

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.

38

No. A253156

REPORTERS' DAILY TRANSCRIPT

Monday, August 3, 1970

A. M. SESSION

P. M. SESSION

APPEARANCES:

For the People:

AARON H. STOVITZ and
VINCENT T. BUGLIOSI,
DEPUTY DISTRICT ATTORNEYS

For Deft. Manson:

I. A. KANAREK, Esq.

For Deft. Atkins:

DAYE SHINN, Esq.

For Deft. Van Houten:

RONALD HUGHES, Esq.
PAUL FITZGERALD, Esq.

For Deft. Krenwinkel:

For Linda Kasabian:

GARY FLEISCHMAN, Esq.
RONALD L. GOLDMAN, Esq.

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

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I N D E XDEFENDANTS' WITNESS:DIRECT CROSS REDIRECT RECROSS VOIR DIRE

EMMER, June

5729 (K) 5754

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(Cross on Voir Dire 5814)

PEOPLE'S WITNESSES:

KASABIAN, Linda

5828 (F)

5895 (M)

5961 (K)

1 LOS ANGELES, CALIFORNIA, MONDAY, AUGUST 3, 1970

2 8:35 A.M.

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4 (The following proceedings were had in the
5 chambers of the court, out of the hearing of the jury and
6 the defendants:)

7 THE COURT: The record will show all counsel are
8 present.

9 The reason I asked you to come in, gentlemen,
10 was because there was some reference to what was apparently
11 a recorded statement of Mr. Fitzgerald. I heard it on the
12 way to work this morning over the radio, and it appeared to
13 me it was a violation of the publicity order.

14 After reviewing the order again myself, I
15 believe it is, and I wanted to call it to your attention,
16 so there would be no misunderstanding about it, and we
17 could be in perfect agreement as to the meaning of the order.

18 I refer to that specific portion of the order
19 which reads as follows:

20 "Nor shall any such persons make any statement
21 outside of court for public dissemination as to the weight,
22 value or effect of any testimony that has been given."

23 Now, the particular remarks that I referred to
24 were remarks which related to the testimony of Mrs. Kasabian,
25 which was characterized, it sounded like your voice --

26 MR. FITZGERALD: I am sure it was.

 THE COURT: -- you characterized them as being

unbelievable and some other things.

It was said rather quickly and I don't purport to quote you exactly.

But it would appear to me that it comes within that order and I just wanted to call it to your attention.

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1 MR. KANAREK: In that regard, your Honor, I heard
2 Mr. Stovitz make a statement in which he said that the
3 reason Linda Kasabian is telling the truth, or words to
4 that effect, or one of the reasons that proves it -- and
5 I am synopsisizing -- is that she said the same thing
6 Susan Atkins said.

7 MR. STOVITZ: I never made that statement. You
8 will never find a recording of my voice on it whatsoever
9 that made that statement.

10 MR. KANAREK: I am synopsisizing. What she said is
11 the same thing that Susan Atkins said.

12 MR. STOVITZ: I never made that statement.

13 THE COURT: I didn't hear it so I don't know.

14 MR. STOVITZ: That was a question asked Mr. Fitz-
15 gerald by a newsman, and Mr. Fitzgerald said "No comment"
16 to that question.

17 I was never even asked that question and I
18 never made that statement, Mr. Kanarek?

19 THE COURT: All right. I just wanted to refresh
20 your recollection again as to the terms of the order.

21 I suggest that you read it once again. It
22 has various ramifications. Notwithstanding that the
23 jury is sequestered, I still think that any provisions
24 of the order are necessary and desirable, and that is
25 the only reason I am calling you in here this morning,
26 so there won't be any misunderstanding.

1 MR. STOVITZ: In that connection, acting as sort of
2 an amicus curiae for certain witnesses, Winifred Chapman
3 asked me when she was through testifying can she talk to
4 newsmen.

5 I said you are not through testifying, you
6 are going to be called back, and that when you are called
7 back I will ask the Judge whether or not the publicity
8 order applies to you. Because some of the witnesses can
9 sell an interview for a few dollars.

10 THE COURT: Was she served?

11 MR. STOVITZ: Yes, she was served with a publicity
12 order, and she was one of the witnesses that was glad to
13 be served with it because she didn't want to be bothered
14 at the time. But now she asked me, "When I am through
15 testifying, is it all right for me to talk to the newsmen?"

16 I said, No. 1, you are not through, you will
17 be called back; and No. 2, let me talk to the Judge and
18 find out.

19 THE COURT: Exactly the same sentence that I just
20 read is within the witnesses' publicity order.

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1 MR. STOVITZ: I realize that, your Honor, but to the
2 witness' mind the interpretation is "until I testify,"
3 because once they testify, then all of their statements
4 become public knowledge.

5 Of course, with Winifred Chapman, the newsmen
6 would undoubtedly be more interested in what happened at
7 the home before the day of the killings rather than what
8 happened on the day of the killings, and so forth.

9 But, in any event, I told her I would ask the
10 Court. If your Honor does not want to give an answer, I
11 will just tell her to consult her attorney.

12 THE COURT: Well, with any witnesses that are subject
13 to being recalled, there can't be the slightest possible
14 doubt.

15 MR. STOVITZ: That's right.

16 THE COURT: As to any witness who has been excused,
17 I think the order still applies. There is no limitation on
18 the order.

19 MR. STOVITZ: Yes.

20 THE COURT: As to before or after testifying.

21 All right. Are we ready to commence the
22 conditional examination of Mrs. Emmer?

23 MR. STOVITZ: Yes, your Honor.

24 THE COURT: Is she here?

25 MR. STOVITZ: Yes, your Honor.

26 THE COURT: All right.

1 (The following proceedings occur in open court,
2 all defendants and counsel present, the jury absent:)

3 THE COURT: All parties and counsel are present.
4 The jury is not present.

5 This is the time set for the conditional
6 examination of Mrs. June Kumer.

7 Do you wish to proceed, Mr. Kanarek?

8 MR. KANAREK: I wonder if I might approach the
9 bench first.

10 MR. STOVITZ: Is there any necessity? There is no
11 jury present.

12 MR. KANAREK: Very much of a necessity, your Honor.

13 THE COURT: All right.

14 (Whereupon, all counsel approach the bench and
15 the following proceedings occur at the bench.)

16 MR. KANAREK: Your Honor, may the record reveal
17 that Linda Kasabian is in the courtroom. I just approached
18 her and tried to speak with her.

19 I was told by Mr. Bugliosi words to the effect
20 that I am not to speak with her.

21 The Deputy Sheriff who is sitting to her
22 immediate right told me that I wasn't to speak with her.

23 She, herself, told me that she wouldn't speak
24 with me.

25 And then, on her left is a --
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1 MR. STOVITZ: A female deputy.

2 MR. KANAREK: And Mr. Stovitz stated, "I'm not
3 telling you not to talk with her," or words to that
4 effect.

5 MR. STOVITZ: The exact words were "We give you
6 permission, Linda, if you want to talk to him you may."

7 This is after she told you, Mr. Kanarek,
8 "You know my attorney doesn't want me to talk to you
9 and I don't want to talk to you."

10 And Mr. Bugliosi said, "Mr. Kanarek, you know
11 Mr. Fleischman does not want you to talk to Linda Kasa-
12 bian."

13 Frank Patchett is a sergeant of the Los Angeles
14 Police Department, not of the Sheriff's Office, and he
15 said, "Mr. Kanarek, did you have Mr. Fleischman's permis-
16 sion to talk to her?"

17 And those were the questions asked of counsel,
18 and he did not answer any of those questions.

19 MR. KANAREK: What is the name of the female
20 deputy?

21 MR. STOVITZ: I don't know, but she has a badge, and
22 you can look at her.

23 THE COURT: All right, gentlemen, let's proceed.

24 MR. KANAREK: I ask that Linda Kasabian not be in
25 the room during this conditional deposition, obviously she
26 is a witness.

1 MR. STOVITZ: The purpose of it we want to make
2 sure the parties knew each other.

3 I think we are going to question Linda Kasa-
4 bian concerning some of these statements.

5 If your Honor feels it is necessary for the
6 exclusion of witnesses, she may be excluded, but I just
7 thought the witness would know better --

8 MR. HUGHES: We join in the exclusion motion.

9 MR. KANAREK: There is an exclusion order.

10 The whole purpose of the exclusion is to
11 keep the witnesses honest.

12 THE COURT: If counsel are agreed that she is not
13 required, then we will have her excused.

14 MR. STOVITZ: Okay.

15 MR. KANAREK: Thank you, your Honor.

16 (The following proceedings were had in open
17 court:)

18 THE COURT: Mrs. Kasabian will be removed from the
19 courtroom during this examination.

20 You may call your witness, Mr. Kanarek.

21 MR. KANAREK: Call Mrs. June Emmer, your Honor.

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

23 Would you please repeat after me:

24 I do solemnly swear --

25 THE WITNESS: I do solemnly swear --

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

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

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

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

4 THE CLERK: -- before this court --

5 THE WITNESS: -- before this court --

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

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

8 THE CLERK: -- the whole truth --

9 THE WITNESS: -- the whole truth --

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

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

12 THE CLERK: -- so help me God.

13 THE WITNESS: -- so help me God.

14 THE CLERK: Will you be seated, please.

15 Would you please state and spell your name?

16 THE WITNESS: June Emmer. J-u-n-e; E-m-m-e-r.

17 MR. KANAREK: May I have a moment, your Honor.

18 (Pause.)

19
20 JUNE EMMER,

21 a witness called by and on behalf of the defendants, having
22 been first duly sworn, was examined and testified as
23 follows:
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DIRECT EXAMINATION

1
2 BY MR. KANAREK:

3 Q Mrs. Emmer, directing your attention to Linda
4 Kasabian, do you know her?

5 A Yes.

6 Q When did you first meet Linda?

7 A In July of 1967.

8 Q And where did you first meet Linda Kasabian?

9 A In the New England States.

10 Q And, Mrs. Emmer, would you state, what is your
11 address?

12 A 10305 Southwest 40th Terrace.

13 Q Where is that located?

14 A Miami, Florida.

15 Q Are you a resident of some other state than
16 California?

17 A No.

18 Q Do you live in a state other than California?

19 A Yes.

20 Q Where do you live?

21 A Florida.

22 Q All right.

23 Now, directing your attention to Linda Kasabian,
24 when you first met her was there any relative of hers that
25 was employed by you?

26 A Yes, her father.

1 Q And what is her father's name?
2 A Rosaire Drouin.
3 Q Where was he employed?
4 A At my bar, liquor bar and package store.
5 Q Who owned this liquor bar and package store?
6 A My husband.
7 Q And what was your husband's name?
8 A Samuel.
9 Q Enmer?
10 A Yes.
11 Q And what was the address of this liquor bar and
12 package store?
13 A 447 North Miami Avenue.
14 Q What city?
15 A Miami.
16 Q And what is the name of this establishment?
17 A J & J Liquor Bar and Package.
18 Q How long then have you known Miss Kasabian?
19 A I met her once in '67 for about two days, and
20 I did not know her -- she stayed a month with me at my
21 house between the middle of October and the middle of
22 November.
23 Q From the middle of October to the middle of
24 November she stayed at your house, that is, of 1969?
25 A Right.
26 Q Now, while she stayed at your house did

1 Linda Kasabian discuss with you LSD?

2 A Yes.

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1 Q Did she discuss it with you as, quote, acid,
2 unquote?

3 A Yes.

4 Q Now, directing your attention to the matter of
5 acid and LSD, would you please tell us whether or not
6 Linda Kasabian told you that she had consumed acid or
7 LSD?

8 A Yes.

9 Q And did she tell you how long she had consumed
10 acid or LSD?

11 A Well, she told me when she was carrying her
12 baby, Tanya, she took it, and for me not to believe every-
13 thing I see in the papers about taking LSD as far as having
14 a child.

15 Q In other words, she told you it was okay to
16 take LSD --

17 MR. STOVITZ: Objection --

18 MR. KANAREK: May I finish?

19 MR. STOVITZ: Okay, I withdraw my objection when I
20 realized you had not finished your question.

21 Q BY MR. KANAREK: Mrs. Emmer, will you tell us
22 what did Linda Kasabian tell you concerning the taking of
23 LSD while she was pregnant?

24 MR. STOVITZ: That is objected to, your Honor. It is
25 outside the scope of this inquiry. It has nothing to do
26 with the issues of this case.

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1 MR. KANAREK: It certainly does. It goes to the state
2 of mind of this witness.

3 THE COURT: Overruled, you may answer.

4 MR. KANAREK: May the question be read, your Honor?

5 THE COURT: Read the last question.

6 (Whereupon, the reporter reads the pending
7 question as follows:

8 "Q Mrs. Emmer, will you tell us
9 what did Linda Kasabian tell you concerning the
10 taking of LSD while she was pregnant?"

11 THE WITNESS: That it did not bother her or the baby;
12 that she had a perfectly normal baby.

13 Q BY MR. KANAREK: Now, in the fall of 1969 when
14 Mrs. Emmer was at your home in Florida did she discuss with
15 you her stay in California?

16 A Yes.

17 Q What did she tell you concerning her stay in
18 California?

19 A She had a ball here and she really enjoyed it.

20 Q And what did she say to you about -- did she
21 say to you anything concerning visiting any expensive homes?

22 A Well, one day she --

23 Q Just answer that question yes or no.

24 A Yes.

25 Q Did she tell you that she had been in a
26 \$250,000 house?

1 A Yes.

2 Q Now, directing your attention, Mrs. Emmer, to
3 Mrs. Kasabian's statements to you, if any, concerning the
4 effect of LSD upon her thinking processes, did she state any-
5 thing to you as to what LSD did to her?

6 A Well, I asked her. She started talking about
7 different trips, something about -- I don't know anything
8 about drugs myself -- and she said that when she took it it
9 put her in another world.

10 She felt like she was walking on air and she
11 just didn't care what happened.

12 Q And did she state words to you, anything, as to
13 what her state of mind was towards other people when she was
14 taking LSD?

15 A She did not care what happened when she went on
16 trips.

17 Q Now, when she stated -- well, let me withdraw
18 that.

19 Now, directing your attention to her, what was
20 your observation of her demeanor, of her behavior while she
21 was with you during that month?

22 A I got along with her.

23 Q My question is your observation of how she
24 acted.

25 MR. BUGLIOSI: Too broad a question, your Honor, I
26 object on that ground.

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1 THE COURT: Sustained.

2 Q BY MR. KANAREK: Do you have in your mind a
3 meaning for the word trance, t-r-a-n-c-e?

4 A Yes.
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1 Q Now, directing your attention to Linda Kasabian,
2 would you state what you observed concerning her, as to
3 whether or not she appeared to be in a trance?

4 MR. BUGLIOSI: I object, your Honor, it calls for a
5 conclusion, a legal conclusion, a medical conclusion, and
6 every other type of a conclusion. No foundation either.

7 THE COURT: Sustained.

8 THE WITNESS: Yes, she --

9 MR. STOVITZ: Just a moment.

10 MR. BUGLIOSI: One moment.

11 THE COURT: The objection has been sustained. You
12 can't answer.

13 MR. BUGLIOSI: The People move to strike the answer
14 from the record.

15 THE COURT: The answer will be stricken.

16 Q BY MR. KANAREK: Did Linda Kasabian's moods
17 appear to you to always be the same, Mrs. Emmer, while she
18 was staying there?

19 MR. STOVITZ: Objected to as being irrelevant and
20 immaterial.

21 THE COURT: Overruled.

22 THE WITNESS: Yes.

23 Q BY MR. KANAREK: Would you state what her
24 appearance was to you?

25 MR. BUGLIOSI: Object again, your Honor. Calls for a
26 conclusion, it is ambiguous, too general a question.

1 THE COURT: Well, it is ambiguous, Mr. Kanarek. Are
2 you talking about her dress or her physical appearance?

3 I will sustain the objection, but you can pur-
4 sue it further if you reframe the question.

5 MR. KANAREK: Certainly, your Honor.

6 Q Would you indicate to us, Mrs. Emmer, what her
7 manner appeared to be to you?

8 MR. BUGLIOSI: Too broad a question and ambiguous.
9 Your Honor.

10 THE COURT: Overruled. You may answer.

11 THE WITNESS: Hippie type.

12 Q BY MR. KANAREK: And when you say hippie type,
13 what do you mean, Mrs. Emmer?

14 A The way she dressed.

15 Q Did she wear shoes?

16 A No.

17 Q Did she want to go to some particular portion
18 of the general Greater Miami area?

19 MR. STOVIT: That is objected to as immaterial,
20 irrelevant, and outside of the scope of this inquiry.

21 THE COURT: Sustained.

22 MR. KANAREK: Q Is there an area in the Greater
23 Miami area known as Coconut Grove?

24 MR. STOVIT: That is objected to as immaterial,
25 irrelevant, and outside the scope of this inquiry.

26 THE COURT: Sustained.

1 MR. KANAREK: Well, your Honor, if I may, may I
2 respond to that?

3 THE COURT: You may.

4 MR. KANAREK: In Mr. Fitzgerald's examination he
5 very properly brought out that this lady has been in
6 communes, in hippie areas all over the United States, and
7 certainly I don't see any reason why Florida should
8 be left out.

9 THE COURT: Your question was what she wanted to do,
10 sir. That, of course, would call for speculation on the part
11 of Mrs. Kasabian --

12 MR. KANAREK: Not if she heard --

13 THE COURT: -- and also this witness.

14 MR. KANAREK: Not if she heard words uttered.

15 THE COURT: Well, then you should reframe your
16 question, sir.

17 MR. KANAREK: Certainly, your Honor.

18 Q Mrs. Emmer, did you have conversation with
19 Linda Kasabian concerning an area called Coconut Grove?

20 A Yes.

21 Q And would you tell us what is the Coconut Grove
22 area of the Greater Miami area?

23 A There are a lot of hippies there and dope
24 addicts.

25 MR. BUGLIOSI: Move to strike, your Honor, on the
26 grounds it is a conclusion of this witness.

1 THE COURT: That portion of the answer will be
2 stricken.

3 MR. KANAREK: May I object, your Honor, on the
4 grounds of equal protection of the law?

5 In other words, I would ask your Honor to
6 consider the overruling of objections on my part during
7 the witness Kasabian's testimony, and I would move for an
8 evidentiary hearing wherein we would go over your Honor's
9 rulings --

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1 THE COURT: Let's proceed, Mr. Kanarek, with the
2 examination.

3 MR. KANAREK: May I have a ruling on my motion that
4 we have an evidentiary hearing in connection with --

5 THE COURT: The motion is denied. Let's proceed.

6 MR. KANAREK: Very well.

7 BY MR. KANAREK:

8 Q Did you have any conversation with Linda
9 Kasabian concerning the Coconut Grove area?

10 A Yes.

11 Q What did she tell you that she wished to do
12 in connection with that area?

13 MR. BUGLIOSI: I object, your Honor. It calls for
14 hearsay; it is also beyond the scope of the direct examina-
15 tion.

16 MR. KANAREK: Your Honor, this is offered in connec-
17 tion with impeachment of the witness, as possible use in
18 impeachment.

19 That is the purpose of a conditional deposition
20 of this type.

21 THE COURT: I understand. The objection is over-
22 ruled.

23 You may answer.

24 THE WITNESS: Yes, she wanted to go there.

25 BY MR. KANAREK:

26 Q Now, I show you a declaration --

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1 (Mr. Kanarek offers the declaration to Mr.
2 Bugliosi and Mr. Stovitz.)

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

4 THE COURT: You may.

5 BY MR. KANAREK:

6 Q I show you a declaration that states: Declara-
7 tion of June Emmer.

8 Would you read that over, Mrs. Emmer?

9 (Pause while the witness reads.)

10 MR. KANAREK: Read over both pages.

11 Q Is that your declaration, Mrs. Emmer?

12 A Yes.

13 Q Did you sign that while you were in the State
14 of California and the County of Los Angeles?

15 A Yes.

16 Q And you read this declaration over before you
17 signed it?

18 A Yes.

19 Q Correct?

20 A Yes.

21 MR. KANAREK: Your Honor, I offer into evidence
22 in connection with this hearing the Declaration of June
23 Emmer.

24 MR. STOVITZ: I object to the Declaration, your
25 Honor, as being hearsay.

26 The witness is here and able to be cross-examined,

1 where the Declaration is not able to be cross-examined.

2 MR. KANAREK: He can use it and cross-examine on it,
3 your Honor.

4 THE COURT: Sustained.

5 BY MR. KANAREK:

6 Q Did Mrs. Kasabian tell you --

7 Mrs. Emmer, at one time while you were dis-
8 cussing a \$250,000 home with Mrs. Kasabian, did you ask
9 her why she was at this house?

10 MR. BUGLIOSI: I object, your Honor.

11 I would ask for an offer of proof. What does
12 counsel intend to go into here? It might be something
13 totally irrelevant to the issues in this case. I would
14 ask for a simple offer of proof.

15 MR. KANAREK: Well, your Honor, this is incredible.
16 All of Mrs. Kasabian's testimony in my view is totally
17 and absolutely inadmissible. So, I mean, to ask this --
18 this is preposterous. I don't have to make an offer of
19 proof because I am asking a question. Either there is a
20 legitimate objection or not.

21 THE COURT: That is what we are trying to find out.

22 MR. KANAREK: Well, I believe the Sharon Tate home,
23 your Honor, is worth about \$250,000. That is where Sharon
24 Tate was. And it is our belief that Linda Kasabian was
25 in that house, that Linda Kasabian had a participation
26 in these murders that is far and much greater than what

1 Linda Kasabian has testified to.

2 THE COURT: Mr. Kanarek, your belief is not important
3 here. What is the relevance of this?

4 MR. KANAREK: That is the relevance.

5 THE COURT: Make your offer of proof.

6 MR. KANAREK: The offer of proof is that this witness
7 will testify as to a conversation with Mrs. Kasabian con-
8 cerning a \$250,000 house, and when it got down to the
9 nitty-gritty of asking why she was there and what she was
10 doing there, the witness, Linda Kasabian, refused -- she
11 went so far in the conversation, and then refused to talk
12 any further.

13 THE COURT: All right. Objection is overruled.

14 Reask the question, Mr. Kanarek.

15 MR. KANAREK: Yes.

16 BY MR. KANAREK:

17 Q Did you have a discussion with Linda Kasabian
18 concerning a \$250,000 house?

19 A Yes.

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1 Q And did you ask her whether or not, or why she
2 was in the house?

3 That can be answered yes or no.

4 A Did I ask her why?

5 Q Yes.

6 A Yes.

7 Q And what did she tell you?

8 A She told me -- she kept saying the word
9 "chandelier," and she was telling me how beautiful these
10 chandeliers were, she said, in different homes. She just
11 didn't say one house.

12 Q Oh, she said that she had been in more than
13 one \$250,000 house?

14 A Yes.

15 Q And when you asked her what she was doing in
16 these homes, or this home, what did she tell you?

17 A She told me she couldn't tell me.

18 I said, "Why not?" I said, "What kind of
19 people do you know with that kind of money?"

20 She said, "I just cannot tell you."

21 Q Now, Mrs. Emmer --

22 MR. BUGLIOSI: I move to strike the last answer,
23 your Honor. It is totally irrelevant that she had been in
24 some home where they had chandeliers.

25 MR. KANAREK: Not at all, your Honor.

26 MR. BUGLIOSI: Unless Mr. Kanarek intends to prove

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1 that Linda Kasabian was one of the murderers at the Tate
2 residence, I think this question and answer is totally
3 irrelevant.

4 What relevance does it have that she was in a
5 home with chandeliers?

6 MR. KANAREK: This witness is testifying that she was
7 in more than one home in the \$250,000 category, that this
8 is what Linda Kasabian told her, and that Linda Kasabian
9 told this witness that one of these homes, I gather, had a
10 chandelier; but she was in more than one \$250,000 home, and,
11 therefore, we can certainly infer, when she refuses to go
12 any further, and taking it in context with Linda
13 Kasabian's state of mind at that time, knowing that she
14 has participated in the killings of seven people, it is
15 certainly inferable that the reason she stopped talking was
16 because one of those homes that she was in was Sharon Tate's
17 home.

18 THE COURT: It would be the surest guess, but I will
19 overrule the objection.

20 The motion is denied.

21 MR. KANAREK: Thank you, your Honor.

22 Q Now, Mrs. Emmer, do you have an opinion as to
23 the truth, honesty and integrity of Linda Kasabian?

24 MR. STOVITZ: That is objected to, your Honor, as
25 calling for a conclusion, and no foundation.

26 THE COURT: Sustained.

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1 MR. KANAREK: I refer your Honor to the new Evidence
2 Code, Section 1100, wherein, in Evidence Code 1100, it
3 allows proof of a character trait by opinion evidence of
4 persons intimately familiar with the witness and qualified
5 to give an opinion.

6 She lived with this Linda Kasabian for a month.
7 Her father has worked for this lady for many years, and
8 her husband.

9 It certainly doesn't go to the admissibility,
10 it goes to the weight, whatever objection counsel may have.

11 THE COURT: You may ask if she has an opinion as to
12 her truth, honesty and veracity.

13 MR. KANAREK: Very well.

14 Q Do you have an opinion, Mrs. Emmer, as to the
15 truth, honesty and veracity of Linda Kasabian?

16 A I know she lies.

17 MR. STOVITZ: May that be stricken, your Honor, as pure
18 speculation, pure conjecture, and pure malarky?

19 THE COURT: It is non-responsive. The objection is
20 sustained. The answer is stricken.

21 MR. KANAREK: Would you listen to the question,
22 Mrs. Emmer?

23 May the question be read?

24 THE COURT: Read the question.

25 (Whereupon, the question was read by the
26 reporter.)

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MR. KANAREK: That can be answered yes or no.

Do you have an opinion?

A Yes.

Q And would you tell us what that opinion is,
Mrs. Emmer?

MR. STOVITZ: That is objected to as being irrelevant
and immaterial, and no foundation.

THE COURT: Overruled.

THE WITNESS: I know she lies.

MR. KANAREK: Q What is your opinion of her truth,
honesty and veracity? Is it good or bad?

A Bad.

Q And has her father told you what her reputation for
honesty or veracity is?

MR. STOVITZ: That is objected to, your Honor, as
calling for hearsay.

THE COURT: Sustained.

MR. KANAREK: Your Honor, may I make an offer of
proof?

The offer of proof is that the father would say
that she is a liar. Rosaire Drouin.

THE COURT: It doesn't make any different what he
will say. That is not one of the ways you can attack her
credibility.

MR. KANAREK: What I am saying is, your Honor, that
this goes to show at least one basis for this witness'

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1 opinion as to her truth, honesty or veracity.

2 THE COURT: That is a matter for cross-examination.

3 MR. KANAREK: Very well, your Honor.

4 Q Now, directing your attention, Mrs. Emmer,
5 to the reputation of Linda Kasabian for truth, honesty
6 and integrity in the particular community in which she
7 resided, namely, Miami, while she was residing with you
8 last October.

9 Would you tell us whether you have an opinion
10 as to her reputation for truth, honesty and veracity in
11 that community?

12 MR. STOVITZ: That is objected to, your Honor, as
13 immaterial, irrelevant and no foundation.

14 THE COURT: The form of the question is objectionable.

15 It is not whether she has an opinion as to the
16 reputation, but whether she knows the reputation.

17 MR. KANAREK: Very well. Certainly, your Honor.

18 THE COURT: The objection is sustained.

19 MR. KANAREK: Q Do you know the reputation,
20 Mrs. Emmer, of Linda Kasabian for truth, honesty and
21 integrity in the community in which she lived last October,
22 last Fall, in Miami, Florida?

23 MR. STOVITZ: I object to the question, your Honor,
24 as no foundation.

25 THE COURT: Overruled.

26 You may answer.

MR. KANAREK: Q

That can be answered yes or no.

A Yes.

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1 Q And would you tell us what was her reputation
2 for truth, honesty and integrity in that community in which
3 she lived in Miami, Florida, last fall?

4 MR. STOVITZ: Objection, your Honor, no foundation.

5 MR. KANAREK: In the fall of 1969.

6 THE COURT: I think there has been a failure to lay
7 the foundation, Mr. Kanarek. I will sustain the objection
8 on that ground.

9 BY MR. KANAREK:

10 Q Well, you lived with her for a whole month?

11 A Yes.

12 Q Did her father tell you what his opinion was
13 concerning her reputation?

14 A Yes.

15 Q You had occasion to observe her, and among
16 other people besides yourself?

17 A Yes.

18 Q All right, would you tell us what, then, her
19 reputation for truth, honesty and integrity was in the fall
20 of 1969 in the community in which she lived in Miami?

21 A She was a liar.

22 Q What was her reputation, was it good, bad?

23 A All I can say is she just lied, that is all.

24 Q What is her reputation for truth, honesty and
25 integrity, good or bad?

26 A It was bad.

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1 MR. BUGLIOSI: May the record reflect there was a
2 pause there of at least 20 seconds, your Honor.

3 MR. KANAREK: On the contrary, your Honor, it was
4 about eight seconds, your Honor. I would say Mr. Bugliosi
5 is gilding the lily, your Honor.

6 MR. BUGLIOSI: May the record reflect there was a
7 substantial pause there.

8 THE COURT: There was a pause.

9 MR. KANAREK: Very well, your Honor.

10 BY MR. KANAREK:

11 Q Now, when Linda Kasabian left Miami, Florida,
12 in the fall of 1969, Mrs. Emmer, by what means did she
13 leave?

14 A By plane.

15 Q And did you go to the airport with her?

16 A Yes.

17 Q Is there some reason you went -- did her
18 father go to the airport with her?

19 A Yes.

20 Q And is there some reason that you and her
21 father went to the airport?

22 MR. STOVITZ: That is objected to as being immaterial
23 and irrelevant, your Honor.

24 THE COURT: Sustained.

25 BY MR. KANAREK:

26 Q Well, Mrs. Emmer, why did you go to the

1 airport?

2 MR. STOVITZ: That is objected to as being immaterial,
3 irrelevant, calling for a conclusion of this witness.

4 MR. KANAREK: May I make an offer of proof, your
5 Honor?

6 THE COURT: Very well.

7 MR. KANAREK: The offer of proof is that the reason
8 that Mrs. Emmer and her father went to the airport was
9 because they could not believe her, even to the extent
10 that she said she was going to the airport, that she would
11 go there.

12 MR. STOVITZ: That is the reason for the objection,
13 your Honor.

14 MR. KANAREK: She was such a liar.

15 THE COURT: Objection sustained.

16 MR. KANAREK: May I finish the offer of proof.

17 She was such a liar that even going to the
18 airport was something they could not depend upon unless
19 they physically took her to the airplane and put her on,
20 for fear that she would not do even that, your Honor.

21 THE COURT: The objection is sustained.

22 Let's proceed.

23 BY MR. KANAREK:

24 Q Now, at a time when Linda Kasabian was living
25 with you, Mrs. Emmer, did she insist on hitchhiking?

26 A Once.

1 Q Would you tell us that incident?

2 MR. STOVITZ: That is objected to as being immaterial,
3 irrelevant and outside the scope of the issues, your Honor.

4 THE COURT: Sustained.

5 BY MR. KANAREK:

6 Q Mrs. Emmer, did Linda Kasabian use the expres-
7 sion "living off the fat of the land," in connection with
8 her stay in California?

9 A Yes.

10 Q Would you tell us what if anything she said in
11 that connection?

12 A She said she was living in the hills off the
13 fat of the land.

14 Q In California?

15 A Right.

16 Q Did she ever state to you -- did she ever
17 state to you anything concerning the taking of any other
18 drugs other than LSD or acid?

19 A Yes.

20 Q What did she tell you?

21 A She told me she took them all.

22 Q And did she state any particular drug that
23 you can recall at this time that she was taking?

24 A Speed, marijuana -- I don't know anything
25 about drugs, so --

26 Q Did she mention anything to you concerning the

1 taking of Hash?

2 A Yes.

3 Q What did she say about Hash?

4 A Well, she just told me that she tried them all,
5 that's all, but she liked acid the best.

6 MR. KANAREK: Thank you. I think perhaps counsel may
7 have some questions, your Honor.

8 MR. STOVITZ: Mr. Fitzgerald?

9 MR. FITZGERALD: No questions.

10 THE COURT: Mr. Hughes?

11 MR. HUGHES: No questions.

12 THE COURT: Mr. Shinn?

13 MR. SHINN: No questions.

14 THE COURT: Cross-examination?

15

16 CROSS-EXAMINATION

17 BY MR. STOVITZ:

18 Q Mrs. Enmer, when Linda Kasabian first came to
19 Florida, she first moved in with her father, is that right?

20 A No.

21 Q Whom did she move in with?

22 A She arrived on a Saturday and spent Saturday
23 night, her and the baby, upstairs over the liquor bar. Her
24 father could not be found.

25 Q Was there any particular reason her father
26 could not be found?

1 A He has weekends off and sometimes he goes out
2 in his boat or goes here or there.

3 Q So that you and your husband at that time
4 provided her with a place to stay, is that right?

5 A We were off, too, we had a barmaid at the time
6 who was working when she arrived at the bar.

7 Q Her father came back on Monday, I take it,
8 or when the weekend was over?

9 A He picked her up on a Sunday.

10 Q And Linda Kasabian stayed with her father for
11 about four days, isn't that right?

12 A She stayed over at Miami Beach, yes.

13 Q With her father?

14 A Yes.

15 Q Her father spoke to you and your husband and
16 asked whether or not she could stay with you folks, is
17 that right?

18 A Yes.

19 Q And you said yes?

20 A Right.

21 Q And there wasn't any particular physical ailment,
22 anything wrong with your husband, is that right?

23 MR. KANAREK: That is immaterial, your Honor.

24 THE COURT: Overruled.

25 BY MR. STOVITZ:

26 Q Your husband did not have any particular

1 physical ailment at that time, is that right?

2 A A what?

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Q A physical ailment. Did your husband have a physical ailment?

A No.

MR. STOVITZ: Would you like a glass of water?

THE WITNESS: No.

MR. STOVITZ: Okay.

Q How old was your husband at that time in November of '69?

A 62.

Q And you are 26?

MR. KANAREK: That is immaterial.

THE WITNESS: 29.

Q BY MR. STOVITZ: 29?

A 30 now. I was 29 then.

MR. KANAREK: Your Honor, may I have a ruling on the materiality?

THE COURT: The answer has already gone in, Mr. Kanarek.

Q BY MR. STOVITZ: When Linda came to live with you she was more or less like a young person to you and you and Linda started to talk, is that right?

A I got along with her.

Q Did you give her some household chores to do?

A She helped me with the dishes.

Q Do you have a maid?

A No.

5a2

1 Q You do your own household work?

2 A Yes.

3 Q One of the things that you and Linda got to
4 talk about was your drinking habits, isn't that right? ✓

5 MR. KANAREK: I object, your Honor, on the grounds
6 that that is immaterial, irrelevant.

7 THE COURT: Sustained.

8 Q BY MR. STOVITZ: You do have a drinking problem,
9 don't you? ✓

10 MR. KANAREK: Object, your Honor, calling for a
11 conclusion, irrelevant.

12 MR. STOVITZ: It calls for a conclusion, but this
13 lady would know the answer better than anyone else.

14 MR. KANAREK: Irrelevant and collateral, your
15 Honor.

16 THE COURT: Sustained.

17 Q BY MR. STOVITZ: During one of these many
18 conversations, Mrs. Emmer, is it not a fact that Linda
19 Kasabian said to you, "You ought to try marijuana; it's
20 better for you than alcohol"? ✓

21 MR. KANAREK: Object, your Honor, on the grounds it
22 is immaterial and calling for hearsay. It is collateral,
23 no foundation for it.

24 THE COURT: Sustained.

25 Q BY MR. STOVITZ: All right, now, you do imbibe
26 a little, is that right?

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1 MR. KANAREK: I object, that is harassment of the
2 witness.

3 The Court has ruled it is immaterial. It is
4 irrelevant.

5 THE COURT: It may not be. Overruled.

6 Q BY MR. STOVITZ: Do you imbibe a little?

7 MR. KANAREK: I object to the word "imbibe" as
8 ambiguous.

9 Q BY MR. STOVITZ: Do you partake of alcoholic
10 beverages on occasion?

11 MR. KANAREK: I will stipulate every person in this
12 room partakes of alcoholic beverages on occasion.

13 THE COURT: Overruled.

14 Q BY MR. STOVITZ: Do you understand the question?

15 A Yes.

16 Q Do you partake of alcoholic beverages from
17 time to time?

18 MR. KANAREK: I object, your Honor, it's immaterial,
19 irrelevant --

20 THE COURT: Overruled.

21 THE WITNESS: Yes. ✓

22 Q BY MR. STOVITZ: And do you find that if the
23 occasion arises, when you have taken too many alcoholic
24 beverages, your memory becomes a little bad at times? ✓

25 MR. KANAREK: Object, your Honor, on the grounds it
26 is immaterial, irrelevant.

THE COURT: Overruled.

Q BY MR. STOVITZ: Do you understand the question?

A Yes.

Q And it is true if you have taken too much alcohol it clouds your mind a little bit, is that right? ✓

MR. KANAREK: I object on the grounds it's immaterial, irrelevant and argumentative.

THE COURT: Overruled.

Q BY MR. STOVITZ: Is that right?

A Yes. ✓

Q This weekend, for instance, you have not taken an excess of alcohol, have you?

MR. KANAREK: I object, your Honor, calling for a conclusion, immaterial, irrelevant.

THE COURT: Overruled.

Q BY MR. STOVITZ: Is that right?

A I have four or five drinks a night.

Q What about this morning, did you have four or five drinks? ✓

MR. KANAREK: I object, on the grounds it is irrelevant and immaterial.

THE COURT: Overruled.

Q BY MR. STOVITZ: The shaking of your hand, especially when you took the oath, is that because you were nervous or the four or five drinks? ✓

1 MR. KANAREK: I object, incompetent, irrelevant and
2 immaterial.

3 THE COURT: Overruled.

4 MR. KANAREK: Argumentative.

5 THE WITNESS: My shaking has nothing to do with my
6 drinking whatsoever.

7 Q BY MR. STOVITZ: Do you drink to stop your
8 shaking?

9 A No.

10 MR. KANAREK: Object, your Honor, calling for a
11 conclusion.

12 THE WITNESS: When I drink I shake more.

13 MR. KANAREK: Incompetent, irrelevant and immaterial.

14 THE COURT: Overruled.

15 Q BY MR. STOVITZ: In fact, you heard the ex-
16 pression, when someone drinks too much they have the shakes?

17 A Right.

18 MR. KANAREK: I object, your Honor, I ask that be
19 stricken. It is argumentative, irrelevant and immaterial.

20 THE COURT: That will be stricken.

21 Q BY MR. STOVITZ: All right, now, did you ever
22 see Linda drink?

23 A Once.

24 MR. KANAREK: I object, immaterial, irrelevant.

25 THE COURT: Overruled.

26 Q BY MR. STOVITZ: When was that?

1 MR. KANAREK: I object, your Honor, on the grounds it
2 is immaterial and irrelevant whether Linda --

3 THE COURT: Overruled.

4 Q BY MR. STOVITZ: When was that?

5 A All I seen her, during the month, was take one
6 beer, that is all.

7 Q Did you ever have a conversation with Linda
8 in which Linda asked you why you drink so much?

9 MR. KANAREK: I object, your Honor, irrelevant and
10 immaterial.

11 THE COURT: Sustained.

5B

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1 BY MR. STOVITZ:

2 Q Now, you said you had a conversation with
3 Linda in which she said that she was in California, is that
4 right?

5 A Right.

6 Q Did she give you the impression in this conver-
7 sation that she had been to California just one time?

8 MR. KANAREK: I object, your Honor, calling for a
9 conclusion, immaterial, irrelevant and it is ambiguous.

10 THE COURT: Overruled.

11 BY MR. STOVITZ:

12 Q Do you understand the question?

13 A Would you repeat it, please?

14 MR. STOVITZ: Yes.

15 BY MR. STOVITZ:

16 Q During this conversation in which Linda told
17 you she was in California, was it your feeling of the
18 entire conversation that she had been in California just
19 one time?

20 MR. KANAREK: I object, your Honor, that is calling
21 for a conclusion. It is ambiguous.

22 THE COURT: Overruled.

23 THE WITNESS: I don't know how many times she was
24 here.

25 BY MR. STOVITZ:

26 Q I know, but in the conversation did she say

5b-2

1 she had been only once or she had been here several times
2 or she lived here for a year or two years?

3 What was the conversation about how long she
4 had spent in California?

5 A She never told me the length of time.

6 Q So you don't know from her conversation whether
7 she had been in California just once or three times, is
8 that right?

9 MR. KANAREK: You couldn't know anyway -- your
10 Honor, the thrust of the question has to be what Linda told
11 her.

12 THE COURT: Overruled.

13 BY MR. STOVITZ:

14 Q That is exactly what I am saying, what did Linda
15 tell you, whether she has been in California once or three
16 times?

17 A I think just once.

18 Q I see.

19 All right, and did she tell you where Tanya
20 was born?

21 A Did she tell me what?

22 Q Where Tanya was born -- Tanya was the little
23 girl that was with her?

24 A Yes, I understand that.

25 Q Did she tell you where Tanya was born?

26 A No.

5b-3

1 Q Do you know where Tanya was born?

2 A No.

3 Q Did she tell you she was now pregnant with
4 another child?

5 A Yes.

6 Q And did she tell you when she believed the
7 pregnancy occurred?

8 A She said she was about four and a half months
9 pregnant.

10 Q And this was in October or early November of
11 1969?

12 A Right.

13 Q Do you remember the date in 1969 that you said
14 "goodbye" to her?

15 A No.

16 Q Now, when did your husband pass away?

17 A November 22nd. ✓

18 Q 1969?

19 A Right.

20 Q And following your husband's demise did you
21 increase your drinking habits or did you decrease your
22 drinking habits?

23 MR. KANAREK: I object, your Honor, irrelevant,
24 immaterial, calling for a conclusion.

25 THE COURT: Sustained.
26

1 BY MR. STOVITZ:

2 Q Now, your husband's untimely passing, did you
3 try to bury your sorrow in more drinking?

4 MR. KANAREK: I object, your Honor, calling for a
5 conclusion, immaterial, irrelevant and it is --

6 MR. FITZGERALD: -- scurrilous.

7 MR. KANAREK: I will stipulate, if he will let doc-
8 tors be appointed as to Linda Kasabian, I will have doctors
9 appointed as to this witness, your Honor.

10 THE COURT: Sustained.

11 BY MR. STOVITZ:

12 Q Now, with relation to the date that your
13 husband passed away, November 22nd, how many days or weeks
14 before that did Linda leave Miami?

15 A Two weeks.

16 Q All right, now, was your husband ill at the
17 time Linda left Miami?

18 MR. KANAREK: Immaterial, irrelevant.

19 THE COURT: Overruled.

20 THE WITNESS: He was under a doctor's care.

21 BY MR. STOVITZ:

22 Q And when Linda left Miami, when was the last
23 day before that that she had lived with you?

24 A The same day. She left from my house to go
25 to the airport.

26 Q Now, you liked Linda's father, Mr. Drouin,

1 right?

2 MR. KANAREK: I object on the grounds it's immaterial
3 and irrelevant.

4 THE COURT: Overruled.

5 BY MR. STOVITZ:

6 Q You liked Mr. Drouin, is that right?

7 A Yes.

8 Q Do you have any matrimonial plans?

9 A No.

10 MR. KANAREK: I object, your Honor, on the ground
11 it's irrelevant and immaterial.

12 THE COURT: Overruled.

13 BY MR. STOVITZ:

14 Q Do you feel that Linda's affection for her
15 father or her father's affection for Linda in any way
16 interferes with your relationship with Mr. Drouin? ✓

17 MR. KANAREK: That is assuming facts not in evidence.
18 In fact, the contrary is true, the father feels Linda is
19 a liar.

20 THE COURT: Overruled.

21 MR. STOVITZ: I suggest you stand next to your witness
22 if you want to coach her. It's very disconcerting your
23 standing over there.

24 THE COURT: Read the last question.

25 (Whereupon the reporter reads the pending
26 question as follows:

1 "Q Do you feel that Linda's affection for
2 her father or her father's affection for Linda in
3 any way interferes with your relationship with Mr.
4 Drouin?")

5 THE WITNESS: All he does is work for me.

6 BY MR. STOVITZ:

7 Q How long has he worked for you?

8 A For my husband 14 years.

9 Q And how long has he worked for you?

10 A Four years.

11 Q In other words you were only married to your
12 husband for four years?

13 A Three years.

14 Q Three?

15 A Three years.

16 Q Do you still own that bar?

17 A Yes.

18 Q Does he still work for you?

19 A Yes.

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1 Q Now, when Linda would talk to you would she
2 mention to you her feelings towards her father?

3 MR. KANAREK: Object, your Honor, on the ground it's
4 calling for hearsay, a conclusion, and it's immaterial and
5 irrelevant.

6 THE COURT: Overruled.

7 MR. KANAREK: Also ambiguous, if I may, Your Honor.

8 THE WITNESS: She liked him and he gave her money
9 to go shopping.

10 Q BY MR. STOVITZ: Did she tell you she liked
11 her father?

12 A Yes.

13 Q She stated that Linda at one time told you that
14 she had used acid, is that right?

15 MR. KANAREK: Assuming a fact not in evidence. She
16 indicated acid more than once and many, many times, your
17 Honor. If he is going to quote the evidence, he should be
18 accurate.

19 MR. STOVITZ: Again may I suggest if counsel wants
20 to coach the witness --

21 THE COURT: Let's proceed, Mr. Stovitz.

22 Q BY MR. STOVITZ: Mrs. Enmer, did you write a
23 letter to Mr. Kanarek?

24 MR. KANAREK: I object, your Honor, irrelevant and
25 immaterial.

26 THE COURT: Overruled.

THE WITNESS: No.

Q BY MR. STOVITZ: How did you get in touch with Mr. Kanarek?

A He came to Florida to see me.

Q And he interviewed you down in Florida, is that right?

A Yes.

Q Did he tell you he would pay your expenses to come to California?

A Expenses, that's all.

Q And has he paid your expenses to come to California?

A Yes.

Q And where are you staying now?

A (No response.)

Q Where are you staying?

A At the Cedars Hotel.

Q Where is that located?

A On some boulevard in Van Nuys.

Q Where is Mr. Kanarek staying now?

A I don't know.

Q When was the last time you saw Mr. Kanarek prior to this morning?

A Yesterday.

Q What time?

A 2:00 in the afternoon.

3
1 Q Did you go over your testimony with him at that
2 time?

3 MR. KANAREK: I object, your Honor -- just a minute --
4 I object, your Honor.

5 THE COURT: Overruled.

6 MR. KANAREK: If I may, I will object on the grounds
7 that the question is ambiguous.

8 I have no objection -- but I object to him
9 asking questions that call for a conclusion.

10 THE COURT: Overruled.

11 Q BY MR. STOVITZ: What is your answer,
12 Mrs. Emmer, did you go over your testimony with him at that
13 time?

14 MR. KANAREK: That is impossible, your Honor, because --

15 THE COURT: Overruled.

16 MR. KANAREK: -- her testimony is coming out right
17 now.

18 THE WITNESS: No, I did not.

19 Q BY MR. STOVITZ: Did you talk to him about what
20 questions he was going to ask you?

21 A Yes.

22 Q And one of those questions, he said he was
23 going to ask you, was whether or not Linda was a liar, is
24 that right?

25 MR. KANAREK: I object, your Honor, calling for a
26 conclusion on the part of the witness and it is argumentative.

1 THE COURT: Overruled.

2 MR. KANAREK: I have no objection to a proper
3 question.

4 THE COURT: Overruled, you may answer.

5 THE WITNESS: Yes.

6 Q BY MR. STOVITZ: All right, now, then he asked
7 you, "What do you base your opinion on as to whether or not
8 Linda was a liar?"

9 Isn't that right?

10 MR. KANAREK: I object, your Honor, on the grounds it
11 is improper purported impeachment.

12 It is irrelevant and it is immaterial, and the
13 word "then" anticipates a sequence of questioning that is
14 out of this record.

15 It assumes facts not in evidence, that one
16 thing occurred and then the other occurred.

17 THE COURT: Overruled.

18 Q BY MR. STOVITZ: Then he asked you what did you
19 base your opinion on, isn't that right?

20 A Yesterday?

21 Q Yes.

22 A No.

23 Q Did you ever discuss the term "reputation"
24 with him?

25 MR. KANAREK: Immaterial, irrelevant.

26 THE COURT: Overruled.

C5

1 THE WITNESS: About her reputation?

2 Q BY MR. STOVITZ: No, the term, reputation, did
3 you ever discuss the word "reputation" with Mr. Kanarek?

4 A Yes.

5 Q What do you understand the word reputation to
6 mean?

7 A What she is known as.

8 Q Now, besides Mr. Drouin, did you know anyone
9 else that knew Linda Kasabian at Miami Beach, Florida?

10 A Yes.

11 Q What is that person's name?

12 MR. KANAREK: Wait, that is assuming it is only one
13 person, your Honor. I will object to counsel --

14 Q BY MR. STOVITZ: What are those persons' names?

15 A Her father's girl friend.

16 Q What is her name, what is her father's girl
17 friend's name?

18 A Judy.

19 Q What?

20 A Judy.

21 Q Judy what?

22 A Short.

23 Q S-h-o-r-t?

24 A Right.

25 Q Is Judy Short here in California now?

26 A No.

1 Q Where have you last seen her?

2 A She helps Rosy at the bar.

3 Rosy is Linda's father. ✓

4 Q And did you discuss Linda Kasabian with anyone
5 else besides her father and Judy?

6 MR. KAMARENK: Your Honor, may that question be read
7 to me, please, I did not quite get it.

8 THE COURT: Read the question.

9 (Whereupon, the reporter reads the pending
10 question as follows:

11 "Q And did you discuss Linda Kasabian
12 with anyone else besides her father and Judy?"

13 THE WITNESS: Yes.

14 Q BY MR. STOVITZ: Who else?

15 A A neighbor across the street.
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1 Q What is that neighbor's name?

2 A A Mrs. Frye.

3 Q All right, now, why is it that you do not
4 particularly like Linda Kasabian?

5 MR. KANAREK: I object, your Honor, that question is
6 irrelevant and immaterial, it calls for a conclusion.

7 It is assuming facts not in evidence. Someone
8 can be honest and say someone is a liar and still like
9 them.

10 THE COURT: Objection sustained.

11 BY MR. STOVITZ:

12 Q Do you like Mr. Kanarek?

13 MR. KANAREK: Your Honor, that is immaterial.

14 THE COURT: Sustained.

15 BY MR. STOVITZ:

16 Q Do you like Linda Kasabian?

17 A She never did anything to me.

18 Q She never did anything wrong as far as you
19 know, right?

20 MR. KANAREK: I object to that as a deliberate, your
21 Honor, misrepresentation of the evidence.

22 He is misstating it, laughter or no laughter.

23 MR. STOVITZ: Your Honor, the purpose of cross-
24 examination --

25 THE COURT: The objection is sustained, let's
26 proceed, gentlemen.

5d-2

1 BY MR. STOVITZ:

2 Q Mrs. Emmer, would you like a drink of water
3 now?

4 A No, thank you.

5 Q Your mouth is still not dry?

6 MR. KANAREK: I object, your Honor.

7 MR. FITZGERALD: I would ask that counsel's remarks
8 be stricken, your Honor.

9 THE COURT: Overruled.

10 BY MR. STOVITZ:

11 Q Mrs. Emmer, you stated that you had about
12 five drinks last night, is that right?

13 MR. KANAREK: I object, your Honor.

14 THE WITNESS: Not last night, no.

15 BY MR. STOVITZ:

16 Q The night before?

17 MR. KANAREK: I object, your Honor, irrelevant and
18 immaterial.

19 THE COURT: Overruled.

20 BY MR. STOVITZ:

21 Q Now, what about one occasion in Miami Beach,
22 Florida, when Linda Kasabian was telling you all of these
23 things about California, how many drinks did you have on
24 that occasion?

25 MR. KANAREK: I object as assuming facts not in
26 evidence.

1 THE COURT: Overruled.

2 MR. KANAREK: It's incompetent, irrelevant and
3 immaterial.

4 THE COURT: Overruled.

5 MR. KANAREK: It's ambiguous.

6 BY MR. STOVITZ:

7 Q How many drinks did you have on that occasion?

8 MR. KANAREK: It's ambiguous as to what occasion we
9 are talking about, your Honor.

10 THE COURT: I have already ruled.

11 BY MR. STOVITZ:

12 Q How many drinks did you have on that occasion?

13 A I never drink in the daytime. I have had a
14 couple of drinks at night as most people do.

15 Q Was this conversation in the daytime or the
16 nighttime?

17 A Daytime.

18 Q What time of the day, right after you woke up,
19 before you had coffee, after you had coffee?

20 A Around noontime.

21 Q Was there one conversation as to what she did
22 in California or more than one?

23 A More than one.

24 Q Three conversations?

25 A I don't know how many. She stayed with me
26 for a month.

1 Q Actually she only stayed with you three weeks,
2 isn't that right?

3 MR. KANAREK: I object, argumentative.

4 THE COURT: Overruled.

5 BY MR. STOVITZ:

6 Q Only three weeks, isn't that right?

7 A I did not count the days.

8 Q And you did not count the number of conversa-
9 tions?

10 A No.

11 Q Did she tell you about what she did besides
12 California?

13 A When she stayed at my house she worked across
14 the street helping take care of children three and four
15 times.

16 MR. KANAREK: Your Honor, I ask that be stricken as
17 not responsive.

18 THE COURT: The answer will be stricken.

19 MR. KANAREK: May the question be read to the witness?

20 MR. STOVITZ: I will withdraw the question.

21 Q Did Linda Kasabian tell you what she did in
22 New Mexico?

23 MR. KANAREK: That is assuming a fact not in evidence.

24 THE WITNESS: No, I think --

25 MR. KANAREK: I will withdraw the objection.
26

1 BY MR. STOVITZ;

2 Q Did Linda Kasabian tell you what she did in
3 Seattle?

4 A No.

5 Q Did Linda Kasabian tell you what she did in
6 San Francisco?

7 A She just told me about living here, that's all.

8 Q Did she say whether she lived in a motel or
9 a hotel?

10 A She told me she lived with a bunch of people.

11 Q Did she tell you whether she slept in a trailer,
12 a tent, or on top of a roof?

13 A She said when she was with her husband she
14 slept in something like the back of a truck, but she said --
15 I said "Why did you leave your husband?"

16 Q So you had a conversation --

17 MR. KANAREK: May she be allowed to finish as to
18 why she left her husband, your Honor.

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6 Fls.

1 MR. STOVITZ: The answer is non-responsive. My
2 question was did she live in a trailer or on top of a roof
3 or a tent?

4 MR. KANAREK: Your Honor, may the witness be allowed
5 to answer?

6 THE COURT: No colloquy, gentlemen. Let's proceed.

7 MR. KANAREK: May she be allowed to finish?

8 MR. STOVITZ: Did you finish the answer?

9 THE WITNESS: No.

10 THE COURT: Let's go back and read the question and
11 answer so far.

12 (The record was read by the reporter.)

13 MR. STOVITZ: I object to any further answer as non-
14 responsive.

15 MR. KANAREK: Well, your Honor, this is part of the
16 conversation.

17 THE COURT: She has answered the question,
18 Mr. Kanarek.

19 Let's proceed.

20 MR. STOVITZ: All right.

21 Q When you were talking to Linda, sometimes she
22 would tell you about her personal life with her husband,
23 and sometimes she would tell you what she did in California,
24 and sometimes she would tell you about other things, like
25 what she did in New Hampshire, and things like that; is that
26 right?

1 A Correct.

2 Q So, of the many conversations that you had
3 with Linda Kasabian, perhaps only two or three of them
4 dealt with what she did in California; is that right?

5 MR. KANAREK: I object, your Honor, as argumentative.

6 THE COURT: Overruled.

7 MR. STOVITZ: Q Is that right?

8 A No. She talked a lot about California.

9 Q All right.

10 Now, one of the things that she said to you
11 about California was that she was in a house with
12 beautiful chandeliers; is that right?

13 A Yes.

14 Q Did she describe what type of chandeliers,
15 whether they were French Provincial, or the Spanish type,
16 or whether the early American chandelier? Did she tell you
17 what type of chandelier?

18 A No.

19 Q Did she show it to you in a book?

20 A No.

21 Q Tell us everything you remember about the
22 chandelier and about the house.

23 MR. KANAREK: Wait a minute.

24 That is assuming facts not in evidence.

25 THE COURT: Overruled.

26 MR. KANAREK: She stated that she was in more than

-3
1 one house.

2 THE COURT: Let's proceed, Mr. Kanarek.

3 THE WITNESS: She told me she was in several homes
4 worth over \$250,000, with chandeliers.

5 That is all she told me.

6 Q BY MR. STOVITZ: Did she say she went
7 swimming in any of these homes?

8 A No.

9 Q Did she say whose homes they were?

10 A No.

11 Q Did she say they were movie actors' homes?

12 A No.

13 In fact, I asked her, I have a girl friend in
14 Pasadena that is a movie actress, and I asked her if she
15 knew where Pasadena was, and she said yes, but she never
16 mentioned any movie stars.

17 Q On one occasion -- one occasion -- you saw
18 Linda Kasabian use either marijuana or acid; is that right?

19 A No.

20 Q You never saw her use marijuana or acid?

21 A No.

22 Q You never saw her use any drugs --

23 MR. KANAREK: That is assuming facts not in evidence.

24 THE COURT: Overruled.

25 THE WITNESS: No.

26 MR. STOVITZ: Q By "no," you mean you never saw

6-4

1 her use any drugs or acid or anything else?

2 MR. KANAREK: That is ambiguous.

3 THE COURT: overruled.

4 MR. KANAREK: I think a fair question is whether she
5 saw her take it.

6 THE WITNESS: No, I didn't.

7 MR. STOVITZ: Q Now, on one occasion, Linda
8 Kasabian told you that she used acid; is that right?

9 THE WITNESS: On more than one occasion.

10 MR. KANAREK: That is assuming facts not in
11 evidence.

12 THE COURT: overruled.

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1 MR. STOVITZ: Q On more than one occasion she
2 told you she had used it, but only on one occasion did you
3 have a conversation about it?

4 A She talked a lot about it. That was her main
5 subject, acid.

6 Q Did she talk to you about it twice?

7 A I don't know how many times she talked to me
8 about it.

9 Q I am just talking about acid now. How many
10 times did she talk to you about acid?

11 A Five or six times.

12 Q On one of those times that she talked to you
13 about acid, she also talked to you about California; is that
14 right?

15 A Yes.

16 Q So then you interpreted it to mean that she
17 used it in California; is that right?

18 MR. KANAREK: I object as calling for a conclusion
19 on the part of the witness.

20 THE COURT: Overruled.

21 MR. STOVITZ: Q You interpreted it to mean that
22 she used acid in California; is that right?

23 A I know she was using it when she was carrying
24 Tanya because she told me so.

25 Q Did you see her when she carried Tanya?

26 A No.

1 Q Do you know where she was when she carried
2 Tanya?

3 A No.

4 Q Do you know that Tanya was born here in
5 Los Angeles, California?

6 A I didn't know where she was born. Linda
7 never wrote to her father.

8 Q So, then, your answer to my previous question
9 was that you interpreted her statement about acid that she
10 used in California, is that right, because she told you
11 that she used acid when she was carrying Tanya; is that
12 right?

13 A Right.

14 Q Now, you tell us exactly what she said, the
15 entire conversation.

16 MR. KANAREK: Well, your Honor, I will object to
17 that as impossible. If he is asking her for the words quote
18 unquote.

19 THE COURT: Overruled.

20 MR. STOVITZ: Q You tell us exactly what she
21 said.

22 A She told me not to believe everything I read
23 in the papers. She was talking about LSD. Because she
24 was taking a lot of it when she carried Tanya, and she
25 said, "Look at that baby; there is nothing the matter with
26 it."

1 Q Did you ask her then as to how many times she
2 had taken LSD while she was carrying Tanya?

3 A She didn't say the exact amount of times, no.

4 Q How old was Tanya at the time you saw her?

5 A Two, two and a half.

6 Q Did she walk?

7 A Yes.

8 Q Was she saying words?

9 A (Pause.)

10 Q Did she say anything like "Mommy" or "Daddy" or
11 "Charlie" or anything like that?

12 MR. KANAREK: Or "Aaron"?

13 THE WITNESS: She used the word "Mama" and "love."

14 MR. STOVITZ: Q Tanya did?

15 A Yes. She kept telling her to say the word
16 "love."

17 Q Linda kept telling Tanya to say the word
18 "love"?

19 A Right.

20 Q And Tanya did?

21 A Yes. Right.

22 Q And did Tanya appear to be a normal child?

23 A Yes.

24 Q And aside from going around barefooted and
25 being a little hippie-ish, did Linda appear to be a normal
26 child?

1 A once in a while she would go into something
2 like a trance. I mean, you would have to call her name
3 four or five times before she would answer you.

4 MR. BUGLIOSI: Motion to strike on the grounds that
5 it is a conclusion of the witness.

6 MR. KANAREK: The question solicited the answer.
7 When he asks a question like that, that is the kind of
8 answer you get.

9 THE COURT: Overruled.

10 MR. STOVITZ: Q So, in other words, except for
11 those few occasions, Linda appeared to be a normal, every-
12 day 20 or 21-year-old girl; is that right?

13 A Yes.
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1 Q As far as you are concerned, the amount of
2 alcohol that you drank in no way affected your opinions
3 whatsoever; is that right?

4 MR. KANAREK: I object, your Honor. Assuming facts
5 not in evidence.

6 THE COURT: Overruled.

7 MR. KANAREK: It is immaterial and irrelevant.

8 BY MR. STOVITZ:

9 Q Is that right? The amount of alcohol that
10 you drank in no way affected your opinions?

11 MR. KANAREK: The same objection, your Honor.

12 THE COURT: Overruled.

13 THE WITNESS: No.

14 BY MR. STOVITZ:

15 Q And the amount of alcohol you drank in no
16 way affected your memory?

17 MR. KANAREK: I object as calling for a conclusion,
18 irrelevant and immaterial.

19 THE COURT: Overruled.

20 THE WITNESS: I told you I had a couple of drinks
21 every night; but during the day, that is when we talked,
22 because we were home alone.

23 BY MR. STOVITZ:

24 Q At the bar did you have a couple of drinks
25 each night?

26 A No.

6b-2

1 MR. KANAREK: Immaterial and irrelevant.

2 THE WITNESS: No. I wasn't at the bar. I was home
3 with her.

4 BY MR. STOVITZ:

5 Q At night?

6 A During the day.

7 Q What about having a couple of drinks; when did
8 you have a couple of drinks?

9 A At night. I never drink in the daytime.

10 Q At the bar or the house?

11 MR. KANAREK: That is immaterial and irrelevant,
12 your Honor.

13 THE COURT: Overruled.

14 BY MR. STOVITZ:

15 Q At the bar or at the house did you have these
16 couple of drinks?

17 A At the house.

18 Q And she was talking to you when you were having
19 a couple of drinks; right?

20 MR. KANAREK: Objection, your Honor. He is arguing
21 with the witness.

22 THE COURT: Overruled.

23 BY MR. STOVITZ:

24 Q Was Linda there when you were having a couple
25 of drinks?

26 A Yes.

6b-3

1 I was there with her all day when I didn't
2 touch one drink, too.

3 Q And didn't she, on one of those times, ask you,
4 "Judy" -- she called you Judy, didn't she?

5 A Right.

6 Q Didn't she say, "Judy, why do you drink so
7 much?"

8 MR. KANAREK: Objection. Irrelevant and immaterial.

9 THE COURT: Sustained.

10 MR. STOVITZ: No further questions.

11 THE COURT: Any redirect?

12 MR. KANAREK: Yes.

13 Q Did Linda Kasabian --

14 MR. BUGLIOSI: One minute, your Honor. We are not
15 through on cross, your Honor. We have got some more
16 cross.

17 THE COURT: I understood Mr. Stovitz to say he was
18 through.

19 MR. STOVITZ: Yes, your Honor.

20 Just a moment. Counsel has a note for me.

21 DEFENDANT MANSON: We agree with the District Attorney,
22 alcohol is worse than LSD.

23 THE COURT: You are not permitted to speak, Mr.
24 Manson. You will have to confer with your attorney, sir.

25 MR. STOVITZ: Q Mrs. Emmer, this girl Judy
26 Short, have you ever discussed Linda's reputation with

6b-4

1 Judy Short?

2 A They didn't get along at all. ✓

3 THE COURT: Sit down, Mr. Kanarek.

4 MR. KANAREK: Yes, sir.

5 BY MR. STOVITZ:

6 Q Did you ever discuss Linda's reputation with
7 Judy Short, Mrs. Emmer?

8 A No.

9 Q Now, did you ever discuss Linda Kasabian's
10 reputation with the woman that she baby sat with?

11 A Yes.

12 Q And she was impressed with Linda Kasabian,
13 wasn't she?

14 MR. KANAREK: I object, your Honor. That is calling
15 for a conclusion on the part of the witness; irrelevant
16 and immaterial as to what somebody else's state of mind
17 is. It is hearsay.

18 THE COURT: Read the question.

19 (The question was read by the reporter.)

20 THE COURT: Sustained.

21 BY MR. STOVITZ:

22 Q She never said anything wrong about Linda
23 Kasabian, did she?

24 A Yes.

25 Q She did?

26 A Yes.

6b-5

1 Q All right. And this dealt with her honesty;
2 is that correct?

3 MR. KANAREK: That is calling for a conclusion.

4 Let him ask her what she said.

6c fls.5

5 THE COURT: Sustained.
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1 BY MR. STOVITZ:

2 Q Now, with respect to Linda's father, you said
3 Judy Short is Linda's father's girl friend?

4 A Yes.

5 Q Have you dated Linda's father?

6 A No.

7 Q Not at all?

8 A Never.

9 Q Before you said that your shaking had nothing
10 to do with the amount of alcohol you drink. Is it some
11 type of condition that you have?

12 A I had cancer of the stomach, and since then
13 I shake, that is all.

14 Q Are there any pills or medication that you
15 take?

16 A I am supposed to take Librium.

17 Q Do you take Librium?

18 A No.

19 Q Now, when Linda told you that she had a
20 ball in California, did she indicate whether it was this
21 recent time or a previous time?

22 A This recent time.

23 Q What made you think she meant this recent
24 time?

25 A She told me that she enjoyed herself here.

26 Q Those are her words? Those were what her

6c-2

1 words were, that she enjoyed herself; is that right?

2 A Yes.

3 Q Is that right? You have to answer out loud.

4 A Yes.

5 Q Now, you stated that Mr. Kanarek one day came
6 down to your place in Miami, Florida. When was that?

7 A A week ago Thursday.

8 Q Are you certain now of the date?

9 A It was either Thursday or Friday a week ago.

10 Q So that we do not misunderstand each other,
11 there is a calendar on the wall.

12 Today is August the 3rd. Last Thursday was the
13 30th of July. A week ago was the 23rd of July.

14 Can you see this calendar from where you are?

15 A Yes.

16 Q So, it was either the 23rd or the 24th of July,
17 1970; is that right?

18 A Right.

19 Q Was that the first time you had ever met Mr.
20 Kanarek?

21 A Yes.

22 Q Was that the very first time you ever heard
23 from him?

24 A Yes.

25 Q Do you know how he got in touch with you?

26 MR. KANAREK: I object, your Honor. That is

1 calling for a conclusion.

2 Let him call me as a witness rather than ask
3 this witness for conclusions as to my state of mind.

4 THE COURT: Sustained.

5 BY MR. STOVITZ:

6 Q Did you write to Mr. Kanarek or any members of
7 the defense team here?

8 A No.

9 Q So then, when Mr. Kanarek came into your store,
10 it was out of the clear blue; is that right?

11 A Right.

12 Q You didn't invite him down?

13 A No.

14 Q There was no phone call or anything like
15 that?

16 A No.

17 Q Now, then, were you present when Mr. Drouin
18 signed a certain affidavit?

19 A No. He seen Mr. Drouin first.

20 Q The pronunciation is Drouin?

21 A Drouin.

22 Q All right.

23 Then Mr. Kanarek asked you whether or not you
24 would come to California to testify as a witness; is that
25 right?

26 A Yes.

1 Q And you told him, well, there would be certain
2 expenses involved, you have to leave your business down
3 in Florida, and it is kind of slack season down there
4 now; isn't that right?

5 A I don't work at my business. I work across
6 the street from the business.

7 Q What do you do there?

8 A Barmaid.

9 Q And in Miami, do they have that ridiculous
10 law that barmaids can only serve beer or wine? Or can
11 they serve whisky as well?

12 A Whisky as well.

13 MR. KANAREK: That is immaterial and irrelevant as
14 to the laws of Florida, your Honor.

15 THE COURT: Sustained. The answer is stricken.
16 BY MR. STOVITZ:

17 Q How many hours did you spend talking to Mr.
18 Kanarek in Miami?

19 A About an hour.
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6d fls.

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1 Q When he left you, had you already agreed to
2 come to California to testify?

3 A Yes.

4 Q And all you wanted was your travel and your
5 hotel room; right?

6 A Right.

7 Q And have you been paid your travel to
8 California?

9 A One way. I haven't been paid back yet, no.

10 Q Your motel expenses, have you been paid for
11 that?

12 A It is due today.

13 Q If, by any chance, your testimony is necessary
14 in this trial, are you willing to come back to California,
15 or does your work in Miami prevent you from coming back?

16 A I can come back at any time.

17 Q As long as your expenses are paid; is that
18 right?

19 A Yes.

20 Q You say it was either Thursday, the 23rd, or
21 Friday, the 24th, that Mr. Kanarek was in Miami; is that
22 right?

23 A Yes.

24 Q And did you get the impression that Mr. Kanarek
25 was going to leave that same night?

26 A I didn't know. I didn't ask him.

6D2

1 Q Was this during the day or during the night?

2 A During the day.

3 Q During the day?

4 A Yes.

5 Q Was this, say, Miami time, 1:00 to 5:00
6 o'clock in the afternoon, or Miami time, 9:00 to 12:00
7 o'clock?

8 A I 'd say between 1:00 and 5:00.

9 Q Did you see Mr. Kanarek the next day?

10 A No.

11 Q Did you see Mr. Kanarek the following day?

12 A No.

13 Q When was the next time, if ever, that you saw
14 Mr. Kanarek?

15 A When I came here.

16 Q What day was that?

17 Again, you may refer to the calendar there on
18 the wall. July is the middle month on the calendar.

19 A A week ago today. I arrived about 2:20 in
20 the morning.

21 Q That would be July 27th; is that right?

22 A Right.

23 Q And then did you see Mr. Kanarek sometime
24 during that day?

25 A When I arrived?

26 Q Yes.

D3

1 A Yes.

2 Q And he helped you with your accommodations and
3 things?

4 A He paid the room rent.

5 Q And it is your intention to go back to Miami
6 when?

7 A Whenever I can.

8 Q Does that mean as soon as possible?

9 A Yes.

10 MR. STOVITZ: I have no further questions, your Honor.

11 MR. KANAREK: I have some further questions.

12 THE COURT: All right.

13

14

RECROSS-EXAMINATION

15 BY MR. KANAREK:

16 Q Directing your attention to the time when you
17 were speaking with Linda Kasabian as to why she left her
18 husband?

19 Would you tell us what reasons she stated as to
20 why she left her husband?

21 A She said that he fell in love with another
22 woman, but that she didn't care, that the woman was one of
23 her girl friends.

24 Q I see.

25 Did she tell you anything else as to why she
26 left her husband?

24

1 A No.

2 Q Now, directing your attention to Judy Short.
3 Is her name Short?

4 A Yes.

5 Q Did Linda Kasabian have an argument with Judy
6 Short?

7 A Yes.

8 Q And did Linda Kasabian reach for a knife in
9 connection with that argument?

10 MR. BUGLIOSI: Oh, your Honor, this is beyond the
11 scope.

12 MR. KANAREK: Counsel brought it out.

13 THE COURT: Sustained.

14 MR. KANAREK: The offer of proof is that when Linda
15 Kasabian got in an argument with Judy Short, she reached
16 for a knife as if to kill Judy Short.

17 Now, your Honor, counsel brought this up.

18 THE COURT: Sustained.

19 Mr. Kanarek, let's proceed.

20 MR. KANAREK: Your Honor, in order to frame the next
21 question, I would like to have the reporter read back to me,
22 so I frame the question right and so there is no question
23 about it, the part of the record wherein there was
24 colloquy where Mr. Stovitz raised the --

25 THE COURT: We are not going to read it now.

26 Frame your next question, sir, and let's

1 proceed.

2 MR. KANAREK: Your Honor, then may I have a recess?

3 THE COURT: No. Let's proceed.

4 MR. KANAREK: We have been going --

5 THE COURT: I understand.

6 MR. KANAREK: -- for some time. I need a recess in
7 order to --

8 THE COURT: Proceed.

9 MR. STOVITZ: We have been going since a quarter to
10 9:00, not 8:30. We were in chambers first.

11 MR. KANAREK: It is 10:00 o'clock now. I need the
12 recess in order to frame this question right.

13 Mr. Manson is entitled, your Honor --
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1 THE COURT: Proceed, Mr. Kanarek, or I am going to
2 terminate the examination.

3 MR. KANAREK: Then I allege, for the record, a
4 denial of the defendant's right to effective counsel,
5 a denial of the right to present this testimony for your
6 Honor not to allow me to consult with the reporter,
7 especially in view of the fact that we have been going
8 for an hour and 15 minutes, and the Court normally takes
9 a recess after such time.

10 THE COURT: Are you finished?

11 MR. KANAREK: Yes.

12 THE COURT: All right, sir.

13 Any recross-examination?

14 MR. KANAREK: I am not finished questioning. I am
15 finished stating my position.

16 THE COURT: Then proceed with your examination.

17 MR. KANAREK: Very well, your Honor.

18 BY MR. KANAREK:

19 Q Now, Mrs. Emmer, this condition that you have,
20 would you tell us, when were you operated on?

21 A In September of '66.

22 Q And you have a condition that causes your
23 hands to shake?

24 A Yes.

25 Q What is the name of that condition, do you
26 know?

6e-2

1 A Change of life. I am going through it now. ✓

2 Q And in connection with that, what was the nature
3 of the operation that you had?

4 A A total hysterectomy.

5 Q And was this because of a cancer that was in
6 your body?

7 A Yes.

8 Q Now, directing your attention to your conversa-
9 tions with me, Mrs. Emmer. Have I told you that when you
10 were on the witness stand that you should tell nothing but
11 the truth?

12 A Yes.

13 MR. KANAREK: Thank you, your Honor.

14 THE COURT: Any recross?

15 MR. STOVITZ: None, your Honor.

16 THE COURT: You may step down.

17 MR. STOVITZ: Just a moment, your Honor.

18 (Mr. Stovitz, Mr. Bugliosi, and an investigator
19 confer.)

20 MR. STOVITZ: That is all, your Honor.

21 THE COURT: All right. You may step down.

22 MR. BUGLIOSI: Your Honor, the People would move to
23 strike that portion of the witness's testimony relating to
24 reputation.

25 We would cite to the Court the case of
26 People vs. Paisley, 214 Cal. App. 2d, 225, I believe, at

1 page 232, wherein the Court says that a conversation with
2 one or two people with respect to honesty is not enough
3 to give an opinion on reputation.

4 Now, under the New Evidence Code, she could
5 testify as to her opinion with respect to Linda Kasabian's
6 honesty. But she went beyond that and gave an opinion as
7 to the reputation that she had, and there was no foundation
8 laid that she had spoken to a great number of people who
9 were familiar with Linda Kasabian's honesty.

10 I would cite that to the Court as a basis for
11 striking her testimony with respect to Linda Kasabian's
12 testimony.

13 THE COURT: The motion is denied.

14 The Court will recess for 15 minutes.

15 (Recess.)
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1 (The following proceedings occurred in open
2 court, all defendants and counsel present, the jury absent:)

3 THE COURT: All parties and counsel are present. The
4 jury is not present.

5 I am going to vacate my ruling denying the
6 People's motion to strike the testimony of Mrs. Emmer with
7 regard to the reputation of Mrs. Kasabian.

8 Do you wish to argue this matter, Mr. Kanarek?

9 MR. FITZGERALD: Before he does, could I get a
10 clarification of the ruling?

11 You are not striking her opinion evidence in
12 regard to character?

13 THE COURT: So far I haven't stricken anything. What
14 I have done is to vacate my ruling denying the People's
15 motion to strike the evidence regarding the reputation,
16 to give counsel an opportunity to argue the matter.

17 MR. KANAREK: Well, your Honor, then I would ask that
18 inasmuch as the transcripts are done after the morning
19 session, that your Honor save this so that we can study
20 the transcript and argue it to the Court at another time.

21 Now, your Honor has made a ruling to me that I
22 am supposed to prepare points and authorities whenever some
23 motion is made. I would ask that the People make a noticed
24 motion in this regard.

6f fls.

1 THE COURT: Do you wish to argue now, Mr. Kanarek,
2 or not?

3 MR. KANAREK: Pardon me?

4 THE COURT: I say, do you wish to argue now or not?
5 Otherwise I will proceed with the ruling.

6 MR. KANAREK: Yes. Then I will.

7 THE COURT: All right.

8 MR. KANAREK: I would like the record to reflect that
9 it is a denial of equal protection of the law.

10 Many times when I wish to make a motion, your
11 Honor has stated that it must be a noticed motion with
12 points and authorities, and the other side given a certain
13 amount of time and all of that.

14 It is my position that it is a denial of equal
15 protection of the law for your Honor, sui spondis, to ask
16 me to argue at this time without the People making a noticed
17 motion.

18 THE COURT: This is with regard to the testimony that
19 has just been given. We are not talking now about
20 collateral matters.

21 MR. KANAREK: Your Honor, what is collateral might be
22 a difference of opinion.

23 THE COURT: Do you want to argue or not?

24 MR. KANAREK: Yes, I will, in view of your Honor's
25 position.

26 THE COURT: All right.

6F2

1 MR. KANAREK: I have here, your Honor, Mr. Witkin,
2 Mr. Witkin on reputation evidence. It is -- (pause)

3 THE COURT: 1142.

4 MR. KANAREK: Thank you, your Honor.

5 I refer your Honor to the foundation at the
6 bottom of page 1143.

7 "The first questions must lay the foundation
8 by showing that the impeaching witness is
9 acquainted with the reputation of the person
10 being impeached."

11 I believe that we asked this witness whether
12 she knew the reputation, whether she knew the general
13 reputation of the witness Linda Kasabian, for truth,
14 honesty and integrity in the particular community in which
15 she resided at that time, which was the community of
16 Miami Beach, Florida.

7

7
1 Now, if there is any question about it, I
2 will recall her to the stand.

3 THE COURT: Well, my recollection is that the
4 evidence discloses that Mrs. Emmer's testimony regarding
5 reputation is based upon her conversations with Mr. Drouin,
6 Mrs. Kasabian's father, one Judy Short, and possibly one
7 other person.

8 Is that your recollection?

9 MR. KANAREK: This is what was brought out on cross-
10 examination.

11 THE COURT: Yes.

12 MR. KANAREK: It's a matter to go to the jury to
13 decide as to the weight, your Honor, but as far as
14 admissibility is concerned --

15 THE COURT: I am just talking now about the basis of
16 her testimony.

17 MR. KANAREK: No, I think the basis of her testimony
18 will reflect that we asked the question, "Do you know the
19 reputation?"

20 THE COURT: Yes, but what I'm saying, Mr. Kanarek,
21 is it was revealed on cross-examination that that so-called
22 knowledge of the reputation was based solely on conversations
23 with Mr. Drouin, Mr. Short and, as I say, possibly one
24 other person.

25 Is that your recollection?

26 MR. KANAREK: Well, I think also -- I mean, I would

7-2

1 say this is generally my recollection, yes, your Honor.

2 But how else do you determine it?

3 You don't do it by talking to the wall.

4 You get somebody's reputation by talking to people, live
5 flesh-and-blood-people.

6 That is what Mrs. Hammer has done. She has
7 spoken to people who know Linda Kasabian in the community
8 in which she resided, her reputation for truth, honesty
9 and integrity was such that it was bad, and this witness
10 stated she had the reputation of being a liar.

11 THE COURT: The persons to whom she spoke, this is
12 the point I am making, appeared to be from her testimony
13 only those I mentioned.

14 MR. KANAREK: How many do you have to have? Is
15 the magic number seven or 12 or four or three?

16 Someone can live in the Hudson Bay area of
17 Canada and there might be three or four people living in
18 this little community and someone may have a reputation
19 for being a liar in that community.

20 It only goes to the weight, it does not go to
21 the admissibility, because, as I say, someone may live in
22 a closed community and still have a bad reputation.

23 Counsel can argue, "Well, it's meaningless
24 because only a few people are involved."

25 But this is the nature of things. You have
26 to take the testimony the way it is.

1 If I may, I will recall Mrs. Emmer to the
2 witness stand and ask some further questions if your Honor
3 will permit me.

4 THE COURT: Yes, I will permit you to re-examine her
5 on that point only.

6 MR. BUGLIOSI: Your Honor, may I take her on voir
7 dire as to that point, as to the foundation?

8 THE COURT: Very well.

9
10 JUNE EMMER,
11 recalled as a witness by and on behalf of the defendants,
12 having been previously duly sworn, resumed the stand and
13 testified further as follows:

14 THE CLERK: Would you state your name again, please?

15 THE WITNESS: June Emmer.

16 THE CLERK: You are still under oath.

17
18 VOIR DIRE EXAMINATION

19 BY MR. BUGLIOSI:

20 Q Mrs. Emmer, do you understand --

21 MR. KANAREK: Wait a minute. May I inquire, your
22 Honor?

23 THE COURT: Mr. Bugliosi is going to ask some
24 questions on voir dire.

25 MR. KANAREK: Then I will object on the grounds of
26 denial of equal protection of the law as to the Court's

1 rulings, in that the Court on numerous occasions has denied
2 us the right, the opportunity to inquire on voir dire in
3 these proceedings.

4 This I believe is the first voir dire
5 proceedings that the Court has allowed, and I will ask the
6 Court to conduct an evidentiary hearing as provided by the
7 law when an equal protection of the law issue is raised.

8 I would ask the Court to scrutinize, have an
9 evidentiary hearing as to the Court's rulings in connection
10 with this matter of voir dire.

11 It is my position that such a hearing would
12 show that we have been denied equal protection of the law.

13 THE COURT: Overruled.

14 MR. KANAREK: I do make that motion, your Honor.

15 THE COURT: The motion is denied, let's proceed.

16
17 VOIR DIRE EXAMINATION (CONTINUED)

18 BY MR. BUGLIOSI:

19 Q Mrs. Kanner, you realize you are still under
20 oath?

21 A Yes.

22 Q You know what being under oath means?

23 A Yes.

24 MR. KANAREK: I object to this, your Honor.

25 THE COURT: Overruled.

26 MR. KANAREK: I ask Mr. Stovitz conduct this, rather

1 than Mr. Bugliosi.

2 THE COURT: I don't want to hear anything further,
3 Mr. Kanarek.

4 MR. KANAREK: Very well.

5 Q BY MR. BUGLIOSI: You said you had a conver-
6 sation with Judy Short about Linda, is that correct?

7 A Yes.

8 Q Judy told you she did not get along with Linda,
9 is that correct?

10 A Yes.

7a-1

1 Q Did you ever have a conversation with Judy
2 Short concerning Linda's reputation for truthfulness?

3 MR. KANAREK: Immaterial, your Honor, improper voir
4 dire.

5 THE COURT: Overruled.

6 THE WITNESS: Judy Short told me --

7 MR. BUGLIOSI: Wait a minute, you can answer that
8 question yes or no:

9 Q Did you ever have a conversation with Judy
10 Short with respect to Linda's reputation for truthfulness?

11 MR. KANAREK: Improper voir dire, your Honor.

12 THE COURT: Overruled.

13 THE WITNESS: Yes.

14 BY MR. BUGLIOSI:

15 Q This neighbor of yours, what is her name?

16 A Mrs. Frye.

17 Q Did you ever have a conversation with her con-
18 cerning Linda's reputation for truthfulness?

19 A No, not for truthfulness.

20 Q Did you ever have a conversation with Linda's
21 father concerning Linda's reputation for truthfulness?

22 A Yes.

23 Q So you had a conversation with two people, is
24 that correct?

25 A Yes.

26 Q And no one else, is that correct?

7a-2

1 A Yes.

2 MR. BUGLIOSI: No further questions.

3 MR. KANAREK: On the voir dire aspect, your Honor --

4 THE COURT: Do you wish to examine, Mr. Kanarek?

5 MR. KANAREK: Yes, I wish to examine on his purported
6 voir dire.

7 THE COURT: You may proceed.

8 MR. KANAREK: Yes, your Honor.

9
10 CROSS-EXAMINATION (VOIR DIRE EXAMINATION)

11 BY MR. KANAREK:

12 Q Would you tell us what was the conversation
13 between yourself and Judy Short concerning Linda Kasabian's
14 truthfulness?

15 MR. BUGLIOSI: Your Honor, I object. That is the
16 very purpose for the voir dire, your Honor, she is not
17 qualified to give reputation testimony.

18 THE COURT: The objection is sustained.

19 MR. KANAREK: Well, your Honor, we are entitled to
20 examine on the --

21 THE COURT: Do you wish to proceed further, Mr.
22 Kanarek?

23 BY MR. KANAREK:

24 Q You did have a conversation with Judy Short
25 concerning Linda Kasabian's reputation for truth, honesty
26 and integrity in the community, is that correct?

7a-3

1 A Yes.

2 Q And would you please tell us --

3 MR. BUGLIOSI: Same objection, your Honor, also call-
4 ing for hearsay.

5 THE COURT: He has not asked the question yet, Mr.
6 Bugliosi.

7 MR. BUGLIOSI: Are you through?

8 BY MR. KANAREK:

9 Q Mrs. Emmer, what was the reputation of Linda
10 Kasabian, the general reputation of Linda Kasabian for
11 truth, honesty and integrity in the community in which she
12 resided in the fall of 1969 in Miami, Florida?

13 MR. BUGLIOSI: I object on the grounds set forth in
14 People vs. Paisley, 214 Cal. App. 2d, on the grounds of
15 no foundation.

16 MR. KANAREK: He himself elicited the answer to a
17 question, which was she did have a discussion concerning
18 a person's reputation.

19 THE COURT: With two people.

20 MR. KANAREK: Yes, your Honor, how many people do
21 you have to have?

22 THE COURT: The objection is sustained.

23 MR. KANAREK: May I ask the Court how many people --

24 THE COURT: The objection is sustained, Mr. Kanarek.

25 MR. KANAREK: The offer of proof, your Honor, would
26 be that this witness, if allowed to answer, would answer

7a-4

1 that her general reputation, the general reputation of
2 Linda Kasabian, for truth, honesty and integrity, in the
3 community in Miami, Florida, in which Linda Kasabian lived
4 in the fall of 1969, was bad.

5 That is the offer of proof.

6 THE COURT: She could not testify to that based on
7 her testimony so far, because she only talked to two
8 people.

9 MR. KANAREK: I don't know how many people --

10 THE COURT: I sustained the objection, Mr. Kanarek,
11 do you wish to proceed further.

12 MR. KANAREK: Well, your Honor, may I have the
13 Paisley case at 214 Cal. App. 2d page 225?

14 THE COURT: Do you wish to continue your examination?

15 MR. KANAREK: I would like to defer it for a moment
16 so I can read.

17 Counsel is an advocate here, I would like to
18 see what he is adverting to, because many times language in
19 a case can be taken out of context.

20 THE COURT: I am familiar with the Paisley case.

21 MR. KANAREK: I am not familiar precisely with that
22 case, your Honor.

23 THE COURT: Let's proceed with the examination.

24 MR. KANAREK: I again will refer the Court to another
25 case that purports to go to the question, it appears to be
26 People vs. Woodson, and I would ask the Court to allow me

7a-5

1 to read 231 Cal. App. 2d 10, at page 15, so I might be able
2 to proceed with this witness, your Honor.

3 THE COURT: Let me see what you are reading there,
4 would you, Mr. Kanarek.

5 MR. KANAREK: Yes, your Honor. It is at the top of
6 page 1144.

7 THE COURT: Do you wish to examine further, Mr. Kanarek?

8 MR. KANAREK: Yes, your Honor, I would ask that in
9 view of your Honor's position, of what your Honor has done,
10 that this be deferred to 1:00 o'clock so I might be able
11 to research the law on this point with greater specificity.

12 THE COURT: It won't be necessary to defer it.

13 If you want to examine further you may, and
14 right now.

15 MR. KANAREK: Under People vs. Crovedi, your Honor,
16 we are entitled --

17 THE COURT: Either examine, sir, or I am going to
18 terminate the hearing with respect to this witness.

19 MR. KANAREK: Yes, your Honor.

20 BY MR. KANAREK:

21 Q You said Crovedi was a doctor, is that correct
22 with the father of Linda Kasabian, Mrs. Bremer?

23 A Yes.

7b fls.

24

25

26

B-1

1 Q Did the father of Linda Kasabian tell you that
2 Linda Kasabian is a liar?

3 MR. BUGLIOSI: Leading question, calls for hearsay and
4 no foundation.

5 MR. KANAREK: Reputation is by definition hearsay,
6 your Honor.

7 THE COURT: Sustained.

8 MR. KANAREK: The offer of proof would be, your
9 Honor, that if this witness were allowed to answer she
10 would answer that Linda Kasabian's father has stated to
11 her Linda Kasabian is a liar; that her reputation is bad;
12 that she cannot be believed.

13 That would be the substance of what Mr. Drouin,
14 her own father, has told this witness.

15 THE COURT: The objection is sustained.

16 Q BY MR. KANAREK: Now, Mrs. Emmer, directing
17 your attention to the fall of 1969, Linda Kasabian lived
18 in your home, is that correct?

19 A Yes.

20 Q And she lived in your home for a period of
21 several weeks, is that correct?

22 A Three to four weeks.

23 Q And in that very short period of time that she
24 was there in your home on several occasions people had
25 occasion to speak with you concerning her general
26 reputation for truth, honesty and integrity, is that

1 correct?

2 MR. BUGLIOSI: A leading question, your Honor.

3 THE COURT: Well, it is ambiguous also. "People"
4 is very uncertain, Mr. Kanarek. She already testified to
5 Mr. Drouin and Miss Short.

6 If this is intended to mean someone else, the
7 issue should be brought out.

8 MR. KANAREK: I am trying not to lead her.

9 THE COURT: You may ask her whom she talked to.

10 Q BY MR. KANAREK: How many people did you speak
11 with concerning the reputation of Linda Kasabian for truth,
12 honesty and integrity in the community that she was living
13 in, there in Miami, Florida?

14 A Well, her father and his girl friend.

15 Q I see, and would you tell us, Mrs. Emmer -- I
16 will withdraw that.

17 Mrs. Emmer, would you tell us what Linda
18 Kasabian's father stated concerning her reputation for
19 truth, honesty and integrity?

20 MR. BUGLIOSI: No foundation, your Honor, he already
21 asked this question and the Court has sustained the
22 objection.

23 MR. KANAREK: Your Honor, this is on the voir dire
24 aspect, if he could ask whether there was a question I
25 certainly am not foreclosed --

26 THE COURT: The objection is sustained.

1 Q BY MR. KANAREK: Did you have occasion,
2 Mrs. Emmer, to discuss Linda Kasabian's reputation for
3 truth, honesty or integrity -- I will withdraw that.

4 Did you, Mrs. Emmer, have occasion to discuss
5 the general reputation of Linda Kasabian for truth,
6 honesty and integrity in the community in which he was
7 living in Miami, Florida in the Fall of 1969 with your
8 husband who was at that time then alive?

9 A Definitely.

10 Q And what did your husband state concerning
11 Linda Kasabian's reputation, her general reputation
12 in the community in which he was living in Miami, Florida
13 in the Fall of 1969, for truth, honesty and integrity?

14 MR. BUGLIOSI: Object, your Honor, no foundation.

15 Also it calls for hearsay.

16 THE COURT: Sustained.

17 MR. KANAREK: May I inquire of the Court how many
18 people do you have to have, your Honor, to have a reputation --

19 THE COURT: The objection is sustained, let's
20 proceed.

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

22 THE COURT: What purpose?

23 MR. KANAREK: I wish to speak with her for just a
24 moment.

25 THE COURT: All right.

26 (Mr. Kanarek approaches the witness and has an

1 off-the-record conversation with her.)

2 MR. KANAREK: Well, your Honor, then I would ask
3 that we continue these proceedings until a time certain,
4 like 1:00 o'clock this afternoon, so that I may be able
5 to present to the Court what I believe is the law; that
6 there isn't any magic number of two or three, that
7 reputation depends upon the circumstances.

8 There may be people that don't know a lot of
9 people, so their reputation in their little community,
10 their general reputation may be substantiated by lesser
11 numbers than someone who is known more.

12 So I would ask the Court to make a motion to
13 continue these proceedings until, say, 1:00 o'clock this
14 afternoon.

15 MR. STOVITZ: Number one, we have no objection to a
16 continuance.

17 Number two, this testimony will not be
18 read to the jury, if at all, today. It will be read perhaps
19 a month from now or six weeks from now. So at that time
20 counsel will be able to present to the Court whatever
21 points and authorities he has on it.

22 The witness already answered the question,
23 if
24 so/the answer is allowed to remain, the entire answer will
be read to the jury.

25 If, on the other hand, counsel is able to
26 persuade the Court, talking to three people in the great

1 metropolis of Miami is sufficient to form an opinion as to
2 reputation, the entire answer of the witness will be read.

3 I think we should get on, your Honor. It
4 won't be read to the witness, in any event.

5 MR. KANAREK: This witness wishes to return to
6 Miami, Florida.

7 THE COURT: Then continue your examination, sir.

8 MR. KANAREK: As I say, it is my desire to present
9 law to the Court in connection with this.

10 THE COURT: That has nothing to do with examining
11 the witness.

12 MR. KANAREK: Based on what the law is, you ask the
13 question --

14 THE COURT: Continue, sir, or I will terminate the
15 proceedings.

16 Now, let's move along.
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7c

7c-1

1 Q Mrs. Emmer, when Linda Kasabian came to Miami
2 in October of 1969, how many different places to your
3 knowledge did she live in in the Miami area?

4 A Miami Beach and my house.

5 Q All right. When she lived at Miami Beach,
6 with whom did she reside?

7 A Her father and his girl friend.

8 Q And at that time would you state, did you see
9 Linda Kasabian from time to time while she was living with
10 her father?

11 A No.

12 Q But you did discuss her reputation with her
13 father?

14 A Yes.

15 Q How did that come about that you were dis-
16 cussing that?

17 MR. BUGLIOSI: It is irrelevant, your Honor.

18 THE COURT: Sustained.

19 BY MR. KANAREK:

20 Q Would you state how did it come about that you
21 discussed her reputation with Judy Short?

22 MR. BUGLIOSI: Irrelevant, your Honor.

23 THE COURT: Sustained.

24 BY MR. KANAREK:

25 Q And would you state, Mrs. Emmer, how did it
26 come about that you discussed her reputation with your

1c-2

1 husband?

2 MR. BUGLIOSI: That is irrelevant, your Honor.

3 THE COURT: Sustained.

4 BY MR. KANAREK:

5 Q Now, Mrs. Emmer, you say that on occasion
6 Linda Kasabian had the trance-like qualities.

7 Would you describe for us how did she appear
8 when she appeared to you to be in a trance?

9 MR. STOVITZ: Objected to, your Honor. This is
10 voir dire on a particular point. This was covered on
11 direct examination and redirect.

12 THE COURT: Objection sustained.

13 MR. KANAREK: We are not limiting this to voir dire,
14 your Honor.

15 THE COURT: Objection sustained. Let's proceed.

16 MR. KANAREK: Am I limited to this on voir dire?

17 THE COURT: Let's proceed, Mr. Kanarek.

18 BY MR. KANAREK:

19 Q Would you describe her appearance when she
20 appeared to be in a trance, Mrs. Emmer?

21 MR. STOVITZ: Objected to, your Honor, as outside of
22 the scope of voir dire.

23 MR. KANAREK: Your Honor, this is not voir dire.
24 I am not limiting --

25 THE COURT: The matter was reopened for the limited
26 purpose of exploring her knowledge as to reputation. That

7c-3

1 is all.

2 Now you are getting into an entirely different
3 subject.

4 The objection is sustained.

5 MR. STOVITZ: Furthermore, your Honor, when we were
6 served with this order on conditional examination of this
7 witness, it was for a limited purpose only, and I think the
8 Court has been very generous with counsel in allowing him
9 to go far beyond that limited purpose of the conditional
10 examination.

11 THE COURT: All right, but we have gone into it now
12 so Mr. Kanarek has the right to inquire on that subject.

13 MR. KANAREK: Then may I refer the Court to Mr. Witkin
14 at page 1143 where the Court says near the top, referring
15 to the rule which was established in People vs. Workman,
16 136 Cal. App. 2d, 898, the impeaching witness on recross-
17 examination stated that she had heard the reputation dis-
18 cussed not in the community at large but only by fellow
19 workers.

20 It was held error to strike out her
21 testimony.

22 In other words, your Honor, in the Workman
23 case, obviously someone was interrogated, and the basis
24 for the examination involved just the co-workers, perhaps,
25 in an office, just two or three people perhaps, just
26 like in this case, and the Court held it was error to strike

7c-4

1 out the testimony because evidently it was only the
2 fellow workers who made reference to her reputation.

3 Now, in this case the analogy here is instead
4 of it being fellow workers and the office being a very
5 small group, we have the small group in this community in
6 which she lived in that neighborhood, her circle of friends
7 was a very small group, and when you have a small circle
8 of friends and everybody in that circle says that your
9 reputation is bad, your general reputation for truth,
10 honesty and integrity in the community in which you live is
11 bad.

12 That certainly would appear at first blush,
13 certainly, to be within the rule of People vs. Workman
14 which is set forth here in Mr. Witkin's California Evidence,
15 Second Edition.

16 THE COURT: Have you completed your examination,
17 Mr. Kanarek?

18 MR. KANAREK: In view of your Honor's -- may I have
19 that case to argue from that case to the Court before I
20 finish the examination?

21 THE COURT: No, let's proceed. Either finish the
22 examination or I am going to terminate it.

23 MR. KANAREK: Very well.

24 Then I will ask if I may some questions:

25 BY MR. KANAREK:

26 Q Do you, Mrs. Emmer, know the general reputation

7c-5

1 of Linda Kasabian for truth, honesty and integrity in
2 the particular community in which she resided in the fall
3 of 1969 in Miami, Florida?

4 MR. BUGLIOSI: No foundation, it has already been
5 asked and objection was sustained by the Court several
6 times.

7 THE COURT: Sustained.

8 MR. KANAREK: Very well, your Honor, then I have no
9 further questions.

10 THE COURT: Very well. There is no evidence that
11 Mrs. Emmer is familiar with the general reputation of
12 Linda Kasabian in the community for truth, honesty and
13 veracity.

14 Therefore her testimony regarding reputation
15 as to Mrs. Kasabian will be stricken.

16 MR. KANAREK: May the record reflect, your Honor,
17 that of course we oppose that ruling of the Court.

18 THE COURT: All right.

19 The bailiffs will please bring in the jury.

20 (Whereupon the members of the jury enter
21 the courtroom and Linda Kasabian takes the witness stand.)

22 THE COURT: All parties, counsel and jurors are
23 present.

24 You may proceed with your cross-examination,
25 Mr. Fitzgerald.
26

LINDA KASABIAN

called as a witness by and on behalf of the People, having been previously duly sworn, resumed the stand and was examined and testified further as follows:

FURTHER CROSS EXAMINATION

BY MR. FITZGERALD:

Q Mrs. Kasabian, how many times have you discussed with Mr. Bugliosi your testimony?

A Oh, I never counted them -- quite a number.

Q Were there a great number of times?

A Yeah, maybe five times, six times.

Q When you discussed your testimony with Mr. Bugliosi, was that done in the Los Angeles County Jail?

A Yes.

Q Did you ever discuss your testimony here in court with Mr. Bugliosi during a court recess or after court adjourned?

A Yes.

Q And during those conversations with Mr. Bugliosi about your testimony did he suggest some possible questions that might be asked of you?

A By him?

Q Yes.

A I don't think so.

Q What did those conversations consist of?

1 MR. STOVITZ: Objected to as ambiguous.

2 Does he refer to the ones here in the court-
3 room, the ones at Sybil Brand?

4 It is ambiguous, your Honor.

5 THE COURT: I think it should be narrowed down, Mr.
6 Fitzgerald.

7 BY MR. FITZGERALD:

8 Q What was the nature of the conversations you
9 had with Mr. Bugliosi in court in connection with your
10 testimony?

11 A I don't know, I cannot say.

12 Just usually told him everything I have always
13 told him.

14 Q Would he tell you questions he planned to ask
15 you?

16 A I don't think so.

17 Q You cannot remember what he discussed with
18 you?

19 A No, I cannot remember him, you know, saying
20 that he was going to ask a certain question.

21 Q Did he tell you general areas in which he was
22 going to ask you questions?

23 A Possibly, I don't know.

24 Q In the jail did he ask you questions?

25 A Yes.

26 Q Did he ask you questions similar to the

1 questions you have been asked in court?

2 A Yes.

3 Q Has he ever asked you the same questions you
4 have been asked in court?

5 A Well, I really did not keep track of the
6 questions.

7 Q Did he ask you at any time the same questions
8 he asked you in court?

9 Are you able to answer that question?

10 A No, not really.

11 Q Were you shown photographs by Mr. Bugliosi at
12 any time in the jail?

13 A Possibly. I cannot really think of any.

14 Q Were you shown any items of physical evidence,
15 any clothing, any guns?

16 A Oh, yes.

17 Q What were you shown?

18 A The clothing.

19 Q When was that?

20 A I believe it was about the second meeting or
21 third meeting.

22 Q Were you shown any other items of physical
23 evidence?

24 A No, not that I can recall.

25 Q Were you shown any diagrams?

26 A Diagrams? Of what?

1 Q Diagrams of anything.

2 A No, not that I recall.

3 Q Were you shown any other physical objects by
4 Mr. Bugliosi?

5 A Not that I can think of at the moment.

6 Q Have you ever discussed your testimony with
7 Mr. Stovitz?

8 A Yeah, a little bit.

9 Q Was that in the jail?

10 A Yes.

11 Q On how many occasions?

12 A Twice.

13 Q Have you ever had a conversation in this
14 courtroom or in this building with Mr. Stovitz in regard
15 to your testimony in court?

16 A I don't think so.

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8-1

1 Q I take it you have talked to your attorneys
2 about your testimony, have you not?

3 MR. FLEISCHMAN: Your Honor, I think again that goes
4 into the area of attorney-client privilege.

5 THE COURT: Overruled.

6 You may answer.

7 THE WITNESS: Yes, I have.

8 MR. FITZGERALD: Q On a number of occasions?

9 A Yes.

10 Q Have they discussed with you -- your attorneys
11 -- possible questions that might be asked of you on the
12 witness stand?

13 MR. GOLDMAN: Objection to that question, your Honor.

14 THE COURT: Sustained.

15 MR. KANAREK: Your Honor, then I have a motion here,
16 your Honor.

17 In view of --

18 THE COURT: Wait until after Mr. Fitzgerald is
19 finished with his examination, Mr. Kanarek, and then you
20 may take up the motion.

21 MR. KANAREK: Your Honor, it is timely now, if we may
22 approach the bench.

23 THE COURT: I don't see how it can be timely now.
24 Wait until he finishes his examination.

25 MR. KANAREK: Yes, sir.

26 MR. FITZGERALD: Q Have you discussed with your

8-2

1 attorneys what would be necessary for you to say in order
2 for you to obtain immunity?

3 MR. GOLDMAN: Objection, your Honor, on the grounds
4 of attorney-client privilege.

5 THE COURT: Sustained.

6 MR. FITZGERALD: If I might, your Honor, I think
7 this witness has indicated that one of her motivations for
8 testifying was to obtain immunity, and I think it goes to
9 her understanding of that immunity agreement.

10 MR. BUGLIOSI: Your Honor, she has never testified
11 that that was one of her reasons.

12 THE COURT: The objection is sustained.

13 Q BY MR. FITZGERALD: Have you discussed with
14 your attorneys any item of physical evidence?

15 MR. GOLDMAN: Objection, your Honor. Again it is an
16 invasion of the attorney-client privilege, anything said
17 between attorney and client.

18 THE COURT: Sustained.

19 MR. KANAREK: Your Honor, may we approach the bench?

20 MR. FITZGERALD: May we, your Honor?

21 THE COURT: Very well.

22 (Whereupon, counsel approach the bench and the
23 following proceedings occur at the bench outside of the
24 hearing of the jury:)

25 MR. KANAREK: Your Honor, I have here a Notice of
26 Motion for a mistrial.

1 THE COURT: Is this what you wanted to approach the
2 bench for, Mr. Fitzgerald?

3 MR. FITZGERALD: Yes.

4 I also want to point out to the Court that if
5 I am going to be precluded from going into this area, I
6 think I will therefore be precluded from a substantial
7 area of cross-examination.

8 It is obvious that this witness has discussed
9 her testimony with her attorneys.

10 THE COURT: How can it be obvious? Obvious from
11 what?

12 MR. FITZGERALD: Because she said she talked over
13 her testimony with her attorneys on numerous occasions.
14 So, I think it is obvious that she has talked it over with
15 them.

16 If I am not allowed to go into the specific
17 conversations, I think that it is possible that fraud can
18 even be perpetrated on the court.

19 THE COURT: You are familiar with the attorney-client
20 privilege, Mr. Fitzgerald.

21 MR. FITZGERALD: I am, and I would ask this --

22 THE COURT: It is simply one of those privileges
23 that she is entitled to invoke, or her attorneys are
24 entitled to invoke on her behalf. The Court has no
25 choice. It is not a matter of discretion. It is an
26 absolute privilege.

8-4

1 MR. FITZGERALD: I would suggest that if the
2 People intend to give this witness immunity, that they
3 give her immunity at this time, your Honor.

4 THE COURT: Immunity has nothing to do with that.

5 MR. FITZGERALD: Just so the record is clear.

6 THE COURT: Even if the immunity were effected at
7 this moment, it wouldn't have any effect on the attorney-
8 client privilege.

9 MR. FITZGERALD: It is my understanding that it
10 would.

11 MR. SHINN: May I be heard on that matter, your
12 Honor?

13 THE COURT: Unless there was an express waiver.

14 MR. SHINN: May I be heard on that?

15 THE COURT: Or consent.

16 Yes, Mr. Shinn.

17 MR. SHINN: Your Honor, I believe under the New
18 Evidence Code, where a witness testifies substantially the
19 same as the statement that she made to her attorney, this
20 is an implied waiver.

21 I believe if you read the new Evidence Code,
22 Section 912, either A or B, carefully, there is an implied
23 waiver, because all conversations with her attorney are
24 not privileged, only those that are confidential.

25 Once she has testified under oath to statements
26 substantially the same as those which are made to her attorney,

your Honor, I feel there is an implied waiver. It is not
confidential any longer, your Honor.

8A-1

1 THE COURT: This isn't signed, Mr. Kanarek, and there
2 is no evidence that it has been served.

3 I am referring now to your Motion For Mistrial.

4 MR. KANAREK: Oh, yes. I see.

5 Your Honor, I would ask your Honor to consider,
6 along with this Walter case, People vs. Spivak, 166 Cal. Ap.
7 2d 796.

8 Your Honor, it is clear that the People just
9 can't hold off the immunity because of the fact that the
10 witness then knows that if she doesn't testify the way the
11 People want, then you have the Mary Brunner kind of
12 situation, of which the Court can take judicial notice
13 what happened in the case, the so-called Gary Hinman matter.

14 The law is clear that they must grant that
15 immunity at the earliest possible moment. The cases say so.

16 THE COURT: This is a matter of cross-examination, of
17 course, which Mr. Fitzgerald has gone into at some length.

18 What is the citation?

19 MR. KANAREK: People vs. Spivak, 166 Cal. Ap. 2d 796,
20 and also this Walter case, 27 Cal. Ap. 2d 583, which I have
21 cited.

22 THE COURT: I read the Walter case.

23 MR. KANAREK: Moreover, retaining a person as a
24 party defendant throughout the trial who has been promised
25 immunity from prosecution in reward for his evidence may
26 become a mere subterfuge to award --

1 I have read that case. There is no point in
2 reading the opinion into the record here.

3 I have read the case, Mr. Kanarek. I am
4 familiar with it.

5 MR. KANAREK: Then Mr. Hanson is being denied a
6 fair trial.

7 The Spivak case makes it clear, your Honor.

8 THE COURT: Let's proceed, gentlemen.

9 The motion for a mistrial is denied.

10 MR. SHINN: Join in the motion.

11 MR. KANAREK: May I refer also to the Penal Code,
12 Section 1099, and I would like the Court --

13 THE COURT: I am familiar with 1099.

14 MR. KANAREK: Very well.

15 Your Honor, it is our position that --

16 THE COURT: You have made your position clear,
17 Mr. Kanarek. Let's proceed.

18 The motion for a mistrial is denied.

19 MR. KANAREK: I have it set down for hearing at 2:00
20 P.M., your Honor.

21 THE COURT: I will read the Spivak case. I am not
22 familiar with that by name.

23 I will read that case and if there is any change
24 in my thinking on the subject, I will let you know.

25 MR. KANAREK: Very well, your Honor.

26 THE COURT: Let's proceed.

1 (Whereupon, all counsel return to their
2 respective places at counsel table and the following
3 proceedings occur in open court within the presence and
4 hearing of the jury:)

5 MR. FITZGERALD: Q How many times have you dis-
6 cussed your testimony with police officers?

7 A Do you mean investigators? Is that a police
8 officer?

9 Q Yes.

10 A I think they came to see me once or twice.

11 Q Have you ever discussed your testimony with
12 any police officer in this courtroom or any other building?

13 A Yes, I think I have.

14 Q You first testified here on July the 27th; isn't
15 that correct?

16 A I guess.

17 Q Did you discuss your testimony with anybody
18 during the recesses on that day?

19 MR. BUGLIOSI: Your Honor, I am going to object to
20 this line of questioning. It is too broad a question:
21 Have you discussed your testimony?

22 I would ask that counsel be much more specific:
23 Did anyone tell you what questions were going to be asked of
24 you? Did you tell anyone what your answers would be?
25 Things like that.

26 To ask a question: Did you discuss your

??

1 testimony? is far too ambiguous, far too general, your
2 Honor.

3 So I would request that counsel ask much more
4 specific questions.

5 THE COURT: Overruled.

6 You may answer.

7 THE WITNESS: What was your question?

8 THE COURT: Read the last question.

9 (The question was read by the reporter.)

10 THE WITNESS: The first day?

11 MR. FITZGERALD: Yes.

12 THE WITNESS: Possibly. I can't really remember.

13 MR. FITZGERALD: Q What about on the next day, the
14 28th?

15 A I don't know which day it was, but I remember
16 there was one day during the lunch hour.

17 Q Who did you discuss your testimony with one day
18 during a lunch hour?

19 A Mr. Bugliosi.

20 Q Did he ask you questions?

21 A No.

22
23
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8B

8b-1

1 Q What was the nature of the discussion?

2 A I told him my answers, what I was going to say.

3 Q Did you know what questions he was going to
4 ask you?

5 A No, I don't think so.

6 Q What prompted you to tell him what you were
7 going to say?

8 A Let me see. I think what he did was read my
9 answers back and ask me if that was correct. And I said,
10 "Yes." Or if it wasn't, I would tell him the answer.

11 Q Do you remember in what particular area he
12 read your testimony back? Do you remember what testimony
13 it was?

14 MR. BUGLIOSI: She didn't say "testimony," your
15 Honor. She didn't say her testimony was read to her. She
16 said her answers.

17 MR. KANAREK: I suggest that Mr. Bugliosi be sworn
18 if he is going to make a statement like that.

19 THE COURT: Overruled.

20 You may answer.

21 THE WITNESS: No, I don't remember the area.

22 BY MR. FITZGERALD:

23 Q You don't remember what testimony was read
24 back to you?

25 A No. Probably the whole thing.

26 I don't know the specific, you know, area.

8b-2

1 BY MR. FITZGERALD:

2 Q Are the events of July, 1970, more clear in
3 your mind than the events of July, 1969?

4 A Certain parts.

5 Q Would it be fair to say that you do not
6 necessarily recall things that happened just a few
7 days ago more vividly than you recall things that happened
8 a year ago?

9 A Sure.

10 Q Did you discuss your testimony with anybody
11 on the 30th?

12 A I haven't been keeping track of the days.

13 Q Did you discuss your testimony with anybody
14 last Friday, the 31st?

15 A Yes, I think I did.

16 Q Do you recall with whom you discussed your
17 testimony?

18 A I believe Mr. Bugliosi.

19 Q Do you recall the nature of that conversation?

20 A No.

21 Q You have had conversations with people here
22 in court, haven't you?

23 A In the courtroom itself?

24 Q In the courtroom itself?

25 A Yes.

26 Q You have discussed things with your attorneys,

8b-3

1 have you not?

2 A Yes.

3 Q And you have discussed things with Mr. Bugliosi,
4 haven't you?

5 A I think so.

6 Q Mr. Stovitz has talked to you from time to
7 time, hasn't he?

8 MR. STOVITZ: In the courtroom, Counsel? The
9 building?

10 BY MR. FITZGERALD:

11 Q In the courtroom?

12 A I think he just said, you know, that I was
13 doing all right. I don't think he ever said anything about
14 the case.

15 Q Did you discuss your testimony with him, talk
16 to him, have a conversation with him?

17 A In the courtroom?

18 Q Yes.

19 A No, not about the case. Not that I recall.

20 Q Did you talk to investigator Gutierrez?

21 A Yes.

22 Q Have you talked to him on a number of times
23 here in the court?

24 A In the courtroom itself?

25 Q In the courtroom itself?

26 A Yes.

8b-4

1 Q Have you talked to investigator Pachet from
2 the Los Angeles Police Department here in court?

3 A Yes.

4 Q Have you talked to any other police officer
5 about your testimony here in court? Strike that.

6 Have you talked to anybody else in this court-
7 room?

8 A You know, I have mouthed a few things to the
9 defendants, you know, "Hi," or whatever.

10 Q I mean, to anybody connected with the prose-
11 cution in this case?

12 A No, not that I recall.

13 Q Is there some anteroom in the building where
14 you are kept before and after you testify?

15 A Yes.

16 Q Where is that, do you know?

17 A No. It is just a room. I believe it is a
18 jury room.

19 Q Have you been visited in that room by anybody
20 connected with the prosecution since you have been testi-
21 fying here beginning on July the 27th?

22 A Yes.

23 Q During the recesses?

24 A No, not usually.

25 Q During the noon hour?

26 A Yes.

8b-5

1

Q Who have you talked to during the noon hour?

2

A Mr. Bugliosi came up a few times.

3

Q A few times?

4

A Yes.

5

Q Could we say four or five, one or two, or seven

6

or eight?

7

A More like one or two.

8

Q Have you talked to anybody else during the

9

noon hour?

10

A Well, Mr. Pachet is with me and Mr. Gutierrez.

11

Q Mr. Pachet and Mr. Gutierrez have discussed

12

your testimony during the noon hour?

13

A Not usually.

14

What they will tell me is that I am doing
okay and not to be nervous.

16

Q Did they, at any time, discuss with you the

17

subject matter of your testimony?

18

A No, I don't think so.

19

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8C-1

1 Q Did they ever attempt to refresh your memory as
2 to details?

3 A No.

4 Q Were you ever shown any photographs or physical
5 items of evidence during the recesses or during the noon
6 hours?

7 A Yes. I was once.

8 Q What were you shown, if you recall?

9 A A whole bunch of pictures of people, lots of
10 people I didn't know, and a car, and that is all I
11 remember.

12 Q Have you discussed this case with your husband
13 in the jail?

14 A In the jail? Yes.

15 Q Have you discussed this case with Charles
16 Melton?

17 A By the case, do you mean what happened?

18 Q The subject matter of your testimony.

19 A No, not really.

20 Q Have you ever discussed with Charles Melton the
21 events that transpired on August 8 and 9th, 1969?

22 A No, not really.

23 Q Have you ever discussed the events that occurred
24 on August 8th and 9th, 1969, with your husband, Robert
25 Kasabian?

26 A While I was in the jail or at any time?

1 Q While you have been in jail.

2 A I think I might have, yes.

3 Q Have you discussed the events of August the
4 8th and 9th with anybody else since you have been in
5 jail?

6 A Excluding my attorneys and the people you have
7 mentioned?

8 Q Excluding your attorneys.

9 A No, I don't think so.

10 Q Now, when you went to the Cielo Drive address,
11 on August 8th, you were not driving the vehicle; is that
12 correct?

13 A Let me go back. No, I wasn't.

14 Q You were a passenger?

15 A Right.

16 Q And you crawled over an embankment in order to
17 circumvent a gate at that location; isn't that correct?

18 A Right.

19 Q And one of the first things that happened was
20 that you saw Tex Watson shoot somebody in a car; isn't that
21 correct?

22 A Yes, that's right.

23 Q What was your reaction to that?

24 A I couldn't believe it. I never expected any-
25 thing like that.

26 I don't know. I don't have any words for it.

1 Q Did you attempt to run?
2 A No, I don't think I attempted to do anything.
3 Q Did you attempt to scream?
4 A No.
5 Q Did you scream?
6 A Inside.
7 Q Did you try to stop Tex?
8 A No.
9 Q Did you say anything at all to Tex?
10 A No.
11 Q You didn't ask him why, I take it.
12 A Right.
13 Q Tex then directed you to go to the rear of the
14 house; is that right?
15 A Yes.
16 Q And did you do so?
17 A Yes, I did.
18 Q When you got to the rear of the house, did you
19 attempt to hide?
20 A No.
21 Q Did you attempt to run away?
22 A No.
23 Q There was foliage back there; is that right?
24 A Yes.
25 Q Did you attempt to scream?
26 A No.

1 Q When you came back from the rear of the house,
2 did you have a conversation with Tex?

3 A Yes.

4 Q And you were able to speak clearly, weren't
5 you?

6 A I guess so.

7 Q Did it appear that what you said was under-
8 stood by Mr. Watson?

9 A Yes.

10 Q You then followed Mr. Watson's orders; is
11 that correct?

12 A Yes.

13 Q And you went to the vicinity of the Parent
14 vehicle; isn't that correct?

15 A Yes.

16 Q Did you look in the car?

17 A I think I glanced.

18 Q Did you see the dead body of Mr. Parent?

19 A Just saw his head. It was dark. I couldn't
20 -- I just saw that he was slouched.

21 Q It was dark there?

22 A Yes.

23 Q There wasn't any lighting outside?

24 A Not that I could see in the car, no.

25 Q Was there any lighting outside there at all?

26 A Yes.

8d-1

1 Q Where was it located?

2 A There was a building with a great big light
3 like a spotlight or something.

4 Q Where was the building with the great big
5 light?

6 A At the end of the driveway.

7 Q At the end of the driveway?

8 A Yes. I guess. The beginning or the end, I
9 don't know. The end.

10 THE COURT: Keep your voice up, please.

11 THE WITNESS: Yes, sir.

12 BY MR. FITZGERALD:

13 Q Is that where the gate was?

14 A No.

15 Q Near the embankment?

16 A No. It was at the other end.

17 Q There wasn't any light where the Parent car
18 was; is that right?

19 A No, I don't think so.

20 Q When you looked in the car, did you scream
21 at that time?

22 A No.

23 Q Did you attempt to run?

24 A No.

25 Q Did you attempt to hide?

26 A No.

8d-2

1 Q Did you attempt to sound any alarm of any
2 kind?

3 A No.

4 Q When you heard these people screaming from
5 within the house, did you attempt to run?

6 A Yes.

7 Q Where did you run?

8 A Towards the house.

9 Q And that is when you had a conversation
10 with --

11 A Sadie.

12 Q With Sadie?

13 A Yes.

14 Q After that conversation with Sadie, did you
15 attempt to leave the premises in any way?

16 A Yes.

17 Q How did you do so?

18 A I just ran.

19 Q Did you run up the embankment?

20 A Yes.

21 Q And at that time you were in a total state
22 of shock; isn't that correct?

23 A Yes.

24 Q That has been your previous testimony,
25 that you were in a total state of shock.

26 A Yes.

8d-3

1 Q You were able to run though, were you not?

2 A Yes.

3 Q And when you ran over the embankment -- did
4 you run over the embankment?

5 A I had to climb over the fence. I don't know
6 if I could run over the fence.

7 Q Did you climb over the fence?

8 A Yes.

9 Q Were you able to climb over it all right?

10 A Yes.

11 Q When you got down to the street, did you go
12 some place?

13 A I laid down on the ground for a few minutes
14 trying to get myself together.

15 Q And then did you go some place?

16 A Yes. I sat in the car.

17 Q How did you get from where you were lying on
18 the ground down to the car?

19 A I walked.

20 Q Did you walk by some houses?

21 A I ran by some houses.

22 Q When you were walking or when you were running?

23 A What?

24 Q Did you walk down to the car or did you run
25 down to the car?

26 A I ran down to the car.

8d-4

- 1 Q Did you run by some houses?
- 2 A Yes.
- 3 Q Did you attempt to stop at any one of those
- 4 houses?
- 5 A Yes.
- 6 Q Did you attempt to sound an alarm in any way?
- 7 A No.
- 8 Q Did you attempt to find a telephone to report
- 9 what you had seen?
- 10 A No.
- 11 That is why I laid down and tried to get it
- 12 together.
- 13 Q When you got to the car, you started the car;
- 14 isn't that right?
- 15 A Yes.
- 16 Q Was that so you could assist in some sort of
- 17 fast getaway?
- 18 A I don't know. I just started the car, and
- 19 then they were right there.
- 20 Q Was it so that you could leave?
- 21 A I was thinking about it.
- 22 Q Alone?
- 23 A I guess.
- 24 Q Did you do it?
- 25 A No.
- 26 Q Were you still in a state of shock when you

1 assisted Tex in taking off his clothing?

2 A Yes.

3 Q Were you still in a state of shock when you
4 wrapped up the clothing and tied it together?

5 A I didn't tie it together.

6 Q Who tied it together?

7 A I don't believe it was tied together.

8 Q Was it just wrapped in a ball?

9 A Yes.

10 Q Did you wrap it up?

11 A I didn't wrap it. It was just, you know, in
12 a ball.

13 Q When it was handed to you, were you still in
14 a state of shock?

15 A Yes.

16 Q When you threw it out, were you in a state of
17 shock?

18 A Yes.

19 Q When you threw out the weapons, were you in a
20 state of shock?

21 A Yes. The whole two nights, and thereafter.

22 Q But you were able to function, were you not?

23 A Yes.

24 Q You could walk and talk and throw things?

25 A Yes, uh-huh.

26 Q The shock didn't impair any motor ability you

1 had, did it?

2 A No.

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3E-1

1 Q When you got to the gas station, at one point
2 Tex left the vehicle, didn't he?

3 A Yes.

4 Q Did you attempt to leave when he left?

5 A No.

6 Q Did you attempt to start the car and take off?

7 A No. The girls were still in the car with me.

8 Q Did you tell the gas station attendant what
9 had happened?

10 A No..

11 Q Did you try to take anybody aside and talk to
12 them?

13 A No.

14 Q And tell them what you had seen?

15 A No.

16 Q Did you attempt to get out of the car and run
17 away?

18 A No.

19 Q When Tex and these girls came back to the car,
20 did you ask them why these people were killed?

21 A No, I don't think so.

22 Q Didn't it occur to you to ask why?

23 A Well, I remember there was some money involved.
24 Tex said that he had some money.

25 I thought to myself, "Wow. You killed these
26 people for money?" But I didn't say it.

8E2

1 Q You weren't curious?

2 A I just was afraid to say anything.

3 Q Did somebody threaten to kill you?

4 A No.

5 Q That night you went to sleep when you got back
6 to the ranch; is that right?

7 A Yes.

8 Q And you slept late the next morning; correct?

9 A I guess so, yes.

10 Q Did you have any difficulty sleeping that night,
11 Mrs. Kasabian?

12 A I don't know. I don't remember going to sleep.

13 Q Didn't you testify previously in this court
14 that you slept late the next day?

15 A I remember getting up and it was daytime, in
16 the afternoon.

17 Q Do you remember what time you went to bed?

18 A No.

19 Q Did you go to bed before daybreak?

20 A No.

21 Q After daybreak?

22 A Oh, before daybreak? You mean nighttime?

23 Q Yes.

24 A Yes.

25 Q So, you slept from sometime while it was dark
26 until about noon; is that a fair statement?

BE3

- 1 A Yes.
- 2 Q Did you have any difficulty sleeping?
- 3 A I guess not.
- 4 Q When you got up, did you attempt to leave the
- 5 ranch?
- 6 A No.
- 7 Q Did you attempt to run or flee in any respect?
- 8 A No.
- 9 Q Did you attempt to tell anybody what had
- 10 occurred?
- 11 A No.
- 12 Q What did you do that day from noon until 6:00
- 13 p.m., if you remember?
- 14 A I remember going into the trailer and watching
- 15 television.
- 16 That is all I can remember during the day.
- 17 Q And that night you were told approximately the
- 18 same thing as you had been told the night before, isn't
- 19 that correct, to get a change of clothing, et cetera?
- 20 A And my driver's license.
- 21 Q And your driver's license?
- 22 A Yes.
- 23 Q Did you attempt in some way to beg off or ask
- 24 not to go?
- 25 A I did it with my eyes, but I didn't voice it.
- 26 Q Did you try to get sick or tell anybody you were

1 sick?

2 A No.

3 Q Or did you attempt to faint or anything?

4 A No.

5 Q Did you attempt to cry?

6 A No. You couldn't cry at the ranch.

7 Q You couldn't cry at the ranch?

8 A No.

9 Q And when you were told to get a change of
10 clothing and a driver's license, you didn't ask why this
11 time either, did you?

12 A No.

13 Q Wasn't it your state of mind that other people
14 were going to be killed, additional people?

15 A I didn't know at the moment, no.

16 Q You didn't say no, did you?

17 A I said it with my eyes and my heart, but not
18 with my voice.

19 Q You were able to speak that day, weren't you?

20 A Yes.

21 Q Did you select the home of Leno and Rosemarie
22 La Bianca, Mrs. Kasabian?

23 A No, I did not.

8f-1

1 Q You knew where Harold True lived, didn't you?

2 A I could never find my way there. It was just
3 a matter of circumstances that we parked there.

4 Q Is it your testimony, Mrs. Kasabian, are you
5 telling us that on the evening of August the 9th you
6 didn't go in the vicinity of Harold True's home?

7 A Is this the second night? I don't know August
8 the 9th. Is this the second night?

9 Q I don't know if it was the fourth night or
10 what.

11 A You will have to rephrase your question because
12 I don't understand.

13 Q Do you remember some night you went to
14 Pasadena?

15 A Yes.

16 Q And you went by a church?

17 A Yes.

18 Q Is that the night you went to the vicinity
19 of Harold True's residence?

20 A Yes.

21 Q On Waverly Drive?

22 A Yes.

23 Q You were driving the car at the time, were
24 you not?

25 A Yes, I was.

26 Q And you knew Harold True; isn't that correct?

8f-2

1 A Yes, I did. I had met him once.

2 Q Did you suggest to some people that they go

3 to the home of Harold True to kill some people?

4 A I certainly did not.

5 Q You suggested, though, didn't you, that some

6 people go to Venice in order to kill an actor?

7 A I suggested it?

8 Q Yes.

9 You suggested it?

10 A I was asked, and at first I said no, and then

11 I was questioned, and then I said yes.

12 Q But the actor was an acquaintance of yours,

13 was he not?

14 A I had met him once, yes.

15 Q To your knowledge, had Mr. Manson ever met him?

16 A No, not that I knew of.

17 Q Had Miss Krenwinkel ever met him?

18 A No, not that I knew of.

19 Q Had Miss Atkins ever met him?

20 A No, not that I knew of.

21 Q Had Leslie Van Houten ever met him?

22 A No, not that I knew of.

23 Q Had Clem ever met him?

24 A Not that I knew of.

25 Q But you had met him; isn't that correct?

26 A Yes.

1 Q And you had been to his house; isn't that
2 right?

3 A Yes.

4 Q And you drove the car there; isn't that
5 right?

6 A Yes.

7 Wait. I think I did. Yes, I did.

8 Q And you drove the car right to his house;
9 isn't that correct?

10 A Yes, I think I did.

11 Q What time did you get back to the Ranch the
12 so-called second night?

13 A It was early in the morning. Mid-morning.

14 Q Did you go to sleep that night?

15 A It was morning.

16 Q That morning?

17 A Yes. I attempted to go to sleep.

18 Q Did you?

19 A Not very well.

20 Q Did you attempt to slip out that night, or
21 that morning?

22 A Yes. Well, I attempted to go that night.

23 Q Did you call the police that night?

24 A No.

25 Q Are you presently taking any medication?

26 A No, I haven't been.

1 Q You are not taking any tranquilizers of any
2 kind?

3 A No. I stopped taking them before I made my
4 testimony.

5 Q Have some tranquilizers been prescribed for you?

6 A Yes. If I felt that I needed them.

7 Q By whom?

8 A A doctor.

9 Q A doctor in the jail?

10 A In the jail, yes.

11 Q They were prescribed if you needed them for
12 what?

13 A If I couldn't go to sleep.

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Handwritten: J. King
Q What did you do the next day when you woke up after you came back from Venice?

A I put a sleeping bag together and I crawled down behind the ranch to the creek, and I crawled up a hill down by the corral and planted the sleeping bag in some bushes.

Handwritten: ✓ ✓ Q There is a telephone at the ranch, isn't there? *Handwritten:* ✓ ✓

A Yes.

Q There was a telephone at the ranch in the vicinity of the corral, isn't that correct, a pay telephone?

A Yes.

Q Did you attempt to use that telephone to call anybody?

A No.

Q Now, there were certain people at the ranch who had some connection with the care and feeding of the horses; isn't that right?

A Yes.

Q And they didn't have anything to do with the other people who were present on the ranch; isn't that correct?

A We spoke, but they weren't, you know, in with the Family, no.

Q Did you tell any of those people about what had occurred the preceding two nights?

A No.

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Q Did you ask any of those people for help?

A No.

Q There is also a phone in George Spahn's house, isn't there, on the ranch?

A Yes.

Q Did you attempt to use that phone at any time?

A No.

Q Did you attempt to tell Mr. Spahn what had occurred the preceding two nights?

A No.

Q And the reason you didn't is because you were afraid for your child; correct?

MR. STOVITZ: Just a moment.

Your Honor, I would like to approach the bench with counsel on this matter. May I?

THE COURT: Very well.

(Whereupon, all counsel approach the bench and the following proceedings occur at the bench outside of the hearing of the jury:)

MR. STOVITZ: Both Mr. Bugliosi and myself cautioned this witness, in answering questions about fear, not to bring out three items of fear that she knew about while she was at the ranch, and these three items, for counsel's benefit, so that he might approach this question of fear very carefully, are as follows:

1 That when she first came to the ranch, she
2 had heard that Charlie Manson had killed a black man.
3 It turned out that the man is still alive, but the gossip
4 among the girls was that this black man was killed by
5 Charlie Manson.

6 After she was at the ranch for about three or
7 four days, some plain clothes detectives, who she didn't
8 know were from the Sheriff's Department, but who ^{it} turned
9 out were from the Sheriff's Department, questioned the
10 girls at the ranch about a boy by the name of Walts.

11 The boy had been found in Topanga Canyon down
12 at the bottom of a cliff. They thought that it was an
13 automobile accident, but it turned out that the boy had
14 been shot. The boy's brother stated that the boy had been
15 at the ranch, and so they checked the ranch out.

16 On August 1st, 1969, Bobbie Beausoleil came
17 back from an episode at the Gary Hinman house, and at that
18 time Mary Brunner told her, Linda Kasabian, about the
19 killing of Gary Hinman, and stated that a bullet had been
20 shot at Gary Hinman and that the bullet had almost hit
21 Mary Brunner, going right by her face and landing in the
22 house.

23 So, these three items also cause the fear in
24 this witness.

25 Counsel should know about that.

26 If the witness is told to answer the question

1 fully about her fear, I have told her not to answer those
2 questions dealing with any other homicide or any other
3 shootings that she might have heard of. But in order to
4 give the witness an opportunity to fully answer these
5 questions, I think that you should do it outside of the
6 presence of the jury, so that the jury would not be
7 influenced by this line of questioning.

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1 THE COURT: Do it outside of the presence of the jury?

2 MR. STOVITZ: Yes. So far as this --

3 THE COURT: What is the purpose of that?

4 MR. STOVITZ: I do not, at this stage of the proceed-
5 ings, want the witness -- I think the name of the case is
6 Butler, I am not sure -- where a prosecution witness, I
7 think it was a police officer, was asked: Were there any
8 other reasons why you were watching this defendant? And
9 he answered: Well, I knew he was a dope peddler, or something
10 like that.

11 I don't want the witness to come out with any
12 statements like that.

13 THE COURT: I know why you are not doing this, but
14 I don't understand about talking about it out of the presence
15 of the jury.

16 MR. STOVITZ: So the record will show that she is
17 not trying to hide anything in her testimony but that I
18 cautioned the witness, and Mr. Bugliosi has cautioned the
19 witness, not to bring out any of these three prior
20 incidents.

21 MR. KANAREK: Your Honor, there is also an aspect --

22 THE COURT: Let's have the record perfectly clear.

23 Did you hear everything that was said, Mr.
24 Shinn?

25 MR. SHINN: Yes.

26 THE COURT: Mr. Hughes, did you hear what Mr. Stovitz

1 just said?

2 MR. HUGHES: Yes.

3 THE COURT: And you heard it?

4 MR. FITZGERALD: Yes.

5 THE COURT: Mr. Kanarek?

6 MR. KANAREK: And I heard it.

7 And I ask for a mistrial. If the prosecution
8 has put ideas into this woman's mind, I do not accept
9 Mr. Stovitz's statement that this woman had these fears --

10 THE COURT: Are you making a motion or objection or
11 something?

12 MR. KANAREK: Yes, your Honor.

13 THE COURT: What is it?

14 MR. KANAREK: The motion is, your Honor, that in
15 view of the prosecution's --

16 THE COURT: Never mind in view of anything, Mr.
17 Kanarek. What is your motion?

18 MR. KANAREK: My motion is that this woman be put
19 under sodium Pentothal, that there be administered to her
20 truth serum.

21 THE COURT: The motion is denied. Let's proceed.

22 MR. KANAREK: Very well, your Honor.

23 (Whereupon all counsel return to their
24 respective places at counsel table and the following
25 proceedings occurred in open court within the presence and
26 hearing of the jury:)

1 MR. KANAREK: Your Honor, may we return to the
2 bench for just a half a minute?

3 THE COURT: Let's take it up at 12:00 o'clock,
4 Mr. Kanarek.

5 MR. KANAREK: Very well.

6 BY MR. FITZGERALD:

7 Q You weren't afraid to call the police because
8 you were worried about some harm that might come to your
9 child, were you?

10 A To both of us.

11 Q Didn't you previously testify in this case that
12 "I knew I had to leave and something within myself told
13 me that Tanya would be all right"?

14 A Yes.

15 Q "That nothing would happen to her, that now
16 is the time to leave, and that I knew I would come back
17 and get her. I was just confident she would be all right."

18 Did you make that statement?

19 A Yes.

20 Q In response to a question by Mr. Bugliosi?

21 A Yes.

22 Q And when you left, you left without your
23 child; isn't that correct?

24 A Yes.

25 Q What day was it that you finally left the
26 Ranch, Mrs. Kasabian?

1 A I don't know the day. Two days.

2 Q What did you do for that two-day period
3 before you left?

4 A Before I left?

5 Q Yes.

6 A Well, the next day I took care of Tanya and
7 the elves, the children.

8 The next day Charlie asked me to go into
9 town and see Mary and Bob and Sandy, which I did.

10 And that night I went to the Waterfall. Most
11 of the people were out there. Tanya was out there and
12 she was with Brenda.

13 And the next day I was supposed to go into
14 town again, and instead I went to New Mexico.

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1 MR. KANAREK: Your Honor, I ask that that portion be
2 stricken where it alludes to supposedly Charlie asking me
3 to go into town on the grounds that it is hearsay and it
4 is irrelevant and immaterial and has nothing to do whatsoever
5 with any -- has no probative value, your Honor.

6 THE COURT: I didn't hear it that way, Mr. Kanarek.

7 Read the answer.

8 MR. STOVITZ: May we have the question and the
9 answer?

10 THE COURT: Yes, the question and the answer.

11 (The record was read by the reporter.)

12 THE COURT: The motion is denied.

13 MR. FITZGERALD: Q So, one day before you left
14 you were with your child, Tanya?

15 A Yes, that night, the next time.

16 Q Did you make any attempt to slip out with her
17 that night?

18 A Yes, I did.

19 Q And you were unsuccessful?

20 A Yes.

21 ↓↓ Q The next day when you went downtown, you
22 actually came into the Hall of Justice, this very building,
23 didn't you?

24 A I guess it was this building. I am not sure
25 of the building.

26 ↑↑ Q Did you see any police officers wearing

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1 uniforms in this building?

2 A Possibly. I don't remember.

3 Oh, yes, I think I did.

4 Q Did you see signs in the building that said
5 Los Angeles County Sheriff's Office?

6 A I don't remember signs.

7 Q Did you attempt to tell any of these Sheriffs
8 or any of the personnel in this building what had occurred
9 on August 8th and 9th?

10 A No.

11 Q When you decided to leave, was it your state
12 of mind that you were going to leave your child with a
13 band of murderers?

14 A Well, I knew she was with -- I knew Tanya was
15 with Brenda, and I didn't consider Brenda a murderer.

16 I don't know. Just something within myself
17 told me it was okay, she would be all right.

18 Q But you abandoned your child, did you not?

19 A Yes.

20 Q With the very people you professed to be afraid
21 of; isn't that correct?

22 A Yes.

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1 Q And how long was it before you contacted the
2 ranch to determine the welfare of your child?

3 A My sole purpose of going to New Mexico was to
4 find Bob, and it took me a few days to find him.

5 Then when I found him I told him the story.

6 He said, "Well, we have to go back and get
7 her."

8 And I said, "Yeah, I know, but we can't just
9 walk in there."

10 Q But Bob was uppermost in your mind as opposed
11 to your daughter, Tanya, is that right?

12 MR. KANAREK: I ask that the last hearsay statement
13 of this witness be stricken on the grounds of hearsay,
14 conclusion, immaterial, irrelevant, and the conversation
15 between her and Bob, allegedly between her and Bob Kasabian --

16 THE COURT: Read the question and answer, please,
17 and answer

17 (The question/ read as follows:

18 "Q And how long was it before you
19 contacted the ranch to determine the welfare of
20 your child?

21 "A My sole purpose of going to New
22 Mexico was to find Bob, and it took me a few days
23 to find him.

24 "Then when I found him I told him
25 the story.

26 "He said, "Well, we have to go

9-2

1 "back and get her."

2 "And I said, 'Yeah, I know, but we
3 can't just walk in there.'")

4 MR. KANAREK: And also it is not responsive to the
5 question.

6 THE COURT: Everything starting with "My sole purpose"
7 will be stricken.

8 The jury is admonished to disregard that
9 portion of the answer.

10 Q BY MR. FITZGERALD: How long was it after you
11 left the ranch that you contacted the ranch in order to
12 determine the welfare of your child?

13 A For about three days.

14 Q And you saw Mr. Paul Rosenberg in Topanga
15 Canyon, is that correct?

16 MR. STOVITZ: Objected to as immaterial, irrelevant,
17 no foundation as to time.

18 THE COURT: Overruled, you may answer.

19 THE WITNESS: Yes, I did.

20 Q BY MR. FITZGERALD: And that was before you
21 went to New Mexico or after?

22 A After.

23 Q You don't recall the date you left Los Angeles,
24 is that right?

25 A No.

26 Q Do you recall the date you returned?

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1 A No.

2 Q Do you recall the date you had Mr. Sage
3 contact the ranch?

4 A No.

5 Q Did you tell Mr. Sage about the events that
6 had occurred on August the 8th and 9th, 1969?

7 A Just briefly.

8 Q Did you stay with Mr. Sage for a period of
9 approximately 10 days?

10 A Yes.

11 Q Was that at a Buddhist monastery retreat?

12 A Yes.

13 Q Did you discuss with him thoroughly and in
14 detail what had occurred on August 8th and 9th?

15 A No.

16 Q Was there some reason for that?

17 A That I did not discuss it thoroughly?

18 Q Yes.

19 A No, I just --

20 Q Were you afraid to confide in Mr. Sage?

21 A I don't know, I just did not tell him
22 thoroughly.

23 Q Didn't he ask you numerous questions about
24 what you told him?

25 A What?

26 Q Didn't he ask you questions when you told him

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1 what had occurred on August 8th and 9th?

2 A Yes, he asked me a few questions.

3 Q He asked you a lot of questions, didn't he?

4 A I don't think so.

5 Q And there was a man by the name of Jefferies
6 present during the time you had conversation with Mr. Sage,
7 isn't that right?

8 A Yes.

9 Q Evidently you called the Malibu Sheriff's
10 Station, isn't that right?

11 A Yes.

12 Q When was that?

13 A I don't know.

14 Q How long after you left the ranch did you call
15 the Malibu Sheriff's Station?

16 A I don't know, I just remember the same day as
17 I called the ranch.

18 Q When you called the Malibu Sheriff's Station
19 and talked to the Sheriffs, did they tell you that your
20 daughter was in custody?

21 A Yes.

22 Q So you knew then when you were talking to them
23 on the telephone that your daughter was all right, she was
24 in the custody of the authorities of the State of
25 California, right?

26 A Yes.

1 Q Did you then tell the Sheriffs what had
2 occurred on August the 8th and 9th?

3 A No.

4 Q What was the name of the social worker you
5 contacted?

6 A I don't remember his name.

7 Q Was it a he?

8 A Yes.

9 Q Where did you see the social worker physically?

10 A In his office.

11 Q Where was his office located?

12 A I don't remember the name of the section.

13 Q When did you see the social worker, do you
14 recall?

15 A I don't know the date.

16 Q And you don't recall his name?

17 A Uh-uh.

18 Q That took place in September, 1969?

19 A Possibly.

20 Q Could it have been October?

21 A No, not that late.

22 Q And you took a three-week delay in order to
23 obtain an attorney, is that correct?

24 There was a three-week delay during which
25 time you went back to Mexico.

26 A Because I had to wait for the court

1 appearance.

2 Q Did you appear in the Los Angeles County
3 Superior Court, Juvenile Division?

4 A Yes, I did.

5 Q Did you make a representation to a judge
6 concerning your fitness as a mother?

7 A Yes.

8 Q Did you tell that judge or any of those court
9 authorities about what you had seen or heard on August the
10 8th or 9th?

11 A No.

12 Q After you went up to Saugus and obtained your
13 child from a foster home, did you then contact the
14 police?

15 A No.

16 Q Did you contact any of the authorities in
17 connection with this case?

18 A No.

19 Q Are you writing a book about your life?

20 A Am I writing a book?

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1 Q Are you writing a book about your life?

2 A No, I am not.

3 Q Are you participating in someone else's
4 writing a book about your life?

5 A Yes.

6 Q Who is that?

7 A Joan Didion.

8 Q In connection with the preparation of that
9 book have you talked with Joan Didion on numerous
10 occasions?

11 A Yeah, about three times.

12 Q Just three times?

13 A I don't count the visits. I would say three
14 times, maybe more, maybe less.

15 Q And did she see you at the Los Angeles County
16 Jail?

17 A Yes.

18 Q Did she see you in a particular area of the
19 jail?

20 A In the infirmary.

21 Q The three times that she saw you did she see
22 you in the infirmary each time?

23 A Yes.

24 Q And she has not seen you outside of the time
25 times she saw you in the infirmary?

26 A Yes, she has.

9a-2

1 Q Where did she see you?
2 A She was here one day in court.
3 Q In court?
4 A Yes.
5 Q Did she talk to you in court?
6 A No, in one of the little rooms.
7 Q Did the sheriffs bring her in to talk to you?
8 A Yes.
9 Q Is she a reporter also from Life magazine?
10 A I don't know about that.
11 Q You don't know her background or anything or
12 by whom she is employed?
13 A Yes, I think she does do something for Life.
14 Q Are you to receive some money from the sale
15 of this book, Mrs. Kasabian?
16 A Yes.
17 Q How much are you to receive?
18 A I have no idea.
19 Q Have you been promised a certain amount of
20 money in connection with the sale of your book?
21 A Yes.
22 Q How much have you been promised?
23 A 25 percent of whatever comes in.
24 Q Is that influencing your testimony here
25 today?
26 A No.

1 Q Or any day?

2 A No.

3 Q Have you made statements to -- is it Miss
4 Didion or Mrs. Didion?

5 A Well, she is married, but I guess she goes under
6 Miss Didion, I believe, I'm not sure.

7 Q Have you told Miss Didion about the facts and
8 circumstances of this case?

9 A No, we never even discussed the case.

10 Q Is there some reason for that?

11 A The book isn't really about the case.

12 Q What is the book about?

13 A About me.

14 Q Is it your background and history?

15 A Yes, my travels.

16 Q Is it about your life?

17 A Yes.

18 Q Did you have conversations with Mrs. Didion in
19 respect to drugs you have used in the past?

20 A Possibly.

21 Q Did you talk to her about narcotics you had
22 used in the past?

23 A Possibly.

24 Q You have no recollection of that, is that
25 correct?

26 A I do not remember specifically telling her I

1 dropped acid on a certain day, not anything like that.

2 Q Was Miss Didion interested in your whole
3 background and history?

4 A Yes.

5 Q Did it appear that she was interested in your
6 whole background and history?

7 A Yes, she seemed to be.

8 Q Did you tell her about your narcotic and drug
9 involvement?

10 A Possibly, yes.

11 Q Do you recall making it a point to hide it
12 from her?

13 A No.

14 Q Were these interviews that you had with Miss
15 Didion tape recorded, to your knowledge?

16 A No.

17 Q Were they stenographically reported?

18 A What is that?

19 Q Did you have a stenographer like the gentleman
20 seated before you?

21 A No.

22 Q Was there a stenographer present taking
23 shorthand notes?

24 A No.

25 Q Is it your understanding that upon the
26 publication of your book you will be quote famous unquote?

1 A I don't care.

2 I don't care if I am famous or not. It
3 doesn't matter.

4 Q The purpose of the book is to secure money,
5 isn't that right?

6 A Actually my purpose for the book is so that
7 maybe younger people can relate to me and see that this
8 road I went down is not the way, and they will go another
9 way.

10 That is my purpose.

11 Q They will profit from the mistakes you have
12 made in the past, is that right?

13 A Yes.

14 MR. FITZGERALD: I have no further questions.

15 THE COURT: You may step down, Mrs. Kasabian.

16 Did you wish to approach the bench, Mr. Kanarek?

17 MR. KANAREK: Yes, your Honor.
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1 (The following proceedings were had at the
2 bench, out of the hearing of the jury:)

3 THE COURT: Before I hear Mr. Kanarek, I told him
4 that we would take whatever his matter was up at noon.

5 It is now five minutes to 12:00. Do we have
6 any kind of an estimate on cross-examination?

7 MR. BUGLIOSI: I was interested in it myself so we
8 can know whether to start calling in some of our witnesses.

9 THE COURT: I don't intend to hold anybody to it, but
10 if you can give us some kind of an estimate, perhaps it
11 can expedite the matter.

12 MR. SHINN: A couple of hours, maybe an hour.

13 MR. BUGLIOSI: You will be an hour?

14 MR. SHINN: About an hour.

15 MR. BUGLIOSI: How about you, Mr. Kanarek?

16 MR. KANAREK: I can be several days, probably a week,
17 no question about it. I don't know, it all depends, I've
18 got plenty -- I mean, I don't want to --

19 MR. STOVITZ: No one is going to hold you to it.
20 The only thing is we want to get other witnesses.

21 The only thing is when Tuesday morning rolls
22 around and we don't have witnesses the Court might get
23 angry with us.

24 Of course, our redirect examination would only
25 take a half hour to 45 minutes.

26 MR. KANAREK: Actually what I approached ^{the} / bench for,

1 your Honor, was in connection with requesting the Court
2 to declare a mistrial, and asking, in connection with
3 Mr. Stovitz's representations as to something about
4 killings and all of that, that this witness has been
5 told by the prosecution --

6 I mean, I don't accept --

7 THE COURT: I don't know what you're talking about.

8 MR. KANAREK: He is talking about a man being
9 killed orshot.

10 THE COURT: Didn't you understand what he said when
11 he was up here before?

12 MR. KANAREK: I heard what he said.

13 THE COURT: What are you objecting to?

14 MR. KANAREK: What I'm objecting to: This denies
15 the defendants a fair trial.

16 It specifically denies Mr. Manson a fair
17 trial in that the prosecution --

18 THE COURT: Because she knows something that has
19 not been disclosed yet?

20 MR. KANAREK: No, because we were not allowed to
21 interrogate her.

22 Life magazine gets into the jail, gets to talk
23 to her in the infirmary --

24 THE COURT: Are you making a motion of some kind?

25 MR. KANAREK: Yes, your Honor.

26 THE COURT: What is it?

1 MR. KANAREK: The motion is that your Honor
2 suppress all of the statements of Linda Kasabian on the
3 basis that the People did not make rediscovery, and on
4 the alternate basis that the People have, by their conduct,
5 as a result of state action, it has not been possible to
6 interview Mrs. Kasabian.

7 This constitutes a denial of due process.

8 THE COURT: You raised that motion several times.

9 MR. KANAREK: It is a suppression of evidence under --

10 THE COURT: I am talking about your claimed lack of
11 access to Mrs. Kasabian.

12 Your motion to suppress will be denied.

13 MR. KANAREK: Then I asked for a mistrial, your
14 Honor.

15 THE COURT: That motion is denied.

16 MR. KANAREK: Then I ask, your Honor, also I would
17 like to have all of the make sheet of Linda Kasabian; that
18 is, all the prosecution has in connection with her.

19 MR. STOVITZ: We furnished it to you, we will furnish
20 it again.

21 MR. BUGLIOSI: She has no make sheet. She just has
22 a traffic ticket.

23 MR. STOVITZ: One traffic ticket. We will furnish it
24 to you again, Counsel.

25 THE COURT: We will adjourn at this time until this
26 afternoon.

1 MR. KANAREK: Did I make a motion for mistrial, your
2 Honor?

3 THE COURT: Yes, you did. It was denied.

4 (The following proceedings were had in open
5 court in the presence and hearing of the jury.)

6 THE COURT: Ladies and gentlemen, do not converse
7 with anyone, nor form or express an opinion regarding the
8 case until it is finally submitted to you.

9 The Court will recess until 2:00 p.m.

10 (Whereupon, a recess was taken to reconvene at
11 2:00 p.m., same day.)
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1 LOS ANGELES, CALIFORNIA, MONDAY, AUGUST 3, 1970 ✓

2 2:05 o'clock p.m.

3 - - - -

4 (The following proceedings occur in open
5 court within the presence and hearing of the jury, all
6 defendants and counsel present:)

7 THE COURT: All parties, counsel and the jurors are
8 present.

9 Had you concluded your cross-examination, Mr.
10 Fitzgerald?

11 MR. FITZGERALD: I have, your Honor.

12 May we approach the bench? This is a matter
13 of some importance that has arisen.

14 MR. STOVITZ: May I suggest, if it is the matter that
15 I think it is, that we perhaps take it up in chambers and
16 give us an opportunity to express ourselves fully, or
17 excuse the jury, because at the bench it is very difficult
18 to hear one another.

19 MR. HUGHES: May I suggest that we take it up in
20 open court, outside of the presence of the jury.

21 THE COURT: I want some indication of what it is,
22 gentlemen, before I make any ruling.

23 (Whereupon all counsel approach the bench and
24 the following proceedings occur at the bench outside of
25 the hearing of the jury:)

26 MR. FITZGERALD: The reason that I ask to approach

10-2

1 the bench is, your Honor, on my way into court, just
2 three or four minutes before court began, I was besieged
3 by news personnel representing various forms of the media,
4 radio, television and newspapers.

5 THE COURT: Keep your voice down.

6 MR. FITZGERALD: All attempting to inform me that
7 the President of the United States, Richard M. Nixon,
8 had made certain statements in regard to the guilt of
9 Charles Manson.

10 I have been handed what purports to be a
11 Western Union telegram, a telegraphic copy of a AP Wire
12 Service that was handed to all the news media personnel,
13 wherein the President of the United States, at a news
14 conference, indicated "We must preserve the system in
15 which we protect the rights of the innocent and stop
16 glorifying those who deliberately disrupt the judges
17 acting in our behalf."

18 The President of the United States is quoted
19 as saying that a man who is guilty, directly or indirectly,
20 of eight murders without reason -- and he was referring
21 to Charles Manson -- I am a little emotional, perhaps, but
22 I will hand the Wire Service copy to your Honor and your
23 Honor can read it, wherein the President of the United
24 States refers to Manson as being guilty of eight counts
25 of murder, and the President refers to him as being
26 glorified by the news media.

10-3

1 He also places in the same category, apparently,
2 two lawyers held in contempt, Mr. Kanarek and Mr. Hughes,
3 in an attempt to attack the media for glorifying the
4 attorneys.

5 I am shocked and bewildered that the President
6 of the United States would do such a thing, and if this
7 is true, I would ask your Honor to encourage or to
8 strenuously expand the media information that is available
9 to the jury.

10 I think it would be absolutely grounds for a
11 mistrial.

11 fls.

11-1

1 THE COURT: All right, gentlemen, I have read what-
2 ever this thing is that has been handed to me.

3 It appears to be some kind of Western Union
4 telegram, is that what it is?

5 MR. FITZGERALD: Yes, it is an AP wire.

6 I have also been informed and upon such informa-
7 tion and belief I allege that such information is true,
8 and I also have been informed and believe, and on such
9 information and belief allege that this statement of the
10 President of the United States is going to receive wide-
11 spread dissemination, publicity.

12 I can only ask your Honor to perhaps ask the
13 Deputy Sheriffs to be extremely vigilant in terms of not
14 allowing this information to come within the presence of
15 the jury; that they not be allowed to be exposed to it in
16 any respect.

17 THE COURT: Well, if true it is a perfect example
18 of why I insisted the jury be sequestered.

19 MR. FITZGERALD: Yes, it was a wise thing, no
20 question about it.

21 MR. HUGHES: Your Honor, it was my intention, and
22 it is the reason I asked to have this in open court
23 outside the presence of the jury, it was my intention to
24 make a motion in regards to the dismissal of the charges.

25 Could we have a moment to confer with other
26 defense attorneys?

11-2

1 THE COURT: All we have here is a piece of paper.
2 I don't know where it came from; I don't know whether
3 it is accurate. I think we need more than this to even
4 have the basis upon which to make a motion.

5 MR. HUGHES: Very well, your Honor.

6 THE COURT: I have no reason to doubt it, but
7 things get garbled in the transmission.

8 I have no idea what President Nixon said.
9 These might be the quotes of someone else.

10 The point I am making is this, I see no
11 reason why we should not proceed with the trial.

12 When, as and if you can verify whatever it
13 was he did say, then you have an accurate basis of doing
14 something. I cannot very well act on every piece of
15 paper that comes in.

16 MR. KANAREK: On behalf of Mr. Manson, your Honor,
17 I make a motion for mistrial because of the statement
18 President Nixon has made --

19 THE COURT: Didn't you hear what I just said?

20 MR. KANAREK: I heard what your Honor said, but I
21 make a motion for a mistrial and I move the Court to
22 conduct an evidentiary hearing.

23 I move the Court to voir dire the jury to
24 see whether they have heard of any such statement.

25 I believe the members of the jury -- not
26 being able to actually, not actually being able to prove

1 it, I cannot represent to the Court, but I believe from
2 my observations, and so forth, that the jury already knows
3 this statement.

4 THE COURT: What is the basis for that statement,
5 Mr. Kanarek?

6 MR. KANAREK: Your Honor --

7 THE COURT: Give me the facts upon which you base
8 that statement.

9 MR. KANAREK: The facts upon which I base it are
10 that the jury is in places where there are live people --

11 THE COURT: I want some facts.

12 MR. KANAREK: I cannot represent them. I said on
13 the record that I don't have any facts, but I believe --

14 THE COURT: Then your motion is denied without
15 prejudice to renew it.

16 MR. KANAREK: I haven't represented that to the
17 Court.

18 THE COURT: Your motion is denied without prejudice
19 to renew it.

20 MR. SHINN: Susan Atkins joins in all motions at
21 the bench.

22 MR. HUGHES: Leslie Van Houten joins in all motions
23 at the bench.

24 (The following proceedings were had in open
25 court in the presence and hearing of the jury:)
26

LINDA KASABIAN,
the witness on the stand at the time of the noon recess,
resumed the stand and testified further as follows:

THE COURT: Do you wish to cross-examine, Mr. Shinn?

MR. SHINN: Yes, your Honor.

THE COURT: You may proceed.

MR. SHINN: Thank you, your Honor.

CROSS-EXAMINATION

BY MR. SHINN:

Q Mrs. Kasabian, you stated just before the
lunch break that you were writing a book, or someone is
helping you write a book?

A I'm not helping anybody --

MR. BUGLIOSI: That is a misstatement, I object to
it on that ground.

THE COURT: Sustained. You may put the question to
her directly, Mr. Shinn.

BY MR. SHINN:

Q Is someone writing a book on your behalf?

A Yes.

Q You stated her name was what?

A Joan Didion.

Q Didion?

A Yes.

1 Q And when was the first time you met Joan
2 Didion?

3 A I don't recall the date.

4 Q Did you meet her in the County Jail?

5 A Yes, I did.

6 Q Did someone bring her to you?

7 A Yes.

8 Q What is the name of that person?

9 A My attorney Mr. Fleischman.

10 Q Did Mr. Fleischman say anything to you about
11 her before he brought her to you?

12 A Possibly, I'm not sure.

13 Q Well, do you recall any conversation -- don't
14 tell me the conversation -- but do you recall any conver-
15 sation with Mr. Fleischman regarding this person?

16 A Yeah, I think so.

17 Q And then did you at that time decide to go
18 ahead and help this person write a book?

19 A I wanted to meet her first.

20 Q And I believe you stated the purpose of this
21 book was to, what, show other young people the right
22 road?

23 A Well, just to show that the road I have been
24 on is not the way.

25 Q And you feel that the road you took, because
26 of the drugs, and so forth, was not the way?

1 A Yes.

2 Q Do you feel that the drugs have affected you
3 in any manner?

4 A I am sure they have, yes.

5 Q Well, did it affect you in a bad manner or in
6 a good manner?

7 A It depends on what you feel is good and bad.

8 Q Do you feel in your mind that the drug did you
9 some good?

10 A Now I feel they did me some good, yes.

11 Q In what way?

12 A That you don't need to take drugs, drugs are
13 not the way.

14 Q Is that the only thing?

15 A Yeah, basically.

16 Q Do you know what a "rat fink" is?

17 A No, not really.

18 Q Do you know the word "rat fink"?

19 A Yes, but I don't know what it means.

20 Q Did you ever use that term before along with
21 piggy, pig, establishment?

22 A No.

23 Q You were at the Spahn Ranch through the month
24 of July of 1969?

25 A Yes.

26 Q Do you know a Bobby Beausoleil?

A Do I know whom?

1 Q Bobby Beausoleil? Do you know who Bobby ✓
2 Beausoleil is?

3 A Yes, I do.

4 Q Do you know a Squeaky, also known as Lynne
5 Fromme?

6 A Yes, I do.

7 Q Do you know Sandy, also known as Sandy Goode? ✓

8 A Yes.

12 fls.

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1 Q Do you know Gypsy, known as Katherine Share?

2 A Yes.

3 Q Do you recall a conversation with them
4 regarding a rat fink?

5 A No. I don't believe I ever heard that word.

6 Q You never heard that word before?

7 A I don't recall it, no.

8 Q Is the first time that you heard it today in
9 court?

10 A Not at the ranch, no.

11 Q Did you not say at the ranch to these people I
12 just mentioned --

13 A No.

14 Q -- that in the event that you get in a
15 position like Bobby Beausoleil that you would be a good
16 rat fink?

17 A Oh, wow, no.

18 Q And you would do anything to get out of it?

19 A No.

20 Q You don't recall that conversation?

21 A No. I don't believe it really happened.

22 Q Maybe you forgot?

23 A Possibly, but I don't believe it happened.

24 Q If I told you I could get three witnesses under
25 oath to swear to that --

26 MR. STOVITZ: objection.

1 MR. BUGLIOSI: This is argumentative, your Honor.
2 Objected to.

3 THE COURT: Sustained.

4 MR. SHINN: Q Mrs. Kasabian, you testified that,
5 I believe, July the 4th, 1969, you were living in a truck?

6 A Yes.

7 Q With your husband?

8 A Yes.

9 Q Then you went to the Spahn Ranch to live?

10 A Yes.

11 Q What was it, the next day or the same day?

12 A The same day.

13 Q And I believe your testimony was that you went
14 to the Spahn Ranch because you had a fight with your hus-
15 band, or you couldn't get along with your husband; is that
16 correct?

17 A Yes. We just weren't together. I was offered
18 another place to go and I took it.

19 Q Is that what you said?

20 A Yes, that is what I just said.

21 Q Didn't you make a statement to Gypsy, also
22 known as Katherine Share, that the only reason you came to
23 the ranch is because you wanted to hide from your husband
24 and Charles Melton because you stole \$5,000 from Charles
25 Melton?

26 A That is why I went to the ranch?

1 Q Yes.

2 A No.

3 MR. BUGLIOSI: I object.

4 MR. SHINN: On what grounds?

5 MR. BUGLIOSI: Argumentative.

6 THE COURT: Sustained.

7 MR. SHINN: May I rephrase the question, your
8 Honor?

9 THE COURT: I don't know. You can try.

10 MR. SHINN: The purpose of my question, your Honor,
11 is to assert a prior inconsistent statement for matters of
12 impeachment, and I believe under the Evidence Code that I
13 can do so.

14 THE COURT: On what subject?

15 MR. SHINN: I beg your pardon?

16 THE COURT: Do you wish to approach the bench?

17 MR. SHINN: Yes.

18 MR. BUGLIOSI: Yes, your Honor.

19 THE COURT: All right.

20 (Whereupon, all counsel approach the bench
21 and the following proceedings occurred at the bench within
22 the hearing of the jury:)

23 MR. BUGLIOSI: Do you want to speak first, or can I?

24 MR. SHINN: I will tell the Court why I am here.

25 MR. BUGLIOSI: All right.

26 MR. SHINN: Your Honor, this is for the purpose of

1 impeachment with a prior inconsistent statement.

2 THE COURT: What is the prior inconsistent statement?

3 MR. SHINN: She stated on her direct testimony that
4 the only reason she went to the ranch was because of a
5 fight with her husband.

6 She then went to the ranch and made a subsequent
7 statement to the girls why she went to the ranch.

8 THE COURT: What difference does it make why she went
9 to the ranch?

10 MR. SHINN: This is for the purpose of impeachment,
11 not for substantive evidence.

12 THE COURT: I don't understand, but you don't have
13 the right to impeach on anything, any time, anywhere, it
14 has got to have some relevancy.

15 MR. SHINN: It does have some relevancy. She lied
16 about why she went to the ranch. I have a right to go into
17 it.

18 MR. BUGLIOSI: It was a collateral matter, your Honor,
19 and Mr. Shinn was here a couple of days ago when the Court
20 told Mr. Fitzgerald that the theft of the \$5,000 should not
21 be gone into. After hearing the Court say that, he insists
22 on going into this matter.

23 I find this shocking conduct. I really do.

12a-1

1 MR. SHINN: Your Honor, at that time, I believe,
2 an exception under the Evidence Code was discussed about
3 that conduct.

4 Now, this is coming in under Evidence Code
5 Section 780, (h), I believe, and it is permissible, but
6 it is not for the purpose of substantive evidence or
7 affirmative evidence. I have a right to impeach her on
8 any statement she made on direct examination.

9 MR. BUGLIOSI: It is a collateral matter.

10 THE COURT: No, you don't have that right. In the
11 first place, your statement is incorrect. You do not
12 automatically have the right to impeach her on any
13 statement.

14 If the statement that you are referring to is
15 something that should not have come in in the first place,
16 or if it is a collateral matter which bears little on
17 any issue in the case, or it is remote or it is time
18 consuming, or more likely to confuse than enlighten the
19 jury, all these reasons --

20 MR. SHINN: Your Honor, this is the reason that --

21 THE COURT: May I finish?

22 MR. SHINN: I am sorry.

23 THE COURT: -- all of these are reasons for
24 excluding the evidence.

25 So, it isn't automatic.

26 MR. SHINN: Are you finished, your Honor?

12a-2

1 THE COURT: Yes.

2 MR. SHINN: I think this is a crucial point where
3 she states that --

4 THE COURT: What is the relevancy of why she went
5 to the ranch?

6 MR. SHINN: This is attacking her credibility.

7 THE COURT: You keep saying that, but it doesn't
8 make it relevant.

9 MR. SHINN: I believe Mr. Kanarek objected to it, and
10 I believe the record will show that you overruled him.

11 MR. BUGLIOSI: Instead of having her deposited at
12 the ranch for the first time, it is just background to show
13 why she went there.

14 It is a totally collateral matter. It has no
15 relevance to the guilt or innocence of these defendants
16 why she went to the ranch, and to impeach her by showing
17 she had stolen \$5,000 is a subterfuge.

18 THE COURT: I will sustain the objection.

19 MR. KANAREK: May I be heard briefly on this?

20 THE COURT: No. Mr. Shinn is capable of arguing
21 his own position.

22 MR. BUGLIOSI: To save coming up to the bench another
23 time, your Honor, I understand that Mr. Kanarek has been
24 directed by Mr. Manson to go into this \$5,000 theft.

25 THE COURT: I am not interested in what Mr. Manson
26 has directed anybody to do.

43a-3

1 MR. HUGLIOSI: I realize that; but I am just saying
2 that Mr. Kanarek was present when the Court told Mr.
3 Fitzgerald that this is an improper matter to go into,
4 and I am assuming that Mr. Kanarek is going to go into
5 it despite the Court's ruling on the matter.

6 THE COURT: Let's proceed, gentlemen.

7 MR. KANAREK: I would ask for an evidentiary hearing.

8 THE COURT: Oh, Mr. Kanarek.

9 MR. KANAREK: He makes statements that he understands
10 what Mr. Manson told --

11 THE COURT: I don't want to hear anything further.
12 There is nothing before me at the moment.

13 Let's proceed.

14 (Whereupon all counsel return to their respec-
15 tive places at counsel table and the following proceedings
16 occur in open court within the hearing of the jury:)

17 THE COURT: You may proceed, Mr. Shinn.

18 MR. SHINN: Yes, your Honor.

19 BY MR. SHINN:

20 Q Mrs. Kasabian, you left the Ranch, I believe,
21 sometime in July, I think it was the 10th or the 11th,
22 on your way to New Mexico; is that correct?

23 A July?

24 Q July, August? What date was it, do you recall?

25 A It was in August. I don't know the date.

26 Q Was it after these two events?

1 A Yes, it was.

2 Q And I believe you testified the first time
3 you left the ranch after these two events you went to
4 the County Jail to visit somebody; is that correct?

5 A Yes.

6 Q And I believe you testified that you didn't
7 report these two incidents or two homicides to any police
8 officers or peace officers; is that correct?

12 fls. 9 A Yes.

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1 Q And I believe you went back to the ranch
2 again; and the next day did you leave?

3 A Yes.

4 Q And how did you leave?

5 A In a car, an automobile.

6 Q Hitchhiked?

7 A In a car, an automobile.

8 Q Whose car was this?

9 A I believe his name was Dave Hannon, a ranch
10 hand.

11 Q Did you tell Dave Hannon at the time that you
12 took the car that you would bring it right back the same
13 day?

14 A No, I don't think I told him that.

15 Q Did you tell him that you were going to drive it
16 to New Mexico?

17 A No.

18 Q Did you have any conversation regarding this
19 automobile when you took it from him?

20 A I think he just thought that I was going to do
21 what I did the day before.

22 Q In other words, he expected the car back the
23 same day?

24 A Yes.

25 Q But instead, you took it for what? Three or
26 four weeks?

12B2

1 A Well, I don't know when he picked it up. I
2 had it two days, I guess.

3 Q In other words, you left it on the road, it
4 was broken down?

5 A No, I didn't leave it on the road. I left it
6 in a garage.

7 Q But it was not running any more at that time?

8 A Yes.

9 Q And you sent the key back to him?

10 A Yes.

11 Q And told him to come and pick up the car?

12 A Yes, I did.

13 Q Now, all during your travels -- I mean, from
14 Los Angeles where did you go?

15 A After?

16 Q Yes. You left Los Angeles?

17 A Yes.

18 Q With his car?

19 A Yes.

20 Q What was your first stop?

21 A My first stop?

22 Q Yes.

23 A I believe I stayed overnight in Gallup.

24 Q Did you say Gallup?

25 A Gallup.

26 Q Is that in California?

1 A No. It is near the border of Arizona and
2 New Mexico.

3 Q Do you know whether or not they have a police
4 station there?

5 A I am sure it does.

6 Q But you didn't report these last two incidents
7 to the police?

8 A No, I did not.

9 Q And from there where did you go?

10 A Well, the car broke down about 20 or 30 miles
11 outside of Albuquerque, and I hitchhiked in, and I got a
12 tow truck, and I had the car towed into Albuquerque,
13 and then I hitchhiked to Taos.

14 Q In Taos did you go to the Police Department
15 and report these two incidents?

16 A No, I did not.

17 Q And eventually you came back and talked to one
18 of your attorneys, is that correct, in Los Angeles again?

19 A Yes.

20 Q And I believe you stated that you went to a
21 court, a Superior Court, on an adoption hearing?

22 A Yes.

23 Q Not an adoption hearing, but --

24 MR. STOVITZ: Custody.

25 THE WITNESS: A custody hearing.

26 Q BY MR. SHINN: And at that point, you didn't

1 tell the Judge about these two incidents?

2 A No.

3 Q And eventually you went back East, and you
4 were brought back sometime in December; is that correct?

5 A Excuse me?

6 Q You went back East some place?

7 A Yes.

12c

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12c-1

- 1 Q Boston or New Hampshire?
- 2 A Yes.
- 3 Q And you talked to your mother back there?
- 4 A Concerning the case?
- 5 Q Yes.
- 6 A No, I did not.
- 7 Q You made no attempts at that time to contact
- 8 any police or peace officers?
- 9 A No.
- 10 Q And then you were arrested?
- 11 A I gave myself up.
- 12 Q You knew they were looking for you?
- 13 A Yes. They were looking for me in New Mexico,
- 14 so I let them know I am right here in New Hampshire.
- 15 Q Why didn't you let them know you were in New
- 16 Mexico?
- 17 A Well, because I didn't want them to know where
- 18 I was until after I had the baby.
- 19 Q Until after you had the baby?
- 20 A Until after I had the baby that I was carrying
- 21 with me.
- 22 Q Now, when you flew back to Los Angeles, did a
- 23 couple of police officers from the Los Angeles Police
- 24 Department or Sheriff's Department come and pick you up?
- 25 A Yes.
- 26 Q Do you know their names?

12c-2

1 A No.

2 Q Do you see them in court today?

3 A No.

4 Q Do you know Mr. Gutierrez?

5 A Yes, I do.

6 Q It wasn't him?

7 A No.

8 Q Did you discuss these two events with these

9 officers?

10 A No.

11 Q Well, you were arrested at that time, were

12 you not?

13 A Yes.

14 Q And you did not relate anything to them?

15 A No, I did not.

16 I was told not to tell anybody, not to talk

17 about it.

18 Q Who told you that?

19 A My attorney.

20 Q Oh, you contacted which attorney, Mr. Fleischman

21 or Mr. Goldman?

22 A Mr. Fleischman contacted me.

23 Q By phone?

24 A Yes.

25 Q And he advised you not to talk to anyone?

26 A Yes.

1 Q And is that the only reason for not being
2 honest at that time?

3 MR. STOVITZ: That is objected to as argumentative,
4 your Honor.

5 THE COURT: Sustained.

6 BY MR. SHINN:

7 Q And then I believe you stated that when you
8 arrived in Los Angeles, Mr. Stovitz met you; is that
9 correct?

10 A Yes.

11 Q Where did he meet you? At the airport?

12 A No.

13 Q Were you taken to him?

14 A Excuse me?

15 Q Were you taken to Mr. Stovitz?

16 A I guess so.

17 I was taken to a building and Mr. Stovitz
18 was there.

19 Q And who escorted you, the two police officers?

20 A Yes.

21 Q And your attorney, Mr. Goldman?

22 A No. I met him -- Mr. Fleischman.

23 Q Mr. Fleischman, I am sorry.

24 A Mr. Fleischman.

25 Q You met him at Mr. Stovitz's office?

26 A I don't know if it was his office. It was an

1 office.

2 Q And do you recall whether or not you had a
3 long conversation or a short conversation with Mr. Stovitz
4 at that time?

5 A Fairly short.

6 Q Do you recall the conversation?

7 A No, not the actual words, just --

8 Q Well, generally what was said?

9 A In substance, what was said by Mr. Stovitz,
10 he showed me pictures and asked me if I knew who they
11 were, and I told him.

12 Q Did he mention anything to you about the
13 gas chamber?

14 A The what?

15 Q Did he mention anything about the gas chamber
16 to you?

17 A No, not that I recall.

13 fls.

13-1

1 Q Did he tell you that you were charged with
2 seven counts of murder and one count of conspiracy?

3 A Possibly, I don't recall him saying it.

4 Q All of these events, are they kind of foggy
5 in your mind?

6 A I can't remember the actual conversation with
7 him, I'm sorry.

8 Q Don't you recall the substance of the
9 conversation?

10 A The substance of the conversation was about
11 the pictures.

12 Q Nothing was said about you being charged with
13 seven counts of murder, one count of conspiracy, and if you
14 are convicted you would go to the gas chamber?

15 A He may have said it, but I don't recall it.

16 Q Were you going to say something?

17 A No.

18 Q Did he mention the fact also that if you
19 would confess he would help you, and all that?

20 A What?

21 Q Did he say that if you cooperated with
22 Mr. Stovitz and the police that he would see that you would
23 be helped?

24 A No, not at all.

25 Q Nothing?

26 A No. I was willing to cooperate at that time,

3-2

1 but I had an attorney to go through.

2 MR. KANAREK: Your Honor, I ask that that be stricken,
3 "I was willing to cooperate at that time," I ask that be
4 stricken on the grounds of hearsay, on the grounds that
5 it's a conclusionary statement and self-serving.

6 MR. SHINN: Self-serving, your Honor.

7 THE COURT: Denied.

8 Q BY MR. SHINN: When was the next time you saw
9 Mr. Stovitz?

10 A I have seen him in court a few times.

11 Q I mean after the first time in December.

12 A Yes.

13 Q Did you see Mr. Stovitz again?

14 A Yes, I did.

15 Q When was that?

16 A Outside of court.

17 Q Outside of court?

18 A He came to the jail one afternoon.

19 Q Now, was this closer to the first time he saw
20 you?

21 A Yes, I was still pregnant; this may have been
22 around the 1st of February.

23 Q Not the 1st of January?

24 A I don't think so.

25 Q You don't know, in other words?

26 A No.

13-3

1 Q You are just guessing.

2 A I don't keep track of the dates.

3 Q Now, who was present at that time?

4 A Mr. Bugliosi and my attorney, Mr. Fleischman.

5 Q Do you recall what was said at that time

6 by Mr. Stovitz?

7 A By Mr. Stovitz? Yeah, he asked me a few

8 questions.

9 Q Do you recall the substance of the conversation?

10 A No, not really I can't.

11 Q Was there anything he said about the gas

12 chamber at that time?

13 A No. He told me to tell the truth. They have

14 all told me to tell the truth.

15 Q You don't recall the conversation you had with

16 Mr. Stovitz the second time?

17 A Well, he asked me a few questions about the

18 case and I can't remember the questions.

19 Q When you say a few questions, did he stay two

20 or three minutes?

21 A He stayed about a half hour, I guess, not

22 very long.

23 Q And then you don't recall even the substance

24 of the conversation you had with Mr. Stovitz?

25 A It was not particularly about the case.

26 I mean, there were, you know, he gave me a

1 Rolling Stone magazine.

2 Q That I know, he gave you a Rolling Stone
3 magazine, but if he talked about the case do you know what
4 he talked about?

5 A He mentioned Mary Brunner.

6 He, I know, he asked me why I said yes to
7 Charlie when Charlie asked, "What about that man" --

8 MR. KANAREK: Your Honor, may that be stricken?
9 I ask that be stricken on the grounds of hearsay,
10 immaterial, irrelevant and a conclusion, the reference to
11 Charlie.

12 THE COURT: The motion is denied.

13 The jury is admonished the answer is received;
14 that they should not consider the answer for any purpose as
15 to Mr. Manson.

16 Q BY MR. SHINN: Was your attorney present at
17 that time?

18 A Yes, he was.

19 Q Before Mr. Stovitz arrived did he tell you that
20 Mr. Stovitz was going to arrive?

21 MR. GOLDMAN: Objection, your Honor.

22 MR. SHINN: Your Honor, I'm not asking for conver-
23 sation.

24 MR. GOLDMAN: He just asked for a conversation.

25 MR. SHINN: May I approach the bench?

26 I don't think this is a confidential conversation, your

Honor.

I believe the privilege attaches only to a privileged conversation.

THE COURT: The objection is sustained.

MR. KANAREK: May I object to Mr. Goldman participating in this proceeding, in that sense may I approach the bench?

THE COURT: No, you may not, sir.

Let's proceed.

Q BY MR. SHINN: Now, during this conversation by Mr. Stovitz did you observe him take some notes?

A No, I don't think he did.

Q You don't think he did?

A No, I don't think he did.

Q Did you see a pencil in his hand?

A No.

Q Did he have a tape recorder?

A I did not see one.

Q Was your attorney taking notes?

A No.

Q Was there a stenographer there?

A No.

Q Now, when was the next time you talked to Mr. Stovitz from the District Attorney's Office?

A He came by yesterday.

Q I am talking about before yesterday, before yesterday now.

1 You said you saw him the first time about the
2 early part of February.

3 A Yes.

4 Q You saw him again?

5 A Yes.

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13a-1

1 Q Did you see Mr. Stovitz again after that
2 time?

3 A In court, you know, court appearances.

4 Q What court appearances, a 995 motion?

5 A I don't know, I don't know any of those
6 things.

7 Q When you say "court appearances," you don't
8 mean this court appearance session, do you?

9 A No.

10 Q Did he have a conversation with you at that
11 court appearance?

12 A No.

13 Q Would it be fair to state that after that
14 court appearance you had no other conversation with
15 Mr. Stovitz until this court appearance?

16 A Until this today?

17 Q This trial.

18 A Right, I have never spoken to him,

19 Q When did you speak to him recently, then?

20 A Yesterday.

21 Q Before that time?

22 A Before that time?

23 Q Yes.

24 A You mean today?

25 Q Let me start back again.

26 You saw him twice in jail, correct?

13a-2

1 A Yes.

2 Q And after that you saw him in a court
3 appearance, is that right?

4 A Yes.

5 Q When was that court appearance?

6 A In here.

7 Q This room?

8 A Uh-huh.

9 Q Do you know what a 995 motion is, a motion to
10 dismiss?

11 A No.

12 Q Did you go to a 995 motion to dismiss?

13 A Possibly, yes.

14 Q With your attorney Mr. Fleischman or Mr.
15 Goldman?

16 A I made several court appearances, but I don't
17 know the legal names and why I was there.

18 Q Your attorney never explained to you why you
19 were in court?

20 MR. STOVITZ: Objected to as immaterial.

21 THE COURT: Sustained.

22 BY MR. SHINN:

23 Q You talked to Mr. Bugliosi instead, correct?

24 A Yes.

25 Q The District Attorney's Office?

26 A Yes.

13a-3

1 Q He is not a police officer; he is a District
2 Attorney?

3 A Yes.

4 MR. BUGLIOSI: I'm not even a District Attorney
5 actually.

6 MR. SHINN: A Deputy, I'm sorry.

7 BY MR. SHINN:

8 Q When was the first time you talked to Mr.
9 Bugliosi?

10 A The first time?

11 Q Yes.

12 A I don't know the date.

13 Q Approximately the date is all right.

14 A Probably around the first of the year.

15 Q And was this at the Sybil Brand jail?

16 A Yes.

17 Q And was your attorney present at that time?

18 A Yes. *(He went on to say somewhere that her sister, Mary
Bushman, was over at prison when I spoke to her)*

19 Q And how long did this last with Mr. Bugliosi?

20 A Quite a few hours.

21 Q And was he taking notes?

22 A Yes, he seemed to be.

23 Q And did you tell him substantially the same
24 thing you told your attorney about this case?

25 MR. STOVITZ: Objected to. That calls for a
26 conclusion and for a conversation she had with her attorney,

13a-4

theraby-getting in that which they cannot get directly.

THE COURT: Sustained.

BY MR. SHINN:

Q Do you recall what Mr. Bugliosi said to you the first meeting?

A What he said to me?

Q Yes.

A Well, he has always stressed for me to tell the truth.

Q Besides the truth I'm talking about.

(Pause.)

MR. SHINN: Did she answer the question, your Honor?

THE WITNESS: I was waiting for you. I thought you were busy.

BY MR. SHINN:

Q You can answer the question, I'm sorry.

A I have no question to ask.

MR. SHINN: I did not get the last answer, your Honor.

MR. STOVITZ: She was waiting for you, she did not want to be discourteous and answer your question when you had your back turned.

THE COURT: I would suggest you put the question to her again, Mr. Shinn.

MR. SHINN: I forgot the question.

May the reporter read the question back, your

(Said to me that was the question)

1 Honor?

2 THE COURT: Let's go back and read the record.

3 (Whereupon the reporter reads the record as
4 follows:

5 "Q Do you recall what Mr. Bugliosi said
6 to you the first meeting?

7 "A What he said to me?

8 "Q Yes

9 "A Well, he has always stressed for
10 me to tell the truth.

11 "Q Besides the truth I'm talking about.")

12 THE COURT: I think the question is ambiguous, Mr.
13 Shinn.

14 BY MR. SHINN:

15 Q ~~Shinn~~ did you discuss with Mr. Bugliosi these
16 ~~two~~ homicides? ↓ ↓

17 A Yes, I did, in great detail. ↑ ↑

18 MR. BUGLIOSI: There were seven homicides.

19 MR. STOVITZ: You mean the two incidents?

20 MR. SHINN: The two incidents, the two events.

21 BY MR. SHINN:

22 Q Now, before you talked to anyone about this,
23 did you read about these two events in the newspaper?

24 A No, I don't think so.

25 Q You did not read about it in the newspapers,
26 in New Mexico or Miami or Boston?

1 A Oh, yeah, when I was in Miami I saw something
2 about Sharon Tate.

3 Q Did you read it?

4 A Yes, I think I did.

5 Q Were there any pictures in the newspaper?

6 A Yes.

7 Q Did you look at the pictures very closely?

8 A It was just a picture of Mrs. Tate when she
9 was pregnant.

10 Q Did it show any pictures of the house?

11 A No, just Miss Tate.

12 Q Did you see this on TV?

13 A No.

14 Q You did not see these events on television?

15 A When I was at the ranch?

16 Q At any time.

17 A When I was at the ranch I did, yes.

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13b fls.

3B-1

1 Q And what did you observe on TV as to the Tate
2 incident?

3 A Just their names and faces.

4 Q Did it show the house?

5 A It probably did, yes.

6 Q Now, do you recall what part of the house they
7 showed?

8 A No.

9 Q Is that the only time you saw it on television?

10 A Yes.

11 Q And you did not see it on television any other
12 place?

13 A No, no.

14 Q How about the magazines, did you read about
15 this in magazines?

16 A Yes, just before I turned myself in.

17 Q What magazine was that?

18 A Life or Look.

19 Q Is that the edition where it had Charlie's
20 picture on the front?

21 A No, it was just a small article and it had a
22 small picture of Miss Tate.

23 All I remember is that they thought it had
24 something to do with homosexual killing, or something.

25 Q And is it your testimony that is all the news
26 that you read about?

L3B2

1 A Yes.

2 Q About these two incidents?

3 A Yes.

4 Q Only three items?

5 A Yeah.

6 Q Are you sure or you don't remember?

7 A I think I'm pretty sure, yes.

8 Q And did you talk about this with anyone else

9 before you talked to Mr. Bugliosi and Mr. Stovitz?

10 A My attorney.

11 Q Did your attorney show you any magazines, books,

12 newspapers?

13 MR. FLEISCHMAN: Object to that as going into the

14 attorney-client matters.

15 MR. KANAREK: I must object, your Honor --

16 THE COURT: The objection is sustained.

17 MR. KANAREK: Your Honor, may I approach the bench,

18 then?

19 THE COURT: No.

20 Q BY MR. SHINN: Now, when you were brought back

21 to Los Angeles, were you put in a cell with about 40 or 50

22 people?

23 A Yes, before they gave me jail clothes.

24 Q For what?

25 A Before they gave me jail clothes; before I was

26 booked in I was put in a room with maybe 20 or 30 girls.

B3

1 Q The next day were you in the same cell block?

2 A No, I'm saying before I was booked in I still
3 had my regular clothes.

4 Q But then the next day were you put in a cell?

5 A Yes, I was.

6 Q How many persons were in that cell?

7 A I was in a cell by myself.

8 Q And you have been in a cell all by yourself
9 up to today?

10 A No.

11 Q At one time you were in a cell with other girls,
12 other inmates?

13 A Yes.

14 Q When was that?

15 A Well, they kept me downstairs in a lock-up or
16 something like that for about nine days, a week, and then
17 they took me upstairs and I had my own cell locked, but it
18 was with other girls.

19 Then they unlocked my cell and I got to walk
20 around.

21 Q Now, let's get back to your second meeting with
22 Mr. Bugliosi, when was that?

23 A By "second meeting" --

24 Q Yes, you were at the first meeting already;
25 now we go to the second meeting.

26 A I don't know when it was, but it was while I

13B4

1 was still pregnant.

2 Q Was it a short time after the first meeting?

3 A Possibly, I can't really remember it.

4 Q Do you recall how long ^{Mr. Bugliosi} stayed at the second ~~meeting~~ ^{meeting?}

6 A How long he stayed?

7 Q Yes.

8 A It seems that each time he came he stayed
9 quite a while.

10 Q Was he taking notes again?

11 A Yes.

12 Q Who was present at that time, your attorney?

13 A Yes.

14 Q Did he -- when I say he I mean Mr. Bugliosi --
15 did he say something about the gas chamber?

16 A No.

17 Q And you cooperated with him at that time?

18 A Yes.

19 Q He was taking notes?

20 A Yes.

21 Q How about the third time now, when was the
22 third meeting, shortly after?

23 A Possibly.

24 Q You don't remember?

25 A No.

26 Q How long did he stay at that time?

1 A Well, each visit he usually stayed for a few
2 hours.

3 Q Was this night or day?

4 A He usually came up during the day.

5 Q And what was said at the third meeting?

6 A It seemed as though each time he came he
7 wanted me to go over it again.

8 Q In other words, did you tell him, say, all of
9 the events the first day, most of the events the first day?

10 A Yes.

11 Q In other words, you came back the second,
12 or he kept asking for you or did he tell you?

13 A No, he mostly just asked me and I told him.

14 Q In other words, it was substantially the same
15 questions the first time, the second, the third time?

16 A Well, if there was a certain area, you know,
17 that he did not understand, he would question me about it
18 and I would give him the answer.

19 Q ~~And in case you gave a wrong answer, did he~~
20 ~~correct you?~~

21 ~~MR. BUGLIOSI: Your Honor, that calls for a con-~~
22 ~~clusion.~~

23 ~~THE COURT: Sustained.~~

24 Q ~~MR. SHINE:~~ Did Mr. Bugliosi ever at any
25 time during these three meetings, tell you that some of
26 your answers are wrong, or some of your answers are not

1 logical, or did not make sense?

2 A No, not that I recall.

3 I told him; he never told me.

4 Q He asked you questions, did he not?

5 A Yes.

6 Q And these questions were all about the same,
7 each of these three meetings, the same questions?

8 A Yes.

9 Q Now, the fourth meeting, what happened?
10 Do you recall what happened at the fourth meeting?

11 A Usually it is always the same thing.

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13c-1

1 Q The same thing.

2 A Um-hum.

3 Q In other words, he went over with you the
4 questions and answers each meeting, the first, second,
5 third, fourth -- substantially the same questions and
6 answers?

7 A Yes.

8 Q And he spent what, about two or three hours
9 with you again?

10 A Yes.

11 Q When was the fourth meeting or the fifth
12 meeting?

13 A I don't know if there was a fourth or fifth
14 meeting. I never counted the meetings.

15 There were a few.

16 Q You mean, four, five, six?

17 A I don't know, I just said I never counted them.

18 Q There was a little more than three, was there
19 not?

20 A Yes, there probably was.

21 Q There were more than four, were there not?

22 A I don't know.

23 Q If I told you that Mr. Bugliosi had a statement
24 of Mrs. Linda Kasabian and he states that --

25 MR. BUGLIOSI: Your Honor, I don't know what he is
26 going to go into now, but it appears to be an improper

13c-2 1

question.

2 He is telling her something rather than asking
3 a question.

4 This is cross-examination as far as I know.

5 MR. SHINN: I am trying to refresh her memory as
6 to how many meetings she had with Mr. Bugliosi, that is
7 all.

8 THE COURT: Proceed with your question.

9 BY MR. SHINN:

10 Q Does five sound pretty correct, five meetings?

11 A Yeah.

12 Q Approximately five meetings?

13 A Yes.

14 Q Did ^{Mr. Bugliosi} he tell you that he ^{is} going to put all
15 of these notes into a statement form?

16 A Into a statement form?

17 Q Yes, into a statement form?

18 A No.

19 Q Did he ever show you a statement like this? *(holding up statement for Mr. Bugliosi to see)*

20 A No, but he told me that -- just recently he
21 told me that it was in a statement form and he gave it to
22 the defense.

23 Q He told you that he put your conversation in ~~the statement form~~
24 a statement form and gave it to the defense counsel?

25 A Yes.

26 Q Did he ever show you the statement?

↑ ↑

13c-3

1 A No, he did not.

2 Q You never did read it?

3 A No.

4 Q You don't know what is in it?

5 A Right.

6 Q You don't know whether it is correct or
7 incorrect?

8 A Well, I'm sure he took it from what I told him. ↑↑

9 MR. KANAREK: Your Honor, I would strike that as
10 a conclusion, your Honor.

11 THE COURT: The answer will be stricken. The jury
12 is admonished to disregard it.

13 BY MR. SHINN:

14 Q Now, was that five meetings with Mr. Bugliosi?
15 Was there another meeting after that?

16 A Possibly. Like I say, I never counted those
17 meetings.

18 Q When did you come to court first for this
19 trial?

20 A This trial?

21 Q Yes, when did you come to court?

22 A Last Monday.

23 Q Monday.

24 Now, before Monday did Mr. Bugliosi come to
25 see you?

26 A I believe he did.

1 Q Approximately how many days before you came
2 to court, two days, one day, three days?

3 A I'm trying to remember. I believe he came on
4 the weekend.

5 Q When you say "weekend," Saturday, Sunday?

6 A Yes, I think he came Saturday.

7 Q Was it in the afternoon?

8 A I'm not positive of the day.

9 Q On either Saturday or Sundays, the weekend?

10 A I think so, yes.

11 Q Was there anybody else present besides Mr.
12 Bugliosi?

13 A My attorney was there.

14 Q How long did this meeting last?

15 A Oh, about a couple of hours.

16 Q Did you go over the same questions and answers,
17 the questions again, this time?

18 A No, what he did this time, I believe, was he
19 read my answers back and asked me if it was correct, and
20 if it was --

21 MR. KANAREK: Your Honor, I object and ask all this
22 be stricken on the grounds of hearsay, your Honor.

23 THE COURT: Overruled. The motion is denied.

24 BY MR. SHINN:

25 Q At that time did he show you a statement?

26 A This is the first time -- this is when he told

1 me about the statement. That is the first time I ever
2 saw it.

3 Q The next time you saw it, when was that?

4 A Monday.

5 Q That is when you came to testify?

6 A Yes.

7 Q Did he talk to you during the lunch hour
8 that day?

9 A Monday?

10 Possibly, I'm not sure.

11 Q You are not sure? That is last week.

12 A Yes.

13 Q You are not sure you talked to Mr. Bugliosi
14 upstairs?

15 A He had come to me a number -- not a number --
16 two or three times. I am not sure if he came Monday,
17 Tuesday or Wednesday, but he came.

18 Q But he came upstairs?

19 A Yes.

20 Q And did he say the questions he was going to
21 ask you, did he tell you "These are the questions I am
22 going to ask you"?

23 A No, I think he just read back the answers.
24 again and asked me if that was correct.

25 Q Just the answers without the questions?

26 A Yes.

1 Q How about Mr. Stovitz, did you see him during
2 this trial?

3 A Yes, I have seen him in the courtroom.

4 Q Did he talk to you?

5 A Briefly, yes.

6 Q Did he come upstairs and see you at lunchtime?

7 A No, he never did.

8 MR. SHINN: May I have a moment?

9 (Off the record discussion between Mr. Shinn
10 and Defendant Van Houten.)

11 BY MR. SHINN:

12 Q Do you spend the whole lunch period upstairs?

13 A Excuse me?

14 Q Do you spend the whole lunch period upstairs?

15 A Do I spend the lunch --

16 Q Yes.

17 A Yes, I do.

18 Q What did you have for lunch today?

19 A I had a peach --

20 MR. BUGLIOSI: That is irrelevant.

21 THE COURT: Sustained.

22 BY MR. SHINN:

23 Q Now, besides talking to Mr. Bugliosi did you
24 talk with police officers, with detectives?

25 A Yes.

26 Q After you arrived in Los Angeles?

1 A Can you put it more specifically?

2 Q Okay, when you arrived in Los Angeles you
3 were at Sybil Brand, right?

4 A Right.

5 Q Did detectives or the police come to talk to
6 you?

7 A Yes.

8 Q Which one was that, Gutierrez?

9 A Yes, he came.

10 Q This gentleman here?

11 A Yes.

12 Q How many times did you talk to him?

13 A I didn't count the visits.

14 Q Was it more than five times?

15 A No, he never came all these times.

16 Q Did his partner come?

17 A He has come with his partner usually.

18 Q Is that his partner right here, sitting at
19 counsel table?

20 A I believe I spoke to him once.

21 MR. STOVITZ: May the record indicate he is indicating
22 Mr. Calkins.

23 BY MR. SHINN:

24 Q When you talked to these police officers the
25 first time, were they taking notes?

26 A Possibly, I'm not sure.

1 Q Did you see a pencil in their hand?

2 A I don't remember, Mr. Shinn, if I did or not.

3 Q How long was the first visit of Mr. Gutierrez,
4 how long was the first meeting?

5 A How long was the first meeting?

6 Q Yes, how long did it last?

7 A I believe the first meeting was with Mr.
8 Bugliosi.

9 Q I'm talking about police officers now, not
10 Deputy District Attorneys.

11 A I know, a few hours.

12 Q With this gentleman a few hours?

13 A Yes, I think so, yes.

14 Q Did you see him take any notes?

15 A I don't recall.

16 Q Did he show you any pictures, photographs?

17 A Yes, I know what pictures are, yes, he did.

18 Q Now, do you recall approximately how many
19 photographs he showed you? Were there lots?

20 A No, I don't know.

21 Q So many you can't remember?

14 fls. 22 A No, I don't think he showed me that many.

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1 Q Do you recall what photograph he showed you?

2 A Yes.

3 Q Was it a house or a person, or what?

4 A I believe it was him that showed me photographs
5 of the Israeli actor.

6 Q Did he show you any pictures about the Tate
7 residence, the Tate home site?

8 A I don't think so.

9 Q You don't think so? You don't know? Maybe you
10 have forgotten?

11 A Are you speaking about before this court
12 appearance?

13 Q Yes.

14 A No, I don't think he ever did.

15 Q When did he show you the pictures, the first
16 time?

17 A Some time last week.

18 Q Is that when you were testifying?

19 A Yes.

20 Q He showed you pictures before you testified?

21 A I had already testified. I was in the middle of
22 testifying, and during a dinner break he showed me some
23 pictures.

24 Q And what did you and Mr. Gutierrez talk about
25 the first time you met him?

26 A I believe the first time I met him was when he

4-2

came with Mr. Bugliosi.

There were so many faces, I am not quite sure.

Q In other words, you talked to a lot of police officers then; is that right?

A Yes. Quite a few.

Q So many that you forgot their faces?

A I remember the faces, but there is another one that looks like him, and I am not sure.

Q And every time you saw these police officers, you would give them information when they would ask you questions?

A Yes.

Q And did, at any time, they take notes that you recall?

A Yes, sometimes they did.

MR. SHINN: Can we take the afternoon break, your Honor?

THE COURT: Do not converse with anyone, ladies and gentlemen, nor form or express any opinion regarding the case until it is finally submitted to you.

The Court will recess for 15 minutes.

(Recess.)

(The following proceedings were had in open court, defendants, counsel and jury present:)

THE COURT: All parties, counsel and jurors are present.

4-3

1 You may continue, Mr. Shinn.

2 MR. SHINN: Thank you, your Honor.

3 Q Getting back to the book for one moment,
4 the book we were talking about before recess.

5 A Yes.

6 Q Did you tell this lady that is helping you
7 write the book?

8 MR. BUGLIOSI: Wait a while. This is a misstatement.

9 She never testified that anyone is helping her
10 write the book, so I object on that ground.

11 MR. SHINN: Helping to write a book, your Honor.

12 MR. BUGLIOSI: That is simply not her statement.

13 THE COURT: Sustained. Reframe the question.

14 MR. SHINN: Q Did you tell this lady that is
15 writing the book in your behalf how many trips you took,
16 acid trips?

17 A No.

18 Q You did not tell her that?

19 A No.

20 Q Now, I want to direct your attention back to
21 August the 8th, the night of August the 8th.

22 A Yes.

23 Q Do you recall August the 8th?

24 A I believe that is the first night; is that
25 correct?

26 Q And directing your attention back to the
Tata residence.

14-4

1 A Yes.

2 Q I believe you testified that you stayed outside
3 as a lookout?

4 A Yes.

5 Q Is that correct?

6 MR. STOVITZ: That is not her testimony; but that she
7 stayed outside is her testimony. Whether it is as a lookout
8 or not is for the jury to draw its conclusion.

9 I object to the question as argumentative.

10 MR. KANAREK: Your Honor, I would ask that
11 Mr. Stovitz's statement be stricken.

12 MR. SHINN: Is there an objection by Mr. Stovitz?
13 I don't know.

14 MR. STOVITZ: Yes. I object to the question, your
15 Honor, as being ambiguous.

16 THE COURT: The objection is overruled.

17 Let's proceed.

18 THE WITNESS: What was your question?

19 MR. SHINN: May I have the question read back?

20 THE COURT: Yes.

21 (The question was read by the reporter.)

22 MR. BUGLIOSI: I object.

23 THE COURT: That is a characterization, Mr. Shinn, of
24 the testimony. I will sustain the objection to that
25 question.

26 Put the question directly, if you care to.

14-5

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1 Don't characterize the testimony.

2 MR. SHINN: All right.

3 Q Did you stay outside to watch the people?

4 A Yes, I did. I guess.

5 Q And I believe at that time you were pregnant,
6 were you not?

7 A Yes. Not showing. I didn't really know at
8 that time for sure.

9 Q How many months pregnant were you at that time?

10 A Probably about a month.

11 Q About a month?

12 A Yes.

13 Q And was that the only reason you didn't
14 go into the house, because you were pregnant? It was
15 difficult for you to participate?

16 A Would you say that again?

17 Q What I am asking you is: The fact that you
18 were pregnant, wasn't that the reason that you stayed out-
19 side instead of going inside to participate?

20 A Whether I was pregnant or not, I would never
21 have killed anybody.

22 MR. KANAREK: Your Honor, may that answer be read
23 back?

24 THE COURT: Read the answer.

25 (The answer was read by the reporter.)

26 MR. KANAREK: Your Honor, I ask that that self-serving

14a6

1 statement be stricken.

2 MR. BUGLIOSI: The question prompted it, your Honor.

3 MR. SHINN: It did not, your Honor.

4 THE COURT: The question prompted it, but it is
5 not responsive.

6 The answer will be stricken. The jury is
7 admonished to disregard it.

8 Read the last question.

9 (The question was read by the reporter.)

10 THE WITNESS: No.

11 Q BY MR. SHINN: You testified that you did take
12 all types of drugs; is that correct?

13 A Excuse me?

14 Q You testified that you took all types of drugs.

15 A Yes.

16 Q LSD, speed, and some of the other ones that
17 you mentioned which I don't know the names of.

18 A Yes.

19 Q And I believe you testified that you took
20 approximately 50 LSD trips?

21 A Yes, about.

22 Q That doesn't include speed or marijuana and
23 other drugs, does it?

24 A No.

25 Q What is your favorite drug?

26 A I don't have any favorite.

MR. BUGLIOSI: Immaterial, your Honor.

14a7

1 MR. STOVITZ: Objection.

2 THE COURT: I didn't hear the question.

3 (Whereupon, the question was read by the
4 reporter.)

5 MR. STOVITZ: The objection is that it is
6 ambiguous as to time, your Honor.

7 THE COURT: Sustained.

8 MR. SHINN: Q Do you have a particular drug that
9 you like better than other drugs?

10 A Then or now?

11 Q Then and now.

12 A And now?

13 Now I have no particular care for any kind of
14 drugs.

15 Q I know you don't right now.

16 A Well, you asked me then and now.

17 Then I think I liked payote best of all.

18 Q How many times did you take payote?

19 A Three times.

20 Q Now, all during your testimony you stated
21 that you had no conception of time, no conception of dates
22 or place; is that correct?

23 A Yes, usually.

24 Q And you stated that time means nothing to you;
25 is that correct? It is not important to you, I mean?

26 A I never really paid that much attention to time,

14a8

1 no.

2 Q I believe you stated that you have been taking
3 drugs for approximately four years?

4 A Yes.

5 Q Then, would it be fair to state that you
6 started taking drugs when you were about 16 years old?

7 A Yes.

8 Q Is that when you left high school, or grammar
9 school, or junior high?

10 A High school, yes.

11 Q Did you finish high school?

12 A No. I quit.

13 Q You did have to go to school on time when you
14 sent to high school?

15 A I didn't hear you.

16 Q You had to go to school on time when you went
17 to high school, didn't you?

18 A Yes.

19 Q You went to school around 8:00 o'clock, and
20 you knew you got off for lunch around 12:00?

21 A Yes.

22 Q And then you got off again around 3:00, 3:30?

23 A Yes.

24 I never took drugs in high school.

14a8

1 Q In those days, you didn't take drugs, and you
2 had a conception of time; is that correct? You had to get
3 to school at a certain time?

4 A Sure. I had an alarm clock.

5 Q And you knew what time you would get off for
6 lunch and all that?

7 A Yes.

8 Q And time did mean something to you at that time,
9 did it not?

10 A Yes. Sure.

11 Q Now, you did have discussions with various
12 people when you started to take LSD and those other drugs,
13 did you not?

14 A Say that again?

15 Q Well, you had discussions with various people,
16 did you not, regarding these drugs that you were taking?

17 A Yes.

18 Q And people who took drugs would relate to you
19 that it may damage your brain, LSD?

20 A Yes. I think somebody told me that once.

21 Q And you must have read various articles on the
22 effects of LSD on a person's brain, thinking power?

23 MR. BUGLIOSI: I object to these questions.

24 MR. SHINN: I didn't finish the question.

25 MR. BUGLIOSI: I am sorry.

26 THE WITNESS: I did very little reading.

1 MR. BUGLIOSI: Just a moment. There is an objection.

2 MR. STOVITZ: Did you finish your question?

3 MR. SHINN: Yes.

4 MR. BUGLIOSI: It is an improper question.

5 THE COURT: Read the question.

6 (The question was read by the reporter.)

7 MR. STOVITZ: The objection is that it calls for
8 hearsay, your Honor, it is irrelevant and immaterial.

9 MR. SHINN: I asked her if she read it, your Honor.

10 THE COURT: She can answer the question yes or no.
11 overruled.

12 THE WITNESS: No.

13 MR. SHINN: Q Do you know, then, whether or not
14 various drugs like LSD does affect a person's brain?

15 MR. BUGLIOSI: That calls for a conclusion, your
16 Honor.

17 THE COURT: Are you talking about generally, or are
18 you talking about her?

19 MR. SHINN: I am just asking her whether she knows.
20 I haven't narrowed it down yet, your Honor. I am just
21 asking her whether she knows. She can answer yes or no.

22 THE COURT: The objection is sustained.

23 Q BY MR. SHINN: Did you read somewhere in a
24 magazine or newspaper or a pamphlet that LSD would sometimes
25 damage the brain?

26 MR. BUGLIOSI: objection as irrelevant.

1 MR. STOVITZ: Objected to. It calls for hearsay, and
2 it is also irrelevant and immaterial.

3 THE COURT: Overruled. She can answer yes or no.

4 THE WITNESS: I don't believe I ever read anything
5 about it. Somebody told me.

6 MR. SHINN: Q Do you think that the fact you have
7 been taking LSD and various other drugs that it kind of
8 affected your thinking power?

9 A Say that again? I can't understand your
10 accent.

11 THE COURT: Read the question.

12 (The question was read by the reporter.)

13 THE WITNESS: I am sure it did, yes.

14 MR. SHINN: Q It did?

15 A Sure.

16 Q Now, the other day I believe you stated that
17 you thought Mr. Manson was a Messiah?

18 A Yes, I thought he was.

19 Q A God man?

20 A A Godly man, yes.

21 Q You came to that conclusion, I believe, on the
22 basis of your conversations with him; is that correct?

23 A Yes. And through other people and just from
24 looking at him.

25 Q Did you ever see Mr. Manson walk on water?

26 A No.

1 Q You did not?

2 A No, I never did.

3 Q Did you ever see him fly?

4 A No.

5 Q Did you see a halo over his head?

6 A No.

7 Q But yet you thought he was a God man; is that
8 right?

9 A A Godly man, yes.

10 Q A Godly man or a Messiah come again, the way
11 you stated it?

12 A Yes.

13 Q And it is difficult for you at times to tell
14 the difference between fact and fancy; isn't that true?

15 A I don't understand you.

16 Q Well, sometimes it is difficult for you to
17 determine whether it is fact or fancy? You thought
18 Mr. Manson was a God man and in fact he was not a God man?

19 A True.

20 Q Is that true?

21 A Yes, it is.

14C

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14c-1

1 Q And I believe you also stated that you have
2 hallucinations sometimes?

3 A Under the drug?

4 Q Under the drug or not under the drug; hallucina-
5 tions?

6 A Well, sitting here right now, when I look at
7 all those holes, they just sort of seem to all go together.
8 I don't know if that is hallucination.

9 Q What holes?

10 A Excuse me. The holes in the tiles on the
11 walls.

12 Q What else do you see?

13 A I see a clock, and I see wood, and I see people.

14 Q Do you believe in Santa Claus?

15 MR. STOVITZ: Then or now, Counsel?

16 I object to the question as ambiguous, your
17 Honor.

18 THE COURT: Sustained.

19 MR. FITZGERALD: Join in the objection.

20 BY MR. SHINN:

21 Q Did you, at any time, believe in Santa Claus?

22 A Yes, when I was a little girl.

23 Q Do you still believe in Santa Claus?

24 A No.

25 Q Do you sometimes see Santa Claus while you are
26 under the influence of drugs?

14c-2

1 A No. I don't think I have ever seen him.

2 Q And I believe you stated that you saw God
3 once under drugs at one time?

4 A The drug told me that it was God, but now that
5 I am not under the drug, I know it wasn't.

6 Q And I also believe you stated that you took
7 drugs, you wanted to because you wanted to find God?

8 A That is correct.

9 Q Did you ever try going to church looking for
10 God?

11 MR. STOVITZ: That is objected to as argumentative,
12 your Honor.

13 THE COURT: Sustained.

14 BY MR. SHINN:

15 Q What is your full legal name now?

16 A My full legal name?

17 Q Yes.

18 A Linda Darlene Kasabian.

19 Q Have you used any other name?

20 A I have used my maiden name.

21 Q What is that?

22 A Drouin.

23 Q How do you spell that?

24 A D-r-o-u-i-n.

25 MR. SHINN: May I have a moment, your Honor?

26 THE COURT: Yes.

14c-3

(Mr. Shinn and Mr. Kanarek confer.)

BY MR. SHINN:

Q Now, I believe you stated that you went to a court hearing to get your child back; is that correct?

A Yes.

Q And did you go to a juvenile court? Was that a juvenile court?

A I guess so. I don't know.

Q And do you recall under what name the file was made?

Was it under Linda Kasabian or Tanya Kasabian? The file I am referring to.

A What file? I don't understand.

Q The file that I believe your attorneys filed to recover your child.

A I guess my name, Linda Kasabian.

Q You also stated that you were testifying in court because you want to tell it like it was; is that correct?

A Yes.

Q ~~And you didn't care nothing about immunity?~~

A No, not really.

Q And you still don't care about the immunity?

A I think it is a nice thing to have, but it doesn't matter.

Q But isn't your main purpose for testifying to

14c-4

1 get the immunity so you can walk out of the courtroom?

2 A No, that is not my main purpose.

3 Q Your main purpose is just to tell it like it
4 was?

5 A Yes.

6 Q Would you now give up your immunity and sit
7 down beside the defendants and defend yourself, then?

8 MR. STOWITZ: Objected to as argumentative, your
9 Honor.

10 THE COURT: Sustained.

11 BY MR. SHINN:

12 Q ~~Isn't~~ Isn't it a fact, Mrs. Kasabian, that the
13 only time you wanted to tell it like it was is when you
14 were arrested, when you got arrested?

15 A Would you repeat that? I didn't quite get
16 the first part.

17 Q I said, the only reason that you wanted to
18 tell it like it was was because of the fact that you were
19 arrested and you were facing the death penalty; isn't
20 that correct?

21 A No.

22 I wanted to tell it like it was, like it
23 happened, that same moment that it happened, but I just
24 wasn't able to do it then.

25 Q But you did tell it at a time when you felt
26 you could save yourself?

↑ ↑

15 flz.

1 A No, because I didn't know I could save
2 myself.

LLTT

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1 Q When you found out you could save yourself,
2 than you decided to tell the truth, is that correct?

3 A No, I decided to tell the truth right from the
4 very beginning.

5 Q From the beginning of what?

6 A The moment it happened, the moment I got
7 arrested right up until now.

8 Q You had other opportunities, did you not, to
9 tell the police?

10 A Yes.

11 Q Before you got arrested?

12 A Yes.

13 Q And you also went to a court proceeding called
14 a 995 motion to dismiss your case, is that correct?

15 A I guess so, yes.

16 Q At that time you did not tell the Judge, "Your
17 Honor, I want to tell the truth ---"

18 MR. STOVITZ: I object to the question, argumentative.

19 Furthermore, it is very misleading to the jury
20 to think she had an opportunity to testify at that time.

21 THE COURT: The objection is sustained.

22 MR. KANAREK: Your Honor, may the jury be instructed
23 to not consider Mr. Stovitz's comment for any purpose?

24 I mean, I don't want to belabor it, but I cannot
25 agree with Mr. Stovitz.

26 THE COURT: I am not sure I understand what you are

1 saying, Mr. Kanarek.

2 MR. KANAREK: What I'm saying, your Honor, is,
3 when a person is before the Court and wishes to make the
4 statement, the District Attorney is there to take the
5 statement, as you and I have both seen in court at various
6 stages of criminal proceedings, and Mr. Stovitz's statement
7 is hardly factual.

8 MR. STOVITZ: Counsel is attempting to deliberately
9 mislead the Court.

10 In all my years in court I never have taken a
11 single statement from a defendant on a 995 motion, as
12 counsel well knows.

13 MR. KANAREK: I do not very well know that.

14 THE COURT: The jury is instructed to disregard the
15 comments of both counsel.

16 Let's proceed.

17 Q BY MR. SHINN: Mrs. Kasabian, did you know about
18 a \$25,000 reward?

19 A No.

20 Q Did someone ever tell you about a \$25,000
21 reward?

22 A No -- about what?

23 Q About this case.

24 A No.

25 Q You never heard of it?

26 A No.

Q You never read about it?

A No.

MR. SHINN: I have nothing further.

THE COURT: Nothing further?

MR. SHINN: Nothing further.

THE COURT: Mr. Kanarek, do you have any cross-examination?

MR. KANAREK: Your Honor, I wonder if we might have the good services of the Court to find out the true name of the juvenile court file of Mr. Fleischman.

MR. STOVITZ: I believe I can relate to you it is "In re Tanya Kasabian."

MR. KANAREK: The clerk informs me he cannot find the file under Tanya or Linda Kasabian.

It is a superior Court file and I was hoping it would come in here to the Court merely by asking for it.

THE COURT: From where?

MR. KANAREK: To here.

THE COURT: It won't come here unless someone sends for it.

MR. KANAREK: I am informed that there is no file under that name.

THE COURT: This is something you can investigate on your own, Mr. Kanarek.

Let's proceed.

CROSS-EXAMINATION

BY MR. KANAREK:

Q Linda, could you tell us, have you had any medication at all since you have been in custody in the Los Angeles County Jail?

A Yes, I have.

Q Would you tell us what medications have been given to you?

A Well, while I was pregnant they gave me calcium and iron pills for about two weeks after I had the baby they gave me calcium pills, and I stopped taking them.

And just within the last month when I felt that I needed to go to sleep they gave me tranquilizers.

Q What tranquilizers have they given you?

A I don't know what they were.

Q And who was the doctor that has prescribed these medications for you?

A I believe his name is Dr. Natale, I'm not sure.

Q Did Dr. Natale make a special trip to Sybil Brand to see you?

MR. BUGLIOSI: Calls for a conclusion, your Honor.

THE COURT: Overruled.

THE WITNESS: I don't know if he made a special trip. I have only seen him once, after the baby was born, that is all.

Q BY MR. KANAREK: Have you seen any other doctors

1 other than Dr. Natale?

2 A When I was in the hospital, I did.

3 Q Who prescribed the Librium for you?

4 A Librium! Is that what I was taking?

5 Q Is that what you are taking?

6 A I don't know what they are.

7 Q You are taking some tranquilizers?

8 A Yes.

9 Q Who decides whether you get tranquilizers or
10 not?

11 A I guess the doctor, I don't know.

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1 Q Did you tell someone that you wanted tranqui-
2 lizers?

3 A They told me. I never asked for them, and
4 they all of a sudden came to me and asked me if I wanted
5 them.

6 Q How long ago was that?

7 A A month or two months, I guess, I'm not sure
8 of the time.

9 Q Someone suddenly came to you and asked you if
10 you wanted tranquilizers?

11 A Yes.

12 Q Was that a Deputy Sheriff?

13 A No, it was a nurse.

14 Q A nurse?

15 A Yes.

16 Q And what did you tell the nurse concerning
17 your desire for tranquilizers?

18 A I first stated I did not want them, and then
19 I find it difficult to go to sleep at night.

20 She told me that was the purpose of the
21 tranquilizers, so I started taking them.

22 Q This came up all of a sudden?

23 A Yes.

24 Q You did not ask for them originally?

25 A No.

26 Q And what is that nurse's name?

15a-2

1 A Oh, there were a number of nurses. I didn't,
2 you know, remember her name.

3 Q Would you give us the names of the nurses that
4 you do remember?

5 A There is Miss Campbell; there is Miss Saunders;
6 the supervisor, I believe, is Miss See.

7 I cannot recall all their names.

8 Q You cannot recall all their names?

9 A Well, I will have to sit and think about it.
10 Do you want me to think about it, about the
11 names and tell them to you?

12 Q Take half a second to do that for us.

13 A There is Miss Pertussi, Miss Gomez; there's
14 quite a number of them. I cannot recall all of their
15 names.

16 They are not, you know, on the tip of my
17 tongue.

18 Q And these are all nurses?

19 A Yes.

20 Q And are these nurses at Sybil Brand Institute?

21 A Yes.

22 Q And would you tell us, directing your attention
23 from the time that you first entered Sybil Brand Institute
24 until today, tell us the people with whom you have shared
25 quarters?

26 MR. STOVITZ: I object to that as immaterial, irrelevant,

15a-3

1 your Honor.

2 It has nothing to do with the issues in this
3 case.

4 THE COURT: Overruled, you may answer.

5 THE WITNESS: There were so many girls, you know,
6 coming in and out, in and out, I cannot really remember their
7 names. I never really got to know them that well.

8 BY MR. KANAREK:

9 Q You cannot remember any of the names of any of
10 the people with whom you shared quarters?

11 A I remember there was one girl, well, she was
12 in the same cell block as I, not in the same room; Kelly.
13 Her name was Kelly.

14 There was one girl I shared a room with named
15 Cheryl.

16 Q What was her last name?

17 A I don't know, I think she went under an alias
18 or something, I don't know.

19 I remember one girl named Cookie. I can't
20 remember -- there were so many girls I did not know.

21 Q Well, directing your attention to your quarters,
22 do you have a cell, that is, to you all alone?

23 A Yes.

24 Q And immediately adjacent to you are there other
25 girls?

26 A Well, I am in a room in the infirmary and all

15a-4

1 there is is a steel door with a little glass window and
2 then a window looking outside.

3 Q You are in this room, this infirmary all alone?

4 A Yes.

5 Q Is there some reason you are in the infirmary?

6 MR. STOVITZ: Objected to as being immaterial and
7 irrelevant.

8 THE COURT: Overruled.

9 MR. STOVITZ: Just a moment, I would like to approach
10 the bench in this matter, your Honor, because it may be
11 after I consult with counsel, maybe he will withdraw the
12 question.

13 THE COURT: Very well.

14 (Off the record discussion between counsel.)

15 MR. STOVITZ: Withdraw the request to approach the
16 bench.

17 Do you want to put the same question to her?

18 BY MR. KANAREK:

19 Q Miss Kasabian, did you ask to be put in a
20 room by yourself?

21 A No.

22 Q Pardon?

23 A No, I did not.

24 Q You did not?

25 A No.

26 Q In other words, law enforcement officials

1 decided to put you in a room by yourself, right?

2 A I guess so.

3 Q They decided to put you in a room by yourself
4 how long ago?

5 A Well, they decided to put me in there when they
6 thought I was going to have the baby, but I did not have it
7 and I was there for about a week or nine days, and then
8 they decided I was going to have the baby and they took me
9 to the hospital, which I was not about to have the baby
10 but I had the baby three or four days later.

11 Q Mrs. Kasabian, would you listen to the question,
12 please.

13 A Sorry.

14 Q The question was, how long ago?

15 MR. STOVITZ: She told you right after she had the
16 baby, Counsel, why don't you listen to the answer.

17 MR. KANAREK: May we have an answer, your Honor?

18 THE COURT: Did you understand the question?

19 THE WITNESS: No.

20 BY MR. KANAREK:

21 Q How long has it been, Mrs. Kasabian, since you
22 have had quarters all alone where you had nothing but a
23 little hole in the wall to look out?

24 A Around the end of February.

25 Q From then until the present time?

26 A Yes.

15b fls:

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Q Is that correct?

A Yes.

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1 Q Now, you got sort of a taste as to what it
2 would be like to live in prison, is that correct?

3 A Yes, uh-huh.

4 Q As you testified on the witness stand, you
5 told us you don't believe in the death penalty?

6 A No, I don't think it's right.

7 Q All right, now, so, living in that cell, day in
8 and day out, you have an idea as to what it would be like to
9 be in prison.

10 MR. STOVITZ: That is objected to as being immaterial
11 and irrelevant.

12 MR. KANAREK: It goes to her state of mind, your
13 Honor, in connection with her testimony and the immunity
14 she is getting.

15 MR. STOVITZ: I will withdraw the objection if that
16 is the purpose of it, your Honor.

17 THE COURT: Do you understand the question?

18 THE WITNESS: No, you will have to repeat it.

19 MR. KANAREK: May it be read, your Honor?

20 THE COURT: Read the question, please.

21 (Whereupon, the reporter reads the pending
22 question as follows:

23 "Q All right, now, so, living in
24 that cell, day in and day out, you have an
25 idea as to what it would be like to be in
26 prison.")

1 THE WITNESS: Yes, I do.

2 Q BY MR. KANAREK: And you have seen people
3 from Sybil Brand Institute leave Sybil Brand and go over
4 to the women's prison in Corona, is that correct?

5 A I have seen them go? No, I never have.

6 Q You have not seen them physically leave the
7 prison?

8 A No.

9 Q You know of your own knowledge that people
10 who have been in Sybil Brand, leave Sybil Brand to go to
11 the women's prison in Pomona, near Corona?

12 A Would that be CRC?

13 Q Well, I'm asking you.

14 A Well, one woman told me about a prison situation
15 which is CRC, I don't know.

16 Q And your state of mind is such that you know
17 if you do a prison term you don't do your time in Sybil
18 Brand Institute.

19 A Oh, yes, yes.

20 Q You understand that.

21 A Yes.

22 Q You are well aware of that, as you talk from the
23 witness stand?

24 A Yes.

25 Q That is in your mind constantly as you talk
26 from the witness stand, right?

1 A I don't understand you.

2 Q You don't understand that question.

3 A No, not really.

4 Q ^{or} /are you looking for time to answer it?

5 A No, I just don't understand your question.

6 Q Oh, I see. Well, Mrs. Kasabian, is your state
7 of mind such that you recognize that the prosecution is
8 going to ask this Court, supposedly, to grant you immunity
9 if you testify the way the prosecution wants you to?

10 MR. BUGLIOSI: Your Honor, this is argumentative.

11 THE COURT: Sustained.

12 Q BY MR. KANAREK: May I ask you, Mrs. Kasabian,
13 what is your state of mind in connection with the immunity
14 agreement that supposedly ~~exists~~ your phalanx of attorneys
15 here have with Mr. Bugliosi?

16 A Just when I am through testifying they will
17 petition the Judge about the immunity program and if he
18 agrees to give me immunity I am immune.

19 Q I see, and has the prosecution told you if you
20 testify from their viewpoint properly they will petition
21 the Court for that immunity?

22 A Not their viewpoint, just my viewpoint as to the
23 truth.

24 Q I see. It is strictly up to you as to whether
25 or not what you say from the witness stand is true. It is
26 your decision as to what is true.

1 A From what I saw and heard, yes, and what I
2 did.

3 Q So you are the one who is going to decide
4 what truth is here, right?

5 A No --

6 MR. STOVITZ: Objected to as argumentative.

7 THE COURT: Sustained.

8 Q BY MR. KANAREK: If you don't tell the truth,
9 Mrs. Kasabian, what, in your mind, will happen to you?

10 A I guess I will be impeached, is that the word?

11 Q What is going to happen to you if you are
12 impeached?

13 A I guess I will be charged with the seven counts
14 of murder and one of conspiracy.

15 Q Who is going to decide whether you are impeached?

16 A I believe the Judge and jury.

17 Q They will decide whether you are impeached?

18 A I think so.

19 Q Who is going to decide whether you are charged
20 with seven counts of murder?

21 A I don't understand you again.

22 Q Well, as you sit there on the witness stand now,
23 you know that you are actually a defendant in this case, is
24 that correct?

25 A I guess so, yes.

26 Q Well, do you guess so or do you know so?

1 A Yes, I am.

2 Q You are a defendant?

3 A Yes.

4 Q You have seven counts of murder and a conspiracy
5 to commit murder count?

6 A Yes.

7 Q And you stated that you would do anything if you
8 could do something about these people who passed away, is
9 that correct?

10 A Yes, I think I said something to that effect.

11 Q What do you mean, "to that effect"?

12 A I believe I said I would give my life if none
13 of this had to happen.

14 Q You would give your life?

15 A Yes.

16 Q Well, then, would you go one step away from giving
17 your life and agree to become a defendant in this case and
18 let these people decide whether you are guilty of murder or
19 not?

20 MR. BUGLIOSI: This is ridiculous, your Honor, it's
21 argument.

22 MR. KANAREK: This is not ridiculous.

23 THE COURT: The objection is sustained, let's proceed,
24 gentlemen.

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15c-1

1 BY MR. KANAREK:

2 Q When you make that statement, Mrs. Kasabian,
3 that you would give your life, you know that that statement
4 is poppycock, isn't it?

5 MR. STOVITZ: That is objected to as argumentative,
6 your Honor.

7 THE COURT: Sustained.

8 BY MR. KANAREK:

9 Q That statement, Mrs. Kasabian, concerning that
10 you would give your life --

11 A Uh-huh.

12 Q -- when you make that statement you know that
13 there is no way whatsoever, no way --

14 A I am well aware of that.

15 Q So that statement is just idle chatter?

16 A It is what I feel in my heart. *

17 Q You feel it in your heart?

18 A Yes.

19 Q What did you feel in your heart, Mrs. Kasabian,
20 when you were driving, you say, from the Spahn Ranch
21 with three other people in the summer of 1969, what did
22 you feel in your heart then?

23 A About what?

24 Q About anything, Mrs. Kasabian.

25 MR. BUGLIOSI: That is too general, too broad.

26 THE COURT: Sustained.

15c-2

1 BY MR. KANAREK:

2 Q What was in your mind, Mrs. Kasabian, when
3 you were driving from the Spahn Ranch in the summer of
4 1969?

5 MR. BUGLIOSI: On the first night, your Honor? He
6 is not specific.

7 MR. KANAREK: I don't believe, your Honor, whether
8 this witness knows^{if}/there was a first night or a second
9 night or a twentieth night.

10 MR. BUGLIOSI: Why don't you ask her, Counsel.

11 THE COURT: The objection is sustained.

12 BY MR. KANAREK:

13 Q Mrs. Kasabian, how many times did you drive
14 away from the Spahn Ranch in the year or 1969?

15 MR. STOVITZ: Is the three people as you first
16 questioned or at any time?

17 MR. KANAREK: May I have an answer to the question?

18 MR. STOVITZ: I object to the question as ambiguous,
19 your Honor.

20 THE COURT: Do you understand the question, Mrs.
21 Kasabian?

22 THE WITNESS: How many times did I drive away from
23 the ranch in '69?

24 BY MR. KANAREK:

25 Q Yes.

26 A A number of times. I used to go on garbage

15c-3

1 runs and things like that.

2 Q And directing your attention, Mrs. Kasabian,
3 to your state of mind -- let me withdraw that.

4 During the summer of 1969 were you taking LSD?

5 A During the summer of '69 -- yes, I took it once,
6 in May, and I took -- I'm not sure if it was LSD or what it
7 was, that Sadie gave me, it was some sort of a psychedelic.

8 And I took some Psilocybin when I was in New
9 Mexico.

10 Q During the period of July and August, 1969,
11 did you take any LSD in that month, in those two months?

12 A I don't know if it was LSD.

13 Q Well, directing your attention to what happens
14 when you take LSD and comparing what happened to you in
15 July and August of 1969 did you take any LSD?

16 A Yeah, I guess it was LSD, I mean, I'm not
17 sure, I'm not a chemist or whatever.

18 Q You are not a chemist --

19 A Or whatever it is that makes you know what
20 it is.

21 Q Have you ever known what LSD was because you
22 analyzed it chemically?

23 A No.

24 Q So right now you are jockeying with me, as
25 I speak to you?

26 MR. BUGLIOSI: This is argumentative, your Honor.

15c-4

THE COURT: Sustained.

BY MR. KANAREK:

Q Mrs. Kasabian, directing your attention to the effect of the material that you were speaking of when you spoke with -- do you know Juna Emmer, Mrs. June Emmer?

A Yes, I do.

Q And you discussed with her the taking of LSD, is that correct?

A Possibly, yes.

Q Possibly for sure?

A Yes, I think for sure.

15d fls12

15-D-1

1 Q Now, you have taken LSD continuously since
2 1965, is that correct?

3 MR. BUGLIOSI: I object to the word "continuously,"
4 ambiguous, compound and argumentative.

5 THE COURT: Sustained.

6 Q BY MR. KANAREK: Since 1965 you have taken LSD,
7 is that right, Mrs. Kasabian?

8 A Yes.

9 Q And since 1965 you have had the effects of LSD --

10 MR. BUGLIOSI: That calls for a medical conclusion.

11 THE COURT: overruled.

12 THE WITNESS: I guess the effects, I don't know.

13 Q BY MR. KANAREK: You guess?

14 A What do you mean by effects, I don't understand
15 your question.

16 Q You have experienced what happens to you by way
17 of taking LSD?

18 A Yes.

19 Q And then my question is, during the months of
20 July and August, 1969 did you feel the same effects that
21 you had felt on other times when you had taken LSD?

22 A This time I took it at the ranch, is that what
23 you're asking?

24 Q My question is, during July and August of 1969
25 did you feel the effects from taking LSD?

26 A No.

1 THE COURT: The question is ambiguous. Are you
2 talking about whether or not she took it in July and
3 August?

4 MR. KANAREK: Pardon, your Honor?

5 THE COURT: I don't understand your question.

6 Are you referring to effect, whether or not
7 she took it in July and August?

8 MR. KANAREK: I will rephrase the question, your
9 Honor.

10 THE COURT: All right.

11 Q BY MR. KANAREK: Mrs. Kasabian, during July and
12 August of 1969 did you take LSD?

13 A What I believed was LSD once, yes.

14 Q Once only?

15 A Yes.

16 Q Mrs. Kasabian, directing your attention to that
17 pouch, do you remember that pouch of LSD?

18 A Yes, I do.

19 Q You brought that pouch of LSD to the Spahn Ranch?

20 A Yes, I did.

21 Q In that pouch of LSD there were many, many
22 portions of LSD.

23 A There were, I believe, 30 tablets.

24 Q 30 tablets?

25 A Yes.

26 Q You took that pouch -- did you count the tablets?

1 A Yes, I did.

2 Q And you counted the tablets and there were 30
3 of them?

4 A Yes.

5 Q You took them to the Spahn Ranch?

6 A Yes.

7 Q And while you were at the Spahn Ranch you took
8 some LSD -- you swallowed it, is that right?

9 A Not from this pouch, I didn't, no.

10 Q But you swallowed LSD. I'm not asking you
11 where it came from.

12 MR. STOVITZ: Your Honor, this is ambiguous because
13 he talks about a pouch and about taking LSD.

14 I think the witness should be allowed to
15 explain her answer before he gets to the next question on
16 this.

17 THE WITNESS: It is too confusing.

18 THE COURT: Overruled.

19 THE WITNESS: What was your question?

20 MR. KANAREK: May it be read, your Honor?

21 THE COURT: Read the last question.

22 (Whereupon, the reporter reads the pending
23 question as follows:

24 "Q But you swallowed LSD. I'm not
25 asking you where it came from.")

26 THE WITNESS: Yes, once.

1 Q BY MR. KANAREK: Only once?

2 A Yes.

3 Q I see. What was the date you swallowed the LSD
4 that you took only once?

5 A The date?

6 Q Yes.

7 A I don't know.

8 Q You don't know what date it was?

9 A No.

10 Q Well, now, directing your attention, then,
11 Mrs. Kasabian, to your state of mind on the day that you
12 say that you went to the Tate residence, what was in your
13 mind as you drove along the streets of the County and City
14 of Los Angeles on that day?

15 A To the Tate residence?

16 Q Yes.

17 A I thought it was going to be a creepy, crawly
18 mission.

19 Q Your intent was to go out and steal, right?

20 A Yes.

21 Q And your intent was to steal and you did not
22 care where, or what you were stealing came from, did you?

23 A I was told it was mine to begin with.

24 Q But Mrs. Kasabian, I am not asking you what you
25 say someone told you.

26 My question is as to your state of mind.

1 A Okay.

2 Q Your state of mind was that you were going out
3 to steal and you did not care who or what it was, as far
4 as getting something was concerned that night?

5 A Yes, that's right.

6 Q Is that right?

7 A Yes.

8 Q And you had been on creepy, crawly missions
9 before, is that correct?

10 A Yeah, I guess it was creepy, crawl.
11 It wasn't roaming into a house, that is what I consider
12 creepy, crawl.

13 Q But you had stolen from people before this night,
14 isn't that correct?

15 A This night?

16 Q Before the night we are speaking about.

17 A I thought you meant I stole something that
18 night.

19 Q Might the question be read, your Honor?
20 Perhaps it hasn't been finished.

21 I will rephrase the question.

22 THE COURT: All right.

23 Q BY MR. KANAREK: Mrs. Kasabian, before that night
24 had you done any stealing? Have you taken anything that did
25 not belong to you?

26

16-1

1 MR. STOVITZ: That is objected to, your Honor, as
2 being immaterial, irrelevant and incompetent, your
3 Honor.

4 THE COURT: It is too broad, Mr. Kanarek. The
5 objection is sustained.

6 BY MR. KANAREK:

7 Q On that night, your intent -- directing your
8 attention to your state of mind, Mrs. Kasabian -- your
9 intent was to go out and get something that didn't belong
10 to you; is that right?

11 A But I thought it belonged to me.

12 Q Well, do you know an hallucination is?

13 A Sure.

14 Q Then you were hallucinating on that night;
15 is that correct?

16 A Well, is an illusion and an hallucination
17 the same thing?

18 Q Well, if an illusion and an hallucination
19 are the same things, on that night you were hallucinating,
20 were you not?

21 MR. STOVITZ: Objection, your Honor. Compound and
22 ambiguous.

23 THE COURT: Sustained.

24 BY MR. KANAREK:

25 Q Mrs. Kasabian, on that night, did you have
26 strange sights in your mind?

16-2

1 A No.

2 Q Pardon?

3 A No, not really.

4 Q Not really?

5 A No. I just --

6 Q Pardon?

7 A No, I didn't.

8 Q You were going there and your mind was

9 completely clear, you were going there with the idea

10 that you were going to steal; right?

11 A Yes.

12 Q Correct?

13 A Yes.

14 Q And you knew that when you go to steal somebody's

15 property that possibly the people who are being stolen from

16 might not like it?

17 A Sure.

18 Q And so it was within your thinking and within

19 your contemplation that maybe there might be a fight or

20 something at the place you were going to do this stealing?

21 A I didn't even look that far ahead.

22 Q You didn't look that far ahead?

23 A No.

24 Q You were just going out to steal indiscriminately;

25 right?

26 A Yes.

16-3

1 Q And you and the people in the automobile with
2 you spoke of stealing; is that correct?

3 A No. I don't think they spoke at all about it.

4 Q They didn't say anything at all about it?

5 A I don't think so.

6 Q What was spoken about?

7 A All I recall is that Tex said that he had been
8 to a certain house before and that he knew the layout of
9 the house, and told us to do what he told us to do.

10 Q Have you finished?

11 A Yes. Go ahead.

12 Q And the things that he would tell you to do
13 were to steal; you were going there with the idea of
14 stealing?

15 A He didn't tell me, no, but that is what I
16 thought.

17 Q That is what you thought?

18 A Yes.

19 Q And so you, in your mind, knew that you were
20 assisting, you were aiding, you were helping people going
21 there to steal?

22 A Yes.

23 Q And when you got there and got out of the car,
24 you were assisting somebody to steal?

25 A Yes.

26 Q Is that correct?

16-4

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A Yes. Uh-huh.

Q And you knew that the people that were there with you were going to enter a residence?

A Yes.

Q Is that correct?

A Yes.

Q As a matter of fact, you assisted these people in entering that residence; is that correct?

A No. Do you mean the house?

Q Pardon?

A You mean entering the house?

Q What do you mean by residence?

A The house.

16a fls.

16A-1

1 Q So, you were assisting these people to enter a
2 home?

3 A No.

4 Q You were assisting these people to enter a
5 residence?

6 A A residence and a home is the same thing to me.

7 Q I see.

8 A The house. You know, the house itself.

9 Q So, you were going to assist these people to
10 enter a home for the purposes of stealing from people inside
11 the home?

12 A Yes.

13 Q That is what the plan was?

14 A Yes.

15 Q Is that correct?

16 A That is what I thought the plan was, yes.

17 Q Right.

18 And so, as you entered this establishment, you
19 tell us that someone in an automobile showed up, and this
20 person was interfering with your intent to steal?

21 MR. STOVITZ: That is objected to, your Honor, as a
22 characterization of her testimony.

23 MR. KANAREK: I am asking concerning her state of
24 mind, your Honor. I am not asking for anything --

25 THE COURT: Read the question, please.

26 MR. KANAREK: Pardon?

1 (Whereupon, the question was read by the
2 reporter.)

3 MR. KANAREK: Q Is that correct?

4 MR. STOVITZ: I will still object to the question
5 as a characterization of her testimony, being ambiguous
6 and compound.

7 He doesn't ask her what her state of mind was
8 anywhere in the question nor in the previous question.

9 MR. KANAREK: Your Honor, I am not obliged to use
10 certain words in the English language.

11 THE COURT: All right, Mr. Kanarek. I don't think
12 that is a good objection. However, I think the question is
13 unclear.

14 MR. KANAREK: Very well. I will be glad to reframe
15 it, your Honor.

16 THE COURT: The objection will be sustained on that
17 ground.

18 MR. KANAREK: I will be glad to reframe it, your
19 Honor.

20 Q Mrs. Kasabian, directing your attention to
21 your thinking, to what was going on in your mind, at the
22 time that this automobile approached --

23 A Yes.

24 Q -- and there was a driver in the automobile.

25 Was it your state of mind that this person was
26 interfering with the theft that was to occur, which was to

1 take place, by you and the people that were with you?

2 A I didn't really think about it.

3 Q You didn't think about it?

4 A No.

5 Q I see.

6 A I didn't really have time to. It just happened
7 so fast.

8 Q I see.

9 Would you say that your state of mind is such
10 that it would be unusual for someone to be on a roadway
11 driving an automobile in a residence? Is that unusual as
12 far as you are concerned?

13 MR. STOVITZ: That is objected to as being immaterial
14 and irrelevant, your Honor, and also unclear as far as
15 what he means by unusual.

16 MR. BUGLIOSI: It also calls for a conclusion, your
17 Honor.

18 THE COURT: Sustained.

19 MR. KANAREK: Q Now, directing your attention to
20 this automobile, Mrs. Kasabian -- excuse me just a moment --
21 may I have the exhibits?

22 (The clerk hands some exhibits to Mr. Kanarek.)

23 MR. BUGLIOSI: Your Honor, since it is ten minutes
24 after 4:00 --

25 MR. KANAREK: I know that Mr. Bugliosi wishes to
26 speak to Mrs. Kasabian and is anxious to do so, but may we

1 go to 4:15, your Honor?

2 MR. BUGLIOSI: Would the Court admonish the jury to
3 disregard that preposterous remark by Mr. Kanarek?

4 THE COURT: Gentlemen, I have told both of you
5 before that I don't wish colloquy between counsel. If you
6 have something important enough to be said, you may
7 approach the bench.

8 The jury is admonished to disregard the
9 comments of both counsel.

10 We still have five minutes. Let's proceed.

11 MR. BUGLIOSI: Very well, your Honor.

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16b-1

1 MR. KANAREK: Thank you, your Honor.

2 Q Now, Mrs. Kasabian, long before you ever came
3 to the Spahn Ranch you carried a knife, did you not?

4 A Yes.

5 Q Correct?

6 A Yes.

7 Q And you carried a knife because of the fact
8 that you felt that occasions might arise when you might
9 want to use it?

10 A No. I carried it because -- oh, well, yes.

11 Q You carried it -- did you carry it for ornamenta-
12 tion?

13 A No. I carried it to use it.

14 Q You carried it to use it.
15 If the occasion arose, you were going to use
16 it; right?

17 A In cooking and things like that.

18 Q Pardon?

19 A In cooking and things, you know, of that
20 nature.

21 Q In cooking?

22 A Sure.

23 Q All right.

24 I have here Exhibit No. 39. This is your
25 knife?

26 A Yes.

16b-2

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

2 THE COURT: You may.

3 MR. KANAREK: I have it open. Maybe I better shut it.

4 BY MR. KANAREK:

5 Q Mrs. Kasabian, showing you this knife, I ask
6 you:

7 Is this a knife that you carried primarily for
8 purposes of cooking?

9 A Yes.

10 Q Just for cooking, no other reasons?

11 A Right.

12 Q I see.

13 And you carried it in your handbag?

14 A Yes.

15 Q You carried it in your handbag because you never
16 knew when you might want to slice a potato?

17 A Yes.

18 Q Is that right?

19 A Sure.

20 Q Now, Mrs. Kasabian, I show you this rope.

21 You have seen this rope before?

22 A Yes.

23 Q You have testified concerning this rope?

24 A Yes.

25 Q Now, directing your attention to this rope,
26 Mrs. Kasabian --

16b-3

1 MR. STOVITZ: May it be identified for the record,
2 your Honor?

3 MR. KANAREK: Yes. Exhibit No. 41.

4 MR. STOVITZ: Thank you.

5 BY MR. KANAREK:

6 Q Mrs. Kasabian, you saw someone, you say, carry
7 this rope to the Tate residence?

8 A Yes.

9 Q Who was that person?

10 A Tex.

11 Q And as you saw this rope being carried, what
12 was your thinking? What was your state of mind as to what
13 Tex was going to do with this rope?

14 A I don't know.

15 Q You had no idea what he was going to do with it?

16 A No.

17 Q I see.

18 Directing your attention to this rope, Mrs.
19 Kasabian, you say this rope was in the automobile as you
20 were driving from the Spahn Ranch?

21 A It must have been, but I don't remember seeing
22 it.

23 Q You don't remember seeing it until --

24 A Until Tex was carrying it.

25 Q I see.

26 Now, directing your attention to this gun, Mrs.

16b-4

1 Kasabian.

2 Did you see this gun while you were driving
3 from the Spahn Ranch?

4 A Yes.

5 Q And what was your intent? What did you think
6 that your fellow passengers in the automobile had this gun
7 for?

8 A I wasn't sure.

9 Q You weren't sure?

16c fls. 10

10 A No.

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16C-1

1 MR. BUGLIOSI: Watch out how you hold that gun,
2 Mr. Kanarek.

3 MR. KANAREK: Is it loaded?

4 MR. BUGLIOSI: Just be careful.

5 MR. KANAREK: Very well.

6 Counsel says to be careful and I will.

7 May I approach the witness, your Honor?

8 THE COURT: Yes.

9 MR. KANAREK: Q Now, Mrs. Kasabian, I show you
10 this gun.

11 Would you pick that gun up, please?

12 (The witness complies.)

13 Q Now, would you hold that gun as if you were
14 going to shoot it? Put it in your hand as if you were going
15 to shoot it.

16 A (The witness complies.)

17 Q Now, would you just raise it up?

18 A (Witness complies.)

19 Q Now, Mrs. Kasabian, you say that you must
20 have thrown that gun out the window?

21 A Possibly.

22 Q Pardon?

23 A Possibly. I don't remember throwing it out.

24 Q When you say possibly, what do you mean?

25 A I don't remember throwing it out. I may have
26 thrown it out but I don't remember it.

1 MR. KANAREK: I see.

2 THE COURT: Mr. Kanarek, it is 4:15 now.

3 MR. KANAREK: Yes, sir.

4 THE COURT: Ladies and gentlemen, do not converse
5 with anyone nor form or express any opinion regarding the
6 case until it is finally submitted to you.

7 The Court will adjourn until 9:45 tomorrow
8 morning.

9 MR. STOVITZ: May the record show that the exhibit that
10 was being shown to the witness is Exhibit No. 40 in this
11 case, your Honor?

12 THE COURT: Yes, the record will so reflect.

13 MR. STOVITZ: Thank you, your Honor.

14 (Whereupon, at 4:15 p.m. the Court recessed.)
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