

5 And I believe very sincerely that this kind of
6 evidence has a shock value which may obscure in the minds of
7 the jurors the real issue in this case, and their effect
8 would be prejudicial and inflammatory and would obfuscate
9 the dispassionate manner in which jurors should view the
10 evidence.

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1 And they can't view Miss Van Houten's state of
2 mind dispassionately when they have these pictures in front
3 of them.

4 That's why I object on the grounds that their
5 relevance, if any, is far outweighed by the prejudicial
6 and inflammatory effect those pictures are bound to have.

7 Furthermore, there is a cumulative effect of the
8 coroner's photographs, which range from 23 through 46, with
9 certain exceptions -- that's what I meant when I --

10 THE COURT: All right.

11 MR. KEITH: -- when I alluded to certain exhibit numbers
12 that I am not objecting to.

13 And I will submit the matter on that grounds.

14 Your Honor is familiar with the law. I'm sure
15 you are familiar with my position. And I'm sure you are
16 familiar with the reaction of lay people to the type of
17 pictures that the district attorney is offering.

18 I further object to the photographs of the
19 persons who were killed at the Polanski residence on the
20 additional grounds of relevance.

21 I believe I have covered it as to these photographs.
22 They would be primarily 78, 79, 80 and certain others.

23 Not only do they have a severe relevance problem
24 but also even -- even a more severe prejudice problem because
25 Miss Van Houten is not charged with the homicides as to the
26 persons in the Polanski residence, which originally were
27 counts I imagine I through V; I'm not precisely sure.

28 But she is not charged with those. And to have

1 these photographs received in evidence would be doubly
2 prejudicial and doubly calculated to inflame the passions
3 and prejudices of the jury.

4 THE COURT: All right.

5 In regard to the photographs of the coroner --

6 MR. KEITH: There are many duplications from every angle.
7 The repetitiousness or cumulative -- or the cumulation of
8 these photographs is what I object to.

9 THE COURT: Well, now, the nature of the injuries
10 sustained do have relevance in this case, don't they?

11 MR. KEITH: You will notice I am not objecting to the
12 coroner's diagrams. They certainly do have some relevance,
13 some relevance.

14 I'm not saying they don't. I'm saying there is
15 a cumulative effect.

16 I'm further saying there is a prejudicial effect
17 which outweighs the probative value of these photographs.

18 Certainly I cannot sit here and -- stand, rather,
19 and say with any candor that there is not some relevance as
20 to these photographs.

21 And again you will note I am not objecting to the
22 diagrams drawn by Dr. Katsuyama and his staff relating to
23 Leno and Rosemary Ladianca, because I certainly intend to use
24 that diagram in argument.

25 It's the photographs I am objecting to.

26 THE COURT: All right. Is there anything further?

27 MR. KEITH: No.

28 THE COURT: All right.

1 Mr. Kay, do you wish to be heard?

2 MR. KAY: Well, just briefly, Your Honor.

3 I think that the appellate court in the case of
4 People versus Hanson at 61 Cal. App. 3d, at page 159 addressed
5 this issue.

6 All of these exhibits that Mr. Keith is objecting
7 to were introduced at the first trial.

8 And the court specifically found that the
9 probative value did outweigh the prejudicial value under 352,
10 and that they were admissible.

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1 I think that Mr. Keith standing up here and saying
2 that "The issue in this case is Miss Van Houten's state of
3 mind, and therefore these photographs have no bearing on her
4 state of mind" is just absolutely absurd.

5 Of course they have a bearing on her state of
6 mind.

7 I think certainly the pictures of Rosemary
8 Lallianca show her handiwork. And all of the pictures show
9 malice. And the court pointed that out.

10 These photographs not only show malice, which is
11 a material issue in this case; they show premeditation. ✓

12 They show the connection between the Tate and
13 Lallianca murders. The fact that these were Helter Skelter
14 murders.

15 If you remember the way that Mr. Manson described
16 for the Family, long before the murders happened, how the
17 murders were going to take place:

18 That they were going to be vicious, atrocious
19 murders; bodies were going to be cut up and blood was going
20 to be -- there was going to be writing on the wall in the
21 victims' blood.

22 And certainly the type of wounds that the victims
23 in this case suffered go right along with what Mr. Manson
24 told his Family, and they tie in these two murders, the two
25 nights of murders, the Tate and Lallianca murders.

26 Many of the photographs of course are coroner's
27 photographs; and the court will note that I did not admit
28 colored coroner's photographs, although I have them.

EXHIBIT

1 I admitted the black and white photographs, which
2 I'm sure that Mr. Keith can't complain are as prejudicial
3 as colored coroner's photographs.

4 Dr. Katsuyama described the wounds, used these
5 photographs. They were taken at his direction.

6 They all show the nature of the wounds, the
7 stab wounds, the location.

8 They clearly show malice, and certainly were an
9 aid to Dr. Katsuyama in his testimony.

10 There's just been a long line of cases in
11 California about the admissibility of photographs.

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1 In People versus Adamson, 27 Cal. 2d 478, at
2 page 486, the Supreme Court states,

3 "Except in rare cases, ^{of} every abuse,
4 demonstrative evidence that tends to prove a material
5 issue --"

6 and certainly these photographs tend to prove a material issue
7 about the state of mind and also the motive of the
8 perpetrators --

9 "or clarify the circumstances of the crime --"
10 and of course these photographs certainly clarify circumstances
11 of the crime --

12 "is admissible despite its prejudicial ^T pendency.

13 "The California Supreme Court has
14 repeatedly held that even color photographs are
15 admissible at criminal trial."

16 And color photographs of dead bodies, such as People versus
17 Carter, 48 Cal. 2d 737 at page 751;

18 People versus Love at 53 Cal. 2d 843 at page 852;

19 People versus Harrison at 59 Cal. 2d page 622;

20 People versus Matthis, H-a-t-t-h-i-s, at
21 63 Cal. 2d 416 at page 423; and

22 People versus La Verne at 64 Cal. 2d 265.

23 And then People versus Cruz at 264 Cal. App. 2d
24 350.

25 The court there held that,

26 "Gruesome pictures of the nude body
27 of the victim with multiple cuts and abrasions
28 were held admissible despite the defendant's

1 stipulation that the cause of death was from
2 gunshot wounds. The court held that the photographs
3 of the wound before the killing were probative of the
4 defendant's state of mind and supported the
5 prosecution's theory of premeditation."

6 In *People versus Toth, T-o-t-h*, at 182 Cal. App.
7 2d 819, plus the *Harrison* and *La Verne* cases, which I already
8 cited, the courts held:

9 "The multiplicity of the wounds and
10 severity of the wounds were admissible on the issue
11 of malice aforethought."

12 And, of course, the *Hanson* case opinion written
13 by Judge Vogel at page 159 points that out, that it is
14 admissible on the -- the cause of the malice, and also that
15 they -- they corroborate the testimony of Linda Kasabian,
16 the photographs at the Tate residence anyway.

17 The Supreme Court has certainly held in other
18 cases photographs properly admissible that can be argued to
19 be much more gruesome than the ones in our case.

20 In *People versus Reese* at 47 Cal. 2d 112 the
21 court held that the photograph was admissible of the female
22 victim, and she was mutilated. Her breasts were cut off and
23 the abdomen was cut from the vagina to the navel. And the
24 court held that that photograph of that victim was admissible.

25 I think that certainly the photographs of the
26 victims at the Tate residence -- we've argued about that
27 before -- of course, they have to, in my estimation, be
28 admitted to show the location of where they were, the

1 identification by Linda Kasabian -- if you remember, she
2 identified the man with the vest and where he was standing
3 on the porch and that Tex Watson was hitting him over the
4 head. And she specifically identified the photograph of
5 Veytek Frykowski as the man she saw with the vest.

6 And, of course, the photograph does show that
7 the man is wearing a vest.

8 She testified that Patricia Krenwinkel was chasing --
9 Well, Patricia Krenwinkel with an upraised knife in her
10 hand was chasing a woman that had long, dark hair and a white
11 gown.

12 And clearly the photograph of Abigail Folger
13 shows that Abigail Folger was, in fact, wearing a long,
14 white gown and has long, dark hair.

15 And Steven Parent. She testified that Mr. Parent
16 was slumped to the right after Tex Watson shot him.

17 This is certainly corroborated by Officer DeRosa's
18 testimony and the photograph of Steven Parent showing that he
19 was, in fact, slumped to the right side.

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1 The photographs of Sharon Tate and Jay Sebring
2 go to corroborate Linda Kasabian even further, because she
3 testified that Tex Watson was carrying a rope with him up to
4 the house as he was walking up there.

5 And, of course, the murders were supposed to be
6 gruesome. I mean, that was the plan. They wanted to inflame
7 the white community so the white people would come down and
8 start killing black people to start this Holter Skelter race
9 war.

10 And, of course, the rope around Sharon Tate's
11 neck, and then going over the beam and around Jay Sebring's
12 neck, corroborates the -- helps corroborate the testimony of
13 Dr. Noguchi that Sharon Tate was hung, by the rope burns on
14 her face.

15 Well, was there any other specific exhibit that
16 the court would like to hear? I mean, I think my arguments
17 cover generally all of the exhibits, but if there is any
18 specific exhibit that the court wants to hear, I'll address
19 myself to that.

20 THE COURT: Well, not at this time.

21 MR. KAY: Okay.

22 THE COURT: Anything further, Mr. Keith?

23 MR. KAY: Thank you. I'll submit it.

24 MR. KEITH: Only, may the court please, that the photo-
25 graphs of the bodies at the Tate residence and within the
26 Tate residence -- I'm including the hallway and the bedroom
27 and the other photographs showing blood -- in ruling on
28 counsel's offer into evidence of those photographs, I'd really

1 like Your Honor to bear in mind that Miss Van Houten is not
2 charged with those homicides. It is not even contended that
3 she was at the Tate residence at any time.

4 To me, the introduction of those photographs in
5 particular have little relevance.

6 Nobody is going to contend that Linda Kasabian
7 needs corroboration or that we are, or that Dr. Noguchi needs
8 corroboration.

9 THE COURT: Well, the court is obligated to instruct
10 the jury that Linda Kasabian is an accomplice as a matter of
11 law, and that her testimony must be corroborated.

12 MR. KEITH: But it has been corroborated. It's been
13 corroborated in many different ways, without my belaboring
14 the subject.

15 And to put in photographs of Sharon Tate in death,
16 and the other individuals who met their deaths, in death,
17 within the residence, with all the blood, seems -- and wounds --
18 seems to me to go absolutely far beyond the duty of the
19 court -- or the district attorney rather than the court -- in
20 attempting to corroborate Linda Kasabian.

21 If that's his theory and his only theory the
22 inflammatory value of those pictures far, far, far -- you
23 can't say far enough -- outweighs -- outweighs any probative
24 value they may have.

25 You've got to bear in mind who these jurors are.
26 They are lay people. I'm repeating myself. They have never
27 seen anything like this except perhaps Mr. Gillespie (sic)
28 I'm sure has. But other than that, it is going to be

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1 devastating for them to see those photographs of Sharon Tate.

2 And that certainly doesn't have relevance to
3 Miss Van Houten's state of mind the next night, because she's
4 not charged with those homicides.

5 The tendency is going to be overwhelming to
6 prejudice the jurors against her and again to lose sight of
7 what I consider to be the main issue in this case.

8 THE COURT: All right.

9 The court is going to ask the clerk to pull those
10 exhibits. And then I'll look at them during the noon hour
11 and review them and make my ruling at 1:30.

12 So I want to go over each one.

13 As you know, during the course of the trial, as
14 they were identified, the court has not had a good view of
15 those exhibits. I've seen them only as the witnesses have
16 held them, and particularly the photographs to which you are
17 objecting. The court has not had a view. And in order to
18 adequately and properly review this matter, I'm going to have
19 to take a look at those.

20 So the court at this time will recess.

21 If, after looking at them, I have any further
22 questions, I'll give counsel a further opportunity to argue
23 the matter.

24 The court will recess at this time until 1:30.
25 Defendant and counsel are ordered to be present at that time.

26 (At 12:10 p.m. a recess was taken
27 until 1:30 p.m. of the same day.)
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1 LOS ANGELES, CALIFORNIA, TUESDAY, MAY 17, 1977, 1:50 P.M.

2 DEPARTMENT NO. 130

HON. EDWARD A. HINZ, JR., JUDGE

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4 (Appearances as heretofore noted.)

5 (The following proceedings were held in

6 open court out of the presence of the jury.)

7 THE COURT: All right, People versus Van Houten.

8 Let the record show the defendant is present,
9 represented by counsel, the People are represented by counsel;
10 we are meeting in the absence of the jury.

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1 In this matter the court has looked at each of
2 the exhibits that have been objected to by counsel for the
3 defense. Those are the numbers that have previously been put
4 on the record in this matter.

5 The court in reviewing the photographs, of course,
6 is cognizant that many of them are gruesome. There is no
7 doubt about that. They show a vast amount of serious fatal
8 injury. They show -- various photographs show a large amount
9 of blood. They are pictures which are not pleasant to look
10 at.

11 There is no doubt that looking at the photographs
12 have an effect on anybody that looks at them.

13 However, the issue before the court is not whether,
14 given those things, they should not be admitted; the issue is
15 whether the effect of the photographs is such that their
16 prejudicial effect would overcome their probative value.

17 And, of course, that is the nub of the argument
18 that the court has heard from counsel in this matter.

19 First, by way of observation, while it is true
20 that the defendant before this court is not charged with the
21 Tate homicides, these are within -- those homicides are within
22 the Count VIII, which is a conspiracy to commit murder, which
23 includes both the Tate and the LaBianca homicides.

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1 The relevance of the photographs is manifest.
2 They of course are important to show the state of mind of the
3 defendant, going to the issue of malice and the other issues
4 and things that have been pointed out by the Court of Appeal,
5 which previously had this case before it.

6 Each of the exhibits that have been objected to
7 in this case were previously admitted at the other trial.
8 In fact, the envelopes contain each photograph in a separate
9 envelope; and the face of the envelopes shows the exhibit
10 number of the same photograph when it was before the court
11 in the first trial of this defendant along with the trial of
12 the co-defendants.

13 The court, having reviewed these photographs,
14 and being cognizant of the arguments made, orders that each
15 of the items be admitted into evidence.

16 The court finds of course, while they are gruesome,
17 that their probative value -- the issues before this court
18 are manifest; they are extremely relevant.

19 And to adopt the words of the Court of Appeal,
20 "Their relevance outweighs any possibility of prejudicial
21 effect in terms of the law."

22 All right. I should note for the record in
23 regard to another exhibit that has not been objected to,
24 we had an exhibit that was marked for identification, No. 20.

25 Thereafter that exhibit was remarked in its
26 parts 20-A, -B, -C and -D.

27 We no longer have an Exhibit 20. Each of those
28 parts -- 20-A is certain hair, 20-B is hair, 20-C relates to

13-2

1 hair and 20-D are the seven vials of the blood samples.

2 Go the court is going to admit 20-A, -B, -C and
3 -D. 20 has been renumbered.

4 So the record should be clear on that.

5 All right. Could we have the jury brought back,
6 please.

7 MR. KEITH: May we approach the bench?

8 THE COURT: Yes.

9 (The following proceedings were held
10 at the bench):

11 THE COURT: Yes.

12 MR. KEITH: I have my first witness here, and I can
13 put him on now, Mr. Peters, a friend of the Van Houten family
14 and Miss Van Houten.

15 I don't think he will be too long.

16 I thought I'd do that now, and maybe after --
17 I don't have another witness. I thought maybe the court
18 would like to listen to the tape after.

19 MR. KAY: Yes.

20 THE COURT: All right.

21 MR. KAY: I would.

22 MR. KEITH: After we have discussed this.

23 THE COURT: All right. Let's do that, then.

24 MR. KAY: So we can excuse the jury after this witness,
25 then.

26 THE COURT: Yes. I take it there will be no other
27 witnesses; so we will order them back for 10:00 tomorrow.

28 MR. KEITH: No, I didn't deliberately have any other

13-3

1 witness come down because of Mr. Key wanting to listen to the
2 tape, and maybe Your Honor would like to.

3 THE COURT: I understand. There is no problem with that.

4 All right.

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U.S. DEPARTMENT OF JUSTICE
WASHINGTON, D.C. 20535

14-1
1 (The following proceedings were held in
2 open court in the presence of the jury:)

3 THE COURT: Let the record show that we are now meeting
4 in the presence of the jury.

5 MR. KAY: Yes, Your Honor.

6 At this point the People will offer into evidence
7 People's 1 through 146 for identification. We'll offer all
8 these items into evidence.

9 I know that certain items have already been
10 received, but I will offer all the ones that have not yet
11 been actually received into evidence.

12 THE COURT: All right. The motion is granted.

13 The court, for the record, admits into evidence
14 People's Exhibits 1 through 19, exhibits 20-A, 20-B, 20-C, and
15 20-D, exhibits 21 through 43. Exhibits 49 through 57 have
16 previously been admitted.

17 The court admits exhibits 58 through 84 inclusive.
18 Exhibit 85 has previously been admitted into evidence.

19 The court admits exhibits 86 through 146 inclusive.

20 MR. KAY: The People will rest at this point, Your Honor.

21 THE COURT: All right, thank you.

22 Case is with the defense.

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24 DEFENSE

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26 MR. REITH: Mr. Peters, would you take the stand, please.
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GLEN PETERS,

called as a witness by the defendant, 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, please, for the record.

THE WITNESS: Glen Peters.

THE CLERK: Thank you.

THE COURT: You may proceed.

MR. KEITH: Thank you, Your Honor.

DIRECT EXAMINATION

BY MR. KEITH:

Q Mr. Peters, what is your business or occupation at the present time?

A I'm advertising manager of the magazine division of the Los Angeles Times.

Q And how long have you had that position?

A About ten years.

Q Where do you presently reside?

- 1 A 2433 Fairgreen Avenue in Monrovia.
- 2 Q And how long have you lived at that address, sir?
- 3 A About twenty years.
- 4 Q Mr. Peters, do you know Leslie Van Houten?
- 5 A Yes.
- 6 Q How long have you known her?
- 7 A Since she was three years old.
- 8 Q And she's presently 27?
- 9 A Yes.
- 10 Q That would be 24 years?
- 11 A Right.
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1 Q And do you also know her family?

2 A Yes.

3 Q And have you known her family for approximately
4 the same length of time --

5 A Yes.

6 Q -- you know Leslie?

7 A We met them at that time.

8 Q Now, when Leslie was three, when you first met
9 her, and thereafter, did the Van Houtens live in your
10 neighborhood?

11 A Yes, The Van Houtens lived a few doors from us,
12 and we met them that way and became close friends.

13 Q Have you been close friends of the Van Houten
14 family and their children since you first met them?

15 A Yes.

16 Q My wife took Leslie for -- to get her first
17 haircut.

18 Q Leslie and my son took swimming lessons together.

19 We vacationed together from time to time.

20 Q Leslie was in our home much of the time during
21 the time that she was a child.

22 Q I take it, then, that Leslie and her brothers
23 and sister and the Van Houten seniors were very close friends
24 of you and your family.

25 A Yes, they were and are.

26 Q Now, at some time in the 1950s, Mr. Peters, did
27 the Van Houtens adopt two children?

28 A Yes, They adopted two children from Korea; two

1 Korean orphans.

2 Q Do you remember the year that that occurred?

3 A No, I'm sorry, I don't.

4 Q Would 1957 or thereabouts sound --

5 A Yeah, probably.

6 Q -- sound relatively accurate?

7 A Yes.

8 Q And do you remember how old these children were
9 when they were adopted?

10 A The boy David must have been about one or two, and
11 the girl maybe three or four, I would say.

12 I haven't thought back on that time for a while,
13 but I think that's right.

14 Q And they are now grown?

15 A Yes.

16 Q To your knowledge, do Betsy and David still --
17 maybe not live with Mrs. Van Houten, but bear a close relation-
18 ship to her?

19 A Yes, they have a very close relationship.

20 David is married, and Betsy does not live at home
21 but she has her own place and has a job, goes to school.

22 And they are very close.

23 Q Now, in or about 1962 or 1963, did the Van Houtens
24 senior separate and become divorced?

25 A Yes.

26 Q And you were aware of that --

27 A Oh, yes.

28 Q -- I take it?

1 A Uh-huh.

2 Q Now, incidentally, Leslie was born in 1949, I
3 believe.

4 You would have met her initially, say, 1952 --

5 A Yes.

6 Q -- when she was three.

7 Did you see Leslie and her parents and the other
8 children often right up to the time -- and we'll use this as
9 a frame of reference -- right up to the time the Van Houtens
10 enior separated?

11 A Yes, yes.

12 Q And you tell us she was in your house regularly?

13 A Yes. We were -- we were very close.

14 They didn't live far, as I've indicated, and so
15 we saw a great deal of them.

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1 Q You went on vacations together, I believe you said.

2 A We took vacations together.

3 I remember particularly New Year's Eve was always
4 an interesting experience because it was a family experience
5 and New Year's Eve was spent with the kids.

6 And when Datsy and David were adopted they became
7 a part of that experience.

8 So we were close, yes.

9 Q Mr. Peters, up to the time of the separation of
10 Mr. and Mrs. Van Houten were you aware of any, let's say,
11 strife between Leslie's parents?

12 A No.

13 Q Discord?

14 A No, not in those terms.

15 No, it was not -- there was no open discord
16 involved in their experience, nor was there in the divorce.

17 Q All right.

18 Now, did their separation and divorce come as a
19 shock to you, or were you -- or did you have some awareness
20 that they were drifting apart?

21 MR. KAY: Well, I'm going to object; it appears to be
22 irrelevant.

23 THE COURT: The objection is sustained.

24 Q BY MR. KEITH: Be that as it may, you learned of
25 their separation.

26 A Yes.

27 Q And was this when Van, or Mr. Van Houten, left?

28 A Yes, Jane told us that he had left, yes.

15-2

1 Q And this was in 1962 or '63, to the best of your
2 recollection.

3 A Yes.

4 Q Now, could you describe Leslie for us as a little
5 girl up to the time, let's say, of her parents' separation.

6 A I suppose that the term "normal childhood" is an
7 overworked cliché, but -- as if there is such a thing as a
8 normal childhood.

9 But it would certainly describe Leslie. She --
10 Her parents were active in the church. She and her brother
11 went to Sunday school.

12 When she started school she did those things that
13 her friends did. She was very popular. She was never in any
14 trouble.

15 I remember particularly the way she loved animals,
16 as did her brother.

17 s She had a childhood that was filled with love.

18 Q Incidentally, I neglected Leslie's older brother.
19 His name is Paul?

20 A Yes.

21 Q And do you know how much older he is than Leslie?

22 A (No response.)

23 Q It would be three or four years?

24 A Paul is probably three years older than Leslie.
25 I think he's 30 or 31 now.

26 Q Do you know where he resides?

27 A Yes; he lives in San Francisco. The two are very
28 close.

1 Q Did you observe, Mr. Peters, any reaction in
2 Leslie when her parents separated and ultimately were divorced?

3 A I can't say that I observed any.

4 I often thought about it, and thought at the time
5 what an impact that must have had on the whole family.
6 They were a close family.

7 And -- but there was no obvious change.

8 It was a situation, as I say, that was done
9 without serious recriminations, in such a way that it would
10 affect the family, I think. Both Jane and Van were conscious
11 of that.

12 Q Incidentally, Mr. Peters, up to the time of the
13 divorce what was Mr. Van Houten's occupation?

14 A Van was then and still is an automobile auctioneer.

15 Q And what was Jane's occupation?

16 A Well, Jane during that period was a housewife.
17 She did not work at all. She was --

18 Q At some later time did she become a teacher?

19 A Yes; she went back to school.

20 Q Was this after the separation?

21 A Yes. She went back to school, went to school,
22 got a Master's Degree and is a teacher today.

23 Q Did Jane at one time teach -- if you know --
24 retarded or disadvantaged children?

25 MR. BAY: Well, I will object. That appears to be
26 irrelevant.

27 THE COURT: The objection is sustained.

28 Q BY MR. LEITH: Did Mrs. Van Houten go back to

15-4

1 college some time after the divorce?

2 A Yes.

3 Q But up to that time she had not worked, to your
4 knowledge?

5 A No, she had not worked.

6 She was very busy in the church and school, and
7 so forth, and busy with her home.

8 Q And to your knowledge was Van a member of AA?

9 A Yes.

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1 Q Had he been from the time you first met him?

2 A Yes. Van -- Yes, he had been a member of
3 Alcoholics Anonymous when we first knew him, and had been for
4 some time.

5 Q And was he, to your knowledge, active in that
6 organization?

7 A Yes, very active.

8 Q And to your knowledge did he speak regularly?

9 A Yes, he spoke regularly at AA meetings.
10 And he of course was on call when people needed
11 help.

12 Q He spoke generally during the evenings, if you
13 know?

14 A More often than not, yes. Sometimes two, three
15 nights a week.

16 Q All right.

17 Do you know where Leslie went to high school?

18 A She went to Monrovia High School.

19 Q And to your knowledge did she graduate from
20 Monrovia High School?

21 A Yes.

22 Q Do you remember what year it was she graduated?
23 If not, maybe I can refresh your recollection.

24 A No; you better help me.

25 Q Would 1967 sound --

26 A Yes, yes.

27 Q All right.

28 Now, up to the time of her graduation did Leslie

1 remain in her parents' home, or at least after the separation,
2 where Mrs. Van Houten lived?

3 A Yes, um-hum.

4 Q I should ask you that: Did Mrs. Van Houten remain
5 in the family home near yours?

6 A Yes.

7 Q And Mr. Van Houten left, of course.

8 A Yes.

9 Q And did he move to the beach?

10 A I think he moved to Manhattan Beach, yes.

11 We used to see him from time to time, but I was
12 never down there.

13 Q When you say "We used to see him from time to
14 time," are you talking about yourself and Mrs. Peters?

15 A Yes.

16 Q And he would come up?

17 A He would come up and see the kids and Jane, and
18 we would more often than not see him.

19 Q After Mr. Van Houten left did you continue, you
20 and your family, continue to see Mrs. Van Houten and her
21 children as much as you had in the past?

22 A Yes, yes.

23 Q Now, focusing, if I may, on Leslie's freshmen and
24 junior year in Honrovia High School.

25 I take it you saw her quite often during those
26 two years.

27 A Yes.

28 Q And do you have any knowledge of her student

1 activities at all during those years?

2 A Well, she was active in school.

3 She got fairly good grades, as I remember. She
4 was selected -- and I'm not sure whether she was a junior in
5 high school -- I suspect she may have been, or maybe a senior --
6 as a homecoming princess for the final period, the final
7 football game, as I remember.

8 And she had a very good school experience up until
9 the time that she was a junior, I think.

10 Q To your knowledge did Leslie sometime perhaps
11 beginning in her junior or perhaps sophomore year have a
12 close boyfriend?

13 A Yes.

14 Q If you know,

15 A Yes. I knew him, yes.

16 Q Did you ever meet him?

17 A Yes; I met him in her home, as I remember. ✓

18 Q And do you remember his name?

19 A It was Bob Mackey.

20 Q Do you remember, Mr. Peters, how old Leslie was
21 when she became attached, let's say, to Bobby Mackey?

22 A Well, she must have been 15 or 16, I would think.

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1 Q Somewhere in that area?

2 A Yes.

3 Q And I gather from your testimony you were aware
4 of their relationship; is that correct?

5 A Yes.

6 Q Were you aware of the depth of the relationship?

7 A No, I think not. I was not aware of how deeply
8 involved they were, but I knew about it and --

9 Q Now, when Leslie was in high school did she
10 continue to visit your home as much as she had throughout her
11 earlier childhood?

12 A No, I think not. She would come by when she was
13 going by or when she'd --

14 Sometimes if she was riding her bicycle, she'd
15 stop by, and we were usually down there on weekends.

16 But --

17 Q Down where on weekends?

18 A At her home. They lived down the street.

19 And -- but she was not in our house as much, but
20 we saw a great deal of her.

21 Q Did you -- Let me put it this way: Were you fond
22 of Leslie?

23 A Oh, yes; oh, yes.

24 Q And are you still?

25 A Yes.

26 Q Now, Mr. Peters, did Leslie graduate from Monrovia
27 High, if you know?

28 A Yes.

16-2

1 Q And did she go somewhere after that?

2 A I think, as I remember, after she graduated from
3 high school, she went down to live with her father for a
4 period. I think about a year.

5 I'm not sure about that.

6 Q And at that time, to your knowledge, was Van, or
7 Mr. Van Houton, living in Manhattan Beach?

8 A Yes.

9 Q And did Leslie attend a school, to your knowledge,
10 while she was with her father?

11 A Yes. I think it was that period that she went to
12 Sawyer's Business School.

13 Q All right.

14 Now, did you -- would it be accurate -- don't let
15 me put words in -- would it be accurate to say that she lived
16 with her father and attended Sawyer's Business School subsequent
17 to her graduation from high school in 1967 through to the
18 summer of 1968?

19 A The dates I'm not that familiar with, but that
20 was the sequence of events, yes.

21 Q And did you see very much of her during that year
22 or so when she lived in Manhattan Beach?

23 A Not as much.

24 She would come up to see her mother from time to
25 time, and sometimes we'd see her. Sometimes we wouldn't.

26 We always heard when she had been up from Jane.

27 Q Did you observe any change in Leslie's demeanor
28 or attitudes, oh, let's say, from the time she was a senior in

1 high school to the time you saw her on occasion when she was
2 living in Manhattan Beach?

3 A We noticed some changes.

4 Q You can't very well say "we." You have to speak
5 for your own mind.

6 A I. I noticed some changes, yes.

7 Q And could you tell us what changes you may have
8 noticed.

9 A Well, trying to look back on that period, I
10 remember thinking that there were some things that seemed to
11 be different about her.

12 Q Was it anything you could put your finger on?

13 A Oh, I really don't think that I could, except she,
14 I guess as good an expression as I can think of right now,
15 on occasion seemed a bit spaced out.

16 Q Incidentally, did you know anything, assuming that
17 to be the case, about any drug-taking on the part of -- by
18 Leslie, let's say, from the time she was 15 to the time she was
19 through Sawyer's Business School?

20 A I don't know of my own knowledge. We used --

21 MR. KAY: Well, I'll object to anything further. It
22 would be hearsay.

23 THE COURT: Well, that's the answer.

24 Put your next question.

25 Q BY MR. REITH: Did you observe any conduct or
26 attitude on Leslie's part that made you suspicious?

27 A When she would stop by on occasion I would feel --

28 Q You indicated she seemed spaced out.

1 A She seemed different.

2 There would be -- I couldn't get her concentration.

3 I couldn't get her to listen sometimes as we'd be talking.

4 Or sometimes I would be talking with her, and it would almost

5 be as though she had left me.

6 But it was not -- I was not in a position to make

7 an evaluation of that, but that certainly was the case.

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1 Q Did you observe in this period of time, and again
2 I'm talking about her latter years in high school and the
3 year that she lived in Manhattan Beach, any change in her
4 attitudes or beliefs?

5 A She was -- she became involved, and again my
6 timing -- my time space here may be wrong -- but it seemed
7 to me that she became involved with a sect of some kind.

8 Q Would that be the self-realization program?

9 A Probably.

10 There were so many of them springing up then,
11 And occasionally we would talk about it, and
12 sometimes I would not understand what she was saying.

13 But I remember that as a part of this experience.

14 Q Do you remember anything she may have said about
15 the self-realization program or some other sect that she may
16 have --

17 A No, no.

18 Q -- became involved in?

19 A Nothing specific.

20 Q You just remember, I take it, her talking about --

21 A And she was involved. And we would -- she talked,
22 I remember once, about a man who was the leader of the group.

23 But this was in --

24 Q This was before Manson?

25 A Oh, yes, yes.

26 Q Do you know anything or did you then know anything
27 of your own knowledge about the breakup of her affair with
28 Bobby Mackey?

1 A Did not know any details on that.

2 Q Did you know that they had broken up?

3 A Yes, that they had split.

4 Q Did you learn that after the fact, or were you
5 aware of it at the time, or what?

6 A I think Jane told us about that.

7 Q All right.

8 Now, at some point, Mr. Peters, did you stop seeing
9 Leslie again; not by choice but because she wasn't around?

10 A She was -- yes, yes.

11 Q Incidentally -- Strike that.

12 When was that? Can you remember?

13 A Well, it is a bit hard to remember specifically.

14 She was -- when she moved down to the beach, she would be there
15 and then she would not be there.

16 And she would -- we would see her and then we
17 wouldn't see her for a while.

18 Q Was there a time, though, that you didn't see her
19 at all any more?

20 A Yes, yes, yes.

21 Q And would this have been after she finished
22 Sawyer's Business College?

23 A Yes.

24 Q To your knowledge, and using a term that was
25 popular at the time, did she drop out?

26 A Yes.

27 Q And did you know where she went?

28 A No.

16-7
1 Q All right.

2 Now, using the summer of 1968 as a reference point,
3 how long was it before you ever saw her again?

4 Now, let's assume, for the sake of discussion,
5 she had dropped out in the summer of 1968.

6 A I can --

7 Q Would it have been months?

8 A Yes, it would have been months. I --

9 Go ahead.

10 Q You were about to say something?

11 A I know I can tell you I remember that we did not
12 see her. I remember that we -- that she had disappeared.

13 And --

14 Q When you say she disappeared, are you suggesting
15 that her mother didn't even know where she was? ←

16 A No. Jane --

17 MR. RAY: Well, I'll object. That calls for a conclusion.

18 THE COURT: Well, the objection is sustained.

19 Q BY MR. KEITH: When she disappeared, at least you
20 didn't hear from her.

21 A No.

22 Q Or your wife?

23 A No.

24 Q Or see her?

25 A No.

26 Q Now, you started to say something about that
27 disappearance.

28 A The point I wanted to make is that she had dis --

1 well, she had left. No one -- Jane would tell us that she
2 did not know where she was. Van did not know where she was.

3 Q At that time was Van still living in Manhattan
4 Beach?

5 A Yes.

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1 Q Now, can you remember when the next time is that
2 you saw her or was that you saw her?

3 A I can remember the afternoon that I saw her,
4 which was the last time that I saw her before --

5 Q Before she was arrested?

6 A -- the first trial.

7 Q Where was that?

8 A And she had -- was in the living room of our home.

9 Q Do you remember what year that was?

10 A Well, that must have been that year, '68.

11 Q Had there been an intervening number of months
12 since --

13 A Yes.

14 Q -- since you had seen her?

15 A Yes. We had not seen Les for some months.

16 Q Now, you say you saw her in your home probably the
17 latter part of 1968; is that right? ✓

18 A Yes.

19 Q And was that the last time you saw her before her
20 first trial? ✓

21 A Yes.

22 Q And did you see her at that time, at or about that
23 time, in any other place but your home?

24 A No.

25 Q And did she come over to your home alone or with
26 her mother or brothers or sister?

27 A She came up, as I remember, alone. She'd been ✓
28 away for a while, and she just -- and she wanted to see us.

1 Q Did you converse?

2 A Yes. We talked for a half-hour or so, I would
3 guess.

4 Q Again, did you notice anything different about
5 her from the time you had last seen her?

6 A Yes, very much. I --

7 Q What did you observe?

8 A She had a difficult time concentrating on what
9 she was saying.

10 As I remember, I would ask her a question, and
11 she would not give me an answer to that question.

12 I remember when she left I said to my wife that
13 she was --

14 MR. KAY: Well, objection as to what he said.

15 MR. KEITH: No, you can't tell us what you said to your
16 wife.

17 THE WITNESS: Oh, all right.

18 MR. KEITH: Don't worry about it.

19 THE WITNESS: All right.

20 MR. KEITH: Don't worry. It is how she appeared to you.

21 THE WITNESS: Yes.

22 I felt that she was very different. I felt that
23 she was weird.

24 Q BY MR. KEITH: Was she dressed --

25 Let me ask you this: How was she dressed, if
26 you remember?

27 A I can't remember. I think she -- No, I wouldn't
28 want to say, I'm not that certain.

1 Q All right. Let me ask you this: To your knowledge,
2 had she seen her mother --

3 A Yes.

4 Q -- on this --

5 A Yes, she had spent the night at her mother's
6 home.

7 Q And had come from her mother's to visit you?

8 A Yes.

9 Q For about a half an hour?

10 A Yes.

11 Q And --

12 A As I remember, this was on a Sunday afternoon, and
13 I think she had spent Saturday night with her mother and
14 sister and brother.

15 Q Do you remember any of the content of her conver-
16 sation? ✓

17 A No, I can't.

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1 Q Don't guess.

2 A No. No, I can't.

3 Q You can tell us, though, that she appeared to
4 you to be weird.

5 A Yes. The scene --

6 Well, for some reason. Perhaps it's because the
7 last time I saw her -- it was the last time I saw her.

8 Q And she left and to your knowledge went back home?

9 A Yes.

10 Q Did she stay home, to your knowledge, at her
11 mother's?

12 A Not to my knowledge. I think she left that same
13 day. But I'm not certain about that.

14 Q Now, was the next time you saw her when she was
15 in custody charged with these homicides?

16 A Yes.

17 Q And would this have been in 1969?

18 A Yes.

19 Q And at that time she was incarcerated at Sybil
20 Brand?

21 A Yes.

22 Q Did you see her there, visit her at Sybil Brand
23 from time to time?

24 A Yes; as I remember, I went over every week.

25 Q And when you visited at Sybil Brand do you talk
26 on a telephone through a glass partition?

27 A Yes.

28 Q In other words, you have a telephone and Leslie,

17-2

1 or any other inmate there, would have a telephone.

2 A Right, through a glass partition. Yes.

3 Q And did you observe any difference in her then
4 with respect to the way she was as a child or as a high
5 school student?

6 A Oh, yes. Oh, yes.

7 Q And how would you describe her then, when you had
8 these conversations at Sybil Brand?

9 A Well, she could not concentrate at all on what
10 we were saying. She was --

11 Q You have to use the "I" rather than the "we."

12 A Okay. She could not concentrate on what I was
13 talking with her about.

14 I remember her head was jerking all the time from
15 side to side; and I couldn't tell at the time if she was
16 looking for someone or what it was.

17 But her conversations were disjointed, and we
18 would have -- sometime it would be hard to follow just what
19 she was trying to say.

20 And then sometimes she was very clear and I could
21 understand.

22 Q Did she still appear to you, to use your
23 expression, to be weird?

24 A Oh, yes. Her head was chaved I think at that time.

25 Q Did you see her on a regular basis while she was
26 at Sybil Brand?

27 And incidentally, that's the woman's jail in
28 Monterey Park or Montebello?

17-3

1 A Yes.

2 Q I'm not sure which.

3 A Yes. Monterey Park I think it is.

4 Q And after Sybil Brand did she go to the California
5 Institute for Women at Frontera?

6 A Yes.

7 Q Would this have been in April or so of 1971?

8 A Yes.

9 Q Now, are you aware that she was arrested
10 initially, oh, in October 1969?

11 A Yes.

12 Q And when is the first time you saw her after
13 October 1969 at Sybil Brand?

14 Or did you see her some place else other than
15 Sybil Brand?

16 A No, I did not. Sybil Brand was the only place
17 that I saw her after she was arrested. ✓

18 Q And would this have been in December or so of
19 1969?

20 A Yes. I think it was around Christmas, when she
21 was arrested.

22 Q But when you first saw her --

23 A It would have been after the trial started, when
24 we could see her.

25 It must have been after the trial started.

26 Q This would have been in 1970 or so?

27 A Yes.

28 Q And did you see her regularly at Sybil Brand on

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visiting hours?

A Yes. ✓

Q Incidentally, were these periods limited to 20 minutes?

A Yes.

Q And then in 1971, April or so, she went to Frontera, the California Institute for Women.

A Yes.

CONFIDENTIAL

17-8

- 1 Q And stayed there until her case was reversed.
- 2 A Yes.
- 3 Q And then she came back to Sybil Brand; right?
- 4 A Yes.
- 5 Q And while she was at Frontera -- that's the
6 woman's institute -- did you continue to see her on a regular
7 basis?
- 8 A Yes.
- 9 Q And how often did you see her at Frontera?
- 10 A I would see Leslie every other Sunday. ✓
- 11 Q Was this religiously throughout -- almost
12 religiously?
- 13 A Yes.
- 14 Q Scrupulously?
- 15 A Yes.
- 16 Q Now, that would mean you saw Leslie every other
17 Sunday from about April or May 1971 until December 1976?
- 18 A Yes.
- 19 Q When she came back to Sybil Brand.
- 20 A Yes; unless I was out of town, or something of
21 that nature.
- 22 Q Incidentally, did you continue throughout all of
23 this to retain your fondness for her?
- 24 A Oh, yes. Yes.
- 25 Q During the years at Frontera did you observe a
26 change in Leslie?
- 27 A Not at first.
- 28 When I first went out, used to go out on Sunday

1 afternoon, as I drove back I used to wonder how it was, of
2 course, that she got there. Now a girl like that could have
3 gotten there.

4 But also with a firm conviction that a girl like
5 that could be restored, rehabilitated.

6 And I would guess it was a couple of years before
7 any specific change became apparent to me. ✓

8 Q And what did become apparent to you?

9 A Well, if I can relate to you an incident that --

10 Q Yes, please do.

11 A That seemed to me was a significant one.

12 I remember Jane telling us --

13 MR. KAY: I will object.

14 THE WITNESS: -- telling me --

15 Q BY MR. KEITH: Excuse me; don't tell us what
16 Jane told you. That's hearsay.

17 A All right.

18 Q You had a conversation.

19 A Yes. I remember that Leslie had asked her mother
20 to buy her some clothes.

21 MR. KAY: Well, I will object unless he was present.

22 MR. KEITH: I haven't -- I will inquire.

23 THE COURT: All right; you may inquire.

24 Q BY MR. KEITH: Let me ask you this: At Frontera
25 did you ever visit Leslie with her mother, Jane?

26 Or to get to the nub of it, the part about
27 Leslie asking Jane to buy her some clothes. Were you present --

28 A No, I was not present.

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Q Okay.

A I was not present at that time.

Q All right.

A But --

Q Tell us about the incident that you felt was significant, without, if you can, going into any conversations where you weren't present.

A And it has no importance.

When I would visit Leslie at Frontera, at that time they were in what they call a special security unit.

And she would come out to visit me, and we visited in a little room. She wore the clothes that were assigned to her by the prison.

I remember a Sunday afternoon, when I went out, when she had on different clothes.

And I remember at the time that when she came out that afternoon to see me in the little room where we visited she said to me that "From now on when you come -- or when I have visitors I'm going to pretend like I'm going to the store. I'm going to fix my hair and put on clothes, which I have."

And that afternoon as I went home I felt possibly that --

MR. KAY: Well, I will object to his feeling when he was going home.

THE COURT: The objection is sustained.

MR. KEITH: Pardon me, Your Honor?

THE COURT: I say the objection is sustained.

1 MR. KEITH: To what, his feeling?

2 THE COURT: Yes, as to his testimony of his feeling in
3 regard to what he observed.

4 He can testify to what he saw or heard. That's
5 not part of the --

6 THE WITNESS: I saw --

7 MR. KAY: Well, excuse me; I don't think there is a
8 question pending.

9 THE COURT: Put your next question, then.

10 Q BY MR. KEITH: We are still discussing what
11 Leslie told you.

12 A Yes.

13 So that was the essence of the conversation.
14 So from that point --

15 Q Did --

16 All right; go ahead.

17 A From that point on when I would visit her, this
18 was always the case; she was dressed in clothes that were
19 different from prison clothes, which she was allowed to have,

20 And she began to look differently.

21 Q Did you observe any change in her, not only in
22 her looks and the way she dressed and the way she cared for
23 herself, but in her attitude?

24 A Yes.

25 Q And what did you observe in that regard over the
26 years?

27 A Slowly, not --

28 Q I understand.

1 A -- immediately, but we began to talk about
2 different things.

3 I would take books to her, which she would read,
4 and then we'd talk about the books.

5 She was interested in current events. We would
6 talk about that.

7 But she could -- We could carry on long
8 conversations about things that we were interested in.

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1 Q Was this not the case before?

2 A No, it was not the case before.

3 Q Let me ask you, Mr. Peters: At any time during
4 the many, many visits you made to Frontera did you and Leslie
5 ever discuss Charlie Hanson or her life at the Spann Ranch or
6 the homicidios?

7 A Very little. Practically never. Practically
8 never.

9 Q Was this by design on your part?

10 A It was by design on my part.

11 Q All right.

12 Now, when you were talking about the gradual
13 change you noticed in Leslie with respect to her clothes and
14 her appearance, her ability to talk about current affairs
15 and to carry on a conversation and to be interested in
16 various subjects, did that continue?

17 A Yes, it did.

18 Q However, I believe you said it took about two
19 years for you to observe --

20 A I think I'm right on the time span, yes.

21 Q And did she continue to improve, in your opinion --

22 A Yes.

23 Q -- in those areas that we have been discussing?

24 A Yes.

25 And if I may say --

26 MR. KAY: Well, I will object, unless a question has
27 been asked.

28 MR. KEITH: I will ask a question; don't worry.

1 MR. KAY: I'm not, Mr. Keith.

2 Q BY MR. KEITH: You were going to say something
3 on the subject I presume of Leslie's improvement?

4 A Yes.

5 Q Some specific thing that you -- that perhaps might
6 have stayed in your memory.

7 A Well --

8 Q Or not?

9 A Well, the question -- or the point that you
10 raised was did her improvement -- did I observe her
11 improvement continue?

12 Q Yes.

13 A And the answer is yes.

14 Q All right.

15 Since her return to Sybil Brand from Frontera
16 by reason of reversal of the previous case, have you
17 continued to see her?

18 A Yes,

19 Q At Sybil Brand?

20 A Yes.

21 Q And you have seen her both through the partition --

22 A Yes.

23 Q -- on the telephone.

24 It's the same system out there now as it was then.

25 A Yes.

26 Q And you have also seen Leslie with me on two or
27 three occasions.

28 A Yes.

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Q In the attorneys' room.

A Yes.

[Faint, illegible handwritten text, possibly a signature or notes, located in the center of the page.]

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Q And that's because you were and are --

A Yes.

Q -- not only a potential witness but a witness in this case, correct?

A Yes.

Q And have you continued to observe this change in rehabilitation that you've told us about?

A Well, the changes that have taken place or that took place during the period of Fraterera --

Q Have remained --

A -- have remained; oh, yes.

Q -- intact?

A Yes.

There -- she's -- there is no retrogression in any way.

Q Would you say that she's now a grown-up version of the child you knew back in high school and prehigh school days in Monrovia?

MR. KAY: Well, I'll object to that. That calls for --

THE COURT: Well, the objection is sustained.

Q BY MR. KEITH: Does she appear to you to be more like she was back in high school and when she was young today?

A I think there are --

Yes, there are certain aspects of the way she is that are similar to what she was when she was in high school.

There is no way of measuring --

Q She's ten years older but --

A She's ten years older and has been in prison.

1 Q Do you find today --

2 Incidentally, when you were -- Let me put it this
3 way:

4 When you were seeing Leslie at the Sybil Brand
5 initially during the first trial and in those first years at
6 Frontera, you observed her attitude on those occasions, of
7 course.

8 And have you also had an opportunity to observe her
9 attitude towards people and things and institutions today?

10 A Yes.

11 Q And do you find a change?

12 A Yes, yes.

13 Q Do you find a change today, would you say, for
14 the better?

15 A Oh, yes; oh, yes.

16 Q Does she appear to you, bearing in mind you have
17 known her and have been very close to her for some 24 years,
18 to be a normal mature young woman despite all the circumstances?

19 MR. KAY: Well, I'll object to that. That calls for a --

20 Q BY MR. KEITH: Well, you describe her. You describe
21 her, then, as how you see her today.

22 A In my -- in --

23 Yes, Leslie is a girl who is very aware of not just
24 her own experience but of the world around her. The world.

25 Q This is today you are talking about?

26 A Yes.

27 And with the exception of those experiences that
28 one would have in prison, that kind of an experience, she

1 certainly is much as she would have been today had she not
2 gone through those experiences.

3 MR. KEITH: You may inquire, counsel.

4 THE COURT: You may cross-examine.

5 MR. KAY: Thank you, Your Honor, I just have a few
6 questions.

7
8 CROSS-EXAMINATION

9 BY MR. KAY:

10 Q Mr. Peters, when you visited her out in Frontera
11 at the special security unit, that was the death row out there
12 in Frontera, wasn't it?

13 A Yes, yes.

14 Q That's where they had the few women inmates that
15 had been sentenced to suffer the death penalty; is that right?

16 A Yes.

17 Q And this change that you noticed in Miss Van Houten,
18 did that start after the California Supreme Court had over-
19 turned the death penalty, and she was no longer under the
20 sentence of death?

21 A Yes, I think that's probably true.

22 MR. KAY: All right.

23 I have no further questions.

24 THE COURT: Anything further?

25
26 REDIRECT EXAMINATION

27 BY MR. KEITH:

28 Q Mr. Peters, is it your belief that because her

1 sentence was commuted to life that this was the catalyst that
2 changed her outlook on things?

3 MR. RAY: Well, I'll object. That calls for a conclusion
4 on this witness' part.

5 THE COURT: Well, the objection is sustained.

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1 Q BY MR. KEITH: Is it your --

2 Do you know when the death penalty was overturned
3 by the California Supreme Court?

4 A No, I'm not certain of the date, and I'm not
5 certain how long Les had been there at that time.

6 Q Did Leslie ever tell you that her death sentence
7 had been commuted to life?

8 A Well, we knew that. I knew it when it happened,
9 And we talked about that.

10 Q I'm talking now about the change you noticed in
11 Leslie's attitudes, her beliefs, the care she took of herself;
12 is this something that immediately happened after you heard
13 that the death penalty had been overturned?

14 A No, no. It -- as I think I indicated, it did not
15 immediately happen at all. There was no sudden emergence of
16 a different person.

17 It happened over a period.

18 Q And you first noticed such a change and the
19 beginnings of a change after she'd been there at least two
20 years?

21 A Yes.

22 Q And thereafter was it gradual as opposed to sudden?

23 A Oh, yes. It was a gradual -- very gradual change,
24 yes.

25 Q And continued right up to the present time?

26 A Yes, yes.

27 Q Would that be fair to say?

28 A Yes.

1 Q What I'm trying to get at is in answer to the
2 only question Mr. Kay asked you, you said that -- you implied
3 in it, at any rate, that the commutation of her life sentence
4 of her death sentence to life -- had something to do with the
5 change in her attitude and beliefs.

6 I wonder, thinking back, if that was actually the
7 case.

8 MR. KAY: Well, that calls for a conclusion on the part
9 of this witness, I object.

10 THE COURT: Well, I'll sustain an objection to the form
11 of the question.

12 Q BY MR. KEITH: Let me ask it this way: Can you
13 pinpoint the overturning of the death penalty in context with
14 the -- or at least with reference to the change you saw in
15 Leslie, this gradual change?

16 A Well, as I indicated, the change that occurred in
17 Leslie was not something that happened instantly.

18 The incident that I mentioned is one that I happen
19 to remember, for some reason or other, vividly.

20 Q I take it you can't pinpoint the exact time of
21 that?

22 A No.

23 Q Did it appear to you that the commutation of
24 Leslie's death sentence, which you knew about, gave her some
25 hope for the future?

26 A No, no. There was nothing that --

27 I remember vividly the Sunday going out there
28 after the death sentence had been overturned. And there was

1 no instant feeling that there was any -- that she had any hope
2 for anything specifically,

3 Q Do you remember any particular manifestation of
4 joy or exuberance in her --

5 A Oh, yes.

6 Q -- upon learning that she was going to live, at
7 least?

8 A Sure, Oh, yes, yes.

9 Q You would suspect that would be only natural, I
10 suppose?

11 A Of course, of course.

12 MR. KEITH: I have nothing further.

13 MR. KAY: I have no further questions.

14 THE COURT: May this witness be excused?

15 Any objection?

16 MR. KEITH: No, Your Honor.

17 THE COURT: All right, sir, you may step down. Thank
18 you.

19 All right, ladies and gentlemen of the jury, the
20 case has moved a little faster than counsel thought concerning
21 witnesses, and so we have run out of witnesses at this time.

22 We will resume tomorrow morning at 10 a.m. We'll
23 have plenty of witnesses tomorrow.

24 So bear in mind during this recess that you are
25 not to discuss this case amongst yourselves or with anyone
26 else; you are not to form any opinion concerning this matter
27 or express any opinion concerning this matter until the case
28 is finally given to you.

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

All right. All jurors, defendant, and counsel are ordered to return tomorrow morning at 10 a.m.

Have a good evening. Thank you.

(At 2:48 p.m. an adjournment was taken until Wednesday, May 18, 1977, at 10 a.m.)