

COPY

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

DEPARTMENT NO. 104

HON. CHARLES H. OLDER, JUDGE

THE PEOPLE OF THE STATE OF CALIFORNIA,  
Plaintiff,

vs.

CHARLES MANSON, SUSAN ATKINS,  
LESLIE VAN HOUTEN, PATRICIA KRENWINKEL,

Defendants.

116

No. A253156

REPORTERS' DAILY TRANSCRIPT  
Tuesday, October 6, 1970  
P. M. SESSION

APPEARANCES:

For the People:

DONALD A. MUSICH,  
STEPHEN RUSSELL KAY,

~~REDACTED~~ and  
VINCENT T. BUGLIOSI,  
DEPUTY DISTRICT ATTORNEYS

For Deft. Manson:

I. A. KANAREK, Esq.

For Deft. Atkins:

DAYE SHINN, Esq.

For Deft. Van Houten:

~~REDACTED~~  
RONALD HUGHES, Esq.  
PAUL FITZGERALD, Esq.

For Deft. Krenwinkel:

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JOSEPH B. HOLLOMBE, CSR.,  
MURRAY MEHLMAN, CSR.,  
Official Reporters

I N D E X

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WOLFER, DeWayne A. (Cont'd.)	12977 K	
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LOS ANGELES, CALIFORNIA, TUESDAY, OCTOBER 6, 1970

2:03 P.M.

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THE COURT: All counsel and jurors are present.

Counsel, have the defendants indicated a willingness to return to the courtroom and conduct themselves properly?

MR. FITZGERALD: No, your Honor, they have not indicated a desire to return.

THE COURT: Mr. Shinn?

MR. SHINN: Your Honor, I talked to Miss Atkins during the recess, and she indicated that at the present time she does not want to come back to court.

THE COURT: Mr. Kanarek?

MR. KANAREK: Yes, your Honor, I can't --

THE COURT: Just answer yes or no.

MR. KANAREK: No, your Honor.

THE COURT: Mr. Hughes.

MR. HUGHES: Your Honor, I haven't had an opportunity over the noon hour to query my client.

THE COURT: You had the opportunity; you mean you haven't done it.

MR. HUGHES: I haven't done it.

THE COURT: All right, sir.

You may proceed.

1 DE WAYNE A. WOLFER,  
2 the witness on the stand at the time of the noon recess,  
3 resumed the stand and testified further as follows:  
4

5 FURTHER CROSS-EXAMINATION

6 BY MR. KANAREK:

7 Q Mr. Wolfer, is there some reason, Mr. Wolfer,  
8 why you chose the particular time of day that you did to go  
9 out to the Tate residence?

10 A Well, yes, I imagine it was a matter of conveni-  
11 ence.

12 Q Rather than doing it at night?

13 A No, there was a problem of obtaining entrance  
14 into the Tate residence, and several factors.

15 It was a matter of time convenience.

16 Q Now, Mr. Wolfer, is it a fair statement, would  
17 you agree with me, that what you did could have been done  
18 by any one of us in this room. That is not a field for  
19 expertise.

20 A No, I cannot agree with you.

21 Q Do you feel that what you did requires an exper-  
22 tise?

23 You have to be an expert to do what you did?

24 A I would say that what I did requires a person  
25 who has a common knowledge of guns, the sounds that are  
26 produced by guns, muzzles, breeches, powders, the

ammunition.

I would say that a person would have to have a basic background in the field of physics and a basic understanding of decibel meters.

10-1

1 Q Decibel meters; is that what you are saying?

2 A Yes.

3 Q What is a decibel?

4 A I previously explained that.

5 A decibel is a measure of sound. More  
6 specifically by Webster, would be the amount of sound  
7 reduction in one mile of standard cable at 860 cycles.

8 Q One mile of standard cable?

9 A Yes.

10 Q At 860 cycles?

11 A That is a per Webster definition.

12 Or another common definition by, well, the  
13 encyclopedia, would be the watts percent meters squared  
14 measurement.

15 Q You read on the meter a number; is that right?

16 A Yes.

17 Q Can you show us on the board -- would you step  
18 to the board, Mr. Wolfer, please?

19 (The witness steps to the board.)

20 MR. KANAREK: I have here a grease pencil.

21 Q Would you show us, Mr. Wolfer, can you show  
22 us mathematically what a decibel is?

23 A Mathematically, a decibel -- no, I can't show  
24 you mathematically.

25 It is a reduction in power in one mile of  
26 standard cable when you transmit 860 cycles through it.

10-2

1 How, mathematically, I could describe that, I  
2 don't know.

3 Q I mean, you read a number off of a meter; right?

4 A Correct.

5 Q And that number is a number that has some meaning;  
6 is that correct?

7 A Yes.

8 Q Well, can you show us in mathematical terms what  
9 a decibel is?

10 A As I explained to you, I would not be able to  
11 describe mathematically the reduction of 860 cycles over  
12 one mile transmission of cable. That would be physically  
13 impossible.

14 I cannot see any feasible way to mathematically  
15 describe that.

16 Q Isn't a decibel, in fact, in the scientific  
17 world, a logarithm, mathematically?

18 A To answer your question -- I can't answer that  
19 question.

20 MR. BUGLIOSI: Objection. It is irrelevant, your  
21 Honor.

22 THE COURT: Overruled.

23 He has answered. He cannot answer the question.

24 MR. KANAREK: Pardon?

25 THE WITNESS: The phrasing of that question is improper.

26 MR. FITZGERALD: May that be stricken, unless this

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gentleman also has a law degree.

THE WITNESS: It is improper from the standpoint of definition, if you would let me finish.

By definition, it is improper for me to explain.

10a fls. 5

I can't explain it by your question.

10a-1

1 BY MR. KANAREK:

2 Q When you measure a foot, that has a measurement  
3 of inches, does it not?

4 A That is a physical foot. That is correct.

5 Q Now, a decibel, in the scientific world, is  
6 a number; right?

7 A It is a number, but it is not a physical  
8 measurement.

9 Q It is not a physical measurement?

10 A No.

11 Q When you write down -- when you say that you  
12 obtained numbers on the order of -- a certain number of  
13 decibels, 39 decibels, for instance --

14 A Correct.

15 Q -- now, is that 39 actually a logarithm?

16 A Well, Counsel, I think you are confused by  
17 your question.

18 Nor, it is not a logarithm.

19 Q It is not a logarithm?

20 A No.

21 Q Is a decibel, Mr. Wolfer, a unit used to  
22 express the intensity of a sound wave equal to twenty times  
23 the common logarithm of the ratio of the pressure produced  
24 by the sound wave to a reference pressure?

25 A Correct.

26 Q You say correct?

1 A Yes.

2 Q How do you know that is correct? I just read  
3 it to you.

4 A I appreciate your reading it to me.

5 It sounds verbatim of what I read before. But  
6 that does not mean, when I describe a decibel, that it is a  
7 logarithmic function. It isn't.

8 Q I just read it to you, and you said yes, that it  
9 is a common logarithm.

10 A I did not say that.

11 If you will reread it and write it on the board,  
12 you will see that they give you a measurement in which they  
13 used a logarithmic function, they used a factor. That does  
14 not mean a decibel has a logarithmic measurement.

15 Q You are telling me that when you measure sound  
16 waves, when you record it, write it down, that that is not  
17 a logarithm; is that right?

18 A Not by definition, no.

19 Q Just so we understand. In other words, is the  
20 definition that I read to you, in fact, the definition?

21 A It probably is. It is a definition. It is  
22 not Webster's definition. It is one that is probably from  
23 out of the Encyclopedia Britannica.

24 Q I see.

25 Well, then, may I ask you. Would you say, then,  
26 Mr. Wolfer --

1 THE COURT: Let's have the witness resume the  
2 witness stand.

3 MR. KANAREK: Your Honor, I want to use the board,  
4 if I may.

5 THE COURT: All right. Then let's use it.

6 MR. KANAREK: Yes, sir.

7 Q Then, in fact, a decibel -- well, would you  
8 tell me, Mr. Wolfer, would you write down for me any  
9 expression that you care to use as to how you would mathe-  
10 matically determine a decibel?

11 A I will have to repeat again that a decibel is  
12 the loss of power in the transmission over one mile of  
13 standard cable when you transmit at 860 cycles.

14 Q When you transmit what at 860 cycles?

15 A When you transmit 860 cycles over a cable one  
16 mile long, there is a loss of measurement.

17 Q A loss of how much?

18 A One unit.

19 Q One unit of what?

20 A 860 cycles.

11 fls.

11-1

1 Q But what is the unit?

2 A That is one decibel, one decibel.

3 Q I see. Will you tell me, then, Mr. Wolfer, --

4 THE COURT: You may return --

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

6 The man is holding himself out as an expert --

7 THE COURT: Ask the question directly, Mr. Kanarek.

8 Q BY MR. KANAREK: Now, Mr. Wolfer, would you tell  
9 me, would you show me mathematically what the speed of sound  
10 is in air?

11 A The speed of sound is given at a number of  
12 different deals.

13 The speed of sound by Webster, if you want that,  
14 37 degrees of normal air was, I roughly recall, and this is  
15 my recollection, I would say it was somewhere around ten  
16 thousand -- eighty, ninety feet per second.

17 Q What is it?

18 A Ten thousand one oh eight nine -- around one  
19 thousand ninety feet per second, where other definitions,  
20 depending on atmospheric temperatures, a lot of conditions,  
21 say the speed of sound of normal air would go as high as  
22 11,060 to 11,090.

23 THE COURT: You may resume the stand, Mr. Wolfer.

24 MR. KANAREK: Your Honor, I have not finished, if I  
25 may.

26 THE COURT: Yes, you have, Mr. Kanarek.

1 MR. KANAREK: Very well.

2 (Witness resumes the witness stand.)

3 Q BY MR. KANAREK: Mr. Wolfer, is it a fair  
4 statement, Mr. Wolfer, that actually you have not taken  
5 any courses in sound?

6 Is that a fair statement?

7 A I have taken two years of college physics,  
8 of which sound is a portion of such courses.

9 Q What I mean is -- you say you don't claim to be  
10 an expert on acoustics, right?

11 A Well, we went over that, Counsel.

12 I defined those areas of acoustics that I  
13 certainly am not an expert in.

14 Q Well, isn't acoustics -- well, then, may I ask  
15 you, Mr. Wolfer: Would you tell us what you had to know to  
16 accomplish these experiments that any one of us doesn't  
17 have to know?

18 A Well, as I explained, first-hand knowledge from  
19 previous experiments conducted with guns on numerous  
20 occasions where sound levels were actually measured, with  
21 that of a decibel meter, the basics of sounds, and the basics  
22 of firearms and the basics of instrumentation.

23 Q Now, you have told us, Mr. Wolfer, as to what  
24 the speed of sound is in air.

25 A Correct.

26 Q Now, can you give us a generalized expression,

1 a mathematical expression, for the speed of sound as  
2 conditions in air change?

3 A Well, as the increased moisture would go, I  
4 cannot give you a definition by formula, but as such things  
5 as moisture --

6 In other words, when you travel through water  
7 it increases its speed, it goes up considerably.

8 Q Well, now, if we take perfectly dry air --

9 A Yes.

10 Q -- Mr. Wolfer, perfectly dry air, let's assume  
11 perfectly dry air.

12 Can you tell me the mathematical expression  
13 for how the speed of sound changes with changing conditions in  
14 air?

15 A Well, as the temperature would increase the  
16 sound would increase in speed, as the moisture increased,  
17 sound increases.

18 I cannot give you any formula for it.

19 Q You don't know the formula?

20 A I don't know the formula, no, if there is a  
21 formula.

22 Q I see. You don't know if there is a formula?

23 A I said if there is a formula I don't know it.

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26

11a

11a-1

1 Q All right, then, may I just ask you this --

2 Now, do you accept that people who work in the  
3 field of sound say that the speed of sound is equal to the  
4 square root of what is called gamma RT?

5 Is that familiar to you?

6 A Yes, that looks familiar.

7 Q What is gamma?

8 A That is a set constant. I don't know what it  
9 is.

10 Q I mean, what does gamma equal?

11 A It is a constant. I don't know.

12 Q You don't know what it is dependent upon?

13 A No.

14 Q Do you know what the R equals or what it is?

15 MR. BUGLIOSI: It's irrelevant, your Honor.

16 MR. KANAREK: It isn't, your Honor. I am willing to  
17 accept that what has happened here, anyone of us can do.

18 THE COURT: That will be enough, Mr. Kanarek.

19 The objection is overruled.

20 You may answer.

21 THE WITNESS: I don't recall what R is.

22 BY MR. KANAREK:

23 Q What is the T?

24 A I would assume that it is the time constant  
25 or the time.

26 Q The time!

11a-2

1 A Yes.

2 Q Isn't the T the temperature?

3 A It could be. I said I don't know. I said I  
4 assumed. It is an assumption. I said I did not know.

5 Q I see. Well, Mr. Wolfer, would you tell us  
6 then why did you conduct --

7 You say you used the word "Help" in this  
8 second phase of this series of experiments, right?

9 A Yes.

10 Q Now, in connection with this use of the word  
11 "Help", did some police officer tell you to use the word  
12 "Help"?

13 A Yes.

14 Q And is it a fair statement that you were  
15 operating out there as a police officer in an attempt to  
16 get evidence as a police officer?

17 A Well, I cannot use that word, police officer.  
18 I am paid by the scale of a police officer and  
19 I certainly am a police officer.

20 I was acting out there as a criminalist, which  
21 I am employed as a criminalist, in this capacity, for the  
22 Police Department.

23 I certainly would say I was acting in the  
24 capacity of a criminalist, not a police officer, in  
25 enforcing laws or protecting public safety.

26 Q You consider yourself then to be more of a

1 scientist than you do a police officer in connection with  
2 the work that you did here?

3 A That is correct. I did no police work in this  
4 particular function.

5 Q In fact, is it a fact, Officer, you carry a  
6 gun?

7 A No, I have no gun.

8 Q No, but I mean as a police officer you are  
9 empowered to carry a gun?

10 A I can carry a gun, yes.

11 Q Well, what I mean is, is there anything about  
12 being a police officer that you are ashamed of?

13 MR. BUGLIOSI: Irrelevant, your Honor, argumentative.

14 THE COURT: Sustained. Let's get on with it, Mr.  
15 Kanarek.

16 BY MR. KANAREK:

17 Q Well, Officer, you are in fact a police officer  
18 just like Officer Gutierrez?

19 A That's correct.

20 Q Now, this decibel meter that you obtained,  
21 that you used, when was the last time that decibel meter  
22 was calibrated?

23 A It is marked on the decibel meter.

24 I would have no idea the last time it was  
25 calibrated.

26 Q You did not bother to determine whether or not

1 any calibration had occurred in connection with this  
2 decibel meter?

3 A Yes, I did.

4 Q Pardon?

5 A Yes, I did.

6 Q Will you tell us how you did? You say you did  
7 not write anything down on paper at all or -- I'm sorry --

8 I think you said that it is possible, or maybe  
9 probable, I don't know exactly what you said, that you did  
10 not write anything down in connection with any of these  
11 experiments, that at this late date you are telling us  
12 about?

13 A Counsel, you have two questions.

14 I don't know which one you are asking. You  
15 have a tendency to compound your questions.

16 First the question you asked me was the ques-  
17 tion that I made no reference or no inquiry to find out  
18 if the meter was calibrated.

19 Now, if you would like me to answer that first,  
20 I did.

21 Q I will rephrase the question.

22 A No, I mean I will have to answer them one at  
23 a time, that is all I am saying, Counsel.

24 First of all I did make such reference when I  
25 checked the meter out from the Public Works of Los Angeles,  
26 at the radio shop they informed me at this time, they told

1 me it was calibrated.

2 At this time I don't recall when it was cali-  
3 brated.

4 The answer to your second question, I will have  
5 to have it read back because I forgot what the second ques-  
6 tion was.

7 Q You are saying you remember specifically  
8 checking into the calibration of this meter?

9 A Yes.

11b fls.

11B-1

1 Q I see, and for some reason you remember that  
2 particular point.

3 A Every time I check the decibel meter out over  
4 there, I ask this basic question.

5 Q As to when it was calibrated.

6 A Yes.

7 Q When was this particular one last calibrated  
8 on August 26, 1969?

9 A Counsel, I would not know; I have no idea to  
10 know here today. I don't recall.

11 Q Well, did you use the same meter on September  
12 22, 1969 that you used -- pardon me -- on August 18, 1969?

13 A I would assume I did, yes.

14 Q You don't recall, though?

15 A No, I went over, signed the loan slip, took the  
16 meter out, returned it later and then went back and re-  
17 borrowed -- I mean I loaned or borrowed the second one the  
18 second time on the same loaning procedure.

19 Q Would you say it is good scientific practice  
20 in the scientific world for people to keep a laboratory  
21 notebook, or a notebook, writing down their observations of  
22 physical measurements?

23 A I would say science has such things as  
24 running notes in every experiment in every class, but that  
25 does not mean because I go out and read four numbers that  
26 I need to write them down.

1 Q I see.

2 But my question to you is at this point is it  
3 good scientific practice to put down on paper what your  
4 observations are in connection with a scientific experiment?

5 A Well, Counsel, to answer your question, if I  
6 am in my laboratory, teaching my classes, I tell my class  
7 to do this so if there is a mistake made I can find it  
8 and correct it.

9 This is a common teaching policy.

10 This does not mean in field practice this is  
11 a policy.

12 As I explained, if I have to remember four  
13 numbers, and I have a mind capable of remembering four  
14 numbers, there is no reason for me to make notes.

15 Q And you felt you had the capability of  
16 remembering four numbers out there on Cielo Drive?

17 A That's correct.

18 Q Now, as a matter of fact you did not dictate,  
19 or the report --

20 I will show you, if I may.

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

23 THE COURT: You may.

24 Q BY MR. KANAREK: I will show you, Officer, these  
25 three pieces of paper here and ask you if you would tell me  
26 on any of those papers, or refer to me anywhere on those

1 papers --

2 Maybe I will ask it this way:

3 Would you pick those papers up and read them  
4 and look at them and tell me where are the four numbers  
5 that you have just spoken about?

6 A Yes.

7 Q Would you just read it over to yourself?

8 (Witness complies.)

9 You don't have to read all three of them to  
10 remember the four numbers, is that right?

11 A No, Counsel, two of these are the same.

12 One is a completely different set of  
13 experiments.

14 I assume that you are referring now to the  
15 experiments on August 18th or on the experiments that were  
16 conducted here on September the 22nd.

17 You have to tell which set of experiments you  
18 are referring to so you are correct, I don't know which set  
19 of experiments we are referring to here.

20 Q Well, in fact this piece of paper incorporates  
21 all of the experiments on both dates, doesn't it?

22 A That is correct, it is both dates. It says  
23 the same figures on it.

24 Q We have three separate -- is that right?

25 My question, Officer, is where are the four numbers that  
26 you spoke about?

1           A       The numbers, 32-1/2, the number 39, the number  
2 42, and the numbers of basically 31.

3           Q       All right, now will you show me on these papers,  
4 would you show me those four numbers.

5           A       If you would like I will encircle the four  
6 numbers for you.

7           Q       Yes, please, thank you.

8                   Now, actually, Officer, actually there are  
9 six numbers on here, right?

10          A       Well, yes, if you want to take a setting of  
11 five as the number.

12                   If you want to take down -- in another portion  
13 of the experiment where it says 78, which is an entirely  
14 different experiment, these might be six numbers.

15                   But I have 31 to 32. I have 31 repeated to 39  
16 and I have 31 to 42.

17                   Now, all these four numbers are 31, 32-1/2,  
18 39 and 42, the numbers I repeated to you, that is the four  
19 numbers.  
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12-1

1 Q All right.

2 However, you are telling us that you conducted  
3 an experiment. You have here "Steps to the rear of the  
4 house"; is that right?

5 A Yes.

6 Q That experiment has just as much dignity as  
7 the other experiment, doesn't it?

8 A No.

9 This experiment, the steps to the rear of the  
10 house, you took it out of context, Counsel. You did not  
11 read the next thing. It says "radio."

12 These were all the experiments with the radio  
13 turned on, in which I had readings of 78 in all cases.

14 This is another portion of the experiment.

15 Q By the same dignity, Officer, what I mean is,  
16 you don't know the conditions that were in the house at  
17 the time that these bullets were fired, if they ever were,  
18 on Cielo Drive in connection with the passing away of these  
19 five people; right?

20 A I have stated that I was not there when the  
21 persons were shot in the house, if that is what you mean.

22 Q Then what I am saying is, Officer:

23 You have told us you remembered four numbers.  
24 My question is: Why are those four numbers entitled to be  
25 remembered and the other numbers, the other decibel ratings,  
26 are not?

1           A       Counsel, I did not state that. The question,  
2 to go back to where we started from, and again you are  
3 trying to add confusion here by your question, by asking  
4 several questions in compound, you have to go back to your  
5 original question, which you are trying to take out of  
6 context again.

7           The original question was that when I conduct  
8 an experiment, which I did as per this report on August the  
9 18th, I conducted a series of experiments between three  
10 positions in the house with the radio off.

11           I had four numbers to remember. They are the  
12 four numbers in answer to your question, which you are  
13 trying to take out of context.

14           Q       All right.

15           But, in fact, looking at what you did, you  
16 had to remember more than four numbers in connection with  
17 those experiments of August the 26th, Officer; is that  
18 correct?

19           A       If you want to take in another set of experi-  
20 ments that I conducted with a radio on, I had to remember a  
21 set of five and the number 78; and that is the complete  
22 circumstances of all the numbers in that report.

23           Q       So, you memorized, in fact, six numbers in  
24 connection with these experiments of August the 26th?

25           A       Yes. If you mean I conducted two experiments  
26 for that day, total, one would be hi-fi set on and one

1 with the hi-fi set off, and during this complete experiment  
2 I had to retain six numbers for this report, that is correct.

12a fls.

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12b-1

1 Q So it is not four, it is six; right?

2 A For the two experiments, it is six.

3 Q My question is, Officer: Is it true, or am I  
4 incorrect -- may I ask it this way -- do both parts of this  
5 experiment, in your mind, have equal dignity as far as report-  
6 ing the scientific results are concerned?

7 A Yes. I have two separate experiments and they  
8 both have a certain dignity, that is correct.

9 Q So, you had to remember six?

10 A Yes.

11 But the original question was: How many did  
12 I have to remember for one experiment? And I said four.

13 Q I see. Very well, Officer.

14 Now, would you tell us, Officer, since the  
15 noon hour, have you had occasion to go to your office at  
16 all in connection with the matter that we are talking about?

17 A Yes. I went back and had lunch in the cafeteria,  
18 picked up Sergeant Deese, and returned.

19 Q Now, on September the 22nd, when you conducted  
20 these experiments, the ones you conducted on the 22nd,  
21 was there some reason that you chose the places that you  
22 did for conducting those experiments?

23 A Yes.

24 Q Would you tell us the reason?

25 A The reason for selecting the positions that  
26 were chosen on the 22nd of September was because it was

1 at these locations that there were supposedly witnesses  
2 that heard certain sounds of hollering or shooting.

3 MR. BUGLIOSI: Motion to strike this, your Honor,  
4 This is all hearsay.

5 MR. KANAREK: Your Honor, he is giving his hearsay  
6 testimony when he testified on direct.

7 MR. BUGLIOSI: The relevance was the witness that we  
8 put on the stand, as opposed to his testimony as to where  
9 the experiment was conducted.

10 It is going back a year earlier, and what  
11 someone told him is irrelevant and hearsay, your Honor.

12 MR. KANAREK: This is the prosecution's witness,  
13 your Honor, in connection with this very experiment.

14 THE COURT: The answer is responsive to the question.

15 Overruled.

16 MR. KANAREK: Q And what were you told,  
17 Officer, concerning these locations that you utilized on  
18 September the 22nd, 1969?

19 MR. BUGLIOSI: Irrelevant, your Honor. It calls for  
20 hearsay.

21 THE COURT: Sustained.

22 MR. KANAREK: Then, your Honor, may we approach the  
23 bench?

24 THE COURT: No, it is not necessary.

25 Let's proceed.

26 MR. KANAREK: Q Would you tell us, Officer,

1 where were the five different locations that the sound  
2 level readings were taken?

3 A Yes.

4 As I said, one location was at 9951 Beverly  
5 Grove.

6 One was at 9955 Beverly Grove.

7 One was on Farring Avenue. One was on Sharing  
8 Cross.

9 One was at a location on Summit Ridge Drive, to  
10 the best of my recollection.

11 Q Now, did you make some kind of a plot plan in  
12 connection with these experiments?

13 A I took an aerial survey map and located these  
14 particular positions on the aerial survey map, as my report  
15 indicates, yes.

12b

12b-1

1 Q Now, do you have that aerial survey map here?

2 A I don't know whether it is here or not. I  
3 can't tell you. I don't know.

4 Q Well, may we have that, please, Officer?

5 A Yes.

6 I will attempt to locate it, yes.

7 MR. KANAREK: Your Honor, may we have that?

8 THE COURT: Why do you need to have it, Mr. Kanarek?

9 MR. KANAREK: In order to interrogate, your Honor.

10 THE COURT: He said he doesn't have it here, if I  
11 understand him correctly.

12 Is that correct, Officer?

13 THE WITNESS: It is somewhere, your Honor. Yes, I  
14 have it, it is somewhere, but I don't know where.

15 THE COURT: Is it in the courtroom?

16 THE WITNESS: No. I don't see it, no.

17 MR. KANAREK: May we approach the bench, your Honor?

18 THE COURT: For what purpose?

19 MR. KANAREK: Your Honor, we made discovery concern-  
20 ing these matters. We have a right to have this informa-  
21 tion, your Honor.

22 THE COURT: Not at this time, Mr. Kanarek.

23 Let's proceed.

24 BY MR. KANAREK:

25 Q Officer, I assume there was a purpose in making  
26 the aerial plot plan?

12b-2

1 A Yes.

2 Q What was the purpose?

3 A To show the relationship of the five residences  
4 which I just previously mentioned in relation to the address  
5 of 10050 Cielo Drive.

6 Q Now, did you make a plot plan in connection with  
7 your experiments involving the guest house?

8 A No, I did not.

9 Q You tell us that you memorized the numbers,  
10 that is, these numbers concerning how many decibels there  
11 were involving the experiments of the guest house; is that  
12 right?

13 A Mr. Kanarek, that is wrong.

14 I never once said I memorized any numbers.

15 I said I was present during a series of experi-  
16 ments and remembered the numbers for the later time when  
17 I made the report.

18 That is all I said.

19 I never at any time said I memorized them. I  
20 said I remembered the numbers.

21 Q Do you find a difference between remembering  
22 it and memorizing it?

23 A Yes. It is a situation of what the terms  
24 mean to me.

25 To memorize something is where I sit down and  
26 deliberately put it to memory.

1           Where I witness a certain act and come back and  
2 relate it for the purposes of a report, I have not sat  
3 down and intentionally memorized or committed it to memory.

4           Q       So, as a matter of fact, you never intended  
5 and never did commit to memory the information that you  
6 obtained in connection with the guest house?

7           A       Sir, I said I remembered it for purposes of  
8 a report, but I did not sit down and commit it to memory  
9 by repeating it over and over.

10           I, naturally, memorized it from the standpoint  
11 of seeing it once. I remembered it.

12           Q       And you carried it in your mind; right?

13           A       Yes.

14           Q       Now, would you tell us, Officer, directing your  
15 attention now to the experiment that you performed in the  
16 guest house.

17           A       Yes?

12c fls.

2C-1

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Q Would you tell us what sound path, would you direct -- in other words, you shot, or Officer Butler shot, some bullets; right?

A Officer Butler fired some bullets, correct.

Q Now, would you tell us the path of the sound as it came from the gun that Officer Butler shot until it came to your decibel meter?

Would you describe that path for us, Officer?

A I couldn't describe that path for you because I don't know the path that the sound took.

Q Well, as a person who is an expert in this field that you have spoken of, if a person fires a gun as Officer Butler fired it, and you have a decibel meter where you say you had it, is it predictable as to what the path of that sound would be?

A No, I don't think that that is a predictable measurement.

Q I am not asking for measurement now. I am asking for direction, Officer, path.

A I do not think that is a predictable path, no.

Q Can you tell us how many times that sound had to go through wood and glass and air and metal, or whatever it had to go through, in order to end up measured on your decibel meter?

A No, I would not know this.

Q You didn't bother to make a plan or to sit down

1 and write out or remember or memorize -- whichever way you  
2 want to put it -- as to what the path was of the sound from  
3 the gun to your decibel meter?

4 A Well, Counsel, as I told you, I could not  
5 predict this.

6 I don't think anyone would be able to sit down  
7 and predict the path of sound.

8 If you want me to take a straight-line  
9 sighting of what it might have to travel through, that is  
10 one thing. If you want me to take sightings of sound which  
11 might be reflected off of previously-mentioned things such  
12 as layers of clouds, moisture, reflected transmission, this  
13 type of thing, I would have no idea.

14 I don't think anyone can sit down and predict  
15 the travel of sound, unless you were in a tube, maybe.

16 Q Pardon?

17 A Unless you were in a tube.

18 Q You don't think it is predictable unless you are  
19 in a tube?

20 A Well, even in a tube, you would have sound that  
21 was transmitted through the steel, sound that would leave  
22 the steel and might even be returned in the way of sound  
23 levels.

24 Q Well, now, my question is: Is it a fair  
25 statement, Officer, that after the sound leaves the muzzle  
26 of the gun, that it makes a difference as to what comes

1 on your decibel meter as to whether or not it goes through  
2 concrete, glass, open windows, closed windows? Does it  
3 make a difference on the decibel meter?

4 A Yes, absolutely it does, yes.

5 Q Does it make a difference as to which way the  
6 gun is pointed?

7 A Yes, it does.

8 Q All right.

9 Which way was this gun pointed?

10 A The gun was pointed down into a bag of sand  
11 in all instances.

12 Q In all instances, into the ground in a bag of  
13 sand?

14 A I did not say that.

15 I said it was pointed down into a bag of sand.

16 Q Well, it was sitting on either the floor or the  
17 earth, was it not?

18 A Well, it was first sitting on macadam or paving.  
19 Then it was sitting on a hardwood floor. Then it was sitting  
20 on the walkway.

12D

12d-1

1 Q So, we have another variable, then; is that it,  
2 Officer?

3 May I withdraw that and ask you.

4 Then, when Officer Butler shot the bullet, the  
5 first bullet he shot, at that time, was the Hi-Fi on?

6 I am now speaking of the experiment involving  
7 the guest house.

8 A Is this the final question, Counsel?

9 Q That is a question, I hope.

10 A Well, there were several words leading up to  
11 the question.

12 I don't know. If you mean, was the Hi-Fi set  
13 on when Officer Butler fired his first shot, if that was your  
14 question, no, the Hi-Fi set was off when Officer Butler  
15 fired his first shot.

16 Q When he fired his first shot, he fired down,  
17 in a downward direction, into what?

18 A A sack of sand.

19 Q A sack of sand; right?

20 A Correct.

21 Q How far away from the sack of sand was the end  
22 of the barrel?

23 A I would estimate approximately two feet.

24 Q Do you know for sure?

25 A I would not know for sure, no. I was not there  
26 when Officer Butler fired the gun.

12d-2

1 Q You weren't there; but weren't you conducting  
2 the experiment?

3 A Correct.

4 Q Did you tell Officer Butler?

5 A I told Officer Butler to stand erect and to  
6 fire into a bag of sand, Counsel. But I was not there.  
7 I was not there and I did not see him fire.

8 Q So, you don't know of your own knowledge whether  
9 he had the gun a half inch from the sand or whether he was  
10 four feet from the sand, do you?

11 A My instructions were that he was to stand erect  
12 and fire into it, but I do not know because I cannot be in  
13 two places at the same time. It is physically impossible.

14 Q I will concede that, Officer.

15 In other words, you told him to stand erect and  
16 fire?

17 A Yes.

18 Q I see.

19 But you didn't instruct as to what distance?

20 A The distance would be to stand erect and fire  
21 into a bag at your feet, which would be approximately two  
22 feet from the muzzle of the gun.

23 Q And this was directly into the ground?

24 A No.

25 Again, Counsel, I have told you it was not into  
26 the ground.

12d-3

1 Q I'm sorry, Officer. It was in the direction  
2 of the ground?

3 A It was fired in a downward direction, that's  
4 correct.

5 Q You don't know what angle it was fired, do you?

6 A It was fired in a forward-downward direction.  
7 More downward than forward.

8 MR. KANAREK: May I have, I think it is, Exhibit 40?

9 THE CLERK: It is on counsel table, Mr. Kanarek.

10 MR. KANAREK: Thank you.

11 Here, Officer. Here is the gun.

12 May I approach the witness, your Honor?

13 THE COURT: You may.

14 MR. KANAREK: Would you step out here, Officer?

15 THE WITNESS: Does counsel wish me out there or here?

16 MR. KANAREK: May he, your Honor?

17 THE COURT: Let's do it right here in front of the  
18 jury.

19 MR. KANAREK: Yes, sir.

20 Q Your instructions to the officer, Officer  
21 Butler, were to fire into the bag of sand?

22 A That is correct.

23 Q Is that right?

24 A Yes.

12e fls<sup>24</sup>

12E-1

1 Q And you gave him no further detailed  
2 instructions; right?

3 A I did not give any further detailed instructions  
4 other than he was to stand erect and fire into the bag of  
5 sand. That is correct.

6 Q All right.

7 Now, then, would you stand -- and if I may,  
8 your Honor, may I use this briefcase as a bag of sand?

9 It is just a briefcase, your Honor. It is  
10 something to use.

11 THE COURT: You may proceed in your own manner,  
12 Mr. Kanarek.

13 MR. KANAREK: Thank you, your Honor.

14 Q Using this briefcase, Officer, as the bag of  
15 sand. Would you put that on the floor?

16 (The witness complies.)

17 (The witness indicates, pointing the gun  
18 downward.)

19 MR. KANAREK: Q You are now pointing the gun  
20 directly to the ground; right?

21 A No. I am pointing the gun slightly forward  
22 and towards the ground.

23 Q All right.

24 At an angle of what? What would be your  
25 estimate what that angle is, Officer?

26 A I don't know. 10, 15-degree angle.

1 Q With the vertical?

2 A Yes.

3 Q Something like that?

4 A I would say yes.

5 Q All right.

6 And directly sort of in front of you; right?

7 Is that the way you have done it?

8 A Yes.

9 Q Now, is it a fact, Officer, that sound waves  
10 coming out of that gun will emanate in a different pattern  
11 than if the gun were fired horizontally?

12 A That is correct.

13 Q And if I tell you that a gun -- let us take the  
14 situation where the gun were fired horizontally instead of  
15 essentially vertically, as you have indicated. Would you  
16 tell me what effect that would have upon the readings,  
17 the four or six numbers that you have told us about?

18 A It would be impossible for me to tell you  
19 because, from that distance, because of the reflectance,  
20 because of many factors, I would not be able to tell you.  
21 I could not predict that, nor could anyone predict that.

22 Q Nor could anyone; right?

23 A That is correct.

24 Q I see.

25 So, you don't know whether or not, if you or  
26 anyone was standing in that guest house at midnight,

1 of a night when bullets were fired horizontally, let us say,  
2 you don't know whether that person could hear those bullets  
3 being fired whether the hi-fi was at 5 or 0; right?

4 A Well, I am not too clear on what you just said,  
5 Counsel.

6 May I have it read back?

7 MR. KANAREK: Certainly.

8 THE COURT: Read the question.

9 (The question was read by the reporter.)

10 THE WITNESS: I still don't understand the question.

11 MR. KANAREK: All right. I will rephrase it, Officer.

12 Q Assuming, Officer, that the bullets, now, the  
13 bullets from that gun, were fired horizontally around mid-  
14 night of some night, and someone were standing in the guest  
15 house with the hi-fi on zero -- no hi-fi; the hi-fi not  
16 going -- can you tell us, from your experiment, whether or  
17 not a person in that guest house would hear the firing?

18 A I would say yes.

19 Now, that is based on the fact that he is in the  
20 guest house, in the position in which we fired our gun  
21 with the stereo turned off, and he was firing in a horizontal  
22 instead of a vertical position.

13-1

1 Q You are saying yes?

2 A Yes.

3 Q But is it a fact that when you are saying  
4 yes, it's a guess?

5 A No, it is a guess based upon statistics compiled  
6 with a gun in a vertical position.

7 It is not a guess; it is based upon the statis-  
8 tics I compiled from the experiments I previously mentioned  
9 here.

10 Q Would you tell us the experiments you previously  
11 did?

12 A Yes, it's based on experiments, firing the gun  
13 in the case of the position on People's No. 8, the map over  
14 there where Parent's car, the front porch, and in the front  
15 room from a vertical position with the stereo off in the  
16 back house, in relation to that of a horizontal position.

17 Q Then you are saying it makes no difference  
18 whether it is vertical or horizontal?

19 A No, Counsel, I did not say that. I absolutely  
20 did not say that at all.

21 You asked me a question, did you feel in my  
22 opinion that I would still be able to hear it, the sound,  
23 based upon my previous experiments with a gun in a hori-  
24 zontal rather than that of a vertical or downward position.

25 I said yes, in my opinion I would still feel  
26 that I could hear it.

13-2

1 Q I see. And what are the statistics upon which  
2 you are basing that statement?

3 A Statistics are based upon past experiments  
4 with the muzzle of the gun pointed in different direc-  
5 tions.

6 Q I see, you conducted experiments with the muzzles  
7 of the guns in different directions?

8 A That's correct.

9 Q And did you have a house and did you have  
10 glass in between?

11 A I have had houses; I have had a glass in between;  
12 I have had doors in between.

13 Q And you wrote down all of the experiments?

14 A Yes, I did not do this at Cielo Drive at  
15 10050 Cielo Drive, though, I did not do my experiments  
16 there, no, I did not do that.

17 Q I see, then in connection with the experiments  
18 that you have previously conducted, may I ask you, is it  
19 a fact that the intensity of the sound depends upon which  
20 way you are firing the gun, the intensity of the sound at  
21 some particular location, remote from the gun?

22 A Again, Counsel, your question to me is only  
23 partially there.

24 If you mean if I point the gun towards you  
25 and fire it I would expect to have more sound transmitted  
26 to me where if I turned my back to you and fire it on you

13-3

1 I would expect less transmission.

2 Q That's common sense, isn't it?

3 A Yes, but I am asking if that is what your ques-  
4 tion is asking.

5 That is correct.

6 But if I am in a house with glass and doors  
7 and windows in between there, now we cannot conceive on  
8 a common sense basis of what way and what direction sound  
9 will travel.

10 Q Since you cannot proceed on a common sense  
11 basis, you cannot predict from your experiments which you  
12 previously made as to what would happen in any other situ-  
13 ation, can you?

14 A I said in my opinion, predicated on the basis  
15 of the levels of sound that were transmitted to my decibel  
16 meter, and because of their intensity, the loss or gain  
17 in intensity would still be predictable, yes. That is based  
18 upon my readings.

19 Q I see.

20 Now, may I then ask you this:

21 Directing your attention then to a situation --  
22 let's say that Officer Butler, maybe being a little  
23 apprehensive of bullets being fired too far away from the  
24 sand, let's say he fudged a little bit and fired it  
25 directly into the sand, just maybe a couple of inches away  
26 from the sand, say he sort of stood erect, reached over and

1 did something like that.

2 Would that have any effect upon the amount of  
3 sound that got to your decibel meter?

4 A It certainly would; it would be to the advantage  
5 of the previous question.

6 It would muffle the sound.

7 If the person were standing in an upright  
8 position there would be a greater sound from the weapon.

9 Q What do you mean "advantage to the previous  
10 question"?

11 A It would make a greater sound emission when the  
12 gun was held further away from the sandbag than closer.

13 The previous question was on the basis of the  
14 gun being held horizontal.

15 Q So if someone, Officer Butler, fired directly  
16 into the sand, he might not be duplicating the conditions  
17 at all that in fact occurred in connection with the events  
18 that we are in this courtroom here today for, right?

19 A Well, I cannot say that, I was not there.

20 He might be duplicating it. He might have shot  
21 the person at close range.

22 He may have been duplicating it. I wasn't  
23 there, Counsel, I don't know.

24 If based upon your question you say if he  
25 leaned over and fired into the bag of sand he might be  
26 closely duplicating the situation that night than the

1 previous instructions that I gave him, I don't know.

2 Q Or he might not, right?

3 A That's correct.

4 Q It is like the toss of a coin, right?  
5 Chance?

6 A I would not say it was like the toss of a coin  
7 in any circumstances.

8 I went out, I measured the specific sound  
9 level.

10 When I toss a coin we have a head or tail; we  
11 are talking about the difference in level readings. This  
12 is not a head or tail position.

13 I am going to come up with readings, either  
14 slightly more or slightly less. I don't have a head or  
15 tail situation.

16 Q Now, then, directing your attention, Officer,  
17 to the situation where the Hi-Fi, let us say, was all the  
18 way up on 5.

19 Do you have that picture in mind?

20 A No, I don't, Counsel, because again those are  
21 not the facts or questions that were led to me.

22 You previously asked me did I know what the  
23 top setting on the Hi-Fi set was.

24 I said I did not know.

25 You said did it go in excess of 5.

26 I said I think it did. I do not know.

1 So when you tell me it was set at the top  
2 setting of 5, I have no idea, and I am certain there is a  
3 higher setting.

4 Q All right, let's say that the Hi-Fi set was  
5 at the highest setting that you went -- let's make it that  
6 way -- at the highest setting that you used.

7 A Correct.

8 Q Now, let's say that Officer Butler fired that  
9 gun in a direction -- I will withdraw that.

10 Is it possible that Officer Butler could have  
11 fired that gun in a direction such that that bullet could  
12 have been heard even though the Hi-Fi set was at some  
13 level, let's say 4.

14 A Let's put it this way, Counsel, anything is  
15 possible. It is improbable though.

16 Q It is improbable?

17 A I said anything is possible, but in answer to  
18 your question --

19 Q Yes.

20 A It is improbable.

21 Q And why is it improbable?

22 A Because of the great variance in the decibel  
23 readings between the top volume of the Hi-Fi set being 78  
24 and the top reading that I received of the revolver in the  
25 front yard, which was that of 42.

26 There is a large difference between the

1 decibel readings, anything is possible, but it is not  
2 probable that they would hear this.

3 Q Would you tell me why that difference in  
4 numbers makes it improbable.

5 Why did that particular difference in numbers  
6 make it improbable?

7 A Because of the sound levels that were trans-  
8 mitted to the meter being that of from 42 to 78. It is  
9 too large a variation.

10 Q Why does the variation affect it?

11 A Well, the greater decibel pressure that is  
12 coming to the sound levels of the ear, the more chance  
13 of hearing it.

14 We are overriding here by what? 36 decibel  
15 units. That means that the pressures or sound levels  
16 coming there are high intensity sound levels.

17 I don't mean high intensity, but large pressure  
18 sound levels.

19 Q What is the breakover point? Is there some  
20 place, Officer, where one could hear it notwithstanding the  
21 fact that the Hi-Fi was going on?

22 A Counsel, I don't understand your question.

23 If you mean when would the person hear it  
24 when I have a decibel reading of 78? He would have to hear  
25 it at 78-1/2, 79 decibel level.

26 The weapon would have to fire at that rate of

1 pressure, 78-1/2 to 79 for him to hear it over a reading  
2 of the stereo at 78.

3 Q Well, now, you have told us --

4 Now, you have told us, Officer, that if the  
5 stereo were off, right? There would be no question that  
6 he could hear it?

7 A That's correct.

8 Q All right, now, is there some place --

9 A I said in my opinion. That's all right, go  
10 ahead.

11 Q Now, is there some place in between where the  
12 stereo could be on and you could still hear?

13 A Yes, there would be.

14 Q Where is that?

15 A If the stereo was on, I would assume in  
16 setting -- it is in inverse proportion to the volume,  
17 naturally I would expect it to be down in the settings of  
18 1, 2, possibly 3, but I don't imagine -- 1 or 2 would be  
19 the setting.

20 THE COURT: We will take our recess now.

21 Ladies and gentlemen, do not converse with  
22 anyone; do not form or express an opinion regarding the  
23 case until it is finally submitted to you.

24 The court will recess for 15 minutes.

25 (Recess.)  
26

13A-1

1 THE COURT: All counsel and jurors are present.

2 You may continue, Mr. Kanarek.

3 MR. KANAREK: Yes, thank you, your Honor.

4 THE WITNESS: Counsel, may I correct a statement on  
5 the last statement, on the very last line of the last  
6 statement I made a mistake.

7 I would like to say that where I said the  
8 volume is an inverse square, it is not. It is proportionate  
9 to the square of the volume.

10 Q BY MR. KANAREK: Would you say that again?  
11 What is proportionate to the square of the volume?

12 A The volume setting will be proportional --  
13 We were talking in relation to the last question,  
14 something regarding the volume, and the settings of one,  
15 two, three, four, five.

16 This would be a square root, rather than an  
17 inverse square law.

18 Q What if the manufacturer had put down A, B, C,  
19 D and E, what would you say then instead of 1, 2, 3, 4 and  
20 5?

21 A I think the manufacturer can place anything down  
22 on a stereo system. It could be either lineal or squared.

23 Q You told us that this would be based upon the  
24 square.

25 A The volume of transmission of sound is a square  
26 root factor.

1 Q What if the manufacturer had put down A, B, C, D,  
2 and E instead of numbers 1, 2, 3, 4 and 5?

3 A Counsel, the numbers are an arbitrary factor.  
4 He could put down alpha beta gamma as well as  
5 anything he wanted. He could put faces around the dial.

6 That has nothing to do with the part that  
7 controls the volume levels of a stereo set.

8 Q Yes, but when you say square, square of what?

9 A The sound that is emitted from the stereo set,  
10 when the settings on the dial are so set, if the dial is  
11 in increments of five, it is not a direct proportion in  
12 decibel readings, but would be transmitted from the set, the  
13 sound would be transmitted at a square root level.

14 Q Would you come to the board and show me that  
15 in writing, please?

16 A Counsel, I could not write that on the board.  
17 I can write a square root down. What is that going to mean  
18 on the board in writing?

19 Q As a matter of fact, Mr. Wolfer, is it not a  
20 fair statement that you don't know what you are talking  
21 about? Isn't that a fair statement?

22 A Absolutely not, Counsel. I think it is a fair  
23 statement that you don't know what you're talking about.

24 Q I am just asking questions here.

25 A Well, I am just answering them. I am doing the  
26 best I can.

1 Q All right. Well, now, would you tell me,  
2 please, what are you talking about when you say square?

3 If you will just come here. Here is a pencil  
4 and tell us about it.

5 THE COURT: He can explain it in words.

6 Let's get on.

7 What do you want now? You ask the questions.

8 MR. KANAREK: Yes.

9 Q BY MR. KANAREK: Officer, square what?

10 A Sound is transmitted --

11 THE COURT: He answered that question at least twice  
12 now, Mr. Kanarek, let's get on to something else.

13 Q BY MR. KANAREK: Officer, will you tell me how  
14 to put your formula on the board here?

15 A I haven't at any time related a formula.

16 Q You just told us, Officer --

17 THE COURT: Get on to another question.

18 MR. KANAREK: Pardon?

19 THE COURT: Get on to another question.

20 Q BY MR. KANAREK: Well, Officer, in this  
21 expression here, C equals the square root of this  
22 (indicating), do you know what dimension C is, the speed  
23 of sound?

24 A The speed of sound?

25 Q Yes.

26 A What are we referring to, the speed of sound in

1 the air, glass, steel?

2 Q What are the dimensions, you pick the medium  
3 that it is going in; what are the dimensions of the speed of  
4 sound?

5 A I related that earlier on several occasions.  
6 In the air it goes anywhere, say, 1160 feet per  
7 second.

8 Q I asked for the dimensions.

9 MR. BUGLIOSI: It is irrelevant.

10 THE WITNESS: The dimensions of what?

11 MR. BUGLIOSI: It is irrelevant, objection.

12 Q BY MR. KANAREK: Of the quantities of speeds  
13 of sound.

14 THE COURT: The objection is sustained.

15 MR. KANAREK: Your Honor, I want to lay a foundation.

16 THE COURT: The objection is sustained. Ask your  
17 next question.

18  
19  
20  
21  
22  
23  
24  
25  
26  
13B

13B

1 Q BY MR. KANAREK: Well, Officer, if I may ask  
2 you, on your report, Officer, of 8-26-69 it says, "See  
3 continuation."

4 Are you familiar with that?  
5 it

6 A If/says that, that is what it means. No, I am  
7 not, but if that is what it says, yes.

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

10 THE COURT: Yes.

11 Q BY MR. KANAREK: Officer, do you know what that  
12 "See continuation" means?

13 A Yes, I'm sorry, yes, there is another sheet  
14 on this referring to other subjects.

15 Q Yes, well, do you remember --

16 For instance, did you take any blood samples  
17 while you were out there?

18 A Yes, I did. That is right on this report.

19 Q Right. What did you do in connection with  
20 blood while you were out there?

21 A On what date?

22 Q On August the 26, Officer.

23 A Oh, well, on August 26th I don't believe that I  
24 did anything with blood. This is the date that I made the  
25 report.

26 Q Well, on the day you were out there, would you  
tell us what you did with blood?

1 A On August the 18th, you mean, Counsel?

2 Q Yes.

3 A Yes. At that particular time I took and  
4 studied the blood spots, the particular patterns of spots,  
5 the direction of travel, such things as this.

6 I believe I even brought samples of blood into  
7 the laboratory for purposes of analysis.

8 Q On August 18th.

9 A On August 18th, correct.

10 Q Now, if I may ask you, in how many different  
11 fields are you an expert, Officer?

12 A I work in the field of criminalistics which is  
13 the forensic study of chemistry and physics.

14 Q Then you would say you are an expert in blood  
15 also, is that right?

16 A That is correct.

17 Q Now, would you tell me, please, Officer, is it  
18 a fair statement that from August the 18th, 1969 until  
19 8-26 of '69 you did not cause any report to be written?

20 A I cannot say that at all. That is not true.  
21 I don't know.

22 Q Well, we have here this document that is called  
23 across the top "Analyzed Evidence Report."

24 Would you tell us, please, in your work what is  
25 that document used for?

26 A To report evidence that is analyzed.

1 Q Now, you have the blank here that he did make  
2 an examination and analysis of this evidence and in his  
3 opinion -- and then there is a colon:

4 Would you tell me whether or not you formed  
5 any opinion whatsoever that you put in writing concerning  
6 what you did on August 18, 1969?

7 I have here your analyzed evidence report and  
8 the blank that calls for an opinion.

9 A Counsel, may I see the report and point to me  
10 the area you are referring to, please.

11 Q Yes.

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

13 THE COURT: You may.

14 Q BY MR. KANAREK: You may certainly look at that,  
15 and would you please tell us what opinion, if any, did you  
16 reduce to writing on August 26, 1969.

17 A The report is self-sufficient in showing what  
18 I reduced to writing on that date regarding this one  
19 report.

20 Q Now, you went there as an expert, and this  
21 blank calls for some opinion.

22 A That's correct.

23 Q Would you tell us what your opinion --  
24 What was the opinion that you put into writing,  
25 if you put anything into writing, on August 26, 1969, as  
26 to what occurred on August 18th?

1           A.     Counsel, first of all here we go with compound  
2 questions again.

3                 I did put something in writing. It is self-  
4 evident in the report. That is the first answer to your  
5 question.

6                 If that is not self-evident, nothing would be.

7                 Here it is written and dated that date.

8                 At that particular time I put down as under this  
9 printed form, where it says "an opinion," that I did run  
10 tests and that in my opinion this is what I saw and  
11 reported.

14-1 1

Q All right.

2

Would you read what you put down under "Opinion"?

3

Would you read that?

4

A Yes.

5

Q Would you read that to us, please.

6

A August the 18th, 1969.

7

Scene: 10050 Cielo Drive. 12:00 noon.

8

Sound test. Colt, 9-1/2 inch barreled

9

revolver, Remington golden L-R -- which is Long-Rifle.

10

Sound level meter-General Radio Company.

11

Car position in driveway to the rear of house,

12

31 to 32-1/2 decibels.

13

Front room to the rear of the house, 31-39

14

decibels.

15

Car position in driveway to rear of house

16

(radio) 78-78 decibels.

17

Front room to rear of house, radio, and then

18

in parens -- I am sorry, radio was in parenthesis.

19

Over this is "Set 5." 78-78 decibels.

20

Steps to the rear of the house, 31-42 plus

21

decibels.

22

Steps to the rear of the house (radio) 78-78

23

decibels.

24

Blood samples, et cetera. Taken. Bullets

25

examined.

26

(See continuation.)

14-2

1 Q Now, do you need the continuation?

2 A Excuse me?

3 Q Pardon me.

4 Do you need the continuation sheet to tell us  
5 what your opinion was?

6 You were there as an expert, Officer. I am  
7 merely asking you, would you tell me what was your opinion,  
8 as an expert, that you obtained?

9 This document calls for an opinion, your own  
10 blank there calls for an opinion. Would you tell us what  
11 was your opinion after you went out and did what you did?

12 A Yes.

13 The testimony that I have given here in court:  
14 That from the three positions with the radio off, that  
15 there was decibel level readings of this which would  
16 enable me to hear this firing of the weapon with the radio  
17 off.

18 Another opinion would be that with the radio  
19 on and set at 5, that I could not hear the firing of the  
20 weapon from the three positions.

21 That will be my opinion.

14a fls.

22

23

24

25

26

14a-1

1 Q And would you tell us, Officer, any opinion  
2 that you have, if you have any, concerning whether or not  
3 a person in that house at 12:00 o'clock, or thereabouts,  
4 would have been able to hear a .22 caliber rifle, or a  
5 .22 caliber pistol, being shot where the Steve Parent car  
6 was?

7 A Yes. I previously answered this. I will  
8 answer it again.

9 It is my opinion, with the radio turned off,  
10 the stereo turned off, he would be able to hear it from  
11 where the Steve Parent car was.

12 Q Would you tell us at what level, if any, of  
13 Hi-Fi there would be the breakover point at which he  
14 could not hear?

15 A I would say that the breakoff point would be  
16 when the volume was set above 2.

17 Q And will you tell us upon what you base your  
18 scientific opinion that the breakover point was 2?

19 A Yes. As I previously explained. That on the  
20 taking of readings at 4, it read somewhere just slightly  
21 in excess of 60 decibels.

22 In the taking of three, as I recall, it read  
23 in just the middle range of the 50's -- I am sorry --  
24 in the middle ranges of the 40's. I think it was about  
25 42, 43.

26 It was in excess of those decibels in which I

1 had previously recorded with the radios off. So, I would  
2 say that when the dial setting was at 2 or less, that the  
3 person could possibly hear the shootings from the three  
4 positions.

5 Not from the three positions, I am sorry.  
6 From the one position, the front steps.

7 Then, the dial settings would have to be less  
8 for the positions between the front room and Parent's car.

9 Q And you, under oath, are willing to make these  
10 statements to us; right?

11 A I took an oath, and I am making these state-  
12 ments. I am certainly aware of my oath and my responsi-  
13 bilities, yes.

14 Q May I ask you this: Do you feel, as a  
15 scientist, you have enough information to answer the  
16 question as to whether or not -- as to the point where  
17 the breakover point would be?

18 Do you feel you have enough information, that  
19 you have studied this problem enough to make that answer?

20 A I made the answer and I will stand with my  
21 answer. Yes, Counsel.

22 Q I see.

23 Now, is there some reason, Officer, why this  
24 report that is dated October the 5th, 1970, is called  
25 Employee's Report and those that are dated September 23rd  
26 of '69 and August 26th of '69 are termed Analyzed Evidence

1 Report?

2 Would you tell us, Officer, if you know, as  
3 to why that difference exists?

4 A Yes, I can.

5 These are form reports that are printed by  
6 the City Printing Office, and the report forms have been  
7 changed within that year.

8 It is a standard form and they have reprinted  
9 them.

10 Q And will you tell me, Officer -- may I  
11 approach the witness?

12 THE COURT: Yes, you may.

13 BY MR. KANAREK:

14 Q The Employee's Report which was typed --

15 THE WITNESS: I am sorry. May I correct that before  
16 I look at it? I am sorry.

17 MR. KANAREK: Go ahead.

18 THE WITNESS: They were not reprinted.

19 The Employee's Report Form is a 15.7, where  
20 it is not an analyzed evidence report. It is a form  
21 made by an employee, in addition to such things as work  
22 that is done.

23 When Mr. Bugliosi asked me to make a running  
24 narrative report, I could not make a duplicate report of  
25 what I had previously done. I had to go to what they  
26 call a Employee's Report form in regards to my previous

reports.

So, I then made a narrative report on what we  
call a 15.7 form.

14b fls.

14b-1

1 Q Then is it a fair statement that the Analyzed  
2 Evidence Report forms are still used by the Los Angeles  
3 Police Department?

4 A Yes, but there is a new report form.

5 I don't know whether that is the new one or the  
6 old one, but there is a new one.

7 That is what I was thinking about.

8 Q But as of yesterday -- I believe yesterday was  
9 the 5th; right?

10 A Yes.

11 Q As of yesterday, there was an Analyzed Evidence  
12 Report Form; right?

13 A Yes. There still is.

14 Q And is it a fair statement that you chose  
15 this Employee's Report form rather than an Analyzed Evidence  
16 Report Form because you do not have -- or would you tell us  
17 the reason you chose one over the other?

18 A I just told you. There was no evidence  
19 analyzed in this case. This was a report based upon  
20 previously analyzed evidence.

21 I analyzed no evidence on October the 5th, 1970.  
22 I merely made a written report from those other two reports  
23 made here on the 23rd and the 26th of last year.

24 MR. KANAREK: Your Honor, may these be marked  
25 next in line, AX, or whatever your Honor suggests?

26 I have here the Analyzed Evidence Report that

1 is dated August the 26th, 1969.

2 May that be given a number, your Honor?

3 THE COURT: AY.

4 MR. KANAREK: And I have what is termed the  
5 "Employee's Report," your Honor.

6 May that be given a number?

7 THE COURT: AZ.

8 MR. KANAREK: Q Now, I notice, Officer, that  
9 in what we have marked AX, you make reference to the fact  
10 that the wind was from a southwest direction at approxi-  
11 mately five miles per hour and there was considerable  
12 background noise.

13 You made the comment on September the 23rd,  
14 1969.

15 A Yes, that is correct.

16 Q All right.

17 Now, would you tell us, Officer, directing your  
18 attention to August the 18th, 1969, what was the wind  
19 condition when you conducted the experiments on Cielo Drive,  
20 10050 Cielo Drive?

21 A In the case of the experiments conducted on  
22 August the 18th, 1969, tests were conducted inside the house,  
23 from the standpoint of where the meter was held. There was  
24 no noticeable winds of any consequence on that particular  
25 day.

26 Had there been a noticeable wind, there would

1 have been a remark made in the report.

2 Q You recall that there was no wind when you took  
3 the test?

4 A No, counsel, I did not say that.

5 I said there was no noticeable or appreciable  
6 wind on that day.

7 Q Do you recall that there was none?

8 A If there was, it would have been remarked in  
9 the report; and to the best of my recollection, I recall  
10 there wasn't.

11 Q I see.

12 As to that aspect, too, you committed that to  
13 memory, also; is that right?

14 A Now, Counsel, which aspect are you referring to?

15 Q The wind, the wind conditions; did you commit  
16 that to memory?

17 A At what point did I commit it to memory?

18 Q On August the 18th, 1969.

19 A I told you that all points of that report were,  
20 in your term, committed to memory. I remembered doing them,  
21 yes.

14C

14c-1

1 Q I see.

2 Now, would you read over to yourself this  
3 second paragraph, this second series here. Would you  
4 read that paragraph over to yourself.

5 A Yes?

6 Q Now, that purports to relate what happened  
7 inside the house; is that right, Officer?

8 A It is self-evident.

9 It says in here that there were a series of  
10 shots fired in the main house.

11 Q Just answer my question.

12 Does that paragraph purport to relate what  
13 happened concerning bullets shot inside the house?

14 A That is correct.

15 Q Would you tell us, as far as -- would you  
16 tell us, Officer, where was the bag of sand inside the  
17 house?

18 A I have already pointed to where the bag of  
19 sand was on People's Exhibit No. 8.

20 It was in the front room area. I don't  
21 recall my exact position on the map over there. It was  
22 in the front door and off to the left. There is a little  
23 foyer there. It would be to the left.

24 Q Was the front door open when those bullets  
25 were shot?

26 A No. To my recollection, I don't believe the

14c-12

front door was open.

Q Can you tell us what objects there were in the room when the bullets were shot into the sand?

A Well, there was a desk with materials on it. It was a small desk.

The problem here, Counsel, is based upon the fact that I have seen photographs.

I know there were trunks in the room, I know there were couches and everything else. I don't know whether they were there that day when I was there or not. I don't know whether the trunks were still present or not.

Q So you don't remember?

A Well, it is a confusion between seeing photographs.

Q What was there on that particular day?

A I know there were two -- there were two trunks in the room. I know there were couches in the room. I know there was a loft over the front room.

I know that there was a ladder coming down from the loft. I know that there was a desk in the room that had considerable materials on it of all kinds, that there were chairs.

The usual front room furniture.

Q And do you recall what windows, if any, were open?

A No, I don't recall what windows were open.

1 MR. KANAREK: Just so I can lay a foundation, your  
2 Honor, I would like to interrogate on this.

3 Q Officer, I am not doing this for any reason  
4 except to lay a foundation.

5 To your knowledge, is this, in this expression  
6 for the speed of sound, Officer, is this gamma, is that  
7 equal to the ratio of specific heats?

8 A Counsel, I said I don't recall that. I don't  
9 recall.

10 MR. KANAREK: Your Honor, may this be marked as an  
11 exhibit?

12 THE COURT: BC.

13 MR. KANAREK: BC, your Honor?

14 THE COURT: Yes.

15 MR. KANAREK: B?

16 THE CLERK: Yes. B as in Baker. BC.

17 MR. KANAREK: Thank you.

18 Q If I ask you if gamma equals the ratio of  
19 specific heat, your answer is you don't know?

20 A I said I don't recall the formula, so I  
21 would have to say that to the entire formula.

22 Q All right.

23 And the R, if I ask you if "R" equals the  
24 gas constant per unit mass, your answer is that you do  
25 not recall that; is that correct?

26 A I would have to state and hold to the same answer.

BC id.

I don't recall that particular.

15-1

1 Q Now, are we in agreement that the speed of  
2 sound has the units, the dimensions of feet per second?

3 A I wouldn't know. I would say it is measured in  
4 feet per second as one of the common measurements, that is  
5 correct.

6 Q Thank you.

7 And is the T, temperature, in absolute terms,  
8 Renkin?

9 A In absolute terms, Renkin?

10 Q Is that familiar to you?

11 A That is what you said it was, it is not familiar  
12 to me.

13 Q I have to ask you the question, Officer, is it  
14 true, do you know?

15 A I said I don't know.

16 MR. KANAREK: You don't know? All right.

17 Thank you very much, Officer.

18 Thank you, your Honor.

19 MR. FITZGERALD: May I have one question -- two  
20 questions, one is foundational and the other is direct.

21 THE COURT: Yes.

22

23

### CROSS-EXAMINATION

24

BY MR. FITZGERALD:

25

Q Have you testified to an expert opinion here  
26 today, Officer?

1 A I would say yes.

2 Q Would your opinion be any different if you were  
3 aware that colleagues of yours from the Scientific  
4 Investigation --

5 MR. BUGLIOSI: I am going to object to any question  
6 that purports to contain within itself an answer, your  
7 Honor.

8 I request that we approach the bench.

9 He appears to be reading hearsay. May we  
10 approach the bench, your Honor?

11 MR. FITZGERALD: It is a hearsay question; there is  
12 no question about that.

13 (The following proceedings were had at the  
14 bench out of the hearing of the jury:)

15 MR. FITZGERALD: So the record will be clear, what I  
16 intend to do is ask Mr. Wolfer if his expert opinion would  
17 change if he was aware that colleagues of his from the  
18 Scientific Investigation Division of the Los Angeles Police  
19 Department had performed similar tests to his at the Cielo  
20 Avenue address and arrived at different conclusions.

21 Now actually I am asking this question in good  
22 faith, actually this is the portion of the official reports  
23 of the Los Angeles Police Department that I read into the  
24 record yesterday.

25 MR. BUGLIOSI: I know. There is nothing here, your  
26 Honor, that indicates that any test was conducted by the

1 officer who wrote this examination.

2 This is a report by Sergeant McGann and  
3 Sergeant Calkins.

4 I have a difficult time getting them to carry  
5 exhibits from point A to point B, much less stating scien-  
6 tific conclusions like this.

7 There is no scientific conclusion in here whatso-  
8 ever.

9 MR. FITZGERALD: I believe there is.

10 MR. BUGLIOSI: Not from the people who prepared this  
11 report. This is a report prepared by McGann and Calkins.

12 Now, if you want to call --

13 THE COURT: Regardless of whether there is or is not  
14 some scientific opinion stated in that report, I think the  
15 question is unfair, unfair at this point.

16 In other words, you now have this officer's  
17 testimony as to certain opinions.

18 If you call another witness, or the People call  
19 another witness, and in cross-examination you ask them if they  
20 knew that Mr. Wolfer had testified to such-and-such an  
21 opinion, which he had in fact testified to, would that change  
22 his opinion; that is one thing.

23 Here you are in effect assuming it for the purpose  
24 of the question.

25 MR. FITZGERALD: Right, right, it's like asking a  
26 psychiatrist --

1 THE COURT: But the trouble with it is it is not just  
2 a bare assumption; there is an implication in fact it was  
3 done.

4 MR. FITZGERALD: That is true.

5 THE COURT: If it was done, that is fine, but it is  
6 not established in this record.

7 MR. BUGLIOSI: I have no evidence that it was done,  
8 to my knowledge he is the only one who conducted the  
9 experiments.

10 THE COURT: Maybe you can phrase the question in some  
11 other way.

12 MR. BUGLIOSI: I would like to have it phrased at the  
13 bench so I can object.

14 Once the question is asked it is a rhetorical  
15 question that contains with/<sup>in</sup>itself an answer.

16 MR. FITZGERALD: Right, it does. But it is not  
17 admitted for that purpose. It is admitted for the purpose  
18 of what he based his opinion on, and would his professional  
19 opinion change.

20 THE COURT: In other words, what you are really asking  
21 calls for speculation as the record now stands.

22 You are saying, assuming somebody arrived at a  
23 different conclusion than you did, would this affect your  
24 conclusion.

25 MR. FITZGERALD: Yes.

26 THE COURT: He doesn't know what conclusion, the whole

1 business as speculation.

2 MR. FITZGERALD: Common speculation, but legal  
3 speculation, not in his status as an expert.

4 I would concede if he were a lay witness,  
5 we would be improper, but it is perfectly proper in terms of  
6 -- as a matter of fact, I think he was sent out for the  
7 purpose of attempting to get positive results, because they  
8 had negative results earlier.

9 THE COURT: This may be. This may be.

10 MR. BUGLIOSI: What I think you should do, Paul,  
11 is contact the people who prepared this report, ask them  
12 why they said what they did.

13 Now, maybe someone else went out. If they did,  
14 let's get their report.

15a-1

1 MR. FITZGERALD: I'm just going to start issuing  
2 subpoenas for the chief -- I cannot get the information  
3 from these people.

4 THE COURT: This does not have to be on the record,  
5 this portion of it.

6 What is before me?

7 MR. BUGLIOSI: It's a question.

8 THE COURT: Mr. Bugliosi objected to the question.

9 I think the objection is a good one as the  
10 record now stands.

11 MR. FITZGERALD: May I have permission to ask him a  
12 couple of other questions to lay the foundation for subse-  
13 quent testimony.

14 THE COURT: Yes.

15 MR. KANAREK: May I have the witness ordered back  
16 with that aerial plot? We made --

17 THE COURT: If he has the aerial plot.

18 MR. KANAREK: We did not get it in our discovery  
19 proceedings --

20 THE COURT: I don't know whether you made discovery  
21 or not.

22 MR. KANAREK: Yes, we did, your Honor.

23 THE COURT: You are telling me that.

24 I don't know if it is true or not.

25 MR. KANAREK: Well, we made it.

26 THE COURT: We will not discuss this in the absence

15a-2

1 of the other attorneys.

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

4 BY MR. FITZGERALD:

5 Q At the time that you went to the Cielo Avenue  
6 location to perform certain acoustical tests, did you have  
7 information that the tests, similar type tests, had been  
8 conducted by persons within your department?

9 A No, I did not.

10 MR. FITZGERALD: I have nothing further.

11 MR. HUGHES: Your Honor, by stipulation between myself  
12 and the Deputy District Attorney Mr. Bugliosi, this witness's  
13 testimony is not being introduced against Leslie Van Houten  
14 for any purpose and therefore I will not cross-examine.

15 I would ask your Honor to instruct the jury to  
16 not consider the evidence for any purpose against Leslie  
17 Van Houten.

18 THE COURT: That stipulation was previously stated on  
19 the record, was it not?

20 MR. HUGHES: I don't believe it was stated before  
21 the jury.

22 MR. BUGLIOSI: I will stipulate this testimony does  
23 not pertain to Leslie Van Houten.

24 MR. HUGHES: So stipulated.

25 THE COURT: All right.

26 The jury is admonished not to consider the

15a-3

1 testimony of Mr. Wolfer as to Leslie Van Houten for any  
2 purpose.

3 MR. BUGLIOSI: I have a few questions on redirect  
4 examination, your Honor.

5 THE COURT: All right.

6  
7 REDIRECT EXAMINATION

8 BY MR. BUGLIOSI:

9 Q Did Sergeant Deese tell you when he arrived  
10 at the Tate residence?

11 A No, he did not.

12 Q You indicated earlier something about his being  
13 there on the night of the murders.

14 A No, that is what I said, I don't mean that he  
15 was there to witness a murder.

16 He was there in the investigation in the  
17 early stages.

18 Q You don't know when he arrived at the scene?

19 A I have no idea. I don't even know when the  
20 actual scene was exposed or found by the Police Department.

21 Q So you do not know when Sergeant Deese arrived  
22 at the Tate premises?

23 A No, I was on vacation.

24 Q And he never told you?

25 A No.

26 Q Okay. With respect to your experiment on

1 August the 18th, 1969, the first formal written report  
2 you prepared was dated August 26, 1969, is that correct?

3 A That's correct.

4 Q That is eight days later?

5 A That's correct.

6 Q And you do not recall whether you made any  
7 report prior to that time?

8 A No, I mean I did not make any report.

9 I might have made a verbal report but I made  
10 no written report.

11 Q You don't recall whether you made any notes  
12 prior to that time?

13 A No.

14 Q When you went out there on August 18th, 1969,  
15 did anyone tell you from what position the shots were  
16 fired on the night of the murders?

17 MR. KANAREK: Your Honor, I object to that on the  
18 grounds of hearsay.

19 MR. BUGLIOSI: This was gone into on cross-examination,  
20 your Honor.

21 THE COURT: That may be answered yes or no. Over-  
22 ruled.

23 THE WITNESS: No.

24 BY MR. BUGLIOSI:

25 Q No one told you from what position the shots  
26 were fired on the night of the murder, is that correct?

1 A That is correct.

2 Q You used the word, witness, several times  
3 during your testimony on cross-examination.

4 What do you mean by the word witness?

5 A Any person who witnesses anything by one of  
6 the five senses, smell, sound, taste, hearing, feel.

7 These would be --

8 Q So when you spoke about witnesses you were not  
9 limiting the term to people who observed something visually?

10 A You can witness things by any one of the five  
11 senses.

12 Q You were including, when you used the term  
13 witness, hearing, is that correct?

14 A That is correct.

15 MR. BUGLIOSI: No further questions.

16 MR. KANAREK: In connection with this plot.

17 THE COURT: What plot?

18 MR. KANAREK: The aerial plot map, your Honor, which  
19 occurred on the 23rd or the 22nd -- the 23rd of September,  
20 1969, I wonder if Mr. --

21 THE COURT: You work that out with Mr. Bugliosi,  
22 Mr. Kanarek, and if that is not satisfactory then there are  
23 other ways you can get it.

24 MR. KANAREK: I don't want to inconvenience Mr.  
25 Wolfer by ordering him back, your Honor.

26 THE COURT: You may step down, Mr. Wolfer.

1 MR. BUGLIOSI: People call Jerry Friedman.

2 MR. KANAREK: May I inquire whether Mr. Wolfer is  
3 going on vacation in the near future?

4 THE COURT: You may.

5 MR. KANAREK: Mr. Wolfer, are you going on vacation  
6 in the near future?

7 MR. WOLFER: I have four vacation days. I might take  
8 one day off and come back.

15b fls. 9 MR. KANAREK: Thank you very much, thank you.

i-b-1

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

2 Would you please repeat after me.

3 I do solemnly swear --

4 THE WITNESS: I do solemnly swear --

5 THE CLERK: -- that the evidence I may give --

6 THE WITNESS: -- that the evidence I may give --

7 THE CLERK: -- in the cause now pending --

8 THE WITNESS: -- in the cause now pending --

9 THE CLERK: -- before this Court --

10 THE WITNESS: -- before this Court --

11 THE CLERK: -- shall be the truth --

12 THE WITNESS: -- shall be the truth --

13 THE CLERK: -- the whole truth --

14 THE WITNESS: -- the whole truth --

15 THE CLERK: -- and nothing but the truth --

16 THE WITNESS: -- and nothing but the truth --

17 THE CLERK: -- so help me God.

18 THE WITNESS: -- so help me God.

19 THE CLERK: Would you be seated, please.

20 Please state and spell your name.

21 THE WITNESS: Jerrold Friedman, J-e-r-r-o-l-d,  
22 F-r-i-e-d-m-a-n.

23  
24 JERROLD FRIEDMAN,

25 called as a witness by and on behalf of the People, being  
26 first duly sworn, was examined and testified as follows:

## DIRECT EXAMINATION

BY MR. BUGLIOSI:

Q Mr. Friedman, in August of 1969, specifically August 8, 1969, where were you living?

A 6027-1/2 Romaine, R-o-m-a-i-n-e.

Q Where is that?

A In Hollywood.

Q On that date did you know one Steven Parent?

A Yes, I did.

Q Were you at home on the evening of August 8, 1969?

A For the most part, yes.

Q Did you receive a telephone call from Steven Parent that evening?

A Yes, I did.

Q About what time?

A 11:45.

Q P.M.?

A Yeah.

Q You spoke to him for how long?

A No less than five minutes, no more than ten minutes.

MR. BUGLIOSI: No further questions.

## CROSS-EXAMINATION

BY MR. FITZGERALD:

Q Were you at 6027-1/2 Romaine when you received the phone call?

A Yes, I was.

Q What was your phone number?

A 463-1280.

MR. FITZGERALD: I have nothing further.

THE COURT: Mr. Shinn?

MR. SHINN: No questions.

THE COURT: Mr. Kanarek.

MR. KANAREK: May I have a moment?

Yes, your Honor.

## CROSS-EXAMINATION

BY MR. KANAREK:

Q What was the subject matter of the conversation, Mr. Friedman?

A Several things.

MR. BUGLIOSI: Well, actually, your Honor, I have no objection to it except we are getting into a hearsay area here.

MR. KANAREK: He either has an objection or he hasn't.

MR. BUGLIOSI: The Court may have an objection. It seems to be hearsay.

THE COURT: Overruled. You may answer.

1 THE WITNESS: I can answer the question?

2 THE COURT: Yes, you may.

3 Q BY MR. KANAREK: Would you state the subjects  
4 of the conversation?

5 A He wanted to come over to my place and I said,  
6 "But it's so late," and then he asked me what time it was  
7 and we compared the time.

8 He checked the clock where he was and I checked  
9 my clock, and then he started to tell me about where he was,  
10 but I cut him off and said, "Why don't you come over and talk  
11 over here?"

12 Q Mr. Friedman, what is your age, sir?

13 A 26.

14 Q And to your knowledge how old was Mr. Parent?

15 A At that time he was 18.

16 Q And did Mr. Parent tell you where he was  
17 calling from?

18 A Not exactly, he said something to the effect  
19 that he was at the home of a movie star, somebody big.

20 And I asked him, "Is there a party going on?"

21 He said no.

22 I said, "Who are you with, then?"

23 He said, "With a friend."

24 And I said, "Well, then, are there other people  
25 there?"

26 And he seemed to indicate that they were but they

1 were not where he was.

2 Q Can you give us the exact language perhaps?

3 A He said something like, "You wouldn't believe  
4 where I am," or "Guess where I am," and he was a little bit  
5 excited, I guess impressed by where he was.

6 And I said, "Where are you?"

7 And he said, "Well, I am at the home of some  
8 really big people."

9 And I said, "Is there a party going on," because  
10 I had become conscious of music or something in the back-  
11 ground.

12 And he said, "No, that is the radio, the stereo."

13 And I said, "Well, who are you with?"

14 And he said, "Just a friend."

15 And I said something like, "Well, is there a  
16 party or something?"

17 He said, "No." And he said something like,  
18 "There are some people downstairs," or elsewhere, I wasn't  
19 sure exactly where, but he seemed to indicate that they were  
20 removed from where he was and that he was not there, you  
21 know, not with the others.

22

15C

23

24

25

26

15c-1

1 Q Now, what made you believe that he was removed?

2 A Well, he just said, he said he was alone with  
3 a friend, actually, and I asked him where he was, you know.

4 Well, when he said "Can I come over," we talked  
5 about how long it would take, and I said "Where are you?"

6 And he was kind of vague as if he wasn't sure  
7 exactly, you know, where he was, and then he said "Past  
8 Doheny."

9 Q Could you give us as best you can, Mr. Friedman,  
10 the exact words that were uttered by you and him?

11 A The whole conversation?

12 Q Rather than give us your conclusions.

13 A I can't remember -- about what? The exact  
14 words about which.

15 Q About anything you have told us about.

16 A Well, all right, I will start from the beginning.

17 I picked up the phone. I said "Hello."

18 He seemed surprised that I was home because I  
19 had not been home earlier.

20 Q Now, there instead of saying he seemed sur-  
21 prised --

22 A All right, I said "Hello."

23 He said, "What are you doing home?"

24 I said "What are you doing calling here now?"

25 And he said, "Well, I was just curious if you  
26 were home."

15c-2 1

2 And I said, "Yeah, I just got home a little  
3 while ago," which was a little bit of a white lie because  
4 I had been home about an hour and a half by then.

5 And then he said "Can I come over?"

6 I said, "It's awful late, Steve."

7 He said, "Well, what time is it?"

8 And I had a clock right by my phone. I picked  
9 it up and looked at it and I said "11:30."

10 He looked at a clock where he was and he said,  
11 "No, it's 11:25."

12 And then I realized, yeah, I had my clock set  
13 five minutes fast so I would never be late for work.

14 And then he said "Well, can I come over anyway?"

15 And I said, "Sure," because there were some  
16 things I wanted to talk to him about, and he had some  
17 things he wanted to talk to me about, a stereo we were  
18 going to build.

19 And he said, "Well, I will be there in 15  
20 or 20 minutes," and then he said, "No, better make it 40  
21 minutes so I will be there by 12:30."

22 And I said "Well, where are you," you know,  
23 "Where are you coming from?"

24 And he said, "Doheny, past Doheny."

25 And I said, you know, "Where are you?"

26 He said "At a friend's."

16 fls.

1 That is when I asked him: "Is there a party  
2 going on there?"

3 He said, "No."

4 And I said, "What is that music?"

5 He said, "It <sup>he</sup> is the stereo; it is the radio."

6 Then is when / said, "You will never believe  
7 where I am. This is the home of some big people."

8 And I sort of cut him off because I am really  
9 not impressed by movie stars or anything like that.

10 I said, "Well, why don't you tell me about it  
11 when you get over here."

12 MR. KANAREK: Q Did he say anything from which  
13 you got the impression it was a movie star's home?

14 A Sort of. I don't remember the exact words, but  
15 he said something like "big people in Hollywood." And Steve  
16 was on the fringes of the recording industry.

17 He had engineered a couple of records for some  
18 people.

19 So, I figured it was something like that.

20 Q Did you have any difficulty hearing him?

21 A No.

22 Q In other words, what noise there was in the  
23 background didn't interfere with you?

24 A No. It was in the background.

25 Q Much in the background?

26 A Yes.

1 Q May I ask you, Mr. Friedman. How long had you  
2 known Mr. Parent?

3 A Two or three months.

4 Q Prior to the time that he passed away?

5 A Yes.

6 MR. KANAREK: Thank you.

7 THE COURT: Anything further?

8 MR. HUGHES: I believe by stipulation again --

9 MR. BUGLIOSI: So stipulated.

10 MR. HUGHES: -- this testimony will not refer at all  
11 in any way to Leslie Van Houten.

12 THE COURT: Very well.

13 MR. HUGHES: Will the Court instruct the jury?

14 THE COURT: The jury is so instructed, not to con-  
15 sider the testimony of this witness as to Miss Van Houten  
16 for any purpose.

17 You may step down.

18 MR. BUGLIOSI: The People call Miss Hardaway.

19 (The witness enters the courtroom.)

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

21 Would you please repeat after me.

22 I do solemnly swear --

23 THE WITNESS: I do solemnly swear --

24 THE CLERK: -- that the testimony I may give --

25 THE WITNESS: -- that the testimony I may give --

26 THE CLERK: -- in the cause now pending --

1 THE WITNESS: -- in the cause now pending --

2 THE CLERK: -- before this court --

3 THE WITNESS: -- before this court --

4 THE CLERK: -- shall be the truth --

5 THE WITNESS: -- shall be the truth --

6 THE CLERK: -- the whole truth --

7 THE WITNESS: -- the whole truth --

8 THE CLERK: -- and nothing but the truth --

9 THE WITNESS: -- and nothing but the truth --

10 THE CLERK: -- so help me God.

11 THE WITNESS: -- so help me God.

12 THE CLERK: Would you be seated, please.

13 THE WITNESS: Where? Right here?

14 THE CLERK: Yes.

15 Would you please state and spell your name.

16 THE WITNESS: My name is Gloria Hardaway.

17 THE CLERK: Would you spell it, please.

18 THE WITNESS: The last name, H-a-r-d-a-w-a-y.

19  
20 GLORIA HARDAWAY,

21 called as a witness by and on behalf of the People, being  
22 first duly sworn, was examined and testified as follows:

23  
24 DIRECT EXAMINATION

25 BY MR. BUGLIOSI:

26 Q Is it Miss or Mrs.?

1 A. Mrs.  
2 Q Mrs. Hardaway, what is your occupation?  
3 A I am a senior clerk for the County of Los Angeles.  
4 Q Where do you work?  
5 A Assigned to Sybil Brand Institute.  
6 Q What are your duties over there?  
7 A My duties are to analyze various court papers  
8 on inmates who are in our custody.  
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16a

16a-1

1 Q Were those your duties on August the 12th,  
2 1969?

3 A Yes, they were.

4 Q I show you a document here. The top of it says  
5 Sandra Collins Pugh, and then also Sandra Good.

6 Looking at it from this direction, it says  
7 "Case, Court, Charge, Date, Disposition"; and down below  
8 there are some entries.

9 Are you familiar with this document?

10 A Yes, I am.

11 Q What is this document?

12 A That is the outside of our booking jacket.

13 Q This would be the outside of a booking jacket,  
14 then, for Sandra Pugh, also known as Sandra Good?

15 A That's right.

16 Q Who makes the entries on this particular document,  
17 the outside of the booking jacket?

18 A The clerks that work in our office.

19 Q This would be your job?

20 A Right.

21 Q And it was your job on August the 12th,  
22 1969?

23 A That is correct.

24 Q This booking jacket is a business record of  
25 the Sheriff's Office?

26 A Yes, it is.

16a-2

1 Q And the entries are made in it in the regular  
2 course of business of the Sheriff's Office?

3 A That's right.

4 Q When a person is released from Sybil Brand,  
5 the entries are made, then, on the outside of the booking  
6 jacket?

7 A That's right.

8 Q On the same date that they are released?

9 A Correct.

10 Q In fact, at the particular period of the day  
11 that they are released?

12 A Right.

13 Q Looking at this document, Mrs. Hardaway,  
14 do you see your signature anywhere?

15 A Yes, I do.

16 Q Where is that?

17 A In the lower right-hand corner of the jacket.

18 Q Where it says "Authorized by: Hardaway"?

19 A That's right.

20 Q That is your signature?

21 A That's right.

22 Q To the left there is another block. It  
23 says "Released by" and it says "8/12/69."

24 What does that mean?

25 A That is the date that she was released.

26 Q That is the date that Sandra Pugh, also known

16a-3

1 as Sandra Good, was released from Sybil Brand Institute?

2 A Yes, it is.

3 Q Do you stamp on the outside of the booking  
4 jacket the particular time of day that she was released?

5 A Yes.

6 Q Do you see that on this document here?

7 A Yes, I do.

8 Q What time do you see?

9 A August 12th, 3:12 p.m., 1969.

10 Q So, on August the 12th at 3:12 p.m., August  
11 the 12th, 1969, your records reflect here that Sandra  
12 Pugh, also known as Sandra Good, was released from Sybil  
13 Brand Institute in East Los Angeles; is that correct?

14 A That's right.

15 MR. BUGLIOSI: No further questions.

16 MR. FITZGERALD: No questions.

17 MR. SHINN: No questions.

18 MR. KANAREK: Your Honor, may I have an objection  
19 on relevancy and materiality?

20 THE COURT: The objection is overruled.

21 Do you have any cross-examination?

22 MR. KANAREK: I mean, to all of this witness's  
23 examination?

24 THE COURT: Do you have any cross-examination?

25 MR. KANAREK: Yes, your Honor.

26 THE COURT: Proceed.

16a-4

1 MR. KANAREK: Mr. Bugliosi, may I see that file?

2 MR. BUGLIOSI: No further questions.

3 You are excused.

4 Oh, you have some questions?

5 MR. KANAREK: Yes.

6 Your Honor, I wonder if this may be marked  
7 as a Court's exhibit.

8 MR. BUGLIOSI: The document or the whole file?

9 MR. KANAREK: All of this.

10 MR. BUGLIOSI: Very well.

11 MR. KANAREK: Just an exhibit so we will have it,  
12 your Honor, if we need it.

13 MR. BUGLIOSI: May we have it marked as People's  
14 Exhibit next in order?

15 MR. KANAREK: For identification.

16 MR. BUGLIOSI: People's next in order, the whole  
17 document?

18 THE COURT: 263.

263  
16b fls.

16B-1 1 MR. KANAREK: May I approach the witness, your Honor?

2 THE COURT: Yes, you may.

3  
4 CROSS-EXAMINATION

5 BY MR. KANAREK:

6 Q Mrs. Hardaway, do you have any independent  
7 recollection of this, of what you testified to here today?

8 By that I mean, outside of the fact that  
9 Mr. Bugliosi showed you this document and asked you some  
10 questions and asked you to state what you read, do you have  
11 any recollection of these events?

12 A This happens every day, daily.

13 Q So, is it a fair statement that you haveno  
14 recollection as to any of the events that you testified to?  
15 Is that correct?

16 A You mean individually, each person released  
17 individually?

18 Q As you sit there in the witness stand, do you  
19 remember these transactions and the events that you  
20 testified to?

21 A I don't remember everybody that is released  
22 every day. You don't have time to look and see who is  
23 going out. You just set up the papers and let them go if  
24 there is nothing else to hold them.

25 Q We are not disputing that. What we are asking  
26 you is: Is it a fact that you do not remember any of the

1 events? Right?

2 THE COURT: That is ambiguous.

3 Specify what event you are talking about;

4 Mr. Kanarek.

5 MR. KANAREK: I will ask it this way:

6 Q Directing your attention to what you have  
7 testified to here today, without Mr. Bugliosi showing you  
8 these papers, you wouldn't have known anything about it?  
9 Is that a fair statement?

10 THE COURT: About what?

11 MR. KANAREK: About anything she testified to here  
12 today.

13 THE COURT: She testified to the manner of keeping  
14 the records, for example.

15 Is that what you are referring to?

16 MR. KANAREK: Well, I will narrow it down, your  
17 Honor.

18 Q Directing your attention to the person of  
19 Sandra Good. You heard Mr. Bugliosi talk about that, right?

20 A Right.

21 Q Now, did you remember Sandra Good before  
22 Mr. Bugliosi mentioned her in connection with these papers?

23 A No.

24 Q Her name was just as foreign to you as  
25 Mr. XYZ; right?

26 A Right.

1 Q Directing your attention, then, to this  
2 8/12/69. That is not your handwriting, is it?

3 A No.

4 Q That is somebody else's handwriting?

5 A No. That is my handwriting above it.

6 Q No. I am talking about to the left. 8/12/69  
7 was not written by you, was it?

8 A No.

9 Q Someone else wrote that?

10 A Right.

11 MR. KANAREK: Thank you.

12 MR. BUGLIOSI: Your Honor, may we call one more  
13 witness? It will take just two or three minutes.  
14 She has been waiting all day with this girl. Unless the  
15 Court wants to adjourn right now.

16 THE COURT: This kind of an estimate is notoriously  
17 inaccurate.

18 MR. BUGLIOSI: It is the same type of witness, the  
19 identical type of witness.

20 MR. SHINN: We might have some cross-examination.

21 THE COURT: No, I think we will adjourn at this time.

22 Any other cross-examination of this witness?

23 MR. SHINN: No.

24 MR. HUGHES: No questions, your Honor.

25 MR. FITZGERALD: No.

26 THE COURT: Ladies and gentlemen, do not converse

1 with anyone or form or express any opinion regarding the  
2 case until it is finally submitted to you.

3 The court will adjourn until 9:45 tomorrow  
4 morning.

5 (Whereupon, at 4:15 p.m. the court was in  
6 recess.)  
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