

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES

DEPARTMENT NO. 47

HON. ADOLPH ALEXANDER, JUDGE

THE PEOPLE OF THE STATE OF CALIFORNIA,
Plaintiff,

-vs-

CHARLES WATSON,

Defendant.

5018

No. A-253,156

REPORTERS' DAILY TRANSCRIPT

Tuesday, August 31, 1971

VOLUME 18

Pages 2865 - 2980

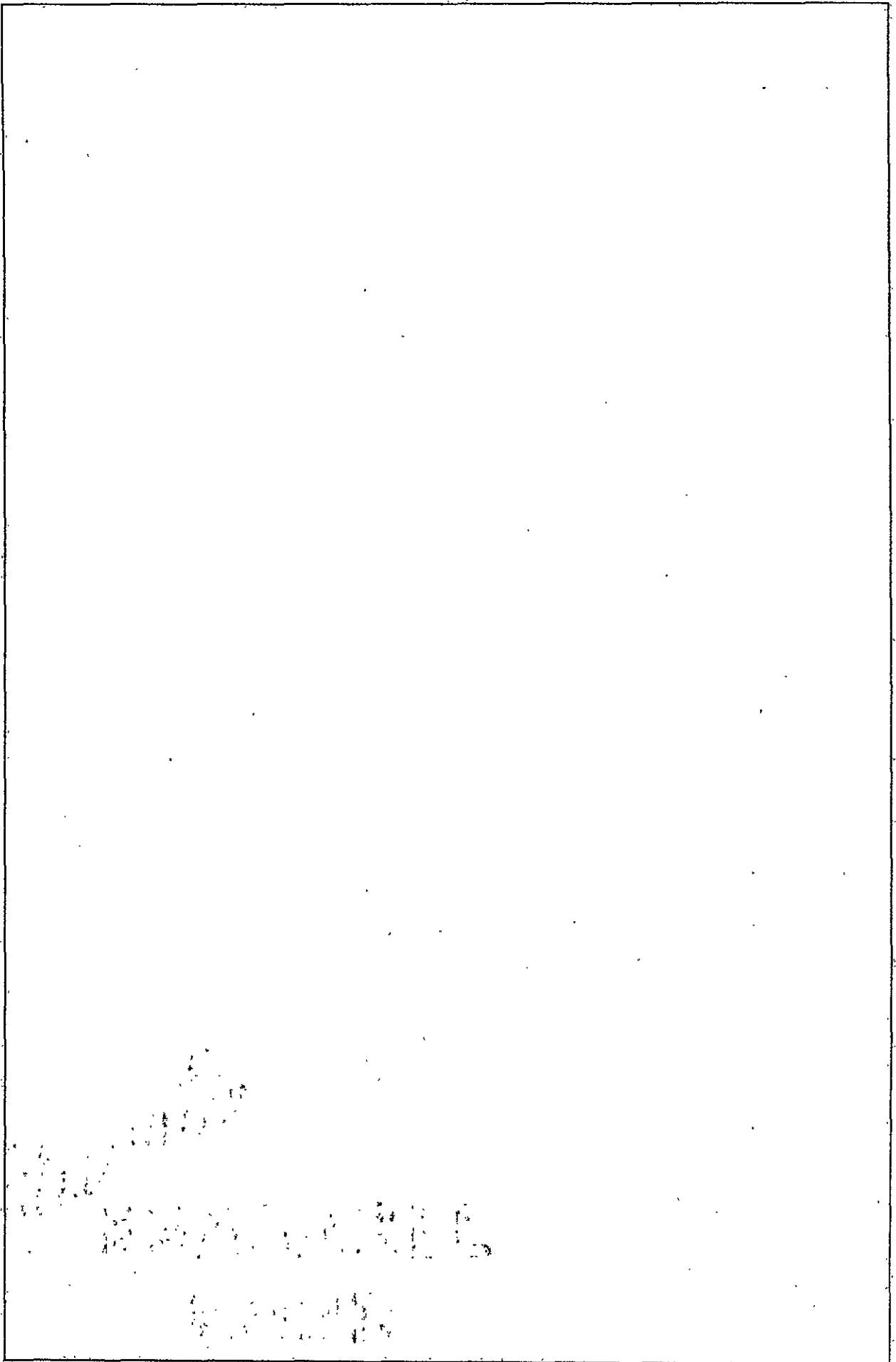
APPEARANCES:

See Volume 1.

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TUESDAY, AUGUST 31, 1971 VOLUME 18, PAGES 2865 to 2980, Inc.

I N D E X

<u>DEFENDANT'S WITNESSES:</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>
CARPENTER, Clifford	2929-SB	2940-K		
WATSON, Elizabeth	2942-SB	2972-K	2978-SB	

E X H I B I T S

<u>PEOPLE'S EXHIBITS:</u>	<u>FOR IDEN.</u>	<u>IN EVID.</u>
4		2865
6		2866
9		2867
10		2867
105		2867
21		2867
22		2867
18		2867
19		2867
26		2867
23		2867
298		2867
29		2867
46		2867
71		2867
299		2867
66		2867
83		2867

EXHIBITS (Continued)

	<u>PEOPLE'S EXHIBITS:</u>	<u>FOR IDEN.</u>	<u>IN EVID.</u>
1			
2			
3	38		2867
4	300		2867
5	40		2867
6	39		2867
7	73		2868
8	41		2868
9	86		2868
10	42		2869
11	7		2870
12	16		2871
13	111		2872
14	25		2872
15	43		2872
16	44		2872
17	45		2872
18	56		2872
19	55		2872
20	54		2872
21	51		2872
22	50		2872
23	52		2872
24	53		2872
25	301		2873
26	40		2873
27	241		2873
28	49		2873

EXHIBITS (Continued)

	<u>PEOPLE'S EXHIBITS:</u>	<u>FOR IDEN.</u>	<u>IN EVID.</u>
1			
2			
3	57		2873
4	57		2873
5	61		2873
6	62		2873
7	65		2873
8	70		2873
9	67		2873
10	76		2873
11	77		2873
12	78		2873
13	81		2874
14	36		2874
15	98		2874
16	116		2874
17	110		2875
18	112		2875
19	113		2875
20	27		2876
21	14		2876
22	11		2876
23	13		2876
24	118		2876
25	15		2876
26	120		2876
27	121		2876
28	124		2876

EXHIBITS (Continued)

	<u>PEOPLE'S EXHIBITS:</u>	<u>FOR IDEN.</u>	<u>IN EVID.</u>
1			
2			
3	101		2876
4	123		2876
5	127		2877
6	137		2877
7	94		2877
8	141-147, Inc.		2877
9	148-148-A, Inc.		2877
10	149		2878
11	150-159, Inc.		2878
12	160		2878
13	161-164, Inc.		2878
14	165		2979
15	166		2979
16	167-175, Inc.		2979
17	177		2979
18	176		2979
19	178-183, Inc.		2979
20	184		2880
21	185		2880
22	186		2880
23	191-A thru E, Inc.		2880
24	248-A thru F, Inc.		2880
25	249		2880
26	140		2880
27	194		2880
28	196		2881

EXHIBITS (Continued)

PEOPLE'S EXHIBITS:

FOR IDEN.

IN EVID.

122	2881
197	2881
242	2881
245	2881
245-A thru F, Inc.	2881
246-A thru F, Inc.	2881
207	2881
210	2881
206	2881
302	2882
250	2882
251	2882
253	2882
209	2883
204	2883
205	2883
200	2883
214	2883
90	2884
216	2884
217-226, Inc.	2884
231-238, Inc.	2885
239	2885
240	2885
305	2885
269	2885

EXHIBITS (Continued)

<u>PEOPLE'S EXHIBITS:</u>	<u>FOR IDEN.</u>	<u>IN EVID.</u>
306		2886
266		2886
267		2886
24		2899
89		2899
25		2900
93		2901
212		2901
213		2901
91		2902
193		2902
102		2903

A-1
1 LOS ANGELES, CALIFORNIA, TUESDAY, AUGUST 31, 1971, 9:55 A.M.

2 --oOo--

3 THE COURT: Good morning, gentlemen.

4 MR. KAY: Good morning, your Honor.

5 MR. BUBRICK: Good morning, your Honor.

6 THE COURT: People against Watson.

7 Let the record show all counsel and the defendant
8 are present.

9 These proceedings are being taken in the absence
10 of the jury.

11 Gentlemen, I take it you are about to rest with
12 the exception of the exhibits; is that correct?

13 MR. BUGLIOSI: Yes, your Honor; we move to have them
14 received in evidence.

15 THE COURT: I take it you have some objections to some
16 of them, or don't you?

17 MR. BUBRICK: Yes, we do, your Honor.

18 MR. KEITH: Yes, your Honor.

19 MR. BUBRICK: But we haven't seen them for some time.

20 THE COURT: We will go over them individually.

21 Exhibits 1, 2, 3, are already in.

22 The other photographs of Sharon Tate, Jay Sebring,
23 Abigail Folger and Wojciech Frykowski.

24 Exhibit 4 is the home, Sharon and Roman's home.

25 Any objection to that?

26 MR. BUBRICK: No.

27 THE COURT: That will be received.

28 Exhibit 5 is already in; that's the photo of Steven

1-2
1 Parent.

2 Exhibit 6 is the photo of the Rambler that Steven
3 Parent used.

4 Any objection?

5 MR. BUBRICK: No objection.

6 MR. KEITH: No objection.

7 Unless I hear an objection, I will receive it.

8 Exhibit 4 is already in. Exhibit 8 is the diagram
9 of the house.

2R-1
1 Exhibit 9 is the photograph of front of the residence
2 testified to by Winifred Chapman. That will be received.

3 Exhibit 10, the door to the pool in Sharon's bed-
4 room.

5 Exhibit 105 is the front door with the word "Pig"
6 written on it. That will be received.

7 Exhibit 21 is living room testified to by Garretson.
8 That will be received.

9 Exhibit 22, living room, showing same as 21,
10 received.

11 Exhibit 18 of the area between the main house and
12 the guesthouse, that will be received.

13 19, the photo of the residence, again of the guest-
14 house.

15 Exhibit 26 is a photo of the dining room window.

16 28 is photo of Gypsy, a photo of Gypsy.

17 298 is a photo of Charles Manson.

18 Exhibit 29 is an aerial photo of the Spahn Ranch.

19 Exhibit 46, photo of Clem, Steve Grogan.

20 Exhibit 71 is a photo of Bruce Davis.

21 Exhibit 299, photo of Sadie or Susan Atkins.

22 Exhibit 66 with Squeaky at the farthest to the right.

23 Exhibit 83 is photo of Larry.

24 38 is a photo of Swartz' car.

25 300 is Patricia Krenwinkel.

26 Exhibit 40 is the revolver.

27 39 is the buck knife that looks like the one that
28 Sadie had.

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73 is a photo of the pole.

Do you have any doubt, Mr. Keith? You look like you were in doubt about something there.

MR. KEITH: No, just the usual pained expression.

THE COURT: Oh, we try to conceal those things.

73 is a photo of a pole showing the right angle metal object.

41 is a photo of the rope.

MR. KAY: I think that is the rope. That is not a photo.

THE COURT: It is the rope. You are right. I couldn't say it resembled it.

Exhibit 86 is a photo showing the path the defendants took to the residence.

25 is a photo of the man Tex stabbed. This is the testimony of Linda Kasabian.

When I say photo of a man Tex stabbed, I am not saying he did it. That is just the way the testimony came in.

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1 THE COURT: If you come across 88, you might isolate
2 that one, too; that will be the next one.

3 THE CLERK: That is 88, your Honor.

4 THE COURT: All right, get me 25.

5 MR. KAY: Your Honor, people's 25 is aerial view of the
6 Tate estate.

7 MR. BUBRICK: I have the same thing your Honor has,
8 the picture of Frykowski.

9 MR. KAY: As 25?

10 MR. BUBRICK: 25.

11 THE COURT: Now, 89 is the same, photo of a male
12 Caucasian on the lawn, Frykowski; apparently that is where
13 it is.

14 All right. Now, gentlemen --

15 MR. BUGLIOSI: Do you have the photographs of all the
16 victims, your Honor, at the scene?

17 We may as well argue on all of them at the same
18 time.

19 THE COURT: Well, I will have to come across the others.
20 Take a look at 42.

21 I think 25 and 89 must be the same.

22 88 seems to be the same as 102, too.

23 MR. KAY: 88, your Honor, just shows Abigail Folger;
24 102 shows both Folger and Frykowski, that's the difference.

25 THE COURT: All right.

26 Now, exhibit 25, it is marked "Grand Jury Exhibit
27 25" but it is marked exhibit 89 here; so that will be the
28 same one.

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1 All right, gentlemen, is there any objection?

2 MR. KEITH: There will be an objection to exhibit 89,

3 MR. BUBRICK: And 25,

4 THE COURT: I will reserve ruling on that till we are
5 through with the rest of them.

6 Exhibit 88?

7 MR. BUBRICK: Objection to that one, your Honor.

8 THE COURT: There is an objection to that?

9 MR. BUBRICK: Yes, your Honor.

10 THE COURT: Is that Abigail Folger, your Honor?

11 THE COURT: Yes.

12 I will reserve ruling on that.

13 Exhibit 7 is the aerial photo showing the location
14 of Frykowski and the lady in the white gown.

15 MR. BUBRICK: I just have it marked as an aerial photo
16 of the Tate house.

17 Does your Honor indicate it is one that showed a
18 body?

19 THE COURT: Yes, showing Frykowski and the lady in the
20 white gown.

21 MR. BUBRICK: I think it was just X's or something like
22 that.

23 THE COURT: Yes.

24 That will be received.

25 MR. KAY: John has informed me that we do have an exhibit
26 25, also, which is the aerial photo of the Tate estate; so we
27 shouldn't confuse that with 89, so the people do have an
28 exhibit 25.

7 evi.

3-3

1 THE CLERK: It came in on 8-25; it was an aerial
2 photograph of the Tate estate.

3 THE COURT: That is not what I have got.

4 THE CLERK: I will get it out; it is a large one.

5 THE COURT: Exhibit 25 came in on -- it came in two ways,
6 one as a photo of the man Tex stabbed, and then it is a photo
7 of "our car parked in the bottom of the driveway," shows the
8 location where the car was parked.

9 So, we have two with No. 25.

10 THE CLERK: The one where the man was stabbed should be
11 89, your Honor.

12 THE COURT: It should be 89?

13 THE CLERK: That's right.

14 MR. KAY: And this second one will be 25?
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1 THE COURT: Yes. Photo of the man in the car.

2 MR. BURRICK: Objection to that.

3 THE COURT: Reserve ruling on that one.

4 16 is a photo of the light on the garage.

5 111 is a light on the front door.

6 Now, exhibit 25 is a photo showing the car parked.

7 43 is a photo of the house and the hose.

8 44 photo of the house and the hedge where the car
9 was parked.

10 45, photo of the man with the white hair.

11 56, blue jeans and 55, 54, 51, 50, 52 and 53, they
12 are all clothes that were found.

13 MR. BURRICK: 53 remains unidentified.

14 THE COURT: White T-shirt. That is a white T-shirt that
15 was found with the clothes, I take it.

16 MR. BURRICK: Nobody is going to identify it as being
17 worn by anyone.

18 THE COURT: I didn't think anybody wore it. Any objection
19 to recalling 53?

20 MR. KAY: We are offering it.

21 THE COURT: How do you connect it?

22 MR. KAY: It was found with the clothes and it had blood
23 on it and I think it is circumstantial evidence that since the
24 black velour shirt was soaked with blood that this was probably
25 the undershirt underneath.

26 MR. BUGLIOSI: It is circumstantial evidence. It was
27 found right in the midst of the other clothes that were
28 identified and had blood.

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1 THE COURT: All right. I will allow them all.

2 301 is a photo of Leslie Van Houton.

3 48 is a photo of Charlie's dune buggy and pirate
4 sword.

5 241, the leather thongs, the same as Manson had.
6 That is the testimony.

7 Exhibit 49 is a photo of the second house we stopped
8 at.

9 57 is a photo of the church.

10 61 is a photo of Harold True.

11 62 is a photo of the driveway and home pathway
12 walked up by Charlie.

13 65 is the wallet.

14 70 is the photo of the tank.

15 MR. KAY: Your Honor, with 65 there was also a gold
16 lady's watch. That was part of 65 which was identified. That
17 was a part of 65 originally and it was identified at this trial.

18 MR. BUGLIOSI: It was identified by Koenig, I believe.

19 MR. KAY: That is right, as having found it inside the
20 wallet.

21 THE COURT: The wallet and the contents.

22 MR. KAY: Yes.

23 THE COURT: 70 is a tank, a water tank.

24 67 is a gas station and restaurant.

25 76 is a photo of three males and three females.
26 That is already in.

27 77 is a photo of a male. That is the Israeli actor.

28 78 is the photo of the apartment house where he

lived.

81 is the photo of the feed bin at the house.

36 is the photo of Tex Watson.

98 is a diagram of the Weber area.

116 is a photo of the button inside the gate.

89, that is a photo of the male on the lawn.

MR. KEITH: Again objection to that.

THE COURT: Let me get that.

MR. BUBRICK: 25 I think has been originally remarked.
I think it is in your other file, your Honor.

R-1

1 102 is a female on the lawn.

2 MR. BUBRICK: Objection to that one, your Honor.

3 THE COURT: Reserve ruling on that till we are through.

4 105 is a photo of the "Pig" on the front door, the
5 words "Pig" on the front door.

6 I think that is already in.

7 MR. BUBRICK: It is already in.

8 THE COURT: 109 is the photo of the front porch with
9 blood; that is in.

10 Exhibit 10 is a photo of the entry, of the front
11 door.

12 MR. KAY: You mean 110, your Honor?

13 THE COURT: 110.

10 ev.

14 Now, 97 is a photo of Sharon Tate --

15 MR. BUBRICK: Yes; object to that one, your Honor.

16 THE COURT: I will reserve ruling on that one.

17 195, that's Jay Sebring.

18 I take it you are objecting to that?

19 MR. BUBRICK: Yes, your Honor.

20 THE COURT: Reserve ruling on that till we are through.

21 117, man and female together, Tait and Sebring.

22 MR. KAY: That is a small one, your Honor.

23 THE COURT: Yes, I have that right here.

24 MR. KRITH: There will be an objection.

25 MR. BUBRICK: Yes.

26 THE COURT: All right. 112 is a photo leading to the
27 kitchen area.

28 113 is the loft and the living room photo.

112

113 ev.

1 27, that is the photo of the steamer trunks --
2 MR. BUBRICK: 27? I have 27 as the car parked, Weber --
3 MR. BUGLIOSI: 47 is the Weber's car.
4 THE COURT: I've got 27, a photo of the steamer trunks.
5 What do your records show, Mr. Kay?
6 MR. KAY: That's right; 27 is the steamer trunks.
7 THE COURT: That's correct.
8 27 is the steamer trunks. Correct your records,
9 Mr. Bubrick.
10 MR. BUBRICK: I will, your Honor.
11 THE COURT: 14 is the ladder leading to the loft.
12 MR. KEITH: Does that photograph show any bodies? I
13 don't think so.
14 THE COURT: I don't think so, no.
15 Exhibit 11 is the photo of the master bedroom
16 showing the blood on the rug.
17 13 is the photo of the Folger bedroom.
18 118 is a photo of the front of the living room
19 through the back door to the pool.
20 Exhibit 15, photo of the pool area and the back
21 door with the lights on.
22 120 and 121 are the broken gun grips.
23 124 is a photo showing the telephone wires on the
24 ground.
25 101, photo, entrance to the gate and telephone
26 wires.
27 123 is another photo of the driveway to the
28 premises and the telephone wires.

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1 127 shows the communication wire cut.

2 137 is another of the communication wires.

3 94 is a photo of the damaged brush and blood on the
4 front porch.

5 Now, we come to the morgue photos. 141 to 147 are
6 the morgue photos of Sharon Tate.

7 I think they do demonstrate the testimony of Dr.
8 Noguchi.

9 MR. KEITH: Still register an objection.

10 MR. BUBRICK: Yes.

11 THE COURT: As to those, I think their probative value
12 exceeds the prejudicial effect; they will be admitted.

13 MR. KEITH: There will be an objection on the ground that
14 we believe it is just the opposite, that the inflammatory effect
15 outweighs the probative value, inasmuch as Noguchi and Katsuyama
16 both testified from elaborate diagrams to illustrate their
17 testimony.

18 THE COURT: Those are black and white photos. I will
19 admit them, and I make that preliminary finding that the proba-
20 tive value exceeds prejudicial effect.

21 148 and 148-A are the large diagrams of Dr. Noguchi
22 showing the back and front of Sharon Tate. That will be
23 admitted.

24 106 is a photograph of Sharon Tate's face and the
25 rope.

26 MR. KAY: What was the number, again, your Honor?

27 THE COURT: 106, I take it there is an objection to that?

28 MR. BUBRICK: Yes, your Honor.

THE COURT: I will reserve ruling on that one till we are through; I am reserving ruling on that.

Now, 149 is a photo of the left cheekbone of Sharon Tate showing the rope friction abrasions.

MR. KAY: It is a large black and white.

THE COURT: I will admit that.

Now we come to the autopsy on Folger, and we have 150 to 159, the morgue photographs.

I take it, gentlemen, you were objecting to those?

MR. BUBRICK: Same objection.

MR. KEITH: Yes, your Honor.

THE COURT: I make the preliminary finding that the probative value exceeds the prejudicial effect of these morgue photos, they being black and white; I will admit 150 to 159, inclusive.

Now, 160 are the two large diagrams of the Folger back and front; they will be received.

Now, we come to the Sebring morgue photographs, 161 to 164, inclusive.

Gentlemen, those are the black and white morgue photographs.

#6

1 MR. BUBRICK: Same objection, your Honor.

2 THE COURT: I will make a preliminary finding that the
3 probative value exceeds the prejudicial effect and we will
4 receive them in evidence, 161 to 164, inclusive.

5 165 are two diagrams prepared by Dr. Noguchi, the
6 large ones. That will be received.

7 166 is a manila envelope and bullet found between
8 the clothing and the skin. That will be received.

9 Now I come to the autopsy report of Frykowski, 167
10 to 175 inclusive. They are the black and white morgue
11 photographs. I take it there is an objection.

12 MR. BUBRICK: Same objection, your Honor.

13 THE COURT: The objection will be overruled. The court
14 makes a finding that those photographs, their probative value
15 exceeds the prejudicial effect and will be received.

16 177 is a bullet recovered from the mid-portion of the
17 chest. That will be received.

18 176 is the two large diagrams, front and rear of
19 Frykowski. They will be received.

20 THE CLERK: What is that one?

21 THE COURT: That is 176, the two diagrams.

22 Now we come to the morgue photos of Steven Parent,
23 179 to 184 inclusive.

24 MR. BUBRICK: I believe they start with 178.

25 THE COURT: 178. You are right. Objection, gentlemen?

26 MR. KEITH: Yes.

27 MR. BUBRICK: Yes, your Honor.

28 THE COURT: Again the objection will be overruled. The

6-2

1 court makes the finding that these photographs demonstrate the
2 testimony of Dr. Noguchi and their probative value exceed
3 their prejudicial effect. 178 to 183 will be received.

4 184, the two large diagrams showing the front and
5 back.

6 185 is a manila envelope with one slug from Parent.

7 186 is another slug from Parent.

8 Now we come to 191A to E are five photos. They are
9 the photos taken by the camera crew.

10 Do you recall them?

11 MR. KEITH: Yes.

12 MR. BUBRICK: No objection.

13 MR. KEITH: When they found the clothes.

14 THE COURT: Yes.

15 248 is the board with six photos marked A to E.
16 That is the testimony given by little Steve Weiss and will be
17 received.

18 MR. BUBRICK: Wasn't that 248A through F, your Honor,
19 rather than E?

20 THE COURT: It should be six photos. Yes, 248F.

21 Now, I have 249, that is the envelope and a smaller
22 one, 69-049 something, seven empty cartridges, empty casings.

23 MR. KAY: And two live bullets.

24 THE COURT: That will be received.

25 140 is a photograph of the buck knife, of exhibit
26 39 as it was on the furniture.

27 194 is the rope around Sebring's neck.

28 THE CLERK: 194?

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1 THE COURT: Yes. Do you have that?

2 MR. BURRICK: Wasn't that the rope itself.

3 THE COURT: Yes, that was the rope itself. Yes, it was
4 cut in two. Yes, that will be received.

5 196 was Granada's diagram showing the rope around
6 Tate and Sebring.

7 122 is a photo showing the two fragmented portions
8 of the gun grip.

9 MR. KAY: 122?

10 THE COURT: 122.

11 197 is another piece found, the small piece found
12 in the entryway.

13 Exhibit 242 now is the diagram of the La Bianca
14 house.

15 245 is the board with six photos.

16 245A to F in evidence, six photos.

17 And 246A to F are a board with six photos showing
18 the master bedroom, 10 inches above the knob, the fingerprint.

19 207 is a large fork protruding from the La Bianca
20 abdomen.

21 MR. BURRICK: 207 was the fork itself, was it not, your
22 Honor?

23 MR. KAY: I think so.

24 THE COURT: Let me see. Who testified to that?

25 MR. BUGLIOSI: 207 is the fork.

26 THE COURT: Yes. 207, that will be received.

27 210 is the knife. That will be received.

28 206 is a photo of the La Bianca refrigerator.

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302 is the photograph that looks like Charlie
Watson.

250 is a bullet slug, a portion found on the rear
seat of the Rambler.

251 is the manila envelope with cellophane wrapper
and bullet fragments.

THE CLERK: I am sorry. What was the one prior to 251?

THE COURT: 250.

THE CLERK: Thank you.

THE COURT: 253 is the photo of the area of the Spahn
Ranch where the casings were recovered.

7

#7

1 THE COURT: 303 and 304 are already in.

2 201 is a diagram of the La Bianca residence.

3 Exhibit 91 is a photo of a male in blue pajamas,
4 shows a large fork in the stomach.

5 MR. BURRICK: Objection to that one, your Honor.

6 MR. KEITH: Objection.

7 THE COURT: I will reserve ruling on that one.

8 209, the front door on the east side of the house.

9 93 is a photo of the female, clothing pulled over
10 her head.

11 Any objection to that?

12 MR. BURRICK: Objection.

13 MR. KEITH: Yes, your Honor.

14 THE COURT: I will reserve ruling on that one.

15 212 is the same photo as 93, showing the lower
16 extremities.

17 MR. KEITH: Objection to that photograph.

18 THE COURT: Do you have that one handy?

19 MR. KAY: It is a small one, I think.

20 THE COURT: And 213, get that out, too.

21 I will reserve ruling on 212 and 213.

22 204 is the living room wall, "Death to pigs"; it
23 will be received.

24 205 is the front door with the word "Rise."

25 200 is a photo of the Bianca home, an aerial photo.

26 214 is a manila envelope showing utensils similar
27 to the fork; that will be received.

28 Now, exhibit 90, that shows a photo of the back of

1 La Bianca with leather thongs.

2 MR. BUBRICK: Objection to that one, your Honor.

3 THE COURT: 90 will ^{be} received; and I again make the finding
4 that its probative value exceeds the prejudicial effect. It
5 demonstrates the manner in which the hands of Mr. La Bianca were
6 tied.

7 Exhibit 92 is a photo of Mr. La Bianca's stomach
8 showing "War" cut into the flesh.

9 I will reserve ruling on that one.

10 Exhibit 216 is a morgue photo of Mr. La Bianca with
11 a knife in his neck.

12 MR. BUBRICK: Objection to that one, your Honor.

13 That will be received, and I make the finding that
14 its probative value exceeds its prejudicial effect.

15 Now we have from 217 to 28, morgue photos of the
16 body of Mr. La Bianca. I believe they demonstrate the testimony
17 of both Mr. Galindo and Dr. Katsuyama, and I make the finding
18 that their probative value exceeds the prejudicial effect: 17,
19 18, 19, 20, 21, 22, 23, 24, 25, 26, and 28.

20 MR. KEITH: May the record reflect an objection --

21 THE COURT: Yes.

22 MR. KEITH: -- on behalf of the defendant on the grounds
23 previously stated?

24 THE COURT: Yes.

25 MR. KAY: Your Honor, I have the 28 as being the electrical
26 cord removed from Leno La Bianca's neck, not a photograph.

27 THE COURT: Yes, you are right.

28 We stop with 226 with a photograph; 228 is the

1 electrical cord, itself, and 229 was the plug that was cut off
2 the electrical cord.

3 230, the large diagrams showing the wounds of Mr.
4 La Bianca. They will be received.

5 Now we have the morgue photographs of Rosemary La
6 Bianca, 231 to 238.

7 Those are black and white morgue photographs which
8 demonstrate the testimony of Dr. Katsuyama, and any objection
9 to them will be overruled.

10 MR. BURRICK: May we note an objection for the record,
11 please.

12 THE COURT: Yes; and the court makes the finding that
13 their probative value exceeds the prejudicial effect.

14 239 is the electrical cord around Mrs. La Bianca's
15 neck.

16 240 is the diagram, front and back.

17 305 is the field interrogation card made out by
18 Deputy Cox; it will be received.

19 269 is a map of the area of the La Bianca home.

20 306 is a Polaroid picture of Watson as he looked on
21 December 3, '69 --

22 MR. BURRICK: I don't think there is any foundation for
23 that one, your Honor.

24 MR. KAY: Sgt. Sartuchi testified --

25 THE COURT: He couldn't testify as to what date it was
26 taken; he just said it was given to him by one of the deputies,
27 although he did say he did see him coming down the stairs and
28 he did look like that.

1 MR. KAY: That's right.

2 THE COURT: It will be received.

3 They passed each other on the stairway, or words
4 to that effect.

5 266 is the double white album.

6 267 is six sheets of paper with the words of the
7 songs.

8 This exhibit 94 is already in.

9 Now, I have no record of 107.

10 8 fls.

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8R-1
1 MR. BUBBICK: No, your Honor.

2 THE COURT: Was 107 offered at any time? I have no
3 record of it? There is no testimony concerning it.

4 MR. BUGLIOSI: That is the photograph of Jay Sebring.

5 THE COURT: Yes.

6 MR. BUGLIOSI: There was a photograph that was shown
7 to several other witnesses, I believe, for identification. I
8 think it was shown to --

9 THE COURT: Not unless it was a small photograph. The
10 small photograph was shown.

11 MR. BUGLIOSI: There was one photograph of Jay Sebring,
12 that one right there. This one was not offered, that is
13 correct.

14 THE COURT: My records do not show that it has been
15 offered at all. That wasn't even marked for identification.

16 All right, gentlemen, that leaves us with those
17 that are disputed.

18 The first one was marked 25 before the Grand Jury.

19 MR. KAY: 89 here.

20 THE COURT: And 89 here.

21 Gentlemen, I don't see what this photograph can
22 add to the testimony of Dr. Noguchi and the testimony of Linda
23 Kasabian.

24 I cannot honestly say, gentlemen, although there
25 could be a good difference of opinion, I cannot honestly say
26 that it's probative value exceeds prejudicial effect.

27 Do you see anything about that photograph --

28 MR. BUGLIOSI: We would like to make an argument on all

8-2

1 of these photographs.

2 They are all color photographs of the victims at
3 the scene. I would like to make an argument on them.

4 THE COURT: Yes; go ahead.

5 MR. BUGLIOSI: Does the defense object?

6 THE COURT: They have objected to it.

7 MR. BUGLIOSI: Does the defense want to make any argument
8 in support of the objection?

9 MR. KEITH: We object upon the ground, primarily, of
10 Evidence Code Section 352, concerning the prejudicial effect of
11 inflammatory pictures.

12 MR. BUGLIOSI: Very briefly, your Honor, with respect
13 to Section 352, the language does not say the probative value
14 has to outweigh the prejudicial effect.

15 I think the language is if the probative value is
16 substantially outweighed. -- substantially outweighed.

17 I don't think we can forget that word "substantially."
18 That is right in Section 352.

19 The second point, your Honor, I would like to make
20 is that these photographs, comparatively speaking, are not
21 gruesome at all. I have seen many, many other photographs of
22 other victims in other murder cases that are much, much more
23 gruesome than these photographs in that they show mutilation,
24 parts of a head blown off or arms severed, legs severed and
25 they are admitted in evidence.

26 These photographs, all they basically show, in
27 terms of gruesomeness, is blood, a lot of blood.

28 As Witkin says, your Honor, I think on Page 595 of

1 his book on evidence -- and I cite Witkin because he is a
2 very prestigious, as the Court know, prestigious secondary
3 authority and, of course, the cases he cites are not secondary
4 authority. They are primary authority.

5 He says that the general practice is to admit
6 these photographs of the victims into evidence. That is the
7 general practice.

8 There is dictum to the effect in many cases that
9 if the prejudicial effect outweighs the probative value, the
10 photograph should not be received in evidence, but I am hard
11 pressed to find one case in the State of California where an
12 Appellate Court has said it was error to receive the photo-
13 graphs into evidence.

14 THE COURT: It has to be a manifest abuse of discretion.

15 MR. BUGLIOSI: I haven't found one case where the
16 Appellate -- where either the DCA or the California Supreme
17 Court said it was error to admit the photographs, but the
18 cases are legion for the proposition that they should come in.
19 It is the general practice. It is the universal practice.

20 As the Court said in People vs. Adamson, 27 Cal.
21 2d, 478 -- and using language similar to the language the Court
22 just used -- "Except in rare cases of abuse, demonstrative
23 evidence --" which, of course, is photographs -- "that tend to
24 prove a material issue or --" the language is not "and" the
25 language is "or" in the disjunctive -- "or clarify the circum-
26 stances of the crime is admissible despite its prejudicial
27 tendency."

28 So it is not just proving the material issue but

8-4
1 if they clarify the circumstances.

2 Now, with respect to the color photographs, the
3 California Supreme Court has repeatedly held that color photo-
4 graphs are admissible.

5 These are just a few cases, if the Court would like
6 to read them, the California Supreme Court case People vs.
7 Carter, 48 Cal. 2d, 737 at Page 751.

8 People vs. Love, 53 Cal. 2d, 843 at Page 852.

9 In the Love case, according to Witkin, there was a
10 photograph showing a 42-inch hole in the back. I don't know
11 if that was a misprint or what. It is a 42-inch hole in the
12 back.

13 People vs. Harrison, 59 Cal. 2nd., 622 and People
14 vs. Mathes, 63 Cal. 2d 416.

15 People vs. Laverne, 64 Cal. 2d. 225. In the
16 Mathes case the Court came out and said that color photographs
17 of the victim's body showing a brutal beating were admissible
18 despite the fact that black and white photographs may have been
19 less inflammatory -- came out and said it.

20 People vs. Truze, 264 Cal. Ap. 2d, 350. That was
21 a murder case where gruesome pictures of the nude body of the
22 victim with multiple cuts and abrasions were held admissible
23 despite the defendant's stipulation in that case that the cause
24 of death was gunshot wounds.

25 The Court held that the photographs of the wound
26 were probative on the issues of premeditation and malice afore-
27 thought.

28 People vs. Reese, 47 Cal. 2d. 112. The female

8-5
1 victim was mutilated. The breasts were cut off. The abdomen
2 was cut from the vagina to the navel. The California Supreme
3 Court held properly admissible.

4 People vs. Todd, 182 Cal. Ap. 2d, held that the
5 multiplicity of wounds and the severity of the wounds were
6 admissible on the issue of malice aforethought.

7 Now, the photograph in this particular case, your
8 Honor, show the severity of the murder, the severity of the
9 killing, the multiplicity of the wounds, therefore, they go
10 toward the two issues of premeditation and malice aforethought.

11 We don't only want to prove those issues; we have
12 to. If we don't prove premeditation or malice aforethought we
13 are out of the ball park. It is not a case of wanting to do
14 it or liking to do it, we have to do it.

15 Besides the fact that the photographs show pre-
16 meditation and malice aforethought, certainly the photographs
17 clarify the circumstances of the murder as pointed out in the
18 Adamson case.

19 For instance, Linda testified to where these murders
20 took place. Those photographs substantiate her testimony.

21 She said that Frykowski was stabbed on the front
22 lawn of the Tate residence; further on down the line, Abigail
23 Folger was stabbed to death.

24 Those photographs show the positions of the body
25 at the scene, the positions.

26 Also with respect to Steven Parent, Linda testified
27 that when she went back down to the car she noticed that Parent's
28 head was slumped to the right.

1 That photograph shows that his head is slumped to
2 the right. So it tends to corroborate her testimony with
3 respect to the positions of the victims' bodies at the scene.

4 Also corroborates her testimony in other respects.
5 She testified that Miss Folger or the person, the lady whom
6 she saw Patricia Krenwinkel chase with a upraised knife on the
7 front lawn, she said the woman had dark hair and was wearing
8 a white gown.

9 The photograph of Abigail Folger shows the white
10 gown and the dark hair. Again corroborating Linda's testimony
11 on that point.

#9

1 The photographs are completely illustrative and
2 descriptive; they point out many things I'm not even mentioning
3 now.

4 For instance, the rope tied around Jay Sebring's
5 neck, connecting his neck with Sharon Tate's neck, thrown over
6 the beam.

7 They tend to prove the material issues of
8 premeditation and malice aforethought and they certainly clarify
9 the circumstances of these murders; certainly they do that.

10 I want to point out, your Honor, that if these
11 photographs are gruesome, which they are, and I think the
12 photographs of any victim in any case are gruesome -- if Mr.
13 Watson is the one responsible for these murders, as the
14 prosecution is claiming, then he is responsible for the
15 gruesomeness of the photographs.

16 These photographs depict his handywork and the
17 jury is entitled to look at his handywork; and I point out
18 again, your Honor, that these photographs are not gruesome,
19 relatively speaking. They are not gruesome, relatively
20 speaking.

21 I have seen many, many photographs of other victims
22 in other cases that are five and six times more gruesome. In
23 the Hinman murder it is a photograph of Hinman and his body
24 is decomposed, his head is blown out of proportion; there are
25 maggots surrounding his face. That photograph was admitted
26 into evidence.

27 I'm not going to call this case the crime of the
28 century, but I will say this, that other people have called this

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1 the crime of the century and if the jury can't look at the way
2 the victims looked at the scene, I just can't understand that.

3 Seven people were murdered, allegedly by the
4 defendant. If the jury can't look at the way these people
5 looked at the scene, especially when these photographs clarify
6 the circumstances, the positions of the body, things like that,
7 I just don't agree with it, your Honor, if the court is
8 contemplating keeping it out, particularly in view of the
9 clear case law in the State of California -- the Supreme
10 Court repeatedly, case after case after case, says it was all
11 right to permit the photographs to come in; there is dictum
12 to the effect that they shouldn't have come in, but there is
13 no case I know of holding that the trial court committed error
14 in receiving the photographs into evidence, so --

15 THE COURT: They are speaking of the manifest abuse of
16 discretion, before they would enter --

17 MR. BUGLIOSI: And thus far in the many years that this
18 court has been sitting up on that bench in Sacramento, or
19 wherever they are sitting -- I guess San Francisco -- they
20 have not yet said there was a manifest abuse of discretion;
21 and in a case of this magnitude where seven people are dead,
22 the jury should be able to look at the photographs of these
23 victims.

24 So, we will submit the matter. We tell the court
25 that these photographs will assist the prosecution in proving
26 premeditation, malice aforethought and clarifying the circum-
27 stances of the murders.

28 THE COURT: Let me ask you this: What do these colored

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1 photographs with all the blood and gruesomeness demonstrate that
2 Dr. Noguchi, Dr. Katsuyama and the morgue photographs and the
3 diagrams of the rope around the neck of Sebring and Sharon Tate,
4 as drawn by Mr. Granada, what do these photographs show that
5 has not been explained away by the other testimony?

6 MR. BUGLIOSI: That argument could be made in every single
7 solitary case; whenever there is a murder case and there is a
8 dead body at the scene and the police arrive at the scene and
9 testify on the stand, so and so, the victim was lying next to
10 a couch, then that argument could be made in every case: Why
11 show the photographs when there is testimony of it?

12 It is not only the general practice, your Honor,
13 it is the universal practice that photographs come in. The
14 fact that there is other testimony pertaining to the victims'
15 bodies is no argument for the exclusion of those photographs.

16 We can put on additional evidence and what is better
17 descriptive, illustrative evidence than a photograph, itself?
18 It is a hundred times better than some witness taking the stand
19 and saying that, "I saw Sharon Tate lying on the living room
20 floor."

21 It is much, much more descriptive and illustrative.
22 It clarifies the circumstance, shows the positions of the body.

23 We don't have any testimony with respect to the
24 positions of the body other than Linda Kasabian's testimony.
25 This clarifies or substantiates and confirms her --

26 THE COURT: She was not inside the house, was she?

27 MR. BUGLIOSI: No, but with respect to Folger --

28 THE COURT: And Frykowski.

1 MR. BUGLIOSI: -- and Parent, with respect to them, those
2 three victims, these photographs corroborate her testimony and
3 her credibility is in issue here.

4 I can assume that the defense, when they put on
5 their defense, there is going to be some departures between
6 Mr. Watson's testimony, if he testifies, and Linda Kasabian's
7 testimony; so there is going to be an issue as to her
8 credibility.

9 These photographs tend to corroborate her testimony,
10 but I want to point out again, your Honor -- I don't want to
11 lose point of the fact that these photographs comparatively
12 speaking, are not nearly as gruesome as I am sure the court
13 has seen in many, many other cases.

14 The court has seen more photographs of victims
15 in murder cases than I have, but I have seen many others much
16 worse than that -- I am referring to cases where there are
17 mutilations, or a breast has been cut off, or a leg cut off,
18 a head is blown off.

19 These photographs come in and in those cases,
20 certainly the Coroner could take the witness stand and, "I
21 examined the victim and the left portion of the man's head was
22 blown off"; so why introduce the photograph?

23 Well, the photograph is illustrative. It is
24 descriptive, it clarifies the circumstances -- people vs.
25 Adamson.

26 We earnestly beseech the court that the court
27 permit these photographs to come in.

28 If there were case law opposing it, that would be

one thing, your Honor, but all of the law is on the side of letting these photographs in.

I have given the court 10 supreme court cases -- I don't think the defense can come up with one D.C.A. case that says they shouldn't come in.

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1 THE COURT: But, I think in every case it is a matter
2 of discretion with the court.

3 MR. BUGLIOSI: There is no question; but under 332 the
4 court has the power and the discretion; but I mentioned that
5 word, and underlined that word in section 252, "Substantially"
6 outweigh. It doesn't just say "outweigh."

7 We earnestly beseech the court, your Honor, and
8 if the court has any question about how it is going to rule,
9 I would ask the court to read these California Supreme Court
10 cases that I have --

11 THE COURT: Mr. Bugliosi, I can truthfully say that I
12 am familiar with most of them; I can truthfully say that, Mr.
13 Bugliosi.

14 MR. BUGLIOSI: I am sure you are, your Honor; I am sure
15 you are.

16 THE COURT: And I can truthfully say that I have
17 received more gruesome photographs in evidence; and when I was
18 sitting at your side of the table I have offered more gruesome
19 photographs in evidence, but they demonstrated a point, see,
20 which could not be demonstrated otherwise.

21 MR. BUGLIOSI: And I have pointed out a couple of points,
22 your Honor, that could not be demonstrated otherwise, such as
23 the positions of the body, the bodies on the premises -- Linda
24 says Parent's head was slumped to the right; that's in her
25 testimony. We have a photograph showing that. That confirms
26 her testimony.

27 She says Frykowski was stabbed to death on the
28 front lawn, and further down the way on the front lawn she sees

1 Patricia Krenwinkel chasing Abigail Folger. These photographs
2 again demonstrate that, to clarify the circumstances and
3 corroborate her testimony.

4 THE COURT: This exhibit 24, of Steven Parent, I am
5 admitting that; and there I can feel or say that I feel that
6 its probative value does outweigh, substantially, its prejudicial
7 effect. Parent will be received. All right.

8 Now, gentlemen, exhibit -- Grand Jury exhibit 25
9 and people's exhibit 89 in this case showing the position of
10 Frykowski, I don't think that that is that gruesome; and I
11 will permit that one in.

12 My records shows the same as 25, so 25, also known
13 as 89, also will come in.

14 THE CLERK: Judge, just to make it clear, we are going
15 to have the large photograph 25, also admitted in?

16 MR. KAY: That has already been admitted in.

17 THE COURT: 25, according to my records -- and I can't
18 seem to straighten it out --

19 MR. BUGLIOSI: Your Honor, that is an aerial photograph
20 of the Tate residence and doesn't show the victims.

21 THE COURT: 25 shows a photo of a man Tex stabbed.
22 Now, do you have another 25?

23 MR. BUGLIOSI: Could we see 25? My recollection is it
24 is an aerial photograph --

25 THE COURT: Linda Kasabian testified to 25 and I doubt
26 whether she'd be testifying to an aerial photograph.

27 MR. BUBRICK: It was a photograph with some X's on it,
28 your Honor, where they showed the position of bodies.

1 THE COURT: Exhibit 7 shows the X's in the aerial photo.

2 MR. BUGLIOSI: That doesn't show any victims; it shows
3 where the car was parked at the bottom of the hill and it is
4 an aerial photograph.

5 THE COURT: Where did I get exhibit 7?

6 MR. BUGLIOSI: Maybe 7 also will.

7 MR. KAY: I think Jim Asin also testified from exhibit
8 25, put an A on where his house was on top of the roof.

9 THE COURT: Yes.

10 Well, if you are satisfied that this one is 25
11 and the other one is 89, then 25 will be received.

12 Generally my records are pretty correct.

13 MR. BUBRICK: I have 25 as the same photograph of
14 Frykowski, as your Honor does.

15 THE COURT: You see it is marked "25 Grand Jury" and
16 probably Mr. Bugliosi made a mistake and referred to the 25
17 that appears on the Grand Jury number rather than the people's
18 number. That could be.

19 All right, that will be 89; that is received.

20 Now, what is the aerial photo showing the location
21 of Frykowski and the lady in the white gown?

22 Mr. Bugliosi placed the X's where the bodies
23 were.

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1 MR. KAY: That doesn't show the actual bodies. That is
2 just an aerial view looking down through the trees and there
3 are X's on top of the trees.

4 THE COURT: All right. That is received.

5 As to Exhibit 117 --

6 MR. BUGLIOSI: That is a small photograph showing Sharon
7 Tate and Jay Sebring.

8 THE COURT: That is 117. That one I am excluding on
9 the grounds heretofore.

10 Now, Exhib it 92 I am excluding that for the same
11 reason.

12 MR. BUGLIOSI: If get to the penalty phase, would your
13 Honor entertain a motion by the prosecution at that point to
14 have those photographs introduced in evidence, because during
15 the penalty phase now, sympathy and prejudice, things like
16 that, are relevant.

17 THE COURT: Well, we will worry about that, Mr. Bugliosi,
18 but I can tell you now, though, coming back to your argument:
19 If there is any difference in the testimony, if Mr. Watson takes
20 the stand and Linda Kasabian, and the photographs do prove a
21 point one way or the other, I, of course, will reconsider my
22 ruling then.

23 Coming back to your argument where you feel that
24 there may be a conflict in the evidence and the photographs may
25 demonstrate which one is accurate, of course, I will reconsider
26 then and make another ruling.

27 THE COURT: 93, 212 and 213 will be admitted.

28 THE CLERK: Those are 93, 212 and 213?

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1 THE COURT: Yes. And I make the finding in each of
2 those cases the probative value exceeds the prejudicial effects
3 substantially.

4 I am allowing 91 and make the same finding.

5 106 I am excluding for the same reason.

6 Admitting 195 and make the same finding. Exhibit
7 87 --

8 MR. BUGLIOSI: That is one of Sharon Tate, your Honor.

9 THE COURT: Yes.

10 MR. BUGLIOSI: The only thing that it shows that is
11 gruesome is blood.

12 If this man here murdered Miss Tate, the jury should
13 be able to look at the way she looked at the scene. The reason
14 -- the fact that she has blood in her body is no reason for
15 exclusion.

16 There is no dismemberment, there is no mutilation,
17 simply a photograph of her at the scene with blood.

18 THE COURT: Mr. Bugliosi, I cannot honestly say that I
19 feel its probative ^{value} substantially exceeds the prejudicial
20 effect.

21 I cannot honestly say that. We may have a differ-
22 ence of opinion.

23 MR. BUGLIOSI: It shows the rope around her neck, your
24 Honor. It shows her position. I don't think that is the one
25 that shows her tied to Jay Sebring.

26 THE COURT: No, no. I am excluding 87.

27 For the same reasons, I am excluding 88.

28 MR. BUGLIOSI: 88, your Honor, is a photograph of

1 Abigail Folger on the front lawn.

2 THE COURT: Yes, I know. I see that.

3 MR. BUGLIOSI: That corroborates Linda's testimony.

4 THE COURT: I am excluding it for the same reason, Mr.
5 Bugliosi, and 102, I will allow 102. It demonstrates the same
6 as 88 and I will make the same preliminary finding.

7 I believe that takes care of them all.

8 MR. BUGLIOSI: Could I see the photograph the Court has
9 received, your Honor? And the ones the Court has not?

10 THE COURT: These I have rejected.

11 MR. KEITH: Has your Honor admitted all the morgue
12 photographs?

13 THE COURT: Yes. All the morgue photos have been admitted.

14 MR. BUGLIOSI: Thank you, your Honor.

15 THE COURT: I believe I have now ruled on all the evidence
16 or all the items of evidence.

17 Now, I take it, the People rest?

18 MR. BUGLIOSI: The People rest, your Honor.

19 THE COURT: All right, gentlemen. I take it you have
20 some motion to make?

21 MR. BUBRICK: Yes. I have a motion under Section 1118,
22 Subdivision 1, so far as the La Bianca murders are concerned.

23 THE COURT: That has been giving me trouble, too.

24 All right, Mr. Bugliosi, 1118.1 -- I know you are
25 familiar with it, but let's go over the language again.

26 "In a case tried before a jury on
27 motion of the defendant, or on its own
28 motion, at the close of the evidence on

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1 either side and before the case is sub-
2 mitted to the jury for decision, shall order
3 the entry of judgment of acquittal of one or
4 more of the offenses charged in the accusatory
5 pleading, if the evidence before the Court is
6 insufficient to sustain a conviction of such
7 offense or offenses on appeal."

8 All right. Now, it speaks of insufficient to sus-
9 tain a conviction.

10 The thing that bothers me and disturbs me greatly
11 -- and I think I told you about that before -- has the testimony
12 of Linda Kasabian been corroborated? Because without corrobor-
13 ation of an accomplice, we cannot sustain a conviction.

14 Am I correct on that?

15 MR. BUGLIOSI: That is correct, your Honor, but there are
16 a couple of other issues: No. 1, is she an accomplice?

17 Now, she was held to be an accomplice during the
18 last trial but this Court obviously is not going to base its
19 rulings on what took place earlier.

20 For instance, all of the color photographs of the
21 victims during the last trial were received in evidence and in
22 this trial the Court said, "No, I am not going to receive all
23 of them."

24 THE COURT: By the way, that is no criticism of the
25 Court in the last trial. Please understand that.

26 MR. BUGLIOSI: Right.

27 THE COURT: It is an honest difference of opinion.

28 MR. BUGLIOSI: The point I am trying to make is at this

1 stage of the proceedings, I think it is still a viable issue
2 of whether Linda Kasabian is an accomplice. Now, the People --
3 THE COURT: Just La Bianca. I am not worried about the
4 other.

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1 THE COURT: As to La Bianca --

2 MR. BUGLIOSI: Yes, Mr. Kay and I will stipulate that
3 on the Tate murders, she was an accomplice, on this rationale,
4 for the record -- even assuming she did not go out for the pur-
5 pose of murdering, she did believe that the purpose of the
6 mission was burglary or robbery; so, you have a felony murder
7 situation, anyway, so she'd be guilty of first degree murder
8 under felony murder.

9 Let me first articulate what our burden is under
10 1118.1. As the Court said, if the evidence then before the
11 court is insufficient to sustain a conviction of such offense
12 or offenses on appeal, then and only then should the Court
13 grant a motion for acquittal; so the test the People have to
14 satisfy, your Honor, under Section 1118.1, as the Court knows,
15 is not to prove Mr. Watson's guilt beyond a reasonable doubt;
16 We only have to prove that we offered any substantial evidence
17 from which an inference of guilt can be drawn, the same test
18 that prevails on appeal. I think it is the same test that
19 prevails on appeal.

20 No Court has yet interpreted Section 1118.1, to
21 my knowledge; the People vs. Odom, 325 Cal. Ap. 3d 559, concerns
22 1118.1; but it does not interpret the language of 1118.1.

23 So, I think for an interpretation of 1118.1, we
24 have to look to its predecessor, 1118, and there were many
25 cases interpreting 1118 and these cases, I think, are illuminat-
26 ing -- People vs. Westcott, W-e-s-t-c-o-t-t, 99 Cal. Ap. 2d
27 711.

28 In that case the Court said that to justify an

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1 instruction directing a verdict of acquittal in criminal
2 prosecutions, the evidence must be in sufficient as a matter
3 of law. The original 1118 was analogous to a directed verdict
4 in a civil case.

5 The Westcott case goes on and says that where there
6 is evidence -- and the Court doesn't even say substantial
7 evidence, it just says where there is evidence from which an
8 inference ^{of} guilt is justified, a criminal prosecution should not
9 be taken from the jury merely because an inference of innocence
10 might also be drawn therefrom.

11 People vs. Saucedo wherein the Court said that a
12 defense motion for an instruction that the defendant should be
13 acquitted for insufficiency of evidence, may properly be denied,
14 if the evidence is sufficient to sustain a conviction on appeal.

15 Now, when is the evidence sufficient to sustain a
16 conviction on appeal?

17 THE COURT: Now read 1111.

18 MR. BUGLIOSI: 1111? Do you have the Penal Code with
19 you, your Honor?

20 THE COURT: Yes, yes.

21 MR. BUGLIOSI: Well, it is where there is substantial
22 evidence from which an inference of guilt can be drawn, the
23 case should not be reversed on appeal.

24 Am I correct on that, your Honor?

25 THE COURT: No, no; 1111 says a conviction cannot be had
26 upon the testimony of an accomplice.

27 MR. BUGLIOSI: I haven't gotten to that issue. What I
28 am trying to do now is articulate what our burden is under

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1 1118.1, and I think it is clear that under 1118.1, the same
2 test prevails under 1118.1 as it does on appeal: If there is
3 substantial evidence from which an inference^{of} guilt can be
4 drawn, the appeal should be affirmed; likewise an 1118.1 should
5 be denied, so I think it is the same burden.

6 In other words, if the Court upstairs concludes that
7 the jury verdict was predicated upon speculation, suspicion,
8 conjecture, then it has to reverse the conviction; like under
9 1118.1, if we have only offered speculation and conjecture and
10 suspicion, at this point the Court would have to grant 1118.1;
11 but the record is clear that we have offered substantial evidence
12 on all the seven murders, plus --

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11A

1 THE COURT: You have substantial evidence by the
2 testimony of Linda Kasabian, alone; that would be substantial --

3 MR. BUGLIOSI: And by the testimony of other witnesses,
4 your Honor.

5 THE COURT: La Bianca, I am talking about, La Bianca
6 only.

7 Let's assume that you had only the testimony of
8 Linda Kasabian, would you say that her testimony is sufficient
9 upon which to base a conviction of this defendant?

10 MR. BUGLIOSI: All right.

11 No, I, and I think we have to negotiate this
12 hurdle first, does the court feel that at this point on 1118.1
13 the court has to make a determination whether Linda was an
14 accomplice?

15 I don't know if there is any case on that that
16 says you have to make that decision on an 1118.1 motion. I am
17 not sure about that.

18 THE COURT: There is no case^{of} that, no; true.

19 MR. BUGLIOSI: So it is not even clear that we have
20 to resolve that issue. Mr. Watson may take the witness stand --

21 THE COURT: I thought of that before.

22 MR. BUGLIOSI: -- and confess to the La Bianca murders;
23 and it would be an enormous miscarriage of justice for these
24 people to have been murdered when he is going to confess to
25 these murders and the case is thrown out --

26 THE COURT: That is what kept me up a night or two.

27 MR. BUGLIOSI: Right; so the point is, your Honor, it
28 is not clear -- in fact, I don't think any appellate court has

11A-2

1 addressed itself to the issue of whether or not the trial
2 court has to make this determination at an 1118.1 hearing.

3 Now, let's assume that the court is going to
4 consider whether Linda is an accomplice at this hearing right
5 now.

6 We will start out with that proposition -- I am
7 not stipulating that the court has to do that, but let's assume
8 that the court is going to do that; let me address myself
9 briefly to whether Linda was an accomplice on the La Bianca
10 murders.

11 THE COURT: She is named as one; whoever filed the
12 indictment, whoever got the indictment filed --

13 MR. BUGLIOSI: I have some cases on that for the
14 proposition that being named in the indictment does not make
15 one --

16 THE COURT: You don't have to cite me cases.

17 MR. BUGLIOSI: -- an accomplice.

18 The reason why, there is an instruction in Calje
19 which seems to indicate that, but that's not the law because
20 there is many cases in California saying that being a co-indict
21 does not make one an accomplice.

22 In fact, even being held to answer does not make
23 one an accomplice. I have got several cases on that --

24 THE COURT: You don't have to argue it with me.

25 MR. BUGLIOSI: People v. Acosta, 115 Cal. App. 103;
26 People v. Clark, 115 Cal. App.2d 219.

27 THE COURT: You see, if I don't have to exercise my
28 judgment now, I will not exercise that; because I can perceive

1 the possibility --

2 MR. BUGLIOSI: Right.

3 THE COURT: -- of us dismissing that; then the defendant
4 takes the stand and says, "Judge, you are crazy, I did it."

5 MR. BUGLIOSI: Right; and I don't think there is any
6 case that the defendant can cite to the court which commands
7 the trial court to make this determination on an 1118.1 motion;
8 but, let's go on and assume that the court does have to make
9 that ruling -- Mr. Kay and I are arguing to the court that the
10 court does not have to make it --

11 THE COURT: Except for the word "shall."

12 MR. BUGLIOSI: The word is in 1118 point --

13 THE COURT: Yes, "shall order the entry of a judgment
14 of acquittal."

15 MR. BUGLIOSI: Yes, if the evidence is insufficient to
16 sustain a conviction.

17 THE COURT: And is the evidence sufficient if you have
18 only the testimony of an accomplice.

19 In other words, what you are telling me now is
20 that right now, as a matter of law, Linda is not an accomplice?

21 MR. BUGLIOSI: Her testimony is uncontradicted at this
22 point; and let me tell you why I don't believe she is an
23 accomplice.

24 We start out with the proposition, your Honor, that
25 a conspiracy is an agreement between two or more people to
26 commit a crime, followed by some overt act to carry out the
27 object and purposes of the conspiracy; so, one of the elements
28 of the conspiracy is an agreement.

1 Now, was Linda a party to the criminal agreement
2 on the night of the La Bianca murders? We maintain that she
3 was not a party to the agreement, for this reason: The word
4 "agreement" connotes a voluntary enterprise.

5 If coercion, either express or implied, is involved
6 you do not have an agreement. This is also true under the
7 civil law of contracts.

8 Linda testified, and at this stage of the
9 proceedings right now, her testimony is totally uncontradicted.
10 We don't have Mr. Watson's testimony or anyone else's testimony.
11 She testified that she did not want to go along on the night
12 of the La Bianca murders. She went along because she felt she
13 had no choice; that's her testimony, uncontradicted.

14 She had just seen five murders the previous night,
15 your Honor, and she knew that Mr. Manson had ordered these
16 murders. She certainly knew that Mr. Manson was not beyond
17 ordering her murder. She certainly was in no position to
18 tell Mr. Manson to go jump in the lake or fly a kite, when
19 he told her to come along on the night of the La Bianca murders.

20 There was an implied coercion. She said she had
21 to go along, she had no choice; she didn't want to be murdered,
22 herself, so, in essence, on the night of the La Bianca murders
23 she testified that she went along involuntarily.

12R-1

1 Because she went along involuntarily, vis-a-vis
2 voluntary, she is not a party to that agreement. She is not
3 a party to that agreement and if she is not a party to the
4 agreement, she is not a co-conspirator.

5 If she is not a co-conspirator, vicarious liability
6 does not apply. If vicarious liability does not apply, she is
7 not responsible for these murders.

8 Let's take a look at Caljic 310 which sets forth
9 what constitutes an accomplice.

10 This is the second reason why she is not an
11 accomplice. The first reason I don't believe she is a co-
12 conspirator because she was not a willing party to the conspiracy.

13 Caljic 310 says "To be an accomplice one must have
14 knowingly and with criminal intent aided, promoted, encouraged,
15 instigated by act or advice or by acts and advice the commission
16 of the offense charged against the defendant on trial."

17 So we have two basic elements to constitute
18 accomplice: One, knowledge and two, criminal intent.

19 Now, on the night of the La Bianca murders there
20 is no question that Linda did have knowledge. She did have
21 the first element because she was along the first night.

22 The second night Manson told Tex and the others
23 they had been too messy the night before and this night he
24 was going to show them how to do it.

25 So she knew that on the second night that the
26 mission was going to be murder -- knowledge.

27 Let's take a look at criminal intent and see if
28 she had criminal intent. I think the criminal intent we are

1 talking about is the intent to kill.

2 And I think if there was no intent to kill, she
3 is not an accomplice, or even if she did not have an intent to
4 kill, if we can prove she did not want to aid others in their
5 intent to kill, she is not an accomplice.

6 I think to determine what her state of mind was,
7 your Honor, we have to look at the circumstantial evidence and
8 from the circumstantial evidence draw inferences as to what was
9 her state of mind on the night of the La Bianca murders. Not
10 only did Linda not want to go along on the night of the La
11 Bianca murders, but her conduct in Venice shortly after the
12 La Bianca incident, her conduct in Venice clearly and unequiv-
13 ocally shows that she did not have an intent to kill.

14 If she was a willing conspirator, we can assume
15 that any willing conspirator wants to help his or her conspira-
16 tors carry out the object of the conspiracy.

17 The object on the night of the La Bianca murders was
18 murder. That is the object of the conspiracy as set forth in
19 the indictment.

20 Linda showed by her conduct in Venice, your Honor,
21 that she wasn't out to help carry out this object. She was
22 out to prevent it, to frustrate it.

23 She deliberately knocked on the wrong door because
24 she said she didn't want this man, this Israeli actor, to be
25 killed.

26 She took active steps to prevent the object of the
27 conspiracy from being carried out. She did not want to kill.

28 Manson told her to kill this actor and she said,

2-3 1 "Charlie, I am not you. I cannot kill anybody."

2 So not necessarily doesn't she have the intent to
3 kill, she did not want to aid and abet the other people who
4 were along with her on this night.

5 Therefore, your Honor, the argument of Mr. Kay and
6 myself is that Linda Kasabian on the night of the La Bianca
7 murders was not an accomplice. Ergo, her testimony does not
8 have to be corroborated.

9 Let's take it a step further. Let's assume,
10 arguendo, that the Court makes a ruling that Linda is an
11 accomplice on the La Bianca murders.

12 Then the next question is, has her testimony been
13 corroborated? I cite to the Court these two cases which talk
14 about the weight of the corroborating evidence: People vs.
15 Wayne, 41 Cal 2d, 814, at Page 822 and People vs. Wade, 53
16 Cal. 2d, 322.

17 The California Supreme Court ruled that only
18 slight evidence -- and I italicize the word slight -- slight
19 evidence is needed to corroborate the testimony of an accomplice.

20 We used the Wayne and the Wade language during the
21 last trial. Again, that is not controlling here in this trial,
22 but the Court there felt that the word "slight" was a proper
23 instruction to the jury.

24 THE COURT: It is correct law. That is the proper law.

25 MR. BUGLIOSI: Is there slight corroboration here?

26 I think we have two items of evidence which con-
27 stitute slight corroboration. The first one, the day after the
28 Tate murders, Barbara Hoyt has a conversation with Tex Watson

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1 in which she tells Tex Watson that Leslie Van Houton was
2 hiding from some men who had driven her back to the Spahn Ranch
3 from the Griffith Park area of Los Angeles.

4 Tex tells Miss Hoyt not to say anything to anyone
5 about Griffith Park. He said we were at a love-in.

6 Of course, the La Bianca residence is in the
7 Griffith area of Los Angeles. Now, this false statement by
8 Mr. Watson, and also false statement about the love-in, in
9 telling Miss Hoyt not to say anything about Griffith Park, I
10 think shows a consciousness of guilt on his part and this con-
11 sciousness of guilt is circumstantial evidence of his guilt and
12 it is certainly slight evidence.

13 As the Court knows, false statements do constitute
14 corroboration; People vs. Simpson, 43 Cal. 2d, 553 and People
15 vs. Thurmand, 170 Cal. Ap. 2d, 121.

16 The second item of corroboration is this, your
17 Honor. The M.O. of the La Bianca murders was substantially
18 identical with the M.O. on the Tate murders.

19 The M.O. is circumstantial evidence of guilt. Now,
20 these are the substantial unique similarities between the Tate
21 murders and the La Bianca murders from which we can draw the
22 inference that the Tate killers also have to be the ones involved
23 in the La Bianca killings.

24 No. 1, both murders happened in Los Angeles. It is
25 true that Los Angeles is a very large city, but on the world
26 map it is only a dot. Both of these happened in Los Angeles,
27 the Tate and the La Bianca murders.

28 They happened on consecutive nights. Both murders

12-5

1 apparently were committed in the depth of night. The Tate and
2 the La Bianca victims were all Caucasian and I think could be
3 described by and large as members of the establishment. Certain-
4 ly Sharon Tate, Jay Sebring and Abigail Folger were prominent
5 people and Leno La Bianca was very prominent.

6 Getting into the murders themselves, the main
7 murder weapon in both the Tate and La Bianca murders was a knife.

8 Furthermore, not only was a knife the main murder
9 weapon, but four out of the Tate victims, and Mr. and Mrs. La
10 Bianca, had a great number of stab wounds.

11 This multiplicity of stab wounds in both the Tate
12 and the La Bianca cases is a substantially unique similarity.

13 Both murders were marked by incredible savagery,
14 almost an orgy of murders. I mean an orgy of murder at both
15 places.

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1 The blades on the Tate and La Bianca murder knives
2 had very, very similar dimensions per the testimony of Dr.
3 Noguchi and Katsuyama.

4 Both murders were marked by a lack of conventional
5 motive. I am not talking about Linda's testimony but just
6 looking at the scene.

7 Neither residence is ransacked. There are valuable
8 items of personal property all over which were not stolen.
9 Obviously the murders were not committed to perpetrate a
10 burglary or a robbery or a theft.

11 At the Tate residence the killers place a towel
12 over Jay Sebring's head.

13 At the La Bianca residence, they place pillow cases
14 over Leno and Rosemary's heads.

15 Sharon Tate and Jay Sebring have ropes tied around
16 their necks. Leno and Rosemary have electrical cords tied
17 around their necks.

18 Perhaps the most unique and conclusive similarity
19 is that not only did the killers print words in the victim's
20 blood at the scene of the Tate and La Bianca murders -- there
21 is an extremely unique similarity -- I mean how often do you
22 find murders where the killer prints words in the victim's
23 blood at the scene?

24 It happens but it is extremely rare, extremely
25 unique.

26 Not only do we have that situation but the words
27 they print at both residences, some of the words are the same.
28 "Pig" on the front door of the Tate residence and "Death to

12A-2

1 Pigs" on the living room wall of the La Bianca residence,

2 Now, this last similarity alone, your Honor, is
3 very, very persuasive evidence that the Tate killers were also
4 the La Bianca killers.

5 When you view that last similarity in conjunction
6 with all of the other similarities, the inference is absolutely
7 inescapable that the Tate killers were also the La Bianca
8 killers.

9 Now, the legal relevance of that is this: Since
10 we know that Tex Watson, independent of Linda's testimony
11 because we are talking about corroboration -- since we know
12 that he was one of the Tate killers, his fingerprints were found
13 on the outside of the front door of the Tate residence,
14 inasmuch as there are a remarkable number of unique similarities
15 between the Tate murders and the La Bianca murders, the fact
16 that he was one of the people involved in the Tate murders
17 is circumstantial evidence that he was also involved in the
18 La Bianca murders.

19 THE COURT: What you are saying now, Mr. Bugliosi, brings
20 to mind a series of cases decided by the Supreme Court beginning
21 with People v. Trujillo, T-r-u-j-i-l-l-o, and there for the
22 first time the Supreme Court said the accomplice is
23 corroborated if the other evidence is such as to convince the
24 jury that the accomplice was telling the truth.

25 MR. BUGLIOSI: We used that identical instruction during
26 the last case.

27 THE COURT: Now, Trujillo was the first Supreme Court
28 case that ruled that way. Since then we have had a number of

12A-3

1 cases --

2 MR. BUGLIOSI: Yes, your Honor.

3 THE COURT: -- that used the same language. It is
4 sufficient if the other evidence convinces the jury that the
5 accomplice was telling the truth.

6 MR. BUGLIOSI: Just completing the argument, even assuming
7 that you ruled that Linda was an accomplice, your Honor, I
8 believe her testimony has been corroborated.

9 We would respectfully ask the court to deny the
10 defense motion for acquittal.

11 We have met our burden. It is a very limited
12 burden under 1118.1 and ask the court to deny that motion.

13 THE COURT: Which one of you gentlemen wishes to argue.

14 MR. BUBRICK: I will argue it, your Honor.

15 THE COURT: I am not telling you to argue, because I am
16 inclined to deny your motion at this point.

17 MR. BUBRICK: Your Honor, if you go back to the language
18 of 1118.1, it says that the court at this time, if the
19 evidence then before it -- which means right now, not what it
20 is going to be before the appellate court, not if Mr. Watson
21 testifies, not if there is defense testimony that is subject
22 to an interpretation which supports the people's case, but
23 right now, as the record stands.

24 You have the testimony. You have the problem as
25 to whether or not the burden of 1118 is met -- whether or not
26 Linda Kasabian is an accomplice and whether or not there is
27 corroboration of that accomplice's testimony in this record
28 at this time.

12A-4

1 I don't think 1118.1 would have any significance
2 at all if it was subject to the interpretation that you could
3 wait until the case was in, until it went to the jury to
4 decide.

5 Because as your Honor has pointed out the
6 language says shall make it if the evidence^{then} before the court
7 at the time the motion is being made. So I think you beg
8 the question when you say that there is nothing that says
9 you have to do it now because there is nothing that says --

10 THE COURT: I said it this way, Mr. Bubrick: Following
11 the language of Trujillo is there not sufficient other evidence
12 in this case from which a jury can be convinced that Linda
13 Kasabian told the truth?

14 MR. BUBRICK: Suppose we take the jury instruction that
15 treats with accomplice, your Honor.

16 Suppose we strike all the testimony of Linda
17 Kasabian and then where do you go from there?

18 THE COURT: Then back to Rheingold.

19 MR. BUBRICK: Yes. If you followed the jury instruction,
20 and you tell the jury to decide whether or not there is
21 corroboration, you strike the testimony of the accomplice and
22 see if there is any evidence left that points to the guilt of
23 the defendant.

24 THE COURT: Incriminating evidence.

25 MR. BUBRICK: Incriminating evidence, incriminating
26 evidence.

27 What do you know from the record as it stands?
28 We know that he was one of a group.

1 We know that this was a group oriented plan, that
2 the group had certain plans.

3 They had a certain philosophy. They had a certain
4 practice. They had a certain philosophy and that everybody
5 that was present at the time of the Tate murders had the same
6 philosophy.

7 They were told to do it as gruesomely as possible.

8 They were told to do the witchy little things,
9 whatever that means, and this was a group oriented thing.

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think

1 I don't, that of necessity points to Mr. Watson as
2 the one who committed the Tate murders. It means that he may
3 have been one of a group that had gone to the Tate house --
4 I'm sorry, I meant La Bianca -- because he may have been one
5 of a group that had been at the Tate house and he may have been
6 one of the group who could have, because of the group philosophy
7 involved.

8 The fact that he told somebody that we were at a
9 love-in means nothing. There are obviously a lot of houses in
10 the area of Griffith Park and for all we know, he may have been
11 at a love-in, but there is nothing incriminating about saying
12 "Don't tell Charlie. Don't tell anybody we were at a love-in
13 at Griffith Park."

14 And to say that that can be stretched out to put
15 him in the La Bianca house, I think just stretches it as far
16 as you can go. I am mindful of a theory of the Trujilla cases
17 that follow that, but I think there is nothing so unique that
18 it points to an individual. All it points to is a group and
19 as I say, if you strike Linda Kasabian's testimony, there is
20 nothing. There is nothing that would tie Mr. Watson up with
21 the La Bianca murders.

22 I don't care how far you stretch it. It just
23 doesn't go that far.

24 I think that the Trujilla case, those cases, are
25 merely one of a group of cases which have tried to give some
26 direction to the corroboration of the accomplice.

27 But the jury instruction itself, the instruction
28 which you will give the jury says, if you strike that, there

1 has to be some evidence which incriminates Mr. Watson, and I
2 say that at this stage of the proceedings, at the time of the
3 arguing of this motion right now, that is missing. There is
4 nothing that ties him in with that aside from Linda's state-
5 ment.

6 Now, if your Honor wants to say that Linda is not
7 an accomplice, we don't have to worry about that. And, of
8 course, then we wouldn't have a problem, but I say anybody
9 who knows that a murder is going to be committed and goes
10 there in contemplation of killing, then finds herself in the
11 presence of a police officer dropping peanuts in the mouth
12 of a man whom she is walking with down to the sand, holding his
13 hand, is one who is a real follower.

14 The one who drives the car from position to posi-
15 tion is a principal, aiding and abetting, knowing what the
16 real purpose of the driving is. I think it manifests the
17 intention to go along with the scheme.

18 We have no evidence that she was subjected to any
19 harm or anything at all that would have prevented her from
20 going along with Mr. Manson.

21 If she had said, "I am not going to go," and she
22 had been hit or forced or her life had been threatened, that
23 would have been one thing, but to say on reflection, "I didn't
24 want to go --" we can't open her head up. We can't explore
25 that. We can only see what she meant to do by what she did.

26 We don't even know that the instance with the
27 Israeli actor ever existed. She says it did. We cannot
28 refute that. We don't know whether it happened or not.

12B-3

1 We don't know whether he was in the house, whether
2 he lived on the fourth floor, the fifth floor, or anything
3 else at that time, and that is not charged as a conspiracy.

4 We are not required to refute that testimony, but
5 I do say that her very conduct that night shows whether or not
6 she was so afraid of Mr. Manson that she feared to be with him,
7 that she somehow was not actively going along with what he had
8 planned, and she she knew was the real purpose of their being
9 along.

10 She ate food, she went along in this car. She drove
11 from place to place.

12 All of these things, I think indicate that she was
13 very receptive to Mr. Manson. She was much attune with him.

14 She supported him by her presence, without saying
15 anything to him from which one could infer that she was there
16 as a captive. I would submit, your Honor, that the Trujilla
17 theory does not apply over to this situation because we have
18 lots of facts that Mr. Bugliosi has enumerated.

19 We have the problem of giving credence to Mrs.
20 Kasabian's testimony in the face of everything she did that
21 night and, as I say, knowing as we all know now that Mr. Watson
22 was merely one of a number who participated in the Tate murders,
23 and whether or not that fact is the reason to say that because
24 of what happened at the Tate house and because it was a group
25 enterprise, and because he was a member of that group, there-
26 fore he must have been along the following night -- it doesn't
27 necessarily follow at all.

28 THE COURT: Mr. Subrick, at one time when criminal law

12B-4

1 was fairly simple and we didn't need a laser beam and electronic
2 microscope to find out what our Appellate Courts are telling
3 us, the law was to determine whether an accomplice had been
4 corroborated, to eliminate from the case all the testimony of
5 that accomplice and look to the remaining testimony for testi-
6 mony that inculcates the defendant. It must be incriminating
7 not to every fact but in some detail and we could then do that
8 at one time.

9 I recall while the Rheingold case was on appeal
10 the Trujillo case was decided and in the Trujillo case they
11 kind of eliminated the old test of determining of whether an
12 accomplice was corroborated by eliminating his testimony and
13 looking to the remainder of the testimony to find incriminating
14 or inculpatory testimony.

15 They said then if there is other evidence which
16 convinces the jury that the accomplice is telling the truth,
17 then the accomplice is corroborated.

18 After that Trujillo case they denied a hearing in
19 the Rheingold case and in the Rheingold case, they said you
20 must eliminate the testimony of the accomplice and look to the
21 remaining testimony.

22 Then they went further and said that if you must
23 look to the accomplice's testimony, even for direction, it has
24 not been corroborated.

25 Then the Rheingold case went to the Supreme Court
26 and by a four to three they denied a hearing in the Rheingold
27 case and the Rheingold case had been reversed here by Justice
28 White's Appellate Court.

#13

1 And then for a while we thought that was the law,
2 look to the remaining testimony that can convince a jury that
3 the accomplice is telling the truth.

4 Then came the Ewing case, and back they flipped --
5 the Ewing case involved somebody from Long Beach -- back they
6 flipped, now, to the old law, see; and it is today we don't
7 have on the trial bench the laser beams and the electronic
8 microscopes we need, and we don't have a year or two in which
9 to decide the questions. We must decide them right now.

10 As I feel right now, Mr. Bubrick, I think there is
11 sufficient other testimony here besides the testimony of
12 Linda Kasabian which could convince the jury that she was
13 telling the truth.

14 Maybe by the time that this case comes up to our
15 court of last resort they may go back to the Rheingold and
16 other decisions, I don't know; but right now I feel that way
17 and I am denying your motion.

18 MR. KAY: Thank you, your Honor.

19 THE COURT: I think we have got 10 minutes. Do you
20 think it is worthwhile bringing the jury in?

21 Let's bring the jury in and instruct them to be
22 back at 1:30.

23 (Jury returns to courtroom.)

24 THE COURT: By the way, it was Chief Justice Gibson who
25 joined in the Trujillo opinion; but it was he who made the
26 fourth vote to deny the hearing in the Rheingold case.

27 MR. BUGLIOSI: That's beautiful.

28 THE COURT: People against Watson.

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Let the record show that all jurors are present,
counsel and defendant are present.

Ladies and gentlemen of the jury, I don't think it
would be profitable to start our case about eight minutes to
12:00 and recess at 12:00, so we'll have a continued recess
till 1:30.

Please heed the usual admonition, and we'll resume
at 1:30.

Thank you, ladies and gentlemen.

(The noon recess was taken until 1:30 p.m. of
the same day.)

#14

1 LOS ANGELES, CALIFORNIA, TUESDAY, AUGUST 31, 1971; 1:30 P.M.

2 - - -

3
4 THE COURT: All right. People against Watson.

5 Let the record show all jurors present, all
6 counsel and the defendant are present.

7 Mr. Bubrick, you may proceed.

8 MR. BUBRICK: Mr. Carpenter, please.

9 THE CLERK: Raise your right hand, please.

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

14 THE WITNESS: I do.

15
16 CLIFFORD CARPENTER,
17 called as a witness on behalf of the Defendant, testified as
18 follows:

19 THE CLERK: Thank you.

20 Take the stand and be seated. Would you state and
21 spell your name, please.

22 THE WITNESS: My name is Clifford Carpenter, C-l-i-f-f-o-
23 r-d C-a-r-p-e-n-t-e-r.

24
25 DIRECT EXAMINATION

26 BY MR. BUBRICK:

27 Q Where do you live, Mr. Carpenter?

28 A I live at Farmersville, Texas.

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1

Q Is that anywhere near Copeville, Texas?

2

A Some eight miles northeast of Copeville.

3

Q Is that also in Collin County?

4

A Yes,

5

Q What sort of work do you do back there in

6

Farmersville?

7

A I am an onion merchant, an onion farmer.

8

Q Do you have a grove or do you process onions or

9

what?

10

A From time to time we grow onions and we process

11

and package onions.

12

Q Were you doing that back in 1960 or the early

13

part of 1960?

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A Yes, sir.

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#15

1 Q In the same area?

2 A Yes, sir.

3 Q Did you know Charles Watson, the defendant in this
4 case, back in the 1960s?

5 A Yes, sir.

6 Q Do you remember when it is that you first met him?

7 A I believe it was 1959, summer of 1959, the summer
8 of '59.

9 Q And about how old was he at that time?

10 A Well, my impression is he was around 13 or 14
11 years of age.

12 Q Did Charles live somewhere in the vicinity of
13 Farmersville at that time?

14 A Yes, he lived at Copeville.

15 Q Did Charles come to be employed by you?

16 A Yes, his older brother was working for me a few
17 years prior to 1960 and I believe it was in the summer of
18 '59 that Charles came along with him; and when we was a little
19 short, why, Charles helped out, though he was quite young.

20 Q Do you remember whether this was during the school
21 year or was this in the summer vacation?

22 A No, it was in the summer vacation.

23 Q And what sort of work did Charles do when he first
24 started in 1959?

25 A Usually we had the boys grading onions.

26 Of course, the salesman who used to call on me
27 said that I always had the high school football team working
28 for me -- and they sacked onions; we graded them and sacked

1 them from producing fields and loaded them in trucks or cars.

2 Q Now, do you remember where in that process Charles
3 fit? Did he grade onions?

4 A Yes, in the early years he did; but later on he
5 had other duties.

6 Q When he first started did he have some sort of
7 regular schedule that he kept while he worked for you?

8 A Not when he first started; he was just there when
9 we needed help.

10 Q And that started in '59?

11 Did it proceed in through the succeeding summers,
12 if you remember?

13 A Yes, up until -- well, through perhaps the first
14 two years in college, up until the time he started working
15 for Baniff.

16 Q Do you remember what year he last worked for you?

17 A I believe it was '66, last summer.

18 Q That's the summer of '66?

19 A Yes, sir.

20 Q Now, can you give us some idea of how Charles
21 progressed?

22 You said he worked there on a part time basis
23 initially; I assume it was doing grading onions?

24 A Yes.

25 Q Was that the lightest of the work that they did?

26 A Well, of course, as Charles became more experienced
27 our operation became more extended, too. We were growing
28 onions when Charles started working for us; but then later we

1 lightened up on the growing and started bringing onions in and
2 putting them in small packages; and Charles, when we started
3 that, he helped with the machinery and he was really -- he
4 was just really a handyman at times and he also worked on the
5 forklift, drove the forklift at times,

6 Q When you say he worked on the machinery, did he
7 do mechanical work for you?

8 A Yes, we had micromatic switches which were very
9 new to us and Charles could make them work. That's one of
10 the things I remember that he did.

11 Q All right.

12 How about the other type of mechanical equipment;
13 did he ever work on any of the vehicles, if you remember?

14 A I don't recall.

15 Q How about the forklift, did he work on that?

16 A No, as far as I know, he didn't; but he ran it.

17 Q He just operated it; is that correct?

18 A Yes.

19 Q Let's talk in terms, Mr. Carpenter, of the
20 latter couple of years, perhaps '65 and '66, in those years.

21 Did he work some sort of a regular schedule during
22 the summer?

23 A Yes, our operations became extended and lasted
24 through the whole summer then.

25 Q Would he report to work at some certain hour in
26 the morning?

27 A Yes, whenever we opened.

28 Q When was that, if you remember?

1 A Usually 6:00 or 7:00 o'clock.
2 Q Was he pretty diligent about being there on time?
3 A Yes, sir.
4 Q Did you ever know him to be late or come in any
5 haphazard hours or anything like that?
6 A No, I don't recall.
7 Q You don't recall that?
8 A No; that is, being late.
9 Q How long a work day would he engage in, if you
10 remember?
11 A Well, a lot of times we would work until 9:00 or
12 10:00 at night.
13 Q So he might work from 6:00 in the morning till
14 9:00 or 10:00 at night?
15 A It is possible.
16 Q Continuously?
17 A Yes, sir.

16-1

1 Q Can you give us some idea of the maximum number of
2 hours he might have worked per week?

3 A Well, it is possible that he worked 70, 75.

4 Q Did you find him to be a diligent employee in
5 whatever he did?

6 A Yes, sir.

7 Q Was he a reliable employee?

8 A Definitely.

9 Q Did you find him to be honest?

10 A Definitely.

11 Q Was he belligerent with any of his co-workers?

12 A No.

13 Q Was he ever known to be involved in any kind of
14 hostility or aggressive conduct there?

15 A No.

16 Q Was he trustworthy so far as you were concerned?

17 A Yes.

18 Q I take it he worked there as you say through '65
19 and '66?

20 A Yes, until he started working for Braniff.

21 Q Do you know whether he was going to college the
22 last years he worked for you?

23 A Yes. I believe he was going to Northeast Texas.

24 Q And then he worked for you in the summertime during
25 those years?

26 A Yes.

27 Q Do you have any children of your own, Mr. Carpenter?

28 A Yes, sir.

1 Q Are they boys or girls?

2 A Daughters, three daughters.

3 Q Are they somewhere within Mr. Watson's age range?

4 A Yes.

5 Q Did he ever go out with any of your daughters?

6 A I think so, maybe occasionally, or knew them.

7 Q Did you ever invite him to your home?

8 A Yes, definitely.

9 Q And I take it that he behaved himself, did he?

10 A Yes, sir.

11 Q Did you ever know him back in Texas when he wasn't
12 a gentleman?

13 A No.

14 Q Around you or around his place of employment?

15 A No.

16 Q Mr. Carpenter, can you give us some idea of the
17 size of Copeville?

18 A Well, I would presume it is between around 200
19 people. That is the population and I am guessing but I believe
20 right now it has possibly two grocery stores and two or three
21 filling stations and two churches, I believe.

22 Q How about Farmersville?

23 A Farmersville is a town of 2,200 people.

24 Q Eight miles from Copeville?

25 A Yes, sir.

26 Q In the years that Charles worked for you prior to
27 going off to college, do you know whether or not he was engaged
28 in athletics in the Farmersville area?

16-3

1 A Yes. I was on the school board when Charles --

2 Q What years were those, Mr. Carpenter?

3 A About '60 to '64.

4 Q Are you feeling all right?

5 A Oh, yes, I am fine.

6 Q And what sports, if any, do you know what he

7 engaged in?

8 A Basketball and track and football.

9 Q Did you ever see him play?

10 A Yes.

11 Q As a participant in sports?

12 A Yes.

13 Q And was he quite the town hero, if you know?

14 MR. BUGLIOSI: Move to strike. That calls for a con-

15 clusion, for hearsay.

16 THE COURT: Yes, that is a little indefinite, too.

17 MR. BUGLIOSI: Would the Court admonish the jury to dis-

18 regard the answer to the question?

19 THE COURT: There has been no answer but disregard the

20 question.

21 Q BY MR. BUBRICK: Was he a popular boy in school?

22 MR. BUGLIOSI: Calls for a conclusion.

23 THE COURT: If he knows. He was on the school board.

24 MR. BUGLIOSI: Calls for a conclusion. He doesn't know

25 what the other students thought of Tex, your Honor. There

26 might be some particular incident he might relate, but just a

27 bald conclusion like that, how would Mr. Carpenter know?

28 THE COURT: I will allow him to answer.

16-4

1 THE WITNESS: I am confused.

2 THE COURT: Read the question.

3 (Question read by the reporter.)

4 THE WITNESS: Yes, I think that the honors that he
5 received in school would be an indication of that popularity.

6 Q BY MR. BUBRICK: Do you know what honors he did
7 receive in high school?

8 A Well, he won many awards in athletics and I believe
9 that he won an award in essay writing and I know that he
10 graduated with honors.

11 Q Do you know whether he made any honorary type of
12 athletic teams in the years that you were on the school board?

13 A Yes. He was honorable mention, I know for all
14 district and regional teams.

15 Q In what sports?

16 A Football, I remember principally.

17 Q Where did Charles go to high school, if you know,
18 Mr. Carpenter?

19 A Farmersville High School.

20 Q How big a school is that?

21 A I believe we had about 575 students in all at that
22 time.

23 Q The years that he went there?

24 A Yes.

25 Q Do you happen to know the year in which he graduated?

26 A '64.

27 Q And do you know how many students were in the
28 graduating class, if you know?

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A Oh, I would guess 35 or 40.

Q Mr. Carpenter, in the summers that Mr. Watson worked for you, did he work the complete summer?

A Yes.

Q From the time --

A That is after we started this extended operation. I would say from 1962 on that he worked the full summer.

17f.

17-1

1 Q Was there any time that you can recall when Charles
2 worked after school, perhaps?

3 A Yes, I think that's possible.

4 Q Do you remember what years those might have been
5 in?

6 A Well, I feel like they were after '62: '63 and '64.

7 Q That's when your operation sort of expanded; is
8 that true?

9 A Yes, sir.

10 MR. BUBRICK: I have nothing further, your Honor.

11
12 CROSS-EXAMINATION

13 BY MR. KAY:

14 Q Mr. Carpenter, when was the last time that Mr.
15 Watson worked for you?

16 A In '66, prior to the time he went with Braniff.

17 Q Would that be the summer of '66?

18 A I believe so, sir, just prior -- the reason I
19 remember about him going to work for Braniff, my family was at
20 the airport one evening and they came home and said, "You have
21 lost your help," because I didn't have a wage bracket like
22 Braniff; and I believe that was '66.

23 I believe that was the summer of '66.

24 Q Did he work for you part of the summer and then
25 go with Braniff?

26 A No, he had worked for Braniff. He started working
27 for them, I believe, during the school year at college.

28 Q And he worked for Braniff as what, a baggage loader?

17-2

1 A I believe so. He pushed the -- I don't know whether
2 it was baggage, but I understood he pushed the steps up to the
3 planes.

4 Q The gang plank or --

5 A Yes, that was before the improved loading and un-
6 loading of passengers.

7 Q Now, were you a friend of Mr. Watson's family there
8 in Copeville?

9 A Yes, I have known them all my life, or as long as
10 I can remember.

11 Q Do you know his mother and father?

12 A Yes, sir.

13 Q And his father runs a general store?

14 A Yes, sir.

15 Q And how long have you known Mr. Watson; how young
16 was he when you first knew him?

17 A When he came to work, and I am guessing it was
18 '59; that's when his brother brought him along. It was his
19 brother's last year.

20 Q Is that the first time you had ever seen Mr. Watson?

21 A Yes, sir.

22 Q Now, after he stopped working for you in '66 did
23 he ever come back and visit you?

24 A I saw him in the Thanksgiving of '67.

25 Q And was that the only time from the summer of '66
26 until the present time that you have seen Mr. Watson?

27 A As far as I can recall, yes, sir.

28 Q And you flew out here from Texas today?

17-3

1 A This morning, yes, sir.

2 Q Did you fly out with Mrs. Watson?

3 A No.

4 MR. KAY: I have no further questions.

5 MR. BUBRICK: Nothing further, your Honor.

6 THE COURT: Thank you, Mr. Carpenter; you may be excused.

7 MR. BUBRICK: Mrs. Watson.

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

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

13 THE WITNESS: I do.

14
15 ELIZABETH WATSON,

16 called as witness on behalf of the defendant, testified as
17 follows:

18 THE CLERK: Thank you. Take the stand and be seated,
19 and would you state and spell your name, please?

20 THE WITNESS: Elizabeth Watson; E-l-i-z-a-b-e-th;
21 W-a-t-s-o-n.

22 THE CLERK: Thank you.

23
24 DIRECT EXAMINATION

25 BY MR. BUBRICK:

26 Q Where do you reside, Mrs. Watson?

27 A I reside in Copeville.

28 Q Is that Texas?

L7-4

- 1 A Copeville, Texas.
- 2 Q You are the mother of Charles, are you?
- 3 A I am.
- 4 Q Where was it -- where was Charles born, Mrs.
- 5 Watson?
- 6 A He was born in Dallas.
- 7 Q How far is that from Copeville?
- 8 A About 35 miles.
- 9 Q Where did he spend his younger years?
- 10 A In Copeville, we have lived there 35 years.
- 11 Q Does Charles have any other brothers and sisters?
- 12 A He has a brother five years older and a sister ten
- 13 years older.
- 14 Q Did your other children live together with you when
- 15 Charles was growing up, in his younger years?
- 16 A Yes, sir.
- 17 Q All in Copeville?
- 18 A Yes, sir; it is the only home that any of them knew
- 19 until they left home.
- 20 Q Where did Charles go to elementary or grade school?
- 21 A He went to Farmersville.
- 22 Q That is what, some eight miles away?
- 23 A Yes, sir.
- 24 Q And how would he get there?
- 25 A A bus.
- 26 Q How big a school was Farmersville when Charles
- 27 went there?
- 28 A Well, I guess about 500, something like that.

17-5

1 Q Is that in the grade school?

2 A Well, I really don't know.

3 Q All right. In the years that Charles went to
4 elementary school, was Charles any problem to you?

5 A Never a problem.

6 Q Was he any sort of a disciplinary problem?

7 A No, sir.

8 Q Was he a fighter or scrapper, things of that nature?

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7A-1

1 A No, sir; I never knew of him having a fight.

2 Q How did he get along with his brother and sister?

3 A They go along real well. He was our pride and joy
4 because he was ten years younger than his sister and we all
5 love him very much.

6 Q Did he have any particular hobbies as a youngster
7 in elementary school?

8 A He had lots of hobbies. He stayed at home quite a
9 lot and he made little soapbox cars. He made about 8 or 10 of
10 those and finally he made one that would run and he would run
11 it all over town and sell a little green paper; and he helped
12 his dad in the store and he was a good mechanic. He could tear
13 a car down and rebuild it.

14 Q Where is the store with respect to the house you
15 live in?

16 A It is just a driveway apart.

17 Q A matter of some few feet?

18 A Yes, sir.

19 Q Now, how about high school, where did Charles go
20 to high school?

21 A He went to Farmersville.

22 Q And how big a high school is that, if you know?

23 A I guess it was about five or five-fifty.

24 Q How did Charles get to high school, if you remember?

25 A Bus; and the later years he had a car and would
26 drive it -- maybe the last year or so.

27 Q In high school?

28 A Yes, sir.

17A-2

1 Q What sort of grades did Charles get in high
2 school?

3 A He had A's and B's and more A's than he had B's.

4 Q Did he participate in any sports?

5 A Yes, that was his main thing in high school; that
6 and his books, of course.

7 He run track -- I have a little, you know, seven
8 years is a long time to remember all the things that he did --
9 but, as a freshman he was a halfback in football and he lettered
10 that year; and he was a class yell leader and he raised beautiful
11 calves, and in his track he won in everything that he run in,
12 220, 100 yard dash and 440 relay; and he played basketball.

13 In the sophomore year he was an usher for the
14 senior play and he sang between acts and he had track -- he
15 won everything he went in that, second place in low hurdles,
16 first in high hurdles. Third, he led in the 440 relay and he
17 was in football and he was all district that year; and in
18 basketball he was also all district.

19 In '63 he won several basketball trophies and he
20 went to regional in track. He was first place in everything
21 he ran in in track, 220 dash; he won first in broad jump, first
22 in high hurdles, and he led the 440 relays, and he was a leader
23 in American History and he was halfback football, all district.
24 He was in the Spanish Club; he was the class favorite; he was
25 the sports editor; he belonged to the FFA Club and he was in
26 the junior play.

27 When he was a senior he was an usher in the senior
28 play and between all acts, and he also ran the track -- he ran

1 it four years and always came out on top -- and he was all
2 district in football that year and as a senior he was a sports
3 editor. He was in the PFA Club; he was in the senior play and
4 he was a baccalaureate usher and he was all district football.
5 He was in all the assemblies; he was an honor student and he
6 won many medals in track and he played basketball. He now
7 holds the record of high hurdles of the district.

#18

1 Q In Texas, all this occurred in Farmersville,
2 Texas?

3 A In the district, yes, in Farmersville when he
4 was in high school.

5 Q How big a boy was Charles when he was going to
6 high school?

7 A His senior year he weighed between 165 and 170.

8 Q That is when he was playing football?

9 A Yes.

10 When he played football, he -- Lake Lavon is close
11 to us and he took it all in and ran to the lake and back for
12 practice and he was always trying to go out to be the best and
13 on top and he usually always was.

14 Q When you say he used to run to the lake, you mean
15 keeping himself in condition?

16 A Yes.

17 THE COURT: You have mentioned an FFA club. What is that?

18 THE WITNESS: Future Farmers of America.

19 Q BY MR. NUBRICK: Did he also belong to a 4-H club?

20 A Yes. He belonged to the 4-H club and he went
21 through the Wolf and the Bear and the Lion and he made out
22 of clay, he made these heads and put them on a board and
23 hung them in his room.

24 Then he was a boy scout and he spent a week in
25 Latex, Oklahoma learning more about scouting and being out in
26 the open.

27 Q While he was doing all these, did he help his dad?

28 A Oh, yes. We couldn't have run -- we have a little

18-2

1 store that is not very large and if it hadn't been for our
2 boys we couldn't have run it by ourselves at that time.

3 Q What sort of a store is it, Mrs. Watson?

4 A We sell gas and it is just kind of a general store,
5 a few groceries and fishing supplies and junk I guess you
6 would call it.

7 Q Second-hand automotive parts?

8 A Yes, sir.

9 Q Things of that nature?

10 A Yes, sir.

11 Q Was Charles a churchgoer?

12 Did he go to school?

13 A Yes, I have gone to church all of my life and
14 when Charles was three months old I took him to church and he
15 had to be sick to miss church and he was very active in
16 church.

17 Many times he was up in the pulpit leading the
18 services for the preacher to take over and Charles would sing
19 and he worked in Sunday School and he went to vacation bible
20 school every summer.

21 He went to vacation bible school in Farmersville,
22 in Copeville and Lavon and Josephine and he just loved it.

23 He didn't go because he was made, because I never
24 had to make him go to church. He liked to go and I didn't
25 send him. I took him.

26 Q How about his school attendance? Was he -- did
27 he go to school fully so far as attendance was concerned?

28 A He never played hooky. They always felt like they

18-3

1 had to be in school and I felt like they had to too, of course,
2 and he had several, before he had missed any, I think it was
3 six or seven or eight years that he hadn't missed a day in
4 school.

5 Q I think you have told us there was no evidence
6 of any disciplinary problems when he was a youngster. How
7 about in high school years?

8 A No, sir, not so far as I know. He never had any
9 trouble at all in high school.

10 Q Did you ever feel the need to have him examined
11 by psychiatrists when he was in high school?

12 A No, sir.

13 Q He never displayed what you considered to be
14 a psychiatric problem?

15 A No, sir.

16 Q How would you describe him so far as friends or
17 being a friendly sort of young man?

18 A Oh, he had lots of friends. One of the things
19 that I remember most, a lot of his friends came back home one
20 Sunday afternoon with a lot of frogs and they took off all of
21 the skins and all of the meat off of these frogs and they
22 put the frog bones on a picture-like thing, a frame, and
23 then they named it after the boys and they just had a lot of
24 fun.

25 They swam together; they boated together and they
26 skied together and he had a good time with his friends. He
27 was outgoing with all of them.

28 Q Did you ever know him to be assaultive or

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aggressive?

A Oh, no.

Q Did you ever see him in any fights with any of his friends?

A I surely did not.

Q What about girlfriends? Did he have many of them?

A Oh, yes. He had girlfriends. He could get any girl he wanted to.

Q Did you ever find any evidence of Charles using any drugs while he was in high school?

A No, sir. I never heard of drugs then.

Q How about mechanics? Did he do much with his father by way of that or any other way that you know of?

A Yes. They kept all the cars going.

Charles could tear a car all to pieces and then put it back together. He was very mechanic minded.

18A

18A

1 Q You told us now he went to school regularly. Did
2 he do any extra work while in school? You know what I am
3 talking about -- earning some extra money or things of that
4 nature?

5 A He worked for Mr. Carpenter, you know, all of these
6 years and made his extra money and, of course, he helped in
7 the store a lot. You know, there is a lot of work to do at
8 home.

9 He helped his dad. Of course, a lot of time he
10 was practicing football and basketball and track.

11 Q Do you know what he did with the money he earned
12 doing this extra work?

13 A Yes. He put it in savings so he could go to
14 college.

15 Q What was his relationship with his father, if you
16 can tell us?

17 A I think they had a real close relationship. They
18 fished some together and they worked together and they got along
19 real well together.

20 Q Do you know of any arguments that he and his father
21 had?

22 A No, not to my knowledge.

23 Q How about you? What would you say your relation-
24 ship with Charles was?

25 A Just like any other little child. You know, we
26 had our discipline, whenever anything bad --

27 Q Do you know if Charles ever received any injuries
28 in the years that he was playing athletics?

18A-2

1 A Yes.

2 He at one time I remember that he played, when he
3 was playing football, he got knocked out and they took him
4 to the hospital, but they didn't keep him but a few hours
5 until they brought him home.

6 Another time he was riding his bicycle and hit a
7 concrete slab and it injured his head and he was out quite a
8 while then.

9 Finally he went to sleep and didn't wake up until
10 the next morning but, of course, at that time I didn't think
11 anything about it and I didn't take him to the doctor.

12 And he had his head cut, he ran into the side of
13 a school building one time and cut a gash in his head.

14 Another time his brother was swinging him real
15 high in the building and he dislocated this little bone in
16 his elbow and they had to keep his arm up for six or seven
17 weeks.

18 Another time some boys put a firecracker in a
19 bottle and cut his feet almost off.

20 Q But these head injuries now, did you notice any
21 difference in Charles' behavior after he recovered from these
22 head injuries that you have told us about?

23 A No, I didn't. I thought he acted all right.

24 Q How old was he would you say when they occurred?

25 A I believe he must have been a junior in high
26 school when he cut his head. When I took him to the hospital,
27 when it knocked him out and when he -- I believe it was
28 earlier than that when he hit his head on the slab, the

18A-3

1 concrete slab that knocked him out, that he stayed out
2 overnight.

3 Q Do you know whether or not that would have been
4 pre-high school or high school?

5 A I believe it would have been in high school.

6 Q In high school?

7 A Early high school.

8 Q When he fell off the bike or hit the slab?

9 A Yes.

10 Q How about college, where did he go to college?

11 A North Texas University, Dayton, Texas.

12 Q How far is that?

13 A It is about 35, about 50 miles.

14 Q Whose decision was it that he go to that school?

15 A It was my decision.

16 Q Did Charles want to go to college, if you know?

17 A Well, I didn't -- it was always my ambition --
18 my other two children had finished college. One of them
19 finished at Fort Worth at Texas University and the other
20 finished at North Texas University and I just felt like he
21 had to finish.

22 I mean I just felt like that was a must and I
23 don't really know if he rejected going or not, but it was me
24 that made his mind up that he should go to college at North
25 Texas.

26 Q Was he involved in athletics in college?

27 A No, I don't believe he was.

28 Q Did he go out for any sports in college, if you

18A-4

1 know?

2 A So far as I know he didn't.

3 Q He did not?

4 A So far as I know.

5 Q How long did he go to college?

6 A He went three years of college at North Texas
7 University.

8 Q And then did he stop or drop out or what?

9 A Yes. He came home one time and said he wanted
10 to go to California and we told him he couldn't go and he said,
11 "Well, if you don't let me go, I am 21 and I am going anyway."

12 So he went.

13 Q Had he been going to school at the time he made
14 the decision to leave?15 A This was in the summer just before school would
16 start out here that he decided to come out.

17 Q Do you remember what summer that was?

18 A I believe it was '67, I guess.

19 Q Do you know where he was working that summer?

20 A For Braniff Airlines.

21 Q Do you remember what he was doing there?

22 A Well, I believe that he loaded and unloaded cargo
23 so far as I know.24 Q I take it the decision to drop out of school was
25 his; is that correct?

26 A Yes, sir.

27 Q And the decision to leave California was his?

28 A Leave to come to California.

1 Q I mean to come to California, to leave Texas and
2 to come to California?

3 A Yes, sir.

4 Q And I think you told us that was not with your
5 consent or blessing.

6 A It wasn't with our consent but after he decided
7 he was going, then like parents would do they want their
8 children to do what they think they should do, although we
9 thought he shouldn't.

10 Q Did you hear from him after he left home and came
11 to California?

12 A Yes, sir, and I visited him in California.

13 Q I know you did but how about hearing from him?
14 Did he write?

15 A Yes. He wrote all the time.

16 Q And then you say you visited him here?

17 A Yes, in January of '68.

18 Q Did something happen that you were aware of at
19 that time?

20 A He had a knee injury. He had football knees and
21 he had needed an operation a long time and then he had a wreck
22 that just tore them up again and he had them operated on and
23 he wanted me to come.

24 Q Then did you come to California and visit?

25 A And I came to California.

26 Q Do you remember where he was living then?

27 A I don't remember that, the address.

28 Q Do you remember who he was living with?

1 A He was living with David Neal.

2 Q Is that somebody who came from Texas?

3 A I believe that he used to go to school at North
4 Texas.

5 Q Do you know David when you see him?

6 A I guess I would.

7 Q Had you seen him in Texas, if you remember?

8 A No, I never did see David in Texas.

9 Q But you saw him here?

10 A I only saw him when I was here in '68.

11 Q When you saw Charles in '68, did you notice any
12 difference in him?

13 A No. We had a lot of fun together.

14 He had these knees operated on and of course a
15 mother wanted to take care of him. In fact that is what I
16 came for.

17 We had a lot of fun together. We played Canasta
18 and just laughed and talked and he had friends out and we all
19 sat in the middle of the floor and played games and enjoyed
20 him a lot. He was the same old Charles that left Texas.

21 Q Did he have any property that you were aware of
22 when he lived here in California at the time you visited him?

23 A Oh, goodness, he brought out here great big boxes
24 of things and he had bought a real nice king size bed that
25 was tufted with a big mattress and he had bought a divan that
26 was huge and he had bought a lot of things, yes.

27 Q Did he have a hi-fi set, do you remember?

28 A Yes. He had a hi-fi and he had a radio and he had

1 several suits of clothes, and I divided my linens with him
2 and he had a lot of linens and he had what most any boy would
3 have.

4 I guess he had about 35 or 40 shirts because
5 shirts was his hobby, weakness. He wanted to look nice and
6 he always looked like he had come out of the band box.

7 Q Did he have a vehicle of some type when you saw
8 him in '69?

9 A Yes.

10 THE COURT: '68.

11 Q BY MR. DUBRICK: '68. I am sorry.

12 A Yes. Yes, he had a car that I believe the top
13 let down and I know that he took me somewhere in it and we
14 let the top down and I know that I was afraid that it would
15 tear all my hair up with him driving, you know, with the top
16 down.

19-1

1 Q How long did you stay in '68, Mrs. Watson?

2 A I stayed three or four days.

3 Q Then you went on back to Texas, did you?

4 A Yes, sir.

5 Q When did you next see Charles.

6 A The next time I seen Charles was in Thanksgiving

7 of '68, I guess; I believe that was right.

8 Q Did he come home for some purpose then, if you

9 remember?

10 A He came home and stayed one day.

11 Q Then did he leave?

12 A Yes; and the next time he came was, he was a pall-

13 bearer for Tommy Caraway, who got killed in Viet-nam's funeral.

14 Q Was this a funeral being held there in Texas?

15 A In Farmersville.

16 Q In Farmersville?

17 A Uh-huh; and that was in December.

18 Q Of what year?

19 A Of '68.

20 Q And how long did he stay on that occasion, if you

21 remember?

22 A He stayed a day. He was working at that time and

23 he couldn't/gone from his work.

24 Q You mean he came into Farmersville and left after

25 the funeral?

26 A Uh-huh.

27 Q When did you next see him?

28 A I next seen him in October of '69.

19-2

1 Q Did you ever hear from him prior to seeing him in
2 October '69?

3 A Maybe a few times, but not much.

4 Q Did you ever get a telephone call from him?

5 A Yes, sir.

6 Q Do you remember when that was?

7 A It was around August 25, around that.

8 Q Of what year?

9 A '69.

10 Q Now, had there been some period of time before this
11 telephone call when you hadn't heard from Charles?

12 A We hadn't heard in six months and we were out of
13 our minds; we cried and we did everything in the book to find
14 about him but we couldn't find him.

15 Q And you told us that you got a call from him in
16 August of '69?

17 A Yes, sir.

18 Q Is that correct?

19 A Yes, sir.

20 Q Was it a telephone call?

21 A Yes, sir.

22 Q Can you tell us, did you recognize Charles' voice
23 when you heard it over the phone?

24 A Yes; I recognized it, but it was funny. He acted
25 like he was floating up on a cloud. He didn't act like the
26 Charles -- when I hung up I said, "It didn't sound like our
27 Charles."

28 Q Can you tell us what happened, what was said at the

19-3
1 time you got this telephone call?

2 MR. BUGLIOSI: Excuse me, ma'am. I think that calls
3 for hearsay, your Honor, I don't know.

4 THE COURT: Well, I don't think this goes to the truth
5 of the matter, but rather the state of mind of the defendant.

6 MR. BUGLIOSI: Of course, we don't know what was said.

7 THE COURT: No, I don't know that either. Do you want
8 counsel to approach the bench and make an offer of proof?

9 MR. BUGLIOSI: Yes, your Honor.

10 (The following proceedings were held at the
11 bench, outside the hearing of the jury:)

12 MR. BUBRICK: Your Honor, in this telephone conversation
13 which we are offering not for the truth but for the state of
14 mind, the evidence will reflect that she got a telephone call
15 on the date in August, 1969. That Charles said that he was
16 with a group, that the group was being led by Jesus Christ;
17 that the person's other name was Charles Manson; that he was on
18 his way to the desert, that they were looking for the bottom-
19 less pit and that helter-skelter or the revolution was about to
20 come down and that he just didn't have much time to talk; and
21 that the conversation lasted a relatively short period and that
22 he never asked how she was, how his father was, how his brother
23 or sister was, or made any inquiries about any personal matters.

24 MR. BUGLIOSI: Well, I guess it is not offered for the
25 truth; right?

26 THE COURT: It is not.

27 MR. BUGLIOSI: I guess it is admissible, then, because
28 his state of mind certainly is relevant to the issue.

19-4

1 THE COURT: Yes.

2 (The following proceedings were had in open
3 court in the hearing of the jury:)

4 Q BY MR. RUBRICK: I invite your attention, Mrs.
5 Watson, to the telephone call that you got in August of 1969.
6 Can you tell us, as you can best recall now, the subject matter,
7 the things you talked about, what you said and what Charles
8 said?

9 A Well, he called and he said that he had met a man
10 called Jesus and his name was Manson, and that there was going
11 to be a revolution and that they were hunting a bottomless pit
12 to go in and that there would be no one saved but the Manson
13 family and that they were going to go down in there and when
14 everybody else was gone, they'd come out and start a new world.

15 Q How long would you say the conversation lasted,
16 Mrs. Watson?

17 A Well, he didn't talk too long --

18 Q Did he --

19 A He just --

20 Q I'm sorry.

21 A He talked like he was just out of the world; he
22 talked like he was on a cloud, floating, and we didn't know
23 what to think about it.

24 Q Before you proceed on that, Mrs. Watson, did he
25 make any inquiries -- did he ask anything about the family or
26 anything like that?

27 A No, he didn't; he didn't say anything about his
28 mother nor his father nor his sister nor his brother, either.

1 He wasn't interested in home.

2 Q Now, is there anything else that you can recall
3 that took place in that conversation?

4 A No, not as far as I know. He just kept talking
5 about what a great time they was all having.

6 Q Did he say where he was going to look for this
7 bottomless pit?

8 A Yes, he was going to a ranch or desert or some-
9 where.

10 Of course, all this was new to us and we didn't
11 know what he was talking about, really.

12 Q When did you next hear from him after this conver-
13 sation that you have now related?

14 A When he came home October the 4th -- October the
15 3rd he called and wanted us to send him some money, that he
16 didn't have anything, that Manson had took everything that he
17 had to have some clothes or he couldn't come home because he
18 didn't have on anything but jagged clothes.

19 Q Would you like a little water, Mrs. Watson?

20 A No.

21 He said if we would send him \$150 to get him some
22 clothes to come home on and fly back -- and of course, we were
23 so happy to hear from him that we immediately sent the \$150;
24 and he came home on the 4th.

25 Q When he came home did he come home to Copeville?

26 A No, my daughter and her husband met him at the air-
27 port in Dallas and brought him home.
28

#19A

1 Q Now, when he got home what did he look like, if
2 you can tell us?

3 A Well, had we not known it was our boy, we would
4 not have known him.

5 Q Can you tell us how he changed physically, if he
6 did?

7 A Well, he acted real high up and he had some kind
8 of itch or something all over him; and I said, "Well, I have
9 got to take you to the doctor because there's something wrong
10 with you, I don't know what it is."

11 And so he didn't want to go to the doctor, but
12 I kept insisting and I got him to go and the nurse where I
13 took him to the doctor was my special friend; and I left him
14 in the waiting room and I told her, I said, "I wish you'd
15 go tell the doctor that there is something wrong with Charles
16 and I don't know what it is; but there is something real wrong
17 with him and I want you to examine him."

18 But, after he gave him some medicine for the itch
19 Charles wouldn't let him -- he wouldn't talk to him any more.

20 Q Did he come home?

21 A Yes, I brought him back home.

22 Q When did --

23 A And he stayed until the 7th.

24 Q He stayed from the 4th through the 7th --

25 A Yes, sir.

26 Q Those three days?

27 A Yes, sir.

28 Q What did he talk about, if you remember?

19A

1 A Oh, he talked about the bottomless pit and the
2 Manson family and the girls, that Charles Manson was Jesus
3 Christ and that he'd been studying Revelations and that we
4 were in Revelations and it was coming to pass now.

5 And, of course, we had read about the bible and
6 we knew about Revelations; but he said it was coming to pass
7 and there wouldn't be no one saved and that he was going to
8 go back and get in the bottomless pit with the Manson family.

9 Q Did he see any of his friends while he was home
10 those three days?

11 A No. All he wanted to do was stay in his room and
12 sleep; and when he'd get up he might go up to the store with
13 his daddy a few minutes and he'd come back all disgusted and
14 not interested in anything that we did or that we said. And
15 he'd lay back on the divan and sleep.

16 I know one time I cooked him a good dinner and
17 I said, "You need some good food," and he ate it but it came
18 up. He went to the bathroom and it came up; and then I went
19 to feeding him -- he wanted me to pickle him peppers and celery
20 and all such as that, wanted to put it in vinegar and then
21 he would drink that and eat this other stuff, and I just
22 couldn't understand.

23 Q Aside from the one meal that you fixed for him,
24 Mrs. Watson, for that 3-day period when he was home between
25 the 4th and the 7th did you ever again see him eat meat, for
26 example?

27 A Oh, he wouldn't eat meat. He said that he didn't
28 eat meat any more.

1 Q How about potatoes?

2 A He wouldn't eat anything off of the table. He
3 just always wanted me to fix him the things that I mentioned.

4 Q Did he eat bread and butter?

5 A Not much, if any.

6 Q But would you say his weight was like, with respect
7 to the last time you had seen him when he went to California?

8 A Well, he had lost a lot of weight. I don't really
9 know how much he weighed, but he must have -- I really couldn't
10 say, because I didn't weigh him and I don't know; but he was
11 awfully thin.

12 Q Did he say anything about leaving when he left on
13 October the 7th?

14 A Well, no. We bought him some clothes after he got
15 home because we were always used to looking nice when we went
16 out and he didn't have anything but just those blue jeans that
17 he had bought and some shirt and some old tennis shoes; and I
18 kept on until he bought him some shoes.

19 I bought him some slacks and a shirt and I'd tell
20 him to put those on and wear them, and couldn't hardly get
21 him to wear them at all. He just wanted to go back like he
22 was, you know, and then he did put these clothes on and his
23 daddy took him to a friend's house to visit his friend, and
24 he was there a little while and he called us back and said,
25 "Mother, I'm going back to California."

26 And I said, "Oh, no, you mustn't do that."

27 And he said, "Yes, I'm going back to California
28 tonight," and we never heard no more from him until the 30th

1 of August -- of October.

2 Q Then he left on this day that you now know is
3 October the 7th?

4 A Yes.

5 Q And you saw him again on October 30th?

6 A The 30th; at that time he called again and he
7 said, "Mother, I'll come home if you'll send me some money."

8 And I said, "Well, there is no use in your coming
9 home if you are not going to stay any longer than you stayed
10 before, because you'll always leave and come back."

11 And he said, "No, I will stay longer this time."

12 And I said, "Okay, we'll send you the money," and
13 we sent \$75 that time for him to come home on, and he came
14 home; and you certainly wouldn't have known him then when
15 his daddy and I met him at the airport,

16 Q This is now the date of October 30th?

17 A The 30th.

18 Q All right.

19 A His daddy and I met him at the airport and he
20 just flopped his arms and laughing -- I don't know, he acted
21 like he was on a cloud or something, moving around -- and, of
22 course, we never did know anything about the dope or anything
23 like that because we had never had any way of knowing. In a
24 little town like we live in they just don't use dope, and so
25 I never thought nothing about it and he come home and he was
26 as lifeless as he ever was and kept laying around and sleeping
27 and he wasn't interested in any of his friends.

28 There is a merchant down the street that has been

1 there 25 years, and I walked down the street and he'd say,
2 "Where is Charlie?"

3 I'd say, "He's at home. He doesn't get around and
4 he's not interested any more in his friends" -- and he had
5 all these boyfriends in Farmersville and he didn't see
6 nothing of them any more and just stayed home and hibernated
7 and slept most of the time, and very little that he ever sat
8 up.

19B

1 Q Did he talk much about anything after he got home
2 on the 30th?

3 A Yeah, he kept on talking about Manson and this
4 hole that they were all to go in.

5 Q Did he play any music or listen to music around
6 the house?

7 A Yes, he came home the last time with -- I really
8 don't know what you'd call it; it was a little music box
9 about that long and it played -- a little old -- I don't know
10 that; I never had any of that.

11 We bought him some, but they were Beatle records;
12 they were Beatle tapes, or what they were. I don't really
13 know what they were. They played with a battery -- you might
14 know the name, I don't know what -- Cassette, is that what
15 they are called? I don't know.

16 Q Do you remember what it was that you bought him;
17 were they -- can you describe them for us?

18 A Well, they went into this little machine and they
19 just came out Beatle music. They were Beatle songs. His
20 sister bought him one and we bought him the other and he played
21 them all the time.

22 Q Were they little plastic cylinders --

23 A Yes.

24 Q -- that would fit into whatever kind of an operating
25 device he had?

26 A Yes, sir.

27 Q Was it portable as opposed to being plugged into a
28 wall?

1 A Well, you could plug it in and it would -- part of
2 the time -- and then it would run by battery part of the time.

3 Q When he came back, now, on October the 30th were
4 his eating habits any different?

5 A Not a bit.

6 Q What did he eat around the house now?

7 A Well, about the same thing. He wouldn't eat
8 nothing much, he slept most of the time as I say, and laid
9 on the divan and we couldn't imagine -- we knew that there
10 was something drastically wrong with him, but we just didn't
11 know. We had never had any experience with such, the way he
12 was acting, and we just worried sick.

13 Q All right.

14 Now, after this date of October 30, when did you
15 next see him?

16 A October -- well, he stayed at home until they came
17 -- until my husband and my brother took him to jail.

18 Q Now, after they left Tex in jail did you ever see
19 him again in California, that is?

20 A No; the next time I saw him was Saturday.

21 Q Of this week?

22 A Uh-huh; and he acted like he wasn't even proud to
23 see me. I don't know why.

24 MR. BURRICK: Just a moment, please.

25 THE COURT: The record will show Saturday of this week
26 was August the 28th.

27 Is that correct; is that the day you saw him?

28 THE WITNESS: I saw him on Saturday, yes; that's the

1 28th.

2 Mr. Dubrick --

3 MR. BUBRICK: There is nothing pending now, Mrs. Watson.

4 THE WITNESS: I have something else to say.

5 THE COURT: Mr. Dubrick will ask you.

6 MR. BUBRICK: Nothing further, your Honor.

7 20 fls.

20-1

CROSS-EXAMINATION

BY MR. KAY:

Q Mrs. Watson, your son is a vegetarian, isn't he?

A I don't know.

Q He doesn't eat any meat?

A So far as I know, he doesn't, but you see I haven't been around my son for 18 months.

Q When he was back home he didn't eat any meat, did he?

A No.

Q And he ate health foods mainly, didn't he, like honey and soy beans?

A Not soy beans. He ate some honey.

Q And to your knowledge, does he still eat that type of food?

A I don't know what he eats.

Q You never told Mr. Watson who he could date and who he couldn't date, did you?

A I certainly didn't.

Q And when he was home on October 30th, around that time, he dated a girl named Jean Mollet, didn't he?

A I thought her name was Denise Mattick.

Q Denise?

A Denise Mattick. This girl threw herself on him. She came to see him; he didn't go to see her. She came to his home and just threw herself on him.

Q Mrs. Watson, did your son have the use of the motor vehicle while he was home?

20-2 1 A No, he didn't, not to go see this girl.

2 Q And didn't he drive her out to the lake all the
3 time?

4 A She drove him. She came in her own car. I didn't
5 know what kind of a girl she was, because she came there to
6 the house many times and I didn't know, I couldn't understand
7 why, because my son was so different and why she would want
8 to date him.

9 Q As a matter of fact, she dated Mr. Watson before
10 he left for California?

11 A So far as I know. I don't know.

12 THE COURT: Mrs. Watson, please listen to the question
13 and give him a chance to finish it.

14 THE WITNESS: Okay.

15 Q BY MR. KAY: ^{as} So far/you know, he dated this girl
16 before he left for California, isn't that true?

17 A So far as I know, he did not.

18 Q You don't know?

19 A I never knew the girl until he came home and she
20 came home to see him.

21 Q Now, when Mr. Watson, your son, went back to
22 California, after he came back in October '69, how did he get
23 the plane fare to go back to California?

24 A You mean the first time?

25 Q In October '69. You said that he left on the 7th
26 and, I think, he came back on the 30th?

27 A We gave him the money.

28 Q To go back to California?

20-3

1 A Well, no. He wanted some money to reestablish
2 himself. I didn't know what he was going to do. I thought
3 like a mother and father would like to get him back on his
4 feet, because he wasn't on them.

5 Q Would you say that your son was very close to his
6 father?

7 A Yes, he was.

8 Q And what about your husband? Was he very close to
9 Mr. Watson?

10 A Yes.

11 Q They had a good father-son relationship?

12 A Yes.

13 Q Where is Mr. Watson now? Is he back in Texas at
14 the general store?

15 A Yes, sir.

16 Q Is he coming out, do you know?

17 A No, sir.

18 Q Is that a decision you made or he made?

19 MR. BUBRICK: Immaterial, your Honor.

20 THE COURT: Sustained.

21 Q BY MR. KAY: Would you say that your son was pretty
22 independent when he was in high school? Did he do pretty much
23 what he wanted to do, so far as studying, the courses he wanted
24 to take?

25 A Yes, he did.

26 Q And the sports he wanted to go out for?

27 A Yes.

28 Q And you say the decision to drop out of college was

20-4
1 Charles' decision?

2 A Yes, sir.

3 Q And did you try and discourage him from doing that?

4 A I told him that I thought -- I wished he would
5 finish school in North Texas and then come to California, that
6 I wanted him to more than anything to get his degree.

7 Q Is North Texas located somewhat near Copeville?

8 A 50 miles from Copeville.

9 Q And did he live at North Texas when he went there?

10 A Yes, sir.

11 Q This telephone call that you received from Charles
12 in August of 1969, can you pinpoint that exactly? Approximately
13 when in August did you receive that phone call? Was it the
14 early part of August, the middle part, or the latter part?

15 A Probably the middle.

16 Q Probably the middle part?

17 A Yes. I don't know the exact date.

18 Q Something between the 10th and the 20th?

19 A Yes.

20af,
20
21
22
23
24
25
26
27
28

0A-1

1 Q And did he tell you that the revolution was in
2 progress?

3 A Yes.

4 Q Did he give a name helter-skelter, do you remember?

5 A Yes, he talked about helter-skelter a lot and I
6 never could understand what he meant.

7 Q Did he say that to you over the phone?

8 A Yes. I still don't know what it means.

9 Q From October 30th, 1969 when Charles came back
10 and you said he stayed with you until the time that your
11 husband and his brother took him to jail?

12 A My brother.

13 Q Did his appearance change at all?

14 A Yes. He wasn't like our child. He was just --
15 he wasn't interested in anything. He wasn't interested in
16 home. He wasn't interested in nothing.

17 Q So you would say that pretty much between that
18 period, between October 30th and the time he went to jail, that
19 there really was no change in him. He stayed the same pretty
20 much the whole time?

21 A Well, he just wasn't interested in nothing. Yes,
22 I guess so. You know, just laid around the house and just
23 didn't want to go out anywhere and he didn't want to put on any
24 good clothes to wear.

25 Q What about his physical appearance? Did that change
26 at all?

27 A Yes. He stayed about like he was, I guess, because
28 he didn't gain. He wasn't eating anything to gain weight,

20A-2

Q So between October 30th and the time he was arrested, he didn't gain any weight?

A No.

Q Now, when he was in jail there in Texas between December of 1969 and September of 1970, you would give him meals, wouldn't you?

A Yes, sir.

Q And what type of food would you bring him?

A He didn't --

MR. BUBRICK: I'm going to object. I think this is beyond the scope of the direct.

THE COURT: It is a little beyond the scope of the direct, but I will permit the answer.

THE WITNESS: What is the question?

Q BY MR. KAY: What type of food did you bring him?

A We brought him can pickles and can peppers and can carrots and celery and he didn't eat like we ate. He never ate cake, pies, or anything like that.

Q Never ate any meat, did he?

A No. He never ate any meat.

Q Or potatoes?

A No.

Q Or bread?

A No.

THE COURT: How about when he was going to high school and college? Did he eat the same as you did then?

THE WITNESS: Yes.

MR. KAY: May I have just a minute, your Honor?

1 THE COURT: Yes.

2 Q BY MR. KAY: Mrs. Watson, when he came home in
3 October '69, did he work on the cars or anything?

4 A No. He didn't do anything. He wasn't interested
5 in anything.

6 Q Didn't do anything mechanical?

7 A He didn't do anything but lay in bed and he didn't
8 set up much. He laid down all the time.

9 Q How tall is your son?

10 A I believe he is six-two.

11 MR. KAY: Six-two. I have no further questions.

12
13 REDIRECT EXAMINATION

14 BY MR. HUBRICK:

15 Q Mrs. Watson, to make sure I haven't forgotten
16 anything, when Charles was going to high school and to college,
17 so far as you know, what sort of meals did he eat?

18 A Oh, my, every day at 4:00 o'clock I made him
19 steaks and potatoes and everything to make him strong in order
20 to play football and track. That was one thing that I did,
21 that he kept physically fit.

22 Q When did he become a vegetarian, so far as you
23 know, if he did?

24 A Well, it was after he came to California and I
25 wouldn't know when.

26 Q But before that, before he left for California, he
27 ate regular fare in the house; is that correct?

28 A Yes, sir.

1 THE COURT: Mr. Bubrick, Mrs. Watson indicated that she
2 had something to say. I don't know what it is. If you care,
3 you may approach the witness.

4 MR. BUBRICK: May I approach her now?

5 THE COURT: Yes.

6 MR. BUBRICK: Your Honor, I don't think that would be
7 relevant in the matter at all.

8 THE COURT: Very well. I ^{just} didn't want her to omit any-
9 thing that might be important.

10 Q BY MR. BUBRICK: Mrs. Watson, do you have another
11 son who was quite an athlete?

12 A Yes. He got a full scholarship at TCU.

13 Q How does he compare with Charles in size?

14 A Well, he is six-four. He is great big and he is a
15 healthy, robust boy and the district manager for Dodge from
16 Abilene to Fort Worth.

17 Q How does he compare in size and weight?

18 A Oh, he is much larger. He weighs over 200.

19 Q Now, was there a desire on the part of the family
20 that Charles emulate his older brother?

21 A Yes, I think so. I think he would have liked to
22 have but maybe he wasn't quite as big and he just couldn't do
23 that well, maybe.

24 Q How about you and Mr. Watson, did you want him to
25 emulate the older brother?

26 A No. He was fine with us because at every track
27 meet, every basketball game, every football game, we were there
28 rooting on the sideline and, no, he -- we thought he was just

1 as great in our eyes.

2 MR. BUBRICK: I have nothing further.

3 MR. KAY: Nothing further.

4 THE COURT: Thank you, Mrs. Watson, you may be excused.

5 MR. BUBRICK: May we approach the bench, your Honor?

6 THE COURT: Yes.

7 (Discussion at the bench unreported.)

8 (The following proceedings were had in open
9 court within the hearing of the jury:)

10 THE COURT: Ladies and gentlemen of the jury, we will
11 recess at this time until tomorrow morning at 9:30.

12 Once more, do not form or express any opinion on
13 this case. Do not discuss it among yourselves or with anyone
14 else. Please keep an open mind. 9:30 tomorrow morning.

15 (At 3:00 p.m. an adjournment was taken until
16 Wednesday, September 1, 1971 at 9:30 a.m.)

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