

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.

65

No. A253156

REPORTERS' DAILY TRANSCRIPT  
Friday, August 21, 1970  
A. 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.

For Deft. Krenwinkel:

PAUL FITZGERALD, Esq.

For the Los Angeles  
County Sheriff's Dept.:

JOHN D. MAHARG, County Counsel  
BY: MICHAEL DOUGHERTY, Esq.

VOLUME 65

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

COPY

I N D E X

PEOPLE'S WITNESSES: DIRECT CROSS REDIRECT RECROSS

MC GANN, Michael J. 8557 8605F  
8608S

CLINE, James L. (Examination by the Court at page 8523)

DEFENDANT MANSON'S:

MANSON, Charles 8504 8517

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PEOPLE'S: FOR IDENTIFICATION IN EVIDENCE

124 - Photograph of garage  
and two wires on  
ground 8558

125 - Photograph of  
telephone pole 8561

126 - Photograph of  
Sgt. McGann holding  
a wire 8561

127 - Photograph of male  
arm holding tip of wire 8562

128 - Photograph of male  
arm holding wire 8562

129 - Photograph of Sgt.  
McGann holding wire 8562

130 - Photograph of Sgt.  
McGann near garage,  
Tate residence 8562

131 - Photograph of garage,  
Tate residence 8562

132 - Photograph of portion  
exterior of Tate residence  
8562



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PEOPLE'S:                      FOR IDENTIFICATION                      IN EVIDENCE

- 133 - Photograph of portion  
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of Tate residence 8563
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McGann holding wire 8563
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on seat of vehicle 8582
- 139 - Lucerne wristwatch 8583

LOS ANGELES, CALIFORNIA, FRIDAY, AUGUST 21, 1970

8:35 A.M.

---O---

THE COURT: The record will show Mr. Manson and his counsel, Mr. Kanarek, are present.

Deputy County Counsel, Mr. Dougherty is present.

Are you one of the deputies, sir?

MR. CLINE: Yes, your Honor.

THE COURT: What is your name?

MR. CLINE: James Cline.

THE COURT: Anything further, Mr. Kanarek?

MR. KANAREK: May I just ask this, your Honor?

Does counsel concede that at the present time an order to interview Mr. Manson, with the presence of a witness, that it is necessary to talk through a screen, a very fine mesh screen -- actually two screens, with Mr. Manson on one side, myself and the witness on the other side, and a Deputy standing adjacent to Mr. Manson.

Does counsel concede that is true?

MR. DOUGHERTY: Your Honor, I think the facts will speak for themselves.

MR. KANAREK: We don't have Mr. Shinn here.

THE COURT: Who?

MR. KANAREK: Mr. Shinn, your Honor, was going to testify that this is a fact.

I think we are all agreed that these are the

1 facts; that what Mr. Manson said was true concerning the  
2 witness situation, that is, there is a screen.

3 THE COURT: Apparently there is no agreement. I don't  
4 know what you are referring to.

5 MR. KANAREK: That presently there is a screen between  
6 Mr. Manson and myself.

7 THE COURT: That is what he has testified to.

8 MR. KANAREK: When I speak with Mr. Manson in the  
9 presence of a witness, and does counsel seriously dispute  
10 that that fact exists?

11 MR. DOUGHERTY: Mr. Manson testified on cross-  
12 examination yesterday on three occasions in the last two  
13 weeks he has been allowed to interview witnesses in your  
14 presence; the Sheriff was informed they were very important,  
15 material witnesses; he was allowed to interview them in the  
16 attorney room without the use of a screen.

17 So it is not true in all cases.

18 The record reflects that.  
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1 THE COURT: Mr. Kanarek, Mr. Dougherty may not have  
2 any personal knowledge of these things. There is no  
3 necessity for him to agree with you or stipulate.

4 MR. KANAREK: May I have a moment?

5 (Mr. Kanarek confers with Mr. Manson.)

6 MR. KANAREK: Your Honor, I would like to recall  
7 Mr. Manson, if I may.

8 THE COURT: Very well.

9  
10 CHARLES MANSON,  
11 called as a witness in his own behalf, having been previously  
12 duly sworn, resumed the stand and testified further as  
13 follows:

14 THE CLERK: Just be seated, Mr. Manson, please.

15 You are still under oath, sir.

16  
17 DIRECT EXAMINATION (Resumed)

18 BY MR. KANAREK:

19 Q Mr. Manson, directing your attention to the  
20 very recent period you have spoken of when you were in  
21 the lockup.

22 Would you tell us the circumstances preceding  
23 your going to the lockup?

24 A I was in the lockup in the new County Jail.  
25 The old County Jail was the latest.

26 They have about as high as, sometimes, maybe



1 20 juveniles; they have about 15 young black men; and they  
2 have a few young Mexicans in the front.

3 THE COURT: Let's fix the time, Mr. Kanarek.

4 MR. KANAREK: Yes.

5 Q Give us the most recent, Mr. Manson.

6 A That is the one I am on right now.

7 Q Very well. Go ahead.

8 A They called it illegal communication.

9 Q Would you tell us what occurred?

10 A I had talked to these men ever since I have  
11 been over there. No one informed me that I wasn't allowed  
12 to talk to somebody on the other side of the wall. And  
13 we passed newspapers back and forward. And I had been in  
14 lockup for giving them cigarettes once before.

15 One of the young men hollered and asked me if  
16 I wanted a paper, a newspaper. And I said yes. And the  
17 Morning Officer said that was illegal communications.

18 I looked at the rules and I didn't see anything  
19 there.

20 Q Is this the reason that you were told that you  
21 were put in lockup?

22 A Yes.

23 Q Would you tell us, Mr. Manson, about the  
24 food that is given to you?

25 A It is the regular County Jail food.

26 I don't eat meat. I asked them to not put

1 the meat on the tray, but they say it is procedure; if  
2 they don't put the meat on the tray, then they say that  
3 someone may say that they are not getting the proper  
4 amount of food. So, to contend with that, they put the  
5 meat on the tray.

6 Consequently, when the meat goes on the other  
7 food, then I can't eat it.

2a fls.

A-1

1 Q Now, Mr. Manson, would you tell us if there are  
2 certain people put in the tank in the area where you are  
3 confined in order to speak with you?

4 MR. DOUGHERTY: I am going to object, your Honor.  
5 This is all irrelevant.

6 THE COURT: Sustained.

7 MR. KANAREK: Your Honor, it goes to his right to  
8 defend himself.

9 THE COURT: Just a moment.

10 Let me have the motion papers.

11 You filed the motion based on certain grounds.  
12 Mr. Kanarek, and we are going to stay to those grounds.  
13 We are not going to expand this into some general  
14 investigation of the County Jail.

15 (The clerk hands the file to the Court.)

16 DEFENDANT MANSON: Your Honor --

17 THE COURT: One moment.

18 The objection will be sustained.

19 It is outside the scope of the motion and the  
20 declaration.

21 MR. KANAREK: Your Honor, in the interests of saving  
22 time and not having to make another motion, I would move  
23 to add the allegation that the Sheriff is deliberately  
24 putting people in there to try to attempt to talk to  
25 Mr. Manson, to interfere with his defense, in the same way  
26 that people were put in the County Jail in the Barbara

2A2

1     Graham case; that these people --

2             THE COURT: I don't know anything about the Barbara  
3     Graham case.

4             DEFENDANT MANSON: This is why they put the screen up,  
5     because of the guy they put in the tank.

6             THE COURT: One moment, Mr. Manson.

7             I don't know anything about the Barbara Graham  
8     case, and we are not going to try that case in here.

9             MR. KANAREK: I understand.

10            THE COURT: You filed a motion based on certain state-  
11     ments in Mr. Manson's declaration. We are going to limit  
12     the hearing to those allegations, Mr. Kanarek.

13            MR. KANAREK: Your Honor, as I am saying, part of our  
14     allegation is that the screen situation here is part of an  
15     harassment and an attempt by the Sheriff to attempt to get  
16     people in there to talk to Mr. Manson, to interfere with his  
17     defense, so they then can have evidence to be brought to this  
18     courtroom by way of statements of Mr. Manson.

19            THE COURT: You may inquire on matters pertaining to  
20     the statements in the declaration.

21            MR. KANAREK: All right.

22            Q     Mr. Manson, directing your attention to the  
23     screen that has been put up. Would you tell us, Mr. Manson,  
24     the circumstances which occurred prior to the time the  
25     screen went up?

26            A     The procedure was, when I first went over there,



1 was rather smooth.

2 Then they put a guy in the back part of the tank  
3 named Peterson.

4 Peterson was a nice little guy. He had been an  
5 informer in a penitentiary that I had been in, and I never  
6 held anything against him. I talked to him like a human  
7 being.

2b-1

1 Everything I would say to him, he would run  
2 and say to the man.

3 So one day I gave him a piece of candy. He  
4 asked me for some LSD, and I gave him a piece of cherry  
5 lick candy, and I said, "Here is some LSD, Pete. Go on a  
6 trip."

7 So he runs and gives it to the deck officer.

8 So, the deck officer took it serious and  
9 gave it to someone else.

10 Then pretty soon they said, "Well, he can't  
11 have any more than this." And this goes up.

12 Then the procedure tightened down a little  
13 bit.

14 Another time I mentioned to him in passing,  
15 as a joke, I said, "Maybe we will get some of the Marines  
16 to come up here, up through the attorney room, and we can  
17 break everybody out of jail."

18 So he took that on and passed that on to the  
19 machine. And it seems like anything I would say he would  
20 take it.

21 If I said it with a smile on my face, he  
22 would take it as being serious and run and explain it to  
23 a deck officer or a lieutenant or something. And then the  
24 procedure would get a little tighter and a little tighter.

25 Then they put another man in there that tried  
26 a similar thing, but then we didn't talk as much. He

1 swallowed a razor blade, and now they have got another  
2 one in there. They keep one guy in there all the time.

3 What I am afraid of is that one of them is  
4 going to get in there and then come up with a few lies to  
5 get off of something.

3 fls.

3-1

1 MR. DOUGHERTY: Your Honor, we move to strike all of  
2 that answer on the grounds it was not responsive to the  
3 question.

4 THE WITNESS: That is why the screen was put up.

5 MR. KANAREK: Your Honor is here; there is no jury.

6 THE COURT: The motion will be denied, let's proceed.

7 MR. KANAREK: Thank you, your Honor.

8 Q Now, are these people commonly known as  
9 "snitches," Mr. Manson?

10 A They have various names.

11 Q Snitches is one of them?

12 A Informers, snitches.

13 Q When you use the words "the man," what do you  
14 mean by that, Mr. Manson?

15 A Well, the man is the man, the policeman.

16 Q In other words, that is a sort of a slang  
17 expression meaning the police?

18 A It means what it means, the man.

19 Q The policeman?

20 A The man, the man, the man.

21 You are a man, he is a man; the man; the man  
22 that is in control.

23 When a man is in control, he is "the man."

24 MR. KANAREK: I see.

25 Q Now, in the recent past, would you say --  
26 directing your attention, let's say, to the times you have



1 been on trial, that is, since June 15th, since the nominal  
2 beginning of this trial -- and actual beginning, I mean --  
3 how many times have you been in the lockup?

4 A To be honest I don't know whether the first  
5 time I was in the lockup, whether we were on trial or not,  
6 because to me the lockup is just like the other part, you  
7 know, it is all lockup.

8 It is all solitary, you know.

9 The only difference is that the pencils and the  
10 paper and the witnesses make it kind of hard to come down  
11 and go through this trial thing without being able to talk  
12 to witnesses.

13 I know that the officer at the desk out there  
14 does not realize that there are seven, eight capital  
15 offenses, and then there is about 15 civil matters against  
16 me, civil suits, and I don't know how many other things.

17 They've got so many things piled on me I have  
18 lost track.

19 And he thinks I should only have a certain  
20 amount of witnesses, and like those witnesses are  
21 important, they are important not only to the case that we  
22 are on trial here, but they are important to the federal  
23 motions that I have been trying to get in front of the  
24 federal court.

25 They are important to the whole case, all the  
26 cases that I have.

1 Q Well, would you tell us, Mr. Manson, what you  
2 have been told is security, what is done in the name of  
3 security?

4 A Security and procedure is like the smog as it  
5 builds up outside, it builds up inside.

6 THE COURT: That is ambiguous, Mr. Kanarek.  
7 Let's confine the questions to the matters contained in the  
8 declaration.

9 MR. KANAREK: Yes, your Honor. It certainly is  
10 implicitly there in this respect, that Mr. Manson wishes  
11 to obey -- he wishes to obey the rules.

12 The point is that 688 of the Penal Code says  
13 that there shall be no greater restraint on a person  
14 charged with crime than necessary just to keep him in  
15 custody.

16 And Mr. Manson is told that this is violating  
17 security and that is violating security.

18 I think that the Court should know what some-  
19 body is denominating as "security," because some of this  
20 is absolutely frivolous.

21 They just put a label on it, call it security  
22 in order to --

23 THE COURT: This is outside the scope of your  
24 declarations and motions.

25 Let's proceed.  
26

3a-1

1 BY MR. KANAREK:

2 Q Well, Mr. Manson, would you tell us what you  
3 have been told that you cannot do?

4 A What have I been told that I cannot do?

5 Q That's right.

6 THE COURT: What has that to do with your motion,  
7 Mr. Kanarek?

8 MR. KANAREK: Well, your Honor, it has to do --  
9 your Honor will note, your Honor, that at page 3 the  
10 allegation is made that Mr. Manson is being harassed.

11 In other words, the human mind, as it is  
12 used in the County Jail, uses certain --

13 THE COURT: You made the allegation that he has  
14 been harassed, and then you supported it with a declara-  
15 tion setting forth certain facts.

16 That is the grounds for your motion.

17 MR. KANAREK: No, your Honor, that merely initiates  
18 it, but we are not limited to the bare allegations of  
19 the declaration in this proceeding.

20 This merely initiates it, and now we are  
21 taking evidence to try to prove to the Court -- I think  
22 we should get this over and done once and for all.

23 THE COURT: I am going to ask you to confine this  
24 motion to the matters which you set forth in your  
25 declaration, in Mr. Manson's declaration.

26 MR. KANAREK: Well, Mr. Manson, would you tell us--



3a-2

1 THE COURT: As a matter of fact, the customary way  
2 is to submit the matter on the declarations and to allow  
3 the opposing parties to cross-examine on the declarations.

4 There is really no necessity for Mr. Manson to  
5 testify to the same matters which he set forth in the  
6 declaration.

7 MR. KANAREK: Very well, your Honor is certainly  
8 entitled --

9 THE COURT: If you wish to supplement this with  
10 additional matters, you can file additional declarations  
11 if something has occurred since this declaration was filed.

12 But unless we set some reasonable limits we  
13 can be here forever, listening to what happened yesterday,  
14 and tomorrow listening to what happened today, and so  
15 forth.

16 MR. KANAREK: Your Honor, it is a general policy  
17 toward Mr. Manson. If we can ferret out once and for all --

18 THE COURT: "General policy" doesn't mean anything,  
19 Mr. Kanarek, unless you have some facts that the Court  
20 can consider in relation to this treatment, I don't know  
21 what you mean by "general policy."

22 MR. KANAREK: We have stated that, here, that he is  
23 being harassed.

24 THE COURT: That is a conclusion.

25 MR. KANAREK: We cannot keep a diary -- pardon?

26 THE COURT: That is a determination I have to make,



3a-3

1 as to whether or not he is being harassed, after I have  
2 heard the facts.

3 MR. KANAREK: Yes, your Honor, that is what we are  
4 trying to elicit.

5 THE COURT: All right, but you have set forth  
6 the facts in your declaration.

7 I think the appropriate manner to proceed  
8 would be to allow the County Counsel to cross-examine Mr.  
9 Manson in these matters, if they desire to do so.

10 MR. KANAREK: Very well.

11 THE COURT: And let them put on any evidence that  
12 they care to, or you may cross-examine any witnesses they  
13 present.

14 MR. KANAREK: The County Counsel may examine, your  
15 Honor.

16 The point is that his daily existence, day  
17 by day, everything is focused upon him unnecessarily and  
18 absolutely without any point or purpose except to harass  
19 him.

20 But the County Counsel certainly may examine.

21 THE COURT: Do you have any questions, Mr. Dougherty?

22 MR. DOUGHERTY: Just one, I think, your Honor.

23  
24 CROSS-EXAMINATION

25 BY MR. DOUGHERTY:

26 Q Mr. Manson, this incident you referred to about

1 passing cigarettes and newspapers to some juvenile inmates  
2 in the jail, it is that incident that led to your recent  
3 loss of privilege, isn't it?

4 A There were two separate incidents.

5 There was an incident where I was accused of  
6 giving the black men cigarettes.

7 Then the next incident was that I was accused  
8 of talking to them.

9 Q But you did testify before that you also  
10 passed newspapers to and from these juvenile inmates?

11 A I did not say that.

12 MR. DOUGHERTY: I have nothing further, your Honor.

13 THE COURT: Anything further, Mr. Kanarek?

14 MR. KANAREK: No, your Honor.

15 THE COURT: You may step down, Mr. Manson.

3b fls. 15

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B-1

1 THE COURT: Anything further, Mr. Kanarek?

2 MR. KANAREK: Yes, your Honor, I wonder if I could  
3 be sworn briefly, unless counsel is going to concede this,  
4 or unless your Honor is going to make the order that we  
5 have --

6 After all, we are after results here, we are  
7 not here interested in any kind of nitpicking.

8 It is a very substantial matter. When  
9 Mr. Manson and I are speaking to a witness we want to be  
10 able to have communication.

11 Now, their attorney room has been set up like  
12 that since times historical, way in the past, and I see no  
13 reason, with the deputy standing there and watching every-  
14 thing that goes over the raised partition, which is  
15 about eight inches, I see no reason why we cannot interview  
16 the witnesses the way every other defendant in the County  
17 Jail interviews witnesses with his attorney.

18 Now, that is a very important point.

19 THE COURT: Instead of what?

20 MR. KANAREK: Instead of talking through a screen, a  
21 thin mesh; you cannot even see through this screen except  
22 with great, great difficulty.

23 It is a foot apart. You just don't have the  
24 human communication. There is no necessity for it. They  
25 have five or six people watching every movement. We are not  
26 capable of any kind of legerdemain or magic to transfer



1 things across.

2 All these deputies focus all of their eyes  
3 right on us when we are talking.

4 Now, the least we can do is have the benefit of  
5 good communication and not going through a screen. It is a  
6 fundamental denial, your Honor.

7 It is a denial of the right to prepare for trial.

8 THE COURT: All right, I will tell you what I will  
9 do, Mr. Kanarek, I will go up and take a look. Is this in  
10 the Hall of Justice Jail?

11 MR. KANAREK: Yes, your Honor.

12 THE COURT: All right, I will go up personally and  
13 inspect the jail. I will ask you and Mr. Dougherty to  
14 come along, and I want to see precisely the conditions under  
15 which Mr. Manson is permitted to interview his witnesses.

16 MR. KANAREK: Thank you, your Honor.

17 THE COURT: I don't know how much notice we need,

18 THE BAILIFF: You do not require much notice, your  
19 Honor.

20 THE COURT: All right, do you have anything further to  
21 present on your motion, Mr. Kanarek?

22 MR. KANAREK: No, your Honor.

23 THE COURT: Is there any reason why we should not  
24 adjourn then at this time, and <sup>if</sup> we can arrange it we will  
25 go up this morning before the trial starts.

26 MR. KANAREK: Except out of courtesy to County Counsel,



I think he has a witness.

1           MR. DOUGHERTY: We were planning to submit on our  
2       declarations with a few additional questions to Captain  
3       Cline.

4           Captain Cline is the Jail Commander. He  
5       indicated we can go up to the jail now if the Court wishes.

6           THE COURT: Why don't we adjourn at this time.

7           We will view the jail premises and we can  
8       continue this matter until Monday at 9:00 a.m. for  
9       argument --

10          MR. KANAREK: If necessary.

11          THE COURT: -- if necessary.

12          MR. KANAREK: Certainly, your Honor. Then we go up  
13       there right now. Your Honor will keep in mind, I am sure,  
14       that Mr. Manson's just human desire to receive his mail,  
15       your Honor.

16          THE COURT: We will adjourn until 9:45 this morning.

17               (Adjournment as Court and counsel visit the  
18       jail.)  
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4-1

(Whereupon the following proceedings occurred in the Los Angeles County Jail, on the 10th floor of the Hall of Justice. The following occurred at Module 8.)

CAPTAIN CLINE: What is your name?

MR. TOOMOTH: Fredric Michael Toomoth.

MR. KANAREK: When were you booked?

MR. TOOMOTH: November 10, 1969.

MR. KANAREK: Are you a state prisoner?

MR. TOOMOTH: No.

MR. KANAREK: A federal prisoner?

MR. TOOMOTH: No. State prisoner, right.

(The following proceedings occur at the visiting screen adjacent to the 10th floor attorney room.)

THE COURT: Would you swear Captain Cline, please.

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

CAPTAIN CLINE: I do.

THE CLERK: Would you please state your name.

THE WITNESS: James L. Cline; C-l-i-n-e.

MR. KANAREK: It is your witness, Mr. Dougherty.

THE COURT: I want to ask him some questions; and of course, you may have the right to do the same.

1 JAMES L. CLINE,  
2 having been first duly sworn, was examined and testified  
3 as follows:

## EXAMINATION

BY THE COURT:

6 Q Where are/<sup>we</sup> physically located now? What is  
7 the description of this room, Captain?  
8

9 A This is the visiting screen adjacent to the  
10 10th floor attorney room.

11 Q All right.

12 Now, physically, there is a screen on this  
13 side of the room with about three-quarter inch heavy  
14 wire mesh, and immediately opposite that, separated by  
15 about eight inches or so, is a screen with very fine mesh,  
16 which makes it almost, but not quite, opaque.

17 Is that correct?

18 A Yes, sir.

19 Q As I understand it, Mr. Manson sits on this  
20 side where the mesh is about three-quarter inch, and the  
21 attorney or the visitor would sit on the opposite side?

22 A That is correct, sir.

23 Q Now, would you tell us what is the reason for  
24 having Mr. Manson on one side of the screen and the visitor  
25 on the other side rather than having the interview out  
26 at the tables in the visitor's room.

1 MR. KANAREK: Before we proceed. I think this  
2 gentleman is not percipient.

3 Since your Honor is the one that is eliciting  
4 this, I won't object.

5 THE COURT: Percipient to what?

6 MR. KANAREK: He has no personal knowledge. It is  
7 only what somebody else told him. So that, in that sense  
8 of the word, it is hearsay.

4a fls. 8



1 THE COURT: You can ask him.

2 What I wanted to know is why is Mr. Manson put  
3 in this room rather than letting him conduct his interview  
4 outside.

5 THE WITNESS: The primary reason is to prevent the  
6 passage of contraband.

7 Additionally, I might add, we have found some  
8 contraband either on Mr. Manson or in his module that led  
9 us to believe that it was definitely a security hazard to  
10 allow him to come in physical contact with persons other  
11 than his attorneys.

12 THE COURT: Q What is the nature of the contraband?

13 THE WITNESS: Well, in one case we found a particle of  
14 a pill, which upon chemical examination was found to be  
15 LSD.

16 On another occasion, we found some personal  
17 letters on Mr. Manson that were handed to him in the  
18 attorney room during a visit with Mr. Kanarek and some  
19 persons that Kanarek stated were material witnesses.

20 Q Is that a violation of jail rules?

21 A Yes, sir, it is.

22 Q What is the jail rule with respect to  
23 correspondence and mail?

24 A Well, the jail rule and the Penal Code require  
25 any communication with a prisoner kept here to be approved  
26 first by the Jail Commander. And this primarily relates to  
personal letters, writings, or other objects such as food,

A2

personal necessities, razor blades, and that sort of thing.

1  
2 Additionally, aside from those items that I  
3 mentioned we have recovered from Manson or his module, we  
4 did also receive information from the Narcotic Bureau that  
5 friends of Manson were going to attempt to get LSD to him  
6 by way of ink or other substance on personal letters.  
7 In other words, the lysogenic acid dissolved in some sort of  
8 solution that would be transferrable to paper, such as  
9 ink or in a ball pen.

10 Q Now, when Mr. Manson and Mr. Kanarek confer  
11 alone are they required to confer through this screen?

12 A No, sir.  
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4B

Q In other words, when there is some visitor, non-attorney visitor, that the screen is used; is that right?

A That's right, sir.

THE COURT: Do you wish to ask?

MR. KANAREK: Yes. Just a couple of questions.

MR. KANAREK: Q Officer, is it a fair statement that as to the one time concerning the pill and the allegations concerning the letters, that you were not percipient to this, you have no personal knowledge in the sense that you participated in any events where you could personally testify about either of those two items or two matters?

A Essentially, that would be correct.

Q It is just what somebody told you; is that correct?

A I did not observe any incident that connected these materials to Mr. Manson.

I observed the materials.

Q And somebody told you something about the letters, and somebody told you something about the pill?

A That is correct.

Q Then somebody has told you something that somebody thinks is going to be done in the future; or at that time they thought it was going to be done in the future, concerning placing LSD, somehow or other, on papers that would be given to Mr. Manson; is that correct?

1           A       That is correct.

2           MR. KANAREK: Thank you.

3                   Then I would make a motion, your Honor, that  
4 all this be stricken.

5                   I don't want to be hypertechnical.

6           MR. DOUGHERTY: I have a question which perhaps I  
7 should have asked before.

8           THE COURT: All right.

9 BY MR. DOUGHERTY:

10           Q       Captain, isn't it true that in your capacity  
11 as Commander of the Hall of Justice Jail, many times you  
12 order security precautions to be made in the case of a  
13 certain prisoner based on reports you receive from members  
14 of your staff?

15           A       Yes, sir.

16           MR. DOUGHERTY: I don't think the testimony, your  
17 Honor, is offered for the truth of the matter asserted,  
18 but just to show what information the Captain had when he  
19 gave certain orders regarding Mr. Manson.

20 BY THE COURT:

21           Q       Is this screen used with reference to any other  
22 prisoner other than Mr. Manson?

23           A       Yes, sir, your Honor.

24           Q       And for what reasons is it used as to other  
25 prisoners?

26           A       It is used any time we have a visitor that wishes



1 to see someone in the 10th floor area that we normally  
2 call our high-security area.

3 This would be other than attorneys, of course.

4 THE COURT: Well, as long as we are here, I think it  
5 will be a good idea if someone would go over on the other  
6 side so that we could converse back and forth and see if it  
7 is clearly audible; and also to see whether or not the  
8 person can be seen.

9 Now, I am standing here in this room looking  
10 through both screens, and I can read the sign on the wall  
11 20 feet away in the other room which says, "Attorneys,  
12 Bondsmen, Visitors and Inmates Seated While At Tables.  
13 Inmates No Smoking."

14 So, the screen does not render things invisible.

4C

4C-1

1 MR. KANAREK: No, your honor. It is just a matter  
2 of -- first of all, may I just ask a question on your  
3 Honor's last question? Can series of questions?

4 THE COURT: Yes.

5  
6 BY MR. KANAREK:

7 Q Officer, is it a fair statement that this screen  
8 set-up here is not used for attorneys but just for  
9 visitors?

10 I think, as you have actually indicated, when a  
11 visitor visits someone in what you call "high security" or  
12 "high power," then you have that visit in this screen set-  
13 up that Judge Older has described.

14 Is that correct?

15 A You asked me the questions. I am not sure  
16 which one you want me to respond to.

17 Q All right. I will break it up.

18 Is this area used for the visitation of high-  
19 power or high-security prisoners?

20 A Yes, sir.

21 Q And is it used for visits other than attorney  
22 visits for these people?

23 A Yes.

24 MR. KANAREK: Very well. Thank you.

25 (A gentleman appears on the far side of the  
26 screen.)

1 THE COURT: What is your name?

2 MR. WILSON: Charles Wilson.

3 THE COURT: I can hear Mr. Wilson, who is now sitting  
4 on the other side of the screen, without any difficulty.

5 Is this the normal position of the prisoner and  
6 the visitor?

7 CAPTAIN CLINE: Yes.

8 THE COURT: Am I now sitting in the spot where the  
9 prisoner would normally sit?

10 CAPTAIN CLINE: Yes.

11 THE COURT: Mr. Wilson is sitting where the visitor  
12 would normally sit?

13 CAPTAIN CLINE: Yes.

14 THE COURT: Mr. Wilson, would you tell me what your  
15 employment is?

16 MR. WILSON: I am a deputy sheriff for the County of  
17 Los Angeles.

18 THE COURT: Now, I can recognize Mr. Wilson, who I  
19 already know, and I can hear his voice clearly.

20 Do you want to sit down here, Mr. Kanarek?

21 MR. KANAREK: No.

22 I agree, that is correct, your Honor.

23 THE COURT: In other words, he can both be seen and  
24 heard.

25 MR. KANAREK: That is correct. I certainly agree with  
26 that, your Honor.

1 But you can't pass papers back and forth, and  
2 you can't have that necessary rapport.

3 THE COURT: I understand that is the reason for the  
4 screen.

5 MR. KAMAREK: Right.

6 But the intimacy that we have here in an  
7 attorney-witness-client interview, in order to prepare for  
8 trial, you have to have that immediate response to  
9 questions, the looking at documents, the discussion, the  
10 rapport back and forth that you don't get through this screen  
11 setup.

12 I think your Honor could take judicial notice  
13 of the fact -- I don't know if there are any witnesses out  
14 there -- but certainly in the attorney room itself, I  
15 think your Honor, and Mr. Dougherty will probably agree to  
16 stipulate, and the officer here I am sure will agree, that  
17 that is the normal place you interview witnesses.

18 I, myself, have interviewed witnesses with a  
19 defendant in the attorney room.

20 If you balance the right to a fair trial and  
21 due process; and also it is a violation of equal protection  
22 of the law. His status as a defendant is different.



D-1

1 THE COURT: I didn't intend to get into the argument  
2 here. We can do that back in the courtroom.

3 MR. KANAREK: Very well.

4 THE COURT: We are up here simply to gather information  
5 and to permit counsel to ask Captain Cline or any of the  
6 other personnel here questions regarding these physical  
7 facilities and procedures.

8 Do you have any questions?

9 MR. KANAREK: Yes.

10 BY MR. KANAREK:

11 Q Now, officer, if Judge Older should allow us  
12 or should make the order that we return to Seat No. 3, I  
13 believe -- the very first seat in the southernmost tier of  
14 seats in the attorney room where the deputies are -- when  
15 they sit at the desk, when you check in, which is, I don't  
16 know, something like eight or ten feet away, would you say  
17 that if the deputies there, and the deputies having the right  
18 and the power to, certainly, have in their possession --  
19 not read, but certainly have in their possession -- any  
20 kind of written material that goes back and forth, would you  
21 say that the Los Angeles County Sheriff's Department could  
22 monitor that?

23 MR. DOUGHERTY: That question is incomprehensible.

24 MR. KANAREK: I think the gist of it is clear.

25 I can break it up.

26 THE COURT: Perhaps you'd better do that.

1 BY MR. KANAREK:

2 Q officer, directing your attention to the  
3 previous setup before Mr. Manson was returned or was ordered  
4 to have interviews with his lawyer and witness in the setup  
5 that Judge Older has described. If you went back to the  
6 previous setup, is there any reason that you couldn't  
7 monitor that setup?

8 A Yes.

9 Q All right.

10 Now, what is the reason?

11 A Because the visitors and/or other persons could  
12 come in physical contact with Mr. Manson and/or pass him  
13 materials.

14 Q How could they, officer?

15 I have seen as many as, literally, five or six  
16 people watching us when we talk.

17 Now, there is that partition.

18 How could they physically come in contact with  
19 him?

20 You seat Mr. Manson first, and then, let's say,  
21 the witness and myself sits down.

22 How can there be any physical contact?

23 A You asked for my opinion. In my opinion,  
24 there could be passage of materials for the reason that they  
25 are in close proximity and nothing is in between them to  
26 prevent the passage of material.

1 Q With five deputies in between?

2 Could you tell me how it is done rather than  
3 your conclusion that it could be done? How would it be  
4 done physically?

5 MR. DOUGHERTY: Why don't you ask if it was ever done  
6 in the past?

7 MR. KANAREK: May I have an answer to that question?  
8 I think it is a perfectly reasonable question.

9 THE COURT: You are asking how it might be done?

10 MR. KANAREK: Yes. How could it be done? How could  
11 it be done?

12 Picture Mr. Manson on one side and the partition  
13 between him and me and the witness, and five deputies within  
14 eight feet of us watching everything we do.

15 Would you tell us how we are going to pass  
16 anything?



4-1  
1 THE COURT: I think that is unreasonable to require  
2 five deputies to supervise one interview.

3 MR. KANAREK: They did it, your Honor, before this  
4 purported problem ever occurred.

5 I am not asking for five deputies. I say they  
6 did it of their own accord before this problem came about.

7 THE COURT: When the screen is being used, where is  
8 the closest deputy?

9 CAPTAIN CLINE: At the rear of the room, your Honor.

10 THE COURT: So there is no eavesdropping of conver-  
11 sations while the screen is being used?

12 CAPTAIN CLINE: None whatever.

13 MR. KANAREK: May I have an answer to that question,  
14 your Honor, as to how the interchange would take place?

15 THE COURT: How does he know?

16 MR. KANAREK: Absent the --

17 THE COURT: It could happen in various ways.

18 MR. KANAREK: I am asking.

19 This is an evidentiary hearing. May I ask him  
20 that?

21 THE COURT: You are asking him to speculate.

22 MR. KANAREK: I am asking him how, in his experience  
23 as a police officer, in the setup that I have described,  
24 with Mr. Manson on one side, and myself and the witness on  
25 the other side, with the partition, the eight or ten or  
26 twelve-inch partition between us, sitting down, when we are



1 within five to eight feet of a deputy or deputies, can you  
2 tell me how there is going to be any physical passage of  
3 material that is not known to the Deputy or Deputies?

4 MR. DOUGHERTY: You are assuming all kind of facts  
5 that are not in evidence.

6 THE COURT: Yes. I think so.

7 I don't think the answer is going to help us.

8 He may name some possible ways, but there may  
9 be other possible ways that he doesn't think of or doesn't  
10 know of.

11 MR. KANAREK: Yes, your Honor.

12 THE COURT: It is obvious that when people are in  
13 close proximity to each other without any intervening  
14 partition, that there is a possibility that something may be  
15 passed.

16 That is obvious. We don't need to take evidence  
17 on that.

18 MR. KANAREK: Yes.

19 THE COURT: Whether or not it can be passed without  
20 being seen or detected is another matter.

21 MR. KANAREK: We can make argument on this in court.  
22 Very well.

23 But I would like the deputy to state to me the  
24 various ways, whatever comes to his mind.

25 I think we have a right to that, your Honor,  
26 because this goes to the fundamental right to prepare for

1 trial.

2 We just can't have it at this screen. There is  
3 no rapport.

4 THE COURT: That is a matter for argument.

5 MR. KANAREK: Then may I have an answer to that  
6 question as to in what ways, what physical ways, this  
7 could take place?

8 THE COURT: Has it taken place in the past?

9 MR. KANAREK: No.

10 THE COURT: Then you are calling for speculation.

11 MR. KANAREK: That is what I say.

12 Their whole position here, your Honor, is based  
13 upon conjecture, on one little pill which this officer has  
14 no personal knowledge of.

15 THE COURT: Of course, all security measures are  
16 based on what may happen, so there is nothing unusual about  
17 that.

18 Is there anything else we should see while we  
19 are up here, Mr. Kanarek?

20 MR. KANAREK: I would like to then go to the attorney  
21 room and have us sit there the way that it should be done  
22 so that your Honor will realize the vast difference between  
23 this screen setup and sitting there with a witness.

24 I would like to adjourn these proceedings to  
25 the attorney room proper where we can then see the difference.

26 THE COURT: We have been in the attorney room. I have

1 observed the table at which you and Mr. Manson sit, and I  
2 have seen the position, and there is a deputy standing  
3 there now where the deputy stands.

4 I don't know what else we could do.

5 MR. KANAREK: I would like to sit there and then ask  
6 the officer how anything is going to be transferred with  
7 deputies, live flesh-and-blood, healthy, vigorous,  
8 Los Angeles County deputies, watching every movement.

9 THE COURT: Well, I don't think that is necessary.

10 Anything else?

11 MR. KANAREK: That is what I would ask your Honor to  
12 allow us to do.

13 THE COURT: We have already observed the attorney  
14 room, so I don't see any necessity for that.

15 I am ready to go back.

16 MR. KANAREK: Very well.

17 MR. DOUGHERTY: Very well.

18 THE COURT: Thank you very much, Captain.

19 CAPTAIN CLINE: You are welcome, sir.

20 I will escort you down.  
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5-1

1 (The following proceedings were had in the  
2 chambers of the court, Mr. Kanarek and Mr. Dougherty  
3 being present, all other counsel and defendants and the  
4 jury being absent:)

5 THE COURT: The record will show we are back in  
6 chambers. And Mr. Kanarek and Mr. Dougherty are present.

7 Captain Cline and Sergeant Zuhlke are present.

8 We don't have time for anything further this  
9 morning before the trial starts. Do you want to put  
10 this over until Monday for argument?

11 MR. KANAREK: Yes, your Honor, I would like to  
12 just ask for some interim relief, if I may, as counsel  
13 and Mr. Dougherty has pointed out, they do it on sort of  
14 an ad hoc basis on occasions, they will say "Okay, you  
15 can have an interview at the screen" -- pardon me, "in  
16 the normal/<sup>way</sup>with the witness."

17 What I mean is this is based upon whim and  
18 caprice of the particular officers, your Honor.

19 THE COURT: Well, when you are dealing with priso-  
20 ners of all kinds, many things have to be done on an ad  
21 hoc basis.

22 MR. KANAREK: Well, but the point is -- very well,  
23 your Honor, we are right now at a very critical stage of  
24 these proceedings. We need certain witnesses; we just  
25 have to talk to them.

26 THE COURT: Of course that is one of the reasons



5-2

1 why a defendant has counsel. You are free to examine and  
2 interrogate a witness anywhere, Mr. Kanarek, in or out  
3 of the jail.

4 MR. KANAREK: But you need the inputs, as your  
5 Honor knows, in preparing a case, you need the input --

6 THE COURT: I understand all that.

7 Now, it is perfectly obvious to me, after  
8 seeing those facilities up there, that the interview is  
9 in no way hampered by that screen.

10 It may not be quite as clear in the sense  
11 of visibility as it is over at the table, but I could  
12 recognize Mr. Wilson, who was sitting on the opposite  
13 side of the screen; I could read a sign 20 feet away on  
14 the opposite wall in the other room; I could hear every-  
15 thing that was being said.

16 So while it may not be quite as good as a  
17 completely unimpaired interview, so far as a screen  
18 being in between is concerned, it is in my opinion  
19 perfectly adequate for an interview, and I think that the  
20 Sheriff has to make these decisions.

21 Unless they actually impair the ability to  
22 hear or see, I think that has to be left up to the  
23 discretion of the Sheriff as to how to handle a particular  
24 prisoner or a particular visitor.

25 I am not prepared at this time to make any  
26 order which will restrict the freedom of the Sheriff to

5-3

1 handle this matter in the way it has been handled.

2 MR. KANAREK: Well, your Honor, may we do it this  
3 way, then, we start off without passing anything back and  
4 forth.

5 There can be no reason whatsoever.

6 Let us say we start off with that agreement,  
7 that nothing gets passed back and forth, zero.

8 Now, why can't we do that? Because these  
9 witnesses are being imposed upon anyway to have them sit  
10 in front of a screen like that.

11 THE COURT: Why are they being imposed upon?

12 MR. KANAREK: They are being imposed upon to partici-  
13 pate. Our witnesses, everyone that comes up.

14 THE COURT: What difference does it make to the  
15 witness whether he is sitting in front of a screen or  
16 not.

17 MR. KANAREK: They have to be photographed; they  
18 have run makes on them; they have arrested people who come  
19 up there with warrants.

20 They don't do that with the prosecution  
21 witnesses.

22 Every witness, everyone of our witnesses that  
23 comes up, they take a picture of him.

24 THE COURT: Fine, that would be true in a matter  
25 where the witness sat --

26 MR. KANAREK: I am just saying it is part and parcel

5-4

1 of the whole process, your Honor, it is a grinding kind of  
2 process.

3 It is very difficult to get people to come up  
4 there because of this process that they have done in this  
5 particular case in connection with Mr. Manson and, as I  
6 understand it, Mr. Fitzgerald and Mr. Shinn and Mr. Hughes  
7 have the same problem over there at Sybil Brand with the  
8 female defendants.

9 And there is no showing, there is no competent  
10 evidence in this record --

5a fls.



5A-1

1 THE COURT: Of course, Mr. Manson is not present now  
2 and I take it this is not intended to be your argument on  
3 the motion.

4 MR. KANAREK: No, your Honor.

5 THE COURT: Why don't we put it over until Monday  
6 at 9:00, then, for argument, and we will take the matter up  
7 at that time.

8 MR. KANAREK: Certainly, your Honor.

9 THE COURT: I am simply indicating that in the mean-  
10 time I am not prepared to make any interim order.

11 MR. KANAREK: Very well, certainly.

12 MR. DOUGHERTY: Counsel, we have one request.  
13 Captain Cline feels his testimony regarding LSD, that that  
14 portion of the reporters' transcript be sealed.

15 You can inquire of Captain Cline if that would  
16 not be a good idea.

17 MR. KANAREK: Your Honor, I cannot agree to that. I  
18 mean, I am under the Court's order.

19 THE COURT: There is no necessity to seal it. We  
20 still have the same order that existed throughout the trial,  
21 that is, that matters in chambers and out of the presence  
22 of the jury, bench conferences, and I will include this, are  
23 not to be revealed to the public or the press.

24 It is on the record, Mr. Kanarek.

25 MR. KANAREK: However, your Honor, I would --may we  
26 have Captain Cline tell us why -- I mean, it would seem to



1 he would want this known so that other people would be  
2 cautious about doing what he says occurred here which I  
3 don't believe occurred.

4 THE COURT: Well, I don't think we need to get into  
5 that, because the order would apply in any event regardless  
6 of whether it is reasonable.

7 I am not doing it because he stated he does not  
8 want it done.

9 I am doing it because we do that with all of  
10 our chambers and bench conferences; that is, we limit the  
11 publication of those matters.

12 MR. DOUGHERTY: We will waive any rights to even have  
13 that motion on the record in light of the Court's ruling.

14 THE COURT: All right, then, these proceedings in the  
15 jail and in chambers here this morning will come under the  
16 previous court's orders, which prohibit the publication of  
17 these matters, or the disclosure of these matters to the  
18 press or the public.

19 Of course, the matters that occurred in open  
20 court in the courtroom are now public knowledge.

21 MR. KANAREK: Yes, your Honor.

22 Now, the point is this, I don't want to even  
23 indirectly violate the Court's order.

24 Now, how am I going to cover this in argument?

25 THE COURT: Well, I think you may argue these  
26 matters as to what we have seen, but I think as to what

1 Captain Cline mentioned about the contraband, I cannot see  
2 any necessity for bringing that out.

3 MR. KANAREK: This seems to be their whole case, your  
4 Honor.

5 THE COURT: They don't have any case, Mr. Kanarek.  
6 They are simply trying to run a jail.

7 MR. KANAREK: Right, and what they are doing, they are  
8 taking one little capsule that they say they found, and it  
9 could have gotten in there in a multitude of ways other  
10 than these visits.

11 But I will try to walk around it and I will  
12 walk around it so I will obey the Court's order.

13 THE COURT: We are talking about a procedure.

14 MR. KANAREK: Yes, your Honor. All that we ask is  
15 just the right to interview witnesses.

16 THE COURT: I think I am giving you that right.

17 Do you have any complaints about it?

18 MR. KANAREK: Pardon?

19 THE COURT: I think I have given you that right. Do  
20 you have any complaints about it?

21 MR. KANAREK: I mean in the attorney room.

22 THE COURT: Oh, I see.

23 MR. KANAREK: I want to obey the Court's order in  
24 connection with the press not knowing about this, so I  
25 will try to -- I am sure your Honor will have in mind  
26 in argument when I make reference --

1 THE COURT: You can certainly tell anybody you like  
2 that we went up to the jail and inspected the facilities,  
3 but as to what actually was said by each of the persons who  
4 spoke up there, I don't think it is necessary or desirable  
5 to reveal all that.

6 MR. KANAREK: I won't. In argument I won't either,  
7 because the -- maybe I can make some points here, we just  
8 have half a minute, maybe.

9 And that is this, your Honor:

10 Evidently, as to these letters, for instance,  
11 I would welcome your Honor's thinking about it over the  
12 weekend, the letters as to what is actually preparation for  
13 trial is certainly an intangible --

14 THE COURT: What letters are you referring to?

15 MR. KANAREK: Well, as I understand it, the reason  
16 that we are not being -- that we are forced to the screen is  
17 that half of it is the letters.

18 The other half is one little pill.

19 THE COURT: I don't understand it that way at all.

20 The reason you are being forced to the screen,  
21 as you put it, is to preclude the possibility of the passage  
22 of anything, whether it's letters, contraband, weapons,  
23 whatever it might be, between persons sitting at the table  
24 outside, where there is no partition in between.  
25  
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5b-1

1 MR. KANAREK: Right, but what I am saying is --

2 THE COURT: Whether or not anything occurred in the  
3 past would not make it unreasonable to require that as a  
4 continuing matter.

5 After all, the Sheriff would be slightly stupid  
6 if he did not anticipate security measures and take those  
7 measures rather than waiting until something had happened.

8 Whether it happened in the past or not is  
9 not the test whether it is reasonable or not, but whether it  
10 is reasonable to anticipate something could happen.

11 MR. KANAREK: Well, as I remember it, Captain Cline  
12 said two things:

13 There was this pill, this little tiny -- I  
14 gather a portion of a pill, the letters and what might  
15 happen in the future.

16 We have no evidence, no probable cause, if you  
17 want to use it in that light, whatsoever, as to anything  
18 except just the subjective determination, and that is what  
19 I would welcome your Honor's thinking about over the weekend,  
20 when you balance that against the fundamental right to a  
21 fair trial and the right to prepare for trial.

22 THE COURT: You have failed to indicate to me in any  
23 manner, Mr. Kanarek, through the testimony of Mr. Manson  
24 or anything else, how Mr. Manson is being deprived of  
25 any substantial right.

26 MR. KANAREK: Because, well, first of all, when you



5b-2

1 are sitting there you do wish to exchange documents and  
2 talk with the witness, with the document, "What about this  
3 word? What about that word?"

4 We have statements we have to go over; we  
5 made discovery; we could not do this. It is not possible  
6 to do this back and forth through a screen.

7 THE COURT: Mr. Kanarek, you are simply talking in  
8 circles.

9 It is perfectly possible for you to communicate  
10 with Mr. Manson at the table outside, as you have done, as  
11 you are continuing to do.

12 The only restriction is imposed on the visitors  
13 to have that same freedom. As I see it it is a perfectly  
14 reasonable restriction by the jail.

15 I cannot see how he is being prejudiced in any  
16 way whatever, none.

17 MR. KANAREK: Well, your Honor, the witnesses -- we  
18 have Mr. Fitzgerald and Mr. Shinn -- it is impossible to  
19 have any rapport through that screen.

20 THE COURT: Apparently it is not impossible. I did  
21 it with Mr. Wilson up there. I could see him, I could  
22 converse with him.

23 It is true I could not touch him; I could not  
24 hand him anything, that's right, and that is the purpose  
25 of the screen.

26 MR. KANAREK: Well, your Honor, what I am saying is,

5b-3

1 this fetters our right; this fetters our powers to proceed.

2 Without any showing whatsoever except a subjective  
3 showing by the Sheriff, there is not a whit of evidence  
4 that there was any LSD present in this pill. There is not  
5 a whit of evidence of anything except just somebody told --

6 THE COURT: Mr. Kanarek, that argument is in about  
7 the same category as an argument, for example, that they  
8 don't need a guard with a gun at San Quentin because nobody  
9 has ever gone over the wall.

10 MR. KANAREK: This is LSD. They have the power to  
11 bring it to court. I am sure Captain Cline/<sup>does</sup> not hold himself  
12 out as a chemist or a physicist.

13 THE COURT: We are going to get on with the trial now,  
14 gentlemen.

15 If you want to argue Monday morning at 9:00  
16 o'clock we will put it over until that time.

5c fls47

17 MR. KANAREK: Very well, thank you, your Honor.  
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9:58 A.M.

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(The following proceedings were had in open court, all defendants and their counsel being present, all the jurors being present:)

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

You may proceed, Mr. Bugliosi.

MR. BUGLIOSI: Call Michael McGann.

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

Would you please repeat after me:

I do solemnly swear --

THE WITNESS: I do solemnly swear --

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

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

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

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

THE CLERK: -- before this Court --

THE WITNESS: -- before this Court --

THE CLERK: -- shall be the truth --

THE WITNESS: -- shall be the truth --

THE CLERK: -- the whole truth --

THE WITNESS: -- the whole truth --

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

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

THE CLERK: -- So help me God.



1 THE WITNESS: -- so help me God.

2 THE CLERK: Be seated, please.

3 Would you please state and spell your name.

4 THE WITNESS: Michael J. McGann, M-c capital G-a-n-n.

5 THE CLERK: Spell your first name, please.

6 THE WITNESS: M-i-c-h-a-e-l.

7 MR. FITZGERALD: Could counsel approach the bench in  
8 regard to this witness, your Honor?

9 THE COURT: Very well.

10 (The following proceedings were had at the  
11 bench out of the hearing of the jury:)

12 MR. FITZGERALD: We have a problem in connection with  
13 the exclusion order of witnesses.

14 This witness now about to testify, officer  
15 Michael McGann, is an investigating officer with the  
16 Los Angeles Police Department and he has been sort of one  
17 of the rotating investigating officers in the case.

18 There is another rotating investigating officer  
19 sitting at the counsel table, Robert Calkins, who is also  
20 going to be called as a witness.

21 I understand that also there is a distinct  
22 possibility that officer Sartuchi and Officer Patchett are  
23 going to be called as witnesses, and they may be in the  
24 courtroom during either one or more of their testimony, and  
25 we would like them excluded.

26 THE COURT: Which ones excluded?



1 MR. FITZGERALD: We would like officer Calkins  
2 excluded, and Sartuchi, if Sartuchi and Patchett are in the  
3 courtroom, we would like them excluded.

4 MR. KANAREK: I join in Mr. Fitzgerald's request.

5 MR. SHINN: I join in Mr. Fitzgerald's request.

6 MR. KANAREK: I join in Mr. Fitzgerald's request.

7 THE COURT: Do you have any objection to that,  
8 Mr. Bugliosi?

9 MR. BUGLIOSI: Well, our plan has normally been to  
10 have two investigating officers in court, one in the Tate  
11 case and one in the La Bianca case.

12 One is on the stand now.

13 I think maybe, then, Calkins should have to  
14 leave the court because he is on the Tate case, too, like  
15 McCann, but if there is a La Bianca detective, does he have  
16 to leave, too?

17 MR. FITZGERALD: I don't care about that.

18 MR. BUGLIOSI: I don't see Sartuchi.

19 MR. FITZGERALD: Part of the problem is there is a  
20 recognizable exception for an investigating officer.

21 THE COURT: Of course the whole thing is discretionary.

22 MR. FITZGERALD: Certainly, but I think we all  
23 recognize there is an exception with the investigating  
24 officer.

25 In this case there are four investigating  
26 officers, which overdoes it a little.

1 THE COURT: There are seven murders, too, which takes  
2 it out of the category of normal murder cases.

3 MR. BUGLIOSI: There is very, very little the  
4 investigating officers will be testifying to in this case,  
5 extremely little.

6 MR. FITZGERALD: If you can represent to counsel  
7 through the Court that there is going to be no duplication  
8 of testimony --

9 MR. BUGLIOSI: No, no, there won't be any duplication,  
10 not that I know of, no.

11 MR. KANAREK: May I ask Mr. Bugliosi to make an offer  
12 of proof as to what this officer is going to testify to?

13 THE COURT: That is not necessary.

14 MR. KANAREK: Otherwise, I make a motion to suppress  
15 his testimony.

16 THE COURT: That is absurd.

17 MR. KANAREK: It isn't, your Honor.

18 THE COURT: Suppress it!

19 MR. KANAREK: Because --

20 THE COURT: On what grounds?

21 MR. KANAREK: On the grounds he's been here. We  
22 don't know what is going to take place.

23 THE COURT: Mr. Kanarek, let me remind you that the  
24 exclusion of witnesses is solely within the discretion of  
25 the Court, nobody has any right to have any witness  
26 excluded.

1 MR. KANAREK: Except if it impinges on a fair trial.

2 What I'm saying, the Constitution is over the  
3 statutes, your Honor, and if what happens impinges on a fair  
4 trial --

5 May I have a ruling on that?

6 THE COURT: A ruling on what?

7 MR. KANAREK: The motion to suppress this witness'  
8 testimony.

9 THE COURT: He hasn't testified yet.

10 MR. KANAREK: It is my position he should not be  
11 allowed to because he has been in the court all the time.

12 THE COURT: Motion denied.

13 MR. KANAREK: I am just trying to make the record,  
14 your Honor.

15 THE COURT: You are trying to clutter up the record  
16 with every conceivable kind of motion, whether it has any  
17 bearing, merit or relevancy whatever, Mr. Kanarek.

18 MR. KANAREK: Conceivably he could have spoken to  
19 Linda Kasabian at great length.

20 THE COURT: Conceivably he could have.

21 MR. KANAREK: What he said may corroborate what  
22 occurred in this courtroom.

23 In that case it impinges on a fair trial.

24 All I have asked your Honor is to make a ruling.

25 THE COURT: I have already ruled. Let's proceed.

26 MR. KANAREK: Yes.



5d-1

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

3 MR. BUGLIOSI: May it be stipulated that the male  
4 Caucasian depicted in People's 42 for identification is  
5 Steven Parent.

6 So stipulated?

7 MR. FITZGERALD: So stipulated.

8 MR. HUGHES: So stipulated.

9 MR. SHINN: So stipulated, your Honor.

10 MR. KANAREK: So stipulated, your Honor.

11 MR. BUGLIOSI: May it be stipulated, your Honor, that  
12 the female Caucasian depicted in People's 87 and People's  
13 106 for identification is Sharon Marie Polanski.

14 MR. FITZGERALD: So stipulated.

15 MR. BUGLIOSI: Also known as Sharon Tate.

16 MR. FITZGERALD: So stipulated.

17 MR. HUGHES: So stipulated.

18 MR. SHINN: So stipulated.

19 MR. KANAREK: So stipulated.

20 MR. BUGLIOSI: That the female Caucasian depicted  
21 in People's 88 for identification is Abigail Folger?

22 MR. FITZGERALD: So stipulated.

23 MR. HUGHES: So stipulated.

24 MR. SHINN: So stipulated.

25 MR. KANAREK: So stipulated.

26 MR. BUGLIOSI: That the male Caucasian depicted in



5d-2

1 People's 89 for identification is Voityck Frykowski.

2 MR. FITZGERALD: So stipulated.

3 MR. HUGHES: So stipulated.

4 MR. SHINN: So stipulated.

5 MR. KANAREK: So stipulated.

6 MR. BUGLIOSI: And that the male Caucasian depicted  
7 in People's 107 for identification is Jay Sebring?

8 MR. FITZGERALD: So stipulated, your Honor.

9 MR. HUGHES: So stipulated, your Honor.

10 MR. SHINN: So stipulated, your Honor.

11 MR. KANAREK: So stipulated.

12 THE COURT: What was the very first stipulation, Mr.  
13 Bugliosi?

14 MR. BUGLIOSI: That the male Caucasian depicted in  
15 People's 42 for identification is Steven Parent.

16 THE COURT: Very well.

17 BY MR. BUGLIOSI:

18 Q What is your occupation and assignment, sir?

19 A Sergeant of Police for the City of Los

20 Angeles presently assigned to Robbery-Homicide Division,  
21 Homicide Section.

22 Q Are you one of the investigating officers on  
23 the Tate case?

24 A Yes, sir.

25 Q On the date of August 9th, 1969, did you  
26 arrive at the Cielo address, 10050 Cielo Drive?

5d-3

1 A Yes, sir, I did.

2 Q What time did you arrive there?

3 A Approximately 1:30 p.m.

4 Q What is the first thing you observed when you  
5 arrived at the scene?

6 A When I arrived at 10050 Cielo Drive I observed  
7 a metal gate which separates Cielo Drive from the property,  
8 which is 10050 Cielo Drive.

9 On the right portion of the gate, as you enter,  
10 there was a small communications wire which I noted on the  
11 right side of the parkway, actually on Cielo Drive.

12 Q Did you notice any wires, such as telephone  
13 wires on the ground?

14 A I noted two wires just inside the gate, two  
15 telephone wires.

16 MR. BUGLIOSI: I have here a photograph, your Honor,  
17 showing a garage and two wires on the ground, may it be  
18 marked People's next in order?

P 124 Id.

19 THE COURT: 124 for identification.

20 BY MR. BUGLIOSI:

21 Q I show you People's 124 for identification,  
22 do you know what is shown in that photograph?

23 A Yes, sir.

24 Q What is that?

25 A These are the two wires that were inside,  
26 actually on the Cielo property.

5d-4

1 Q Inside the gate?

2 A Yes, sir.

3 Q And they were on the ground as depicted in  
4 this photograph?

5 A Yes, they were.

6 Q And leading to the garage?

7 A Yes, sir.

8 MR. BUGLIOSI: I have here another photograph, your  
9 Honor, showing the area of the gate of the Tate residence,  
10 may it be marked -- strike that, it is already marked.  
11 BY MR. BUGLIOSI:

12 Q I show you People's 123 for identification, do  
13 you know what is shown in that photograph?

14 A Yes, this is a picture of some other wires,  
15 another telephone wire, and I am pointing to a location  
16 where the communications wire that I mentioned before was  
17 attached.

18 Q This is you at the top of the photograph here?

19 A Yes, it is.

20 Q Pointing to the place where the communication  
21 wire was attached?

22 A Yes.

23 Q Talking about this communication wire, did  
24 you ever attempt to determine where the beginning and the  
25 end of that particular communication wire was?

26 A Yes, sir, I did.



5d-5

1 Q Where was the beginning of the communications  
2 wire?

3 A The beginning was directly beneath the  
4 telephone pole which is just north of an electric push-  
5 button which operates the gate for people to get into the  
6 Cielo property.

7 Q I show you People's 74 for identification, do  
8 you see the start of the communications wire depicted in  
9 that photograph?

10 A Yes, I do.

11 Q Will you point out and place an X where the  
12 communication wire started.

13 (Witness complies.)

14 MR. BUGLIOSI: May I mark that "Start of communica-  
15 tion wire," your Honor?

16 THE COURT: Yes.

17 (Mr. Bugliosi so marks on the photograph.)

18 BY MR. BUGLIOSI:

19 Q Were you able to follow this wire from where  
20 it started on the telephone pole outside the gate to where  
21 it ended?

22 A Yes, I was.

23 Q Did you take any photographs or have any  
24 photographs taken under your direction showing the  
25 progression of the communication wire from its inception  
26 outside the gate to where it ended?



1           A       Yes, sir, I did.

2           MR. BUGLIOSI: Your Honor, I have here a photograph  
3 of a telephone pole. May it be marked People's 126 for  
4 identification.

5           THE CLERK: 125, Counsel.

6           MR. BUGLIOSI: 125 for identification.

P 125 Id.

7           THE COURT: It will be so marked.

8           MR. BUGLIOSI: I have here another photograph  
9 appearing to depict Sergeant McCann holding a wire, may  
10 it be marked People's 126 for identification?

P 126 Id.

11          THE COURT: It will be so marked.  
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5E-1 1 MR. BUGLIOSI: I have here another photograph showing  
2 the extended arm of a female -- strika that -- a male  
3 Caucasian, holding the tip of a wire. May it be marked  
27 4 127 for identification?

5 THE COURT: It will be so marked.

6 MR. BUGLIOSI: I have here another photograph showing  
7 the extended arm of a male Caucasian holding a wire.

28 8 May it be marked People's 128 for identification?

9 THE COURT: It will be so marked.

10 MR. BUGLIOSI: I have here another photograph of  
11 Sergeant McGann holding a wire. May it be marked People's  
29 12 129 for identification?

13 THE COURT: It will be so marked.

14 MR. BUGLIOSI: I have here another photograph showing  
15 Sergeant McGann near the garage of the Tate residence, may  
30 16 it be marked People's 130 for identification?

17 THE COURT: It will be so marked.

18 MR. BUGLIOSI: I have here another photograph showing  
19 apparently a garage, I'm not sure, of the Tate residence;  
131 20 may it be marked people's 131 for identification?

21 THE COURT: It will be so marked.

22 MR. BUGLIOSI: I have here another photograph depicting  
23 a portion of the outside of the Tate residence, may it be  
132 24 marked People's 132 for identification?

25 THE COURT: It will be so marked.

26 MR. BUGLIOSI: I have here another photograph, depicting

1 a portion of the Tate residence, may it be marked  
2 People's 133 for identification?

3 THE COURT: It will be so marked.

4 MR. BUGLIOSI: I have here another photograph showing  
5 the top or the roof of the Tate residence, may it be  
6 marked People's 134 for identification?

7 THE COURT: It will be so marked.

8 MR. BUGLIOSI: I have here another photograph  
9 showing a portion of the Tate residence from the outside,  
10 may it be marked People's 135 for identification?

11 THE COURT: It will be so marked.

12 MR. BUGLIOSI: I have here another photograph  
13 showing a portion of the residence, the Tate residence, may  
14 it be marked People's 136 for identification?

15 THE COURT: It will be so marked.

16 MR. BUGLIOSI: I have here another photograph showing  
17 Sergeant McGann holding a wire in his hand, may it be  
18 marked People's 137 for identification?

19 THE COURT: It will be so marked.

20 Q BY MR. BUGLIOSI: I show you People's Exhibit  
21 125 through 137, look at all of these photographs, and if  
22 you know what is depicted therein please tell the Judge  
23 and the jury.

24 A On each individual photograph?

25 Q Yes, this first one is People's 125.

26 A People's 125 depicts a telephone pole which I



1 previously described, and the communication wire directly  
2 below it.

3 The wire runs up the pole approximately halfway  
4 and it shows a couple of strands which are wrapped around  
5 one of the cleats on the pole.

6 People's 126 depicts me standing on the north  
7 side -- correction -- on the south side of 10050 Cielo  
8 Drive, holding an end of this communications wire which had  
9 been cut.

10 Q Are you outside the gate there on People's 126?

11 A Yes, sir, I am.

12 Q You are in the driveway outside the gate?

13 A Yes, this is actually on 10050 Cielo Drive,  
14 prior to entering the Cielo property or the Polanski  
15 residence.

16 Q You are holding the communication wire that had  
17 fallen to the ground?

18 A Yes, sir.

19 Q At the point where it had been cut?

20 A At the point where it had been cut, yes, sir.

21 People's 127 is a close-up view of the end of  
22 the wire which was cut, and to my right hand and forearm.

23 Q You mean the end of the communication wire?

24 A Yes, sir.

25 People's 128 shows my left hand and arm pointing  
26 to a location where this communication wire was attached



1 prior to going out of the Cielo property.

2 This particular pole is inside the gate or on  
3 the Polanski property.

4 People's 129 shows this pole from a different  
5 angle, this angle would be looking from west to east inside  
6 the property.

7 Again the wire is attached to this pole.

8 People's 130 is inside the Polanski property.  
9 It depicts me pointing to a point on the garage roof, or  
10 eave, where this communications wire was attached, going  
11 from the previously described pole to this location.

12 Q Well, now, outside the gate, before you go any  
13 further, outside the gate of the Polanski or Tate residence,  
14 the communication wire had fallen to the ground, is that  
15 correct?

16 A That's correct.

17 Q Once you got inside the gate was the communication  
18 wire on the ground or in the air?

19 A No, the communications wire inside the gate was  
20 attached and up in the air.

21 Q So the communication wire was only on the  
22 ground outside the gate?

23 A Just inside the gate -- yes, it had fallen --  
24 there is a small gate where the gate separates the Polanski  
25 property from the Cielo Drive, there is another fence  
26 just inside that property, and it had fallen there.

1                   So it was on the ground just for a matter of a  
2 few feet inside of the property.

3           Q     Inside of the main gate?

4           A     Yes.

5           Q     And then it was extended in the air?

6           A     Yes, it was.

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56-1

1 Q You may continue.

2 A People's 131 shows the previously described  
3 scene with the close-up of the garage, with the communica-  
4 tions wire attached.

5 Q To the garage of the Polanski premises?

6 A Yes.

7 People's 132 traces the communications wire  
8 all along the back of the garage to the south end of the  
9 garage or garage roof.

10 People's 133 shows the wire leading from the  
11 garage over to the top of the Polanski house.

12 This would be the main house where the Polanskis  
13 lived.

14 People's 134 shows the top of the main house,  
15 tracing the wire in a southerly direction from the garage.

16 People's 135 shows the wire going down from the  
17 roof towards an area at the rear of the Polanski home,  
18 the main house.

19 People's 136 shows a lot of communications wire  
20 attached to a small speaker, lying on the ground at the  
21 rear of the Polanski home.

22 People's 137 shows an over-all view looking  
23 from south to north, showing me picking up the previously  
24 described speaker.

25 Q Is this speaker basically the end of the  
26 communications wire?

5f-2

1 A Yes, it was.

2 Q Would you put an X there, sir, at the end of  
3 the communication wire.

4 (Witness complied.)

5 MR. BUGLIOSI: May I mark that "End of communication  
6 wire," your Honor?

7 THE COURT: You may.

8 (Mr. Bugliosi so marks on photograph.)

9 BY MR. BUGLIOSI:

10 Q Incidentally, when we are talking about a  
11 communication wire, you are not talking about a telephone  
12 wire, are you?

13 A No, sir.

14 Q You are talking about a wire separate and  
15 distinct from the telephone wire?

16 A That's correct.

17 Q Do you know of your own knowledge whether the  
18 communication wire leading from the bottom of the post  
19 outside the gate of the Tate residence and leading to the  
20 Tate residence, do you know of your own knowledge whether  
21 it was in operating order on August 9th, 1969?

22 A It was not in operating order when I was  
23 there on August 9th at about 1:30 p.m.

24 Q Of course it had been cut, right?

25 A That's correct.

26 Q Do you know whether it was in operating order



5f-3

before this?

A No, I do not.

Q As part of your duties as an investigating officer, arriving at the scene, did you inspect the entire premises?

A Yes, sir, I did.

Q You entered the Tate residence, I take it?

A Yes, sir, I did.

Q Did the residence appear to be ransacked in any fashion?

A No, it did not.

6 fls.

6-1

1 Q Did you enter the caretaker's home to the  
2 rear of the Tate residence?

3 A Yes, I did.

4 Q Did that appear to be ransacked in any  
5 fashion?

6 A No, it did not.

7 Q Did you enter the garage on the premises?

8 A Yes, I did.

9 Q Did that appear to be ransacked in any  
10 fashion?

11 A No, it did not.

12 Q You found no drawers open or anything like  
13 that?

14 A No, sir.

15 Q When I say "drawers," I mean, let's say,  
16 like drawers in the bedroom, et cetera.

17 A Drawers actually open in the bedroom?

18 Q Yes.

19 A Not that I recall.

20 Q Do you have a property report with you, sir?

21 A Yes, I do.

22 Q It is the Los Angeles Police Department  
23 property report?

24 A Yes, sir, it is.

25 Q Containing some or all of the property found  
26 at the Tate residence and booked into the property

6-2

1 division of the Los Angeles Police Department?

2 A Yes, sir.

3 Q Does that property report indicate whether a  
4 purse identified as Abigail Folger's purse was found in  
5 the premises?

6 A Yes, it does.

7 Q Where was the purse found?

8 A It was found in the front bedroom of the  
9 Polanski home on the sofa.

10 MR. BUGLIOSI: You can make reference to it if  
11 there is no objection to the property report.

12 MR. FITZGERALD: No objection.

13 MR. BUGLIOSI: Q Was there any money in Abigail  
14 Folger's purse?

15 A Yes, sir, there was.

16 Q How much?

17 MR. KANAREK: Your Honor, is this going in under  
18 past recollection recorded?

19 Evidently, he has no memory of this.

20 I would have no objection to the officer reading  
21 from that if it is understood that it is going in under past  
22 recollection recorded.

23 If he is merely laying foundation --

24 MR. FITZGERALD: Item 19, 20 and 21, Sergeant.

25 MR. BUGLIOSI: No, it is not that purse, Mr.  
26 Fitzgerald.

6-3

1 THE COURT: Mr. Bugliosi, do you wish to respond to  
2 Mr. Kanarek's statement?

3 MR. BUGLIOSI: Well, I think it is coming in, your  
4 Honor, he is refreshing his memory from this property  
5 report.

6 MR. KANAREK: Query as to whether that is -- I don't  
7 know, it is sort of hanging in the air at this time -- as  
8 to which way it is, your Honor? I would like that founda-  
9 tion.

10 Just as long as we know which way it is, as  
11 long as we know which, in fact, is the correct way.

12 THE COURT: Are you objecting?

13 MR. KANAREK: I am objecting to the foundation, and  
14 I would ask Mr. Bugliosi to lay a foundation as to whether  
15 this man is testifying of his own memory being refreshed  
16 or whether he is merely reading something from a piece  
17 of paper.

18 THE COURT: Lay the foundation, Mr. Bugliosi.

19 MR. BUGLIOSI: Yes, sir.

20 Q Do you remember of your own recollection, sir,  
21 how much money was found in Abigail Folger's purse?

22 A I do remember. However, I wanted to refer  
23 to the report, and I found it and looked at it prior to  
24 this last question.

25 Q I'm going to ask you in subsequent questions  
26 whether money was found in the pocketbook or the wallet



6-4

of other victims at the scene.

Do you remember of your own recollection if that is so and how much was found, or do you need to refer to the property report?

A For the exact amounts of money found, I would need to refer to the property report.

a fls.

1 MR. KANAREK: Well, then, in that sense it is past  
2 recollection recorded, your Honor, because the man has  
3 no memory.

4 THE COURT: It depends on whether or not it refreshes  
5 his recollection.

6 MR. KANAREK: Correct. But we still don't have that.

7 THE COURT: Let's take it question by question,  
8 Mr. Kanarek.

9 MR. KANAREK: Very well.

10 MR. FITZGERALD: Well, let the record reflect that  
11 the defendant Patricia Krenwinkel has no objection to him  
12 testifying from the report, either for refreshing his  
13 recollection or for past recollection recorded.

14 MR. KANAREK: I have no objection either, just so  
15 we know which way it is, so that later we can discuss this  
16 with the jury intelligently.

17 I have no objection, your Honor. I would like  
18 to know which way it is.

19 THE COURT: You will have to lay a foundation.

20 MR. BUGLIOSI: Okay.

21 BY MR. BUGLIOSI:

22 Q With respect to Miss Folger, now, you indicated  
23 that her purse was found on the premises; is that correct?

24 A Yes, that is correct.

25 Q And some money was found in it?

26 A Yes, it was.

1 Q Now, you have already looked at the property  
2 report, I take it?

3 A Yes, I have.

4 Q Is your memory refreshed now as to the amount  
5 of money found in Miss Folger's purse?

6 A Yes, it is.

7 Q How much money was found in Miss Folger's purse?

8 A \$9.64.

9 MR. KANAREK: May the record reflect --

10 THE COURT: If your memory is refreshed, Officer,  
11 then you don't need to read it from the report.

12 If it does not refresh your recollection, then  
13 Mr. Bugliosi will have to lay further foundation.

14 THE WITNESS: Fine.

15 BY MR. BUGLIOSI:

16 Q Were these eight one dollar bills?

17 A Yes.

18 Q And a \$1.54 in change?

19 A Yes.

20 (Mr. Fitzgerald, Mr. Bugliosi and Mr.  
21 Stovitz confer.)

22 BY MR. BUGLIOSI:

23 Q What about Volityck Frykowski? Was any  
24 pocketbook or wallet found on or about his person or  
25 anywhere on the premises that appeared to belong to him?

26 A Yes, sir.

1 MR. KANAREK: Your Honor, may the record reflect  
2 that as the witness is testifying he is reading or  
3 purporting to read -- that he has in front of him some  
4 documents?

5 MR. BUGLIOSI: Sergeant, if you remember of your own  
6 recollection, then do not look at that property report.

7 If you do not remember any answer to my  
8 question, then simply say you do not.

9 Then we will ascertain at that point whether  
10 you will be permitted to look at the property report to  
11 refresh your memory.

12 Okay?

13 THE WITNESS: Yes, sir.

14 BY MR. BUGLIOSI:

15 Q Now, do you remember whether Mr. Frykowski's  
16 pocketbook or wallet was found at the scene?

17 A Yes, it was.

18 Q Do you know where it was found?

19 A It was also found in the front bedroom of the  
20 Polanski home on the sofa.

21 MR. KANAREK: Your Honor, may I inquire on voir  
22 dire as to whether he is testifying as to something that  
23 he is percipient to or whether he is testifying as to what  
24 somebody told him?

25 It may well be that he has no personal  
26 knowledge of this.



1 THE COURT: Are you testifying of your own knowledge,  
Officer?

2 THE WITNESS: Yes, sir, I am.

3 BY MR. BUGLIOSI:

4 Q Do you recall how much, if any, money was  
5 found inside Mr. Frykowski's wallet?

6 A I would like to refresh my memory on the  
7 report.

8 Q You don't recall of your own recollection?

9 A No, I do not.

10 MR. BUGLIOSI: Is there any objection to his looking  
11 at the report, Mr. Kanarek?

12 MR. KANAREK: I have no objection, your Honor, except  
13 that I believe his idea of recollection refreshing is not  
14 what the law is.

15 I am sure he doesn't remember it. And if he  
16 doesn't, it goes in under the past recollection recorded.  
17 Because either he does or he doesn't.

18 I suggest what he is doing, he is merely  
19 reading from a piece of paper, and it must be denominated  
20 past recollection recorded.

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B-1

1 THE COURT: Let's proceed, Mr. Bugliosi.

2 MR. BUGLIOSI: Q How much money, if any, was  
3 found in his pocketbook?

4 A Can I refresh my memory from the report?

5 Q In his wallet.

6 Yes, you may.

7 (The witness looks at the report.)

8 MR. BUGLIOSI: I am sorry, sir. Have you looked at  
9 your report?

10 A Yes, I have.

11 Q How much money was found in Mr. Frykowski's  
12 wallet?

13 A \$2.44.

14 Q Two one-dollar bills?

15 A Yes.

16 Q And 44 cents in change?

17 A Yes, sir.

18 Q What about Mr. Sebring?

19 A Yes. Mr. Sebring's wallet was inside his  
20 coat which was on a chair in the living room of the  
21 Polanski residence.

22 Q Do you recall whether or not any money was  
23 found inside his wallet?

24 A Yes, sir. There was money found inside the  
25 wallet.

26 Q Do you recall how much it was?

oB2

1 A Not without refreshing my memory from the  
2 Property report.

3 Q All right. Would you please look at the report.

4 (Pause while the witness looks at the report.)

5 MR. BUGLIOSI: All right.

6 Q How much money was found, if at all, in  
7 Mr. Sebring's wallet?

8 A \$80.

9 Q Four \$20 bills?

10 A Yes, sir.

11 Q Did you ever enter the master bedroom of the  
12 Tate residence?

13 A Yes, I did.

14 Q It has been previously identified as Sharon  
15 Tate's bedroom.

16 Did you find any money inside the bedroom?

17 A Yes, sir, I did.

18 Q Do you recall how much it was?

19 A No, sir, I do not, without refreshing my memory  
20 from the property report.

21 Q Would you do that now?

22 A Yes, sir.

23 (The witness looks at the report.)

24 MR. BUGLIOSI: Q Have you done so?

25 A Yes, I have.

26 Q How much money?

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A \$18.

Q One \$10 bill?

A Yes, sir.

Q One \$5 bill?

A Yes, sir.

Q Three \$1 bills?

A Yes, sir.

Q Where was this money?

A This was on the nightstand located in the master bedroom in the Polanski home.

Q On top of the nightstand?

A Yes, sir.

Q In plain view?

A Yes, sir.

Q Do you recall whether Mr. Parent's wallet was found inside the car?

A Yes, sir, it was.

Q Do you recall if any money was found inside the wallet?

A Yes, sir. There was money found inside the wallet.

Q Where was the wallet in the car?

A I believe the wallet was in his pocket, his pants pocket, I believe.

Q Do you recall how much money was found in the wallet of Mr. Parent? Inside the wallet that was in the



4  
1 pocket of Mr. Parent?

2 A No, sir, not without refreshing my memory.

3 Q Okay.

4 Do you have the report in front of you?

5 A Yes, sir, I do.

6 Q Would you refresh your memory, sir?

7 A Yes, sir.

8 (Pause while the witness looks at the report.)

9 MR. BUGLIOSI: Q Have you done so, sir?

10 A Yes, sir, I have.

11 Q How much money was found in Mr. Parent's  
12 wallet?

13 A \$9.

14 Q One \$5 bill?

15 A Yes, sir.

16 Q And four \$1 bills?

17 A Yes, sir.

18 Q Were any items of personal property found inside  
19 Mr. Parent's vehicle, to your knowledge?

20 A Yes.

21 Q What was found?

22 A A man's wrist watch was found on the back seat  
23 of his vehicle.

24 A clock radio was also found in the vehicle, a  
25 check book, and miscellaneous papers.

26 MR. BUGLIOSI: Your Honor, I have here a photograph

1 depicting a watch on the seat of a vehicle.

2 May it be marked People's next in order?

3 THE COURT: 138 for identification.

4 MR. KANAREK: May I see that, Counsel?

5 MR. BUGLIOSI: Yes.

6 (Mr. Bugliosi shows the photograph to  
7 Mr. Kanarek.

8 MR. BUGLIOSI: Q I show you People's 138 for  
9 identification, Sergeant.

10 Do you know what is shown in that photograph?

11 A Yes.

12 This is the man's Lucerne wrist watch with the  
13 band broken.

6c-1

1 Q This was found where now?

2 A On the rear seat of Mr. Parent's car.

3 Q Is this photograph a fair and accurate  
4 representation of the way the watch looked when you saw  
5 it inside of Mr. Parent's vehicle?

6 A Yes, it is.

7 MR. BUGLIOSI: Your Honor, I have here a wristwatch.  
8 It is a Lucerne wristwatch. The band appears to be broken.  
9 it  
May/be marked as People's 139 for identification?

10 P 139 Id. THE COURT: Yes. It will be so marked.

11 BY MR. BUGLIOSI:

12 Q I show you People's 139 for identification.

13 Have you ever seen that watch before?

14 A Yes.

15 This appears to be the Lucerne wristwatch  
16 which is depicted in People's 138.

17 Q You took this into custody and booked it with  
18 the Property Division of the Los Angeles Police Department?

19 A It was taken into custody and booked with the  
20 Los Angeles Police Department, yes, sir.

21 Q I show you People's 17 for identification.

22 You referred to a radio found inside Mr.  
23 Parent's vehicle. Is that the radio depicted in that  
24 photograph?

25 A Yes, it is.

26 Q The center portion, or just above the center?

1           A     Just past the console portion or the pull-down  
2 arm-rest.

3           Q     Of the passenger's seat?

4           A     The front seat, the passenger's side of the  
5 car.

6           Q     That was taken into custody and booked with  
7 the Property Division of the Los Angeles Police Department?

8           A     Yes, it was.

9           Q     Did you find any narcotic on the premises,  
10 Sergeant?

11          A     Yes, I did.

12          Q     What did you find?

13          A     Quantities of marijuana and hashish was found  
14 on the premises, in addition to --

15          Q     Let's take it one at a time.

16                 How much marijuana and how much hashish,  
17 and where was it found, specifically.

18          A     Could I refresh my memory with the property  
19 report, sir?

20          MR. BUGLIOSI: Yes.

21          MR. KANAREK: Your Honor, may I inquire on voir  
22 dire on this refreshing versus past recollection recorded?  
23 I think it is important, your Honor.

24          THE COURT: It won't be necessary if a foundation  
25 is laid.

26          MR. KANAREK: I know, but --



1 THE COURT: You can take it up on cross-examination.

2 MR. KANAREK: The problem is, your Honor, that the  
3 witness, and perhaps certainly -- I am not imputing any-  
4 thing -- innocently may be saying that he is refreshing  
5 his recollection when really, what I think he is doing  
6 is, he is enunciating past recollection recorded.

7 THE COURT: This is something that Mr. Bugliosi will  
8 have to establish as part of his foundation.

9 MR. BUGLIOSI: I think with respect to the marijuana  
10 and the hashish, your Honor, I believe he already  
11 testified that he doesn't remember of his own recollection.

12 Is that right, Sergeant?

13 THE WITNESS: That is correct.

14 BY MR. BUGLIOSI:

15 Q Exactly where it was found and the amounts?

16 A I recall where it was found, but I do not  
17 recall the amounts.

18 The chemist analyzed them and also weighed  
19 them.

20 I have the weight written down here.

21 I do recall where the narcotics was found.  
22 I don't recall the weight.

23 Q Let's take them one at a time.

24 You found some marijuana?

25 A Yes, sir.

J-1

1 Q Where was the marijuana found?

2 A There was marijuana found in the living room  
3 portion of the Polanski home in a cabinet located against  
4 the west wall.

5 Q How much marijuana was this?

6 A It was a sack of marijuana.

7 Q You say a sack? How much was in the sack?

8 A Oh, approximately -- it was similar to a Baggy.  
9 Perhaps half full.

10 Q Do your records indicate exactly how much  
11 was found?

12 A Yes, they do.

13 Q All right.

14 Do you need to refresh your memory from those  
15 records?

16 A Yes, I do.

17 Q Would you please do so?

18 (Pause while the witness looks at the report.)

19 THE WITNESS: 76 grams.

20 Q 76 grams, g-r-a-m-s, of marijuana; is that  
21 correct?

22 A Yes, sir.

23 Q Did you find marijuana anywhere else on the  
24 premises?

25 A There was marijuana found in the front bedroom  
26 of the home, the Polanski home.

D2

1

Q Do you recall how much?

2

A I have to refresh my memory from this report.

3

Q All right.

4

(Pause while the witness looked at the report.)

5

THE WITNESS: 30 grams.

6

Q Where, specifically, was it found?

7

A In a nightstand just east of the bed which is in the front bedroom, in a drawer.

8

9

Q When you say the front bedroom, are you referring to the master bedroom or the other bedroom?

10

11

A No, sir, the other bedroom, which bedroom was occupied by --

12

13

Q Miss Folger and Mr. Frykowski?

14

A Yes.

15

Q You say you found some hashish. Is that h-a-s-h-i-s-h?

16

17

A Yes.

18

This is what is described by the chemist as hashish, trimmings.

19

20

Q Where was that found?

21

A That was the marijuana that I previously described, the 30 grams.

22

23

Q When you said marijuana originally, you were referring to the hashish?

24

25

A Yes.

26

The chemist describes it as hashish.

1 Q They are almost synonymous one with the other?

2 A Yes.

3 Q Did you find any other narcotics on the  
4 premises?

5 A (Pause.)

6 Q When I say "premises," I mean the entire  
7 premises, not just the house, but anywhere; in a car, on  
8 the premises, anywhere?

9 A There was narcotics found in Mr. Sebring's  
10 car.

11 Q What narcotics were those?

12 A This was Cocaine.

13 Q Do you know of your own memory how much Cocaine?

14 A I believe it was one ounce, but I would have to  
15 refer to my records to make sure.

16 Q Are your records in front of you?

17 A Yes, they are.

18 Q Would you please look at them and refresh your  
19 memory, sir.

20 THE COURT: Would counsel approach the bench, please.

21 (Whereupon, all counsel approach the bench  
22 and the following proceedings occur at the bench outside  
23 of the hearing of the jury:)

24 THE COURT: Now he is testifying to Cocaine from his  
25 report.

26 Can't this be stipulated to?



6D4

1 MR. KANAREK: No objection.

2 MR. FITZGERALD: No objection to stipulating.

3 MR. KANAREK: If we could enter into a stipulation it  
4 would save time. In other words, rather than impose on the  
5 chemist, we can stipulate that if the chemist were called,  
6 that he would be duly qualified and he would testify that  
7 these items were the same.

8 This witness is really stating hearsay.

9 I am not objecting. I believe it would come  
10 out anyway.

11 THE COURT: I certainly encourage any stipulation  
12 that you enter into.

13 MR. KANAREK: Right.  
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1 THE COURT: Now, with respect to this refreshing  
2 of recollection, past recollection recorded, we are  
3 doing this in a very loose way. I am sure you recognize  
4 that.

5 The witness, if asked a question, says "I have  
6 refreshed my recollection by looking at the document."  
7 You ask him "What was it?" And he states what it was.

8 Of course, the proper way is to interrogate  
9 him as to whether or not his recollection is refreshed.

10 In other words, he has to have an independent  
11 recollection; otherwise we have to go into past recorded  
12 recollection, which requires a further foundation.

13 MR. BUGLIOSI: I realize I have been loose.

14 THE COURT: I don't object to this, I don't have any  
15 objection to it, but --

16 MR. KANAREK: That is why I wished to inquire on voir  
17 dire.

18 THE COURT:--it is very difficult for me to follow  
19 what he is doing.

20 MR. BUGLIOSI: I think in the last several questions  
21 and answers he has been saying that he can't remember  
22 without looking at the report.

23 THE COURT: He has been saying that, but you haven't  
24 been asking him whether his recollection is refreshed.

25 MR. BUGLIOSI: That is true.

26 THE COURT: So I don't know whether he is testifying

1 from independent recollection refreshed or just reading  
2 from the document, in effect.

3 MR. BUGLIOSI: Okay.

4 THE COURT: You see, if counsel doesn't object to  
5 it, it is all right with me, but it is difficult to tell  
6 what is happening in case there is an objection.

7 MR. KANAREK: That is why I wanted to inquire on  
8 voir dire.

9 It seems to be a voir dire topic where you can  
10 ascertain once and for all that he is really reading from  
11 something.

12 THE COURT: Voir dire wouldn't be necessary if the  
13 proper questions were asked on the foundation.

14 MR. BUGLIOSI: Without stating on the record, there  
15 is a particular reason why the foundation is rather loose.

16 MR. KANAREK: I don't want to make any unnecessary  
17 objections.

18 MR. FITZGERALD: I agree with the reason, and I don't  
19 want to object.

20 MR. BUGLIOSI: I do know how to lay these founda-  
21 tions.

22 I have done it many times.

23 THE COURT: I am sure you do.

24 MR. BUGLIOSI: There is a reason for it.

25 THE COURT: Mr. Kanarek has been interposing some  
26 objections. That is the reason that I am concerned about it.

1 MR. BUGLIOSI: I do think, Mr. Kanarek -- and this  
2 is speaking inter se -- I think we can save a lot by doing  
3 it this way.

4 MR. KANAREK: That is why I haven't objected to the  
5 narcotics. But I think it would be fruitful for us to  
6 enter into a stipulation and, in that way, save the  
7 necessity of the chemist.

8 Actually, it is clearer to the jury to know  
9 that this is really expert testimony.

10 THE COURT: I think that is a good point.

11 Can you enter into a stipulation with respect  
12 to the chemist's testimony?

13 MR. FITZGERALD: I would prefer to stipulate to the  
14 fact rather than to the testimony.

15 MR. BUGLIOSI: Yes.

16 MR. FITZGERALD: We will stipulate that it is cocaine,  
17 not that a chemist would testify.

18 MR. BUGLIOSI: We will stipulate to that fact.

19 MR. KANAREK: Would your Honor wish to formulate it?

20 MR. HUGHES: What is the stipulation?

21 THE COURT: I can't formulate it. I don't know  
22 what the facts are.

23 MR. KANAREK: That each of the items are, in fact --

24 MR. FITZGERALD: What he purports they are.

25 THE COURT: It is time for us to take our recess.  
26 Why don't you get together during the recess.



1 MR. BUGLIOSI: Very well.

2 MR. KANAREK: Yes.

3 MR. FITZGERALD: All right.

4 (Whereupon all counsel return to their respective  
5 places at counsel table and the following proceedings occur  
6 in open court within the presence and hearing of the jury:)

7 THE COURT: We will take our recess at this time,  
8 ladies and gentlemen.

9 Do not converse with anyone or form or express  
10 any opinion regarding the case until it is finally submitted  
11 to you.

12 The court will recess for 15 minutes.

13 (Recess.)  
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JF-1

1 THE COURT: All parties, counsel and jurors are  
2 present.

3 You may continue, Mr. Bugliosi.

4 MR. BUGLIOSI: Q Just going back a little bit,  
5 Sergeant.

6 You testified that 30 ounces of hash was found  
7 inside the Tate residence?

8 A Yes.

9 Q Or is it grams?

10 A Yes.

11 Q Is it ounces or grams?

12 A Yes, grams.

13 Q Of hash?

14 A Yes.

15 MR. BUGLIOSI: May it be stipulated -- or the  
16 People will offer to stipulate that these 30 grams were,  
17 in point of fact, actually hash.

18 MR. FITZGERALD: It is so stipulated.

19 MR. HUGHES: So stipulated.

20 MR. SHINN: So stipulated.

21 MR. KANAREK: So stipulated.

22 MR. BUGLIOSI: Q And you testified, I believe,  
23 that you found 76.9 grams of marijuana?

24 A Yes, sir.

25 Q Inside the Tate residence?

26 A Yes.

F2

1 MR. BUGLIOSI: The People will offer to stipulate  
2 that these 76.9 grams were actually marijuana.

3 MR. FITZGERALD: Also known as Cannabis sativa.  
4 So stipulated.

5 MR. BUGLIOSI: Also known as Cannabis sativa, so  
6 stipulated.

7 MR. HUGHES: So stipulate.

8 MR. SHINN: So stipulate.

9 MR. KANAREK: Maybe, if Mr. Bugliosi would use a  
10 different name, "hashish" --

11 MR. BUGLIOSI: Or hashish.

12 MR. KANAREK: So stipulated.

13 MR. BUGLIOSI: Q With respect to the Cocaine in  
14 Mr. Sebring's car, did you say that there were two ounces?

15 A I thought there was two ounces. I said I  
16 would have to check my report, which I did, and it is one  
17 gram.

18 Q Your memory is refreshed?

19 A Yes.

20 Q You are not testifying from the report now?

21 A No.

22 Q So, the testimony is that there was one gram of  
23 Cocaine found inside Mr. Sebring's car?

24 A That is correct.

25 Q What type of car was that?

26 A A '68 Porsche.

F3

1 MR. BUGLIOSI: The People offer to stipulate that the  
2 one gram is actually Cocaine.

3 So stipulated?

4 MR. FITZGERALD: So stipulated.

5 MR. HUGHES: So stipulate.

6 MR. KANAREK: So stipulated.

7 MR. SHINN: So stipulated.

8 MR. BUGLIOSI: Q Did you find any other narcotics  
9 in Mr. Sebring's car?

10 A Yes, sir.

11 Q What did you find?

12 A We found additional marijuana.

13 Q Do you recall the amount and where the marijuana  
14 was found, without looking at the report?

15 A There were two different quantities of  
16 marijuana at two different locations of marijuana within the  
17 car.

18 One was in a can, a film can, a small can.  
19 The other was just in a container.

20 Q Let's break it down now as to what was found  
21 where and how much.

22 A I would have to refer to my report for the  
23 actual amount found.

24 Q Okay. You may do so.

25 (The witness refers to the report.)

26 MR. BUGLIOSI: Q Have you refreshed your memory?



1 A Yes, sir, I have.

2 Q Can you testify without the help of the report?

3 A Yes, I can.

4 Q okay.

5 How much marijuana was found and where was it  
6 found inside Mr. Sebring's car?

7 A 2.9 grams were found in the car loose, and 3.4  
8 was found in this can that I referred to, the film can.

9 MR. BUGLIOSI: The People will offer to stipulate  
10 that these grams were actually marijuana.

11 MR. FITZGERALD: So stipulated.

12 MR. HUGHES: So stipulated.

13 MR. SHINN: So stipulated.

14 MR. KANAREK: So stipulated.

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6g-1

1 BY MR. BUGLIOSI:

2 Q Have you ever heard of the drug called MDA?

3 A Yes, sir.

4 Q Was any MDA found anywhere on the premises?

5 A Yes, sir, it was.

6 Q Where?

7 A In the front bedroom of the Polanski home where  
8 the 30 grams of hashish was found.

9 Q This was in a chest of drawers?

10 A A small night stand.

11 Q In Abigail Folger's room?

12 A Yes, sir.

13 Q Do you know how much MDA was found, without  
14 looking at your report?

15 A Several capsules. I am not sure how much without  
16 looking at my report.

17 Q That information is contained within your  
18 report?

19 A Yes, sir, it is.

20 Q All right, would you look at your report,  
21 Sergeant?

22 (Pause while the witness looks at his report.)

23 BY MR. BUGLIOSI:

24 Q Have you refreshed your memory?

25 A Yes, sir, I have.

26 Q Are you looking at your report now?

1 A No, I am not.

2 Q How much MDA was found?

3 A Ten capsules.

4 Q Were any other narcotics found anywhere else  
5 on the premises, to your knowledge?

6 A A two-inch roach, or marijuana roach, was  
7 found in Mr. Sebring's car.

8 MR. BUGLIOSI: The People offer to stipulate that the  
9 two-inch roach was marijuana.

10 MR. FITZGERALD: So stipulated.

11 MR. HUGHES: So stipulated.

12 MR. SHINN: So stipulated.

13 MR. KANAREK: So stipulated.

14 MR. BUGLIOSI: We will offer to stipulate that the  
15 capsules of MDA were actually MDA.

16 MR. FITZGERALD: So stipulated.

17 MR. SHINN: So stipulated.

18 MR. HUGHES: So stipulated.

19 MR. KANAREK: So stipulated, with some kind of an  
20 indication what MDA means, your Honor.

21 MR. FITZGERALD: I will bring in the chemical name  
22 for it, and we will stipulate at a later time.

23 THE COURT: Very well.

24 BY MR. BUGLIOSI:

25 Q You have worked with firearms, I imagine,  
26 quite a bit, have you not, Sergeant?

1 A Yes, sir.

2 Q What is a shell casing?

3 A A shell casing would be that portion of the  
4 bullet which contains the powder for the projectile.

5 Q The shell casing is not the bullet, is it?

6 A No, it is not.

7 Q Did you find any shell casings anywhere on the  
8 premises?

9 A No, I did not.

10 Q When an automatic or semi-automatic firearm is  
11 fired, is the shell casing ejected onto the ground?

12 MR. KANAREK: I object, your Honor, on the grounds  
13 that it is assuming facts not in evidence.

14 It has not been shown to have any relevancy  
15 or materiality.

16 He could ask a lot of negatives, and it is  
17 unfair to ask this witness.

18 It presupposes a lot when he asks this type of  
19 question, your Honor.

20 THE COURT: I assume it is preliminary.

21 Overruled.

22 BY MR. BUGLIOSI:

23 Q Do you recall the question?

24 A No, I don't.

25 Q When an automatic or semi-automatic firearm  
26 is discharged, is fired, is the shell casing ejected onto



1 the ground?

2 A Yes, it is.

3 Q What about a revolver?

4 A No, sir, it is not.

5 Q The casing, the shell casing, remains in the  
6 chamber?

7 A Yes, sir, it does.

8 Q And you found no shell casings anywhere on the  
9 premises?

10 A There were no shell casings found on the  
11 premises.

12 Q Did you look for any?

13 A Yes, I did.

h fls.

A-1

1 Q During your investigation at the scene of the Tate murders, did you approach the front door of the Tate residence?  
2

3 A Yes, I did.

4 Q Were there any bushes in the vicinity of the front door?  
5

6 A Yes, there were.

7 Q Do you recall what the condition of the bushes were?  
8

9 A There were a group of bushes just north of the porch, of course, which leads to the front door, and there was a bush which was broken down, or broken, spread apart, just north of the porch.  
10  
11  
12

13 Q When you say just north, for the benefit of the Judge and the jury, as one would be walking out of the Tate residence, walking out the door, would the bush be to the left or to the right?  
14  
15  
16

17 A The bush would be to the left as you exited the home.  
18  
19

20 Q And looking at the front door from the outside, the bush would be to the right; is that correct?  
21

22 A That is correct.

23 MR. BUGLIOSI: Your Honor, I have here -- sorry -- it is already marked. My apologies.  
24

25 Q I show you People's 94 for identification.

26 Do you know what is shown in that photograph?

H2

1 A Yes, I do.

2 Q What is shown in that photograph?

3 A This is a photograph of the previously  
4 described bush just north of the porch.

5 Q This is the bush as you are walking out the  
6 front door of the Tate residence? This is the bush  
7 immediately to the left; is that correct?

8 A Yes, sir, that is correct.

9 Q Does the bush appear to be in a damaged  
10 condition in this photograph?

11 A Yes, it does.

12 Q Is this photograph a fair and accurate  
13 representation of the way the damaged bush looked when you  
14 arrived at the scene?

15 A Yes, it does.

16 Q Looking at what appears to be blood next to the  
17 bush, was that blood next to the bush when you arrived at  
18 the scene and observed the bush?

19 A Yes, sir, that is exactly as it appeared when I  
20 arrived.

21 MR. BUGLIOSI: Please step down off the witness stand,  
22 Sergeant, and approach People's 8 for identification, this  
23 diagram over here.

24 (The witness leaves the witness stand and  
25 approaches the diagram.)

26 MR. BUGLIOSI: Q Using this pointer, Sergeant, do

6H3

1 you see where the bush was on the diagram?

2 Take a good look at that diagram.

3 A Yes, sir, I do.

4 Q All right.

5 Would you point out with your pointer where  
6 the damaged bush was?

7 A Right here. Just off the porch.

8 Q All right.

9 Would you place an X there, sir?

10 (The witness complies.)

11 MR. BUGLIOSI: Your Honor, may I mark that "damaged  
12 bush"?

13 THE COURT: Yes.

14 (Mr. Bugliosi so marks.)

15 MR. BUGLIOSI: You may resume the witness stand,  
16 officer.

17 Sorry. Do you want to return to the diagram,  
18 sir?

19 Now, looking at the diagram here -- strike that.

20 Q Did you observe Mr. Frykowski's and Miss Folger's  
21 bodies laying on the front lawn of the Tate residence?

22 A Yes, I did.

23 Q Looking at the diagram, Sergeant, People's 8  
24 for identification, could you point out where the bodies  
25 of Miss Folger and Mr. Frykowski were observed by you?

26 A Miss Folger was lying in a supine position at



6H4

1 this location here (indicating).

2 Q In the place marked "Folger" on the diagram?

3 A Yes, sir.

4 Q What about Frykowski?

5 A Frykowski was in this position right here.

6 Q At the place marked "Frykowski" on the diagram?

7 A Yes, sir.

8 MR. BUGLIOSI: Thank you.

9 You may resume the witness stand.

10 (The witness returns to the witness stand.)

11 MR. BUGLIOSI: No further questions at this time.

12 THE COURT: Cross-examination?

13 MR. FITZGERALD: Yes. Thank you, your Honor.

14  
15 CROSS-EXAMINATION

16 BY MR. FITZGERALD:

17 Q What is a roach?

18 A A roach would be that portion of a marijuana  
19 cigarette which has been smoked but is not consumed. The  
20 remains, in other words, of the marijuana cigarette.  
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Q Cigarette butt?

A Yes, sir.

Q Were there also numerous items of jewelry that were inventoried and removed from the location?

MR. KANAREK: That is ambiguous, your Honor, does he mean costume jewelry or does he mean what is generally known as fine jewelry?

THE COURT: Let's find out first if there was any.

THE WITNESS: I don't recall a large item of costume jewelry having been removed from the Polanski residence.

There may have been some small items removed. I don't recall.

BY MR. FITZGERALD:

Q Well, don't let Mr. Kanarek suggest anything to you.

Was there any jewelry, period, about, costume jewelry, fancy jewelry, whatever?

A Yes, there was jewelry on the premises.

Q Do you have your property report with you, Officer?

A Yes, I do.

Q Directing your attention to Item No. 67, would you look at that.

Do not read it aloud, just look at it to yourself.

(Witness complies.)

1                   Strike that, that refers to a different  
2 location, does it not?

3           A       That's correct.

4           Q       Was there a Nikon 35 millimeter camera in  
5 the Folger bedroom that was inventoried and removed?

6           A       Yes, sir, there was.

7           Q       Was that in plain view on top of the dresser?

8           A       I believe it was, yes, sir.

9           Q       Was there also a reel of video tape that was  
10 secured from the loft area of the living room of the  
11 location?

12          A       It was in a -- it was in the loft, and through  
13 an opening, through a door, which leads to a storage area,  
14 and then into a -- into a storage area.

15          Q       Do you recall what was in the storage area  
16 in addition to, if anything, the video tape?

17          A       Oh, suitcases, miscellaneous items of clothing.  
18 I think a hat box.

19          Q       Was that reel of video tape that you just  
20 described booked into the property division of the Los  
21 Angeles Police Department, to your knowledge?

22          A       Yes, it was.

23          Q       Was there also a box of miscellaneous  
24 still photographs that were obtained from the main house  
25 residence?

26          A       You say "were there"?

1 Q Were there, yes.

2 A I don't recall any item such as that being  
3 removed.

4 MR. FITZGERALD: I have nothing further.

5 THE COURT: Mr. Shinn?

6 MR. SHINN: Yes, your Honor.

7  
8 CROSS-EXAMINATION

9 BY MR. SHINN:

10 Q Officer, you arrived at 1:30?

11 A Yes, sir, 1:30 p.m.

12 Q Were there other officers there before you?

13 A Yes, sir, there were.

14 Q How many other officers were there before you,  
15 approximately?

16 A Approximately? 15 officers perhaps.

17 Q And did they inform you that they made a search  
18 of the premises too?

19 MR. BUGLIOSI: Your Honor, this is just hearsay.  
20 I object on that ground.

21 THE COURT: I did not hear the question.

22 Read the question, please.

23 (Whereupon the reporter reads the pending  
24 question as follows:

25 "Q And did they inform you that they made  
26 a search of the premises too?")



1 THE COURT: Sustained.

2 BY MR. SHINN:

3 Q Now, all of these items that you testified to  
4 that you recovered, did you personally find these items?

5 A Well, most of the items were in plain view  
6 and I personally observed them at the scene. They were  
7 still in the place as when the first officers arrived,  
8 the same place as when the first officers arrived.

9 Q In other words, you were there when these  
10 items were recovered, is that correct?

11 A That's correct.

12 Q And someone found it and said "Sergeant McCann,  
13 look what I found," is that correct?

14 A Some items were pointed out, yes, sir.

15 Q And all of these items, did you find any of  
16 these items you described yourself?

17 A Oh, the watch I observed in the back seat.

18 I could not say whether somebody else observed  
19 it before, when I got there it was there and I observed  
20 it.

21 I observed the wires which were down.

22 I observed the bush just north of the entryway  
23 to the main house, broken.

24 I observed numerous pools of blood, and I  
25 observed Miss Folger and Mr. Frykowski, several other  
26 items of evidence.

1 Q Did you search the medicine cabinet if there  
2 was one?

3 A Yes, I believe I went through everything on  
4 the premises.

5 Q And when you looked at the medicine cabinet  
6 were there other pills like diet pills and vitamin pills?

7 A Yes, there were other capsules in the home.

8 Q And did you have those analyzed?

9 A Yes, sir, I did.

10 Q In other words, every item of drugs that you  
11 found you had analyzed, is that correct?

12 A Yes, sir.

13 MR. SHINN: I have no further questions.

14 THE COURT: Mr. Kanarek?

15 MR. KANAREK: Yes, your Honor.

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7A-1

1 Q officer, may I look at the documents -- the  
2 series of documents you had in your hand while you were  
3 testifying?

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

5 THE COURT: You may.

6 Q BY MR. KANAREK: Now, officer, when you say that  
7 after looking at this document which has DR 69-059593, or  
8 these series of documents, when you say your recollection  
9 was refreshed, really what you mean is that you read some-  
10 thing off of a piece of paper and then you told us what you  
11 read.

12 Is that a fair statement?

13 A No, I don't believe so, sir.

14 Q Well, you told us, I think, that there was  
15 one number you gave us, for instance, \$2.44.

16 Did you actually memorize that amount as you  
17 took it into your hands and did whatever you did with it  
18 during the investigation?

19 A Well, at the time I was taking it into  
20 custody I memorized it until it was reduced to writing,  
21 yes, sir.

22 Q Right, so therefore, it is a fair statement  
23 that when you say your recollection was refreshed, your  
24 recollection is not in fact refreshed so that as you sit  
25 on the witness stand you have an independent memory of  
26 \$2.44.

1 Really, what you are saying is that you are  
2 looking at a piece of paper and merely citing to us what  
3 is on the piece of paper.

4 Is that correct?

5 MR. STOVITZ: Argumentative, your Honor.

6 THE COURT: Overruled.

7 THE WITNESS: No, I refreshed my memory as to what I  
8 found on that particular date, August 9, 1969.

9 Q BY MR. KANAREK: So that when you read the  
10 \$2.44, for instance --

11 Would you tell me, here --

12 MR. KANAREK: May I approach the witness?

13 THE COURT: You may.

14 Q BY MR. KANAREK: Would you take this series  
15 of documents and would you tell me, would you show me the  
16 item, for instance, the amount of money that you found on  
17 Mr. -- in Mr. Frykowski's wallet or, let's say,  
18 Mr. Sebring's wallet?

19 A \$80, here, this item No. 14.

20 Q All right, now, directing your attention to  
21 this report, this item No. 14, \$20, before you looked this  
22 up you did not recall what that was, did you, as you were  
23 sitting in the witness stand here this morning?

24 Without looking this up you did not know what  
25 -- how much money was in Mr. Sebring's wallet?

26 A I did not recall it at that time, no. I



refreshed my memory to state it to the Court.

Q Did you really refresh your memory? In other words, so, as you sat here, you, by looking at this, in your mind you were remembering that at the time you took out these four \$20 bills and all of that, that you in fact did it, or are you merely reciting to us what you read that was written in this report?

MR. FITZGERALD: Asked and answered.

THE COURT: Overruled.

THE WITNESS: No, I refreshed my memory, Counsel, that is all I can tell you as to what was found on the scene.

Q BY MR. KANAREK: Well, may I ask you what do you mean by refreshing your memory when you tell us that?

A It was memorized by me at the time until it was reduced to writing.

I more or less put it in the back of my mind. I came here to court today and in order to refresh my memory I used a Los Angeles Police report to do so.

Q So that when you looked at this, the quantity, four, and the word, "\$20," and the bills, that that flashed it back into your mind and you remembered independent of this report, you remembered that there were \$80 there in Mr. Sebring's wallet?

A Yes, sir, I did.

Q Is that right?

A Yes, sir.

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1 Q Now, in connection with this report, who wrote  
2 this report, Officer?

3 A This report here, I believe, was made actually  
4 at Parker Center by Sergeant Henderson in my presence.

5 Q Now, then, what was your function in connection  
6 with the making of this report?

7 A Well, we observed the items of evidence at the  
8 scene.

9 We were responsible for the keeping of it,  
10 to see it was properly booked and it was properly analyzed,  
11 and so we collaborated on this particular report.

12 Q So that actually, is it a fair statement, that  
13 many people making inputs, and this report is the result  
14 of those inputs by many people?

15 A Not by many people, Counsel, by perhaps three  
16 or four.

17 Q Well, now, then, is your name on this report  
18 any place?

19 A No, sir, it is not, I don't believe.

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B-1

1 Q So, actually, in fact, in fact you did not  
2 write this report nor did you supervise the actual making of  
3 this report, is that correct?

4 A As I stated before, I collaborated with  
5 Sergeant Henderson and Sergeant Varney in the making of that  
6 report, yes, sir, although my name does not appear on that  
7 report.

8 Q Anywhere, right?

9 A To the best of my knowledge it does not, no.

10 Q All right, and so you did not do any dictation  
11 in connection with this report?

12 A Yes, I did some dictation in relation to the  
13 report, I believe, I don't recall what part of it.

14 Q What I am saying, is there anything here that  
15 you dictated?

16 A Well, as I said, we collaborated on the report.  
17 I could not tell you exactly what portion of the report I  
18 dictated, if any.

19 Q Now, Officer, did you cause a blood analysis  
20 to be made of Mr. Frykowski?

21 MR. BUGLIOSI: Beyond the scope of direct -- well,  
22 beyond the scope of direct, your Honor.

23 MR. KANAREK: Your Honor, he is talking about  
24 narcotics. Certainly it is within the area --

25 MR. FITZGERALD: This could be handled by other  
26 witnesses.



1 MR. BUGLIOSI: We will call other witnesses to the  
2 stand to testify to this area.

3 MR. KANAREK: This witness is here, your Honor.

4 THE COURT: It is beyond the scope. Sustained.

5 Q officer, would you tell us, what was your  
6 function -- would you describe for us your capacity in this  
7 investigation?

8 A I am assigned to Robbery Division, Homicide  
9 Section.

10 I was called to the scene by my captain,  
11 Captain Hugh Brown, and Lieutenant Bob Helder, who was in  
12 charge of homicide investigations.

13 When I arrived at the scene, Lieutenant Helder  
14 told me that I would be in charge of the investigation with  
15 my partner, Sergeant Calkins, when he returned from  
16 vacation.

17 Sergeant Jess Buckles was available at the  
18 scene, and Sergeant Buckles and I worked on the case for  
19 approximately one month prior to the return of Sergeant  
20 Calkins.

21 Q So that in fact when you came in there on 1:30  
22 of this date, you were in fact in charge?

23 A Of the investigation, yes, sir, and responsible,  
24 of course, to Lieutenant Helder who was my immediate  
25 supervisor.

26 Q Responsible to him, but you were the one in  
charge of the investigation at the scene?



1 A That is correct, sir.

2 Q And is one of your duties as an officer in  
3 charge, does one of your duties involve requesting the  
4 Coroner to make an analysis for narcotics of a person such  
5 as Mr. Frykowski?

6 MR. BUGLIOSI: Beyond the scope of direct examination.

7 MR. FITZGERALD: Calls for an expert opinion.

8 THE COURT: Sustained.

9 Q BY MR. KANAREK: How early in this investi-  
10 gation, officer, did you find narcotics?

11 Would you tell us when in the sequence of  
12 events you found the narcotics that you have spoken of?

13 MR. STOVITZ: May I inquire of the Court to clarify  
14 it, are you referring to LSD or marijuana or to Cocaine, or  
15 MDA?

16 There is some question as to marijuana as to  
17 whether it is a narcotic.

18 MR. KANAREK: The Health & Safety Code calls  
19 marijuana a narcotic. This man is a police officer; I  
20 presume he knows what the laws of the State of California  
21 call narcotics.

22 MR. STOVITZ: I want to be clear, regardless of what  
23 the Health & Safety Code calls it.

24 THE COURT: Let's proceed. You may answer the  
25 question.

26 THE WITNESS: I forgot the question. Can you repeat

1 the question, Mr. Kanarek?

2 MR. KANAREK: Yes.

3 Q BY MR. KANAREK: Would you take each of the  
4 items of narcotics that you have mentioned that you found,  
5 and would you tell us in the sequence of events which  
6 occurred when you found each of them?

7 A The 30 grams of hashish and the MDA were  
8 found at some time between 1:30 p.m. on August 9th, 1969,  
9 and approximately 5:00 or 6:00 p.m.

10 The 79 grams, I believe, of marijuana that was  
11 found in the living room, was also found sometime during that  
12 time and date.

13 The Cocaine and marijuana which was found in  
14 Mr. Sebring's car was found the following day, which would  
15 be August 10th, 1969, sometime in the a.m.

16 Q Now, during the period of time -- so that when  
17 you give us a spread of about five or six hours, actually  
18 it is a fact that you don't know exactly when these items  
19 were found?

20 A I cannot tell you the exact minute that they  
21 were found, no, sir.

22 Q And is it a fact that in fact you, yourself,  
23 did not find all of these?

24 A I was present when all of the items I have  
25 spoken of were found, yes.

26

7c-1

1 Q And in whose presence were you -- would you tell  
2 us each item and in whose presence you were when, as you  
3 put it, these items were found?

4 A Well, I believe Sergeant Henderson and one or  
5 two uniformed officers who I cannot recall their names,  
6 and myself were present when the 30 grams were found in  
7 the front bedroom of the Polanski home.

8 And in the living room Sergeant Varney and  
9 Sergeant Henderson were present along with another uniformed  
10 officer and myself when the 79 grams were found. That would  
11 be August 9th.

12 On August 10th the narcotics inside of Mr.  
13 Sebring's car was actually found by Sergeant Galindo of  
14 the Robbery-Homicide Division.

15 Q Sergeant Galindo -- at that time had Sergeant  
16 Galindo yet started his connection with the La Bianca,  
17 the passing away of the La Blancas?

18 MR. STOVITZ: Calls for a conclusion of this witness,  
19 your Honor.

20 THE COURT: I think he can answer that question.  
21 Overruled. You may answer.

22 THE WITNESS: No, sir, he had not yet started his  
23 investigation in the La Bianca homicide.

24 BY MR. KANAREK:

25 Q Now, Sergeant Galindo -- this was when he first  
26 came to the Tate residence -- was it the same day that you



7c-2

1. first came?

2. A Yes, sir, that's correct.

3. Q And then Sergeant Galindo has participated  
4. in the events surrounding Mr. and Mrs. La Bianca, is that  
5. correct?

6. A He participated in the original investigation  
7. I believe, the crime scene investigation.

8. I don't know what his participation was beyond  
9. that.

10. MR. STOVITZ: We ask permission for the next witness  
11. to remain. He will not testify to anything Sergeant  
12. Sergeant McGann testified to.

13. He is our next witness. It would save a few  
14. moments of the Court's time.

15. We ask permission for him to remain in the  
16. courtroom.

17. MR. KANAREK: I believe the interrogation of this  
18. officer, I think, will take us quite close to, if not  
19. past the noon hour.

20. MR. STOVITZ: That is all the more reason for  
21. conserving as much time as possible.

22. THE COURT: All right, permission is granted.

23. Let's proceed.

24. BY MR. KANAREK:

25. Q Now, were there people on the scene when you  
26. came who were not police officers?



7c-3

1 MR. HUGHES: That calls for a conclusion, your Honor.

2 THE COURT: Overruled.

3 THE WITNESS: To the best of my knowledge only police  
4 officers were inside the gate or on the Polanski property.

5 There were several news men and civilian people  
6 on Cielo Drive just outside of the Polanski residence or  
7 the Polanski grounds.

8 Q You tell us that part of these narcotics were  
9 not discovered until the next day, is that right?

10 A That's correct.

11 Q Is that right?

12 A That's correct.

13 Q Now, would you tell us when was it, to your  
14 knowledge, that people who were not police officers came  
15 upon -- came to the Tate residence after you came there?

16 A To the best of my recollection it was  
17 approximately two to three days later, as I recall.

18 Q Did any of the families of any of the people  
19 who had passed away come to the Tate residence while your  
20 investigation was going on?

21 A Yes, sir, I believe they did.

22 Q Would you tell us the names of the people who  
23 came to the Tate residence while the investigation was  
24 going on who, to your knowledge, were not police officers?

25 A I believe Colonel Tate came to the scene,  
26 but I could not be sure.

1           That would be on the first day. I am not  
2           positive of that.

3           I remember talking to a Caucasian man, I just  
4           cannot recall his name. But there was one civilian that  
5           would be an exception to what I stated.

6           There was one civilian who was allowed to  
7           enter the premises or gate. He did not go to the house.

8           Q     Who was this person?

9           A     I don't recall, I just can't recall at the  
10          present time.

11          Q     Can you tell us the circumstances of this person  
12          being allowed on the premises --

13          A     He had some information relative to one of the  
14          victims, and I don't recall which victim it was.

15          Q     Was that written down anywhere?

16          A     It may have been written down in my notes,  
17          but it would have been at the very first part of the  
18          investigation. I don't know if they were retained or not.

19          Q     Do you still have those notes, Officer?

20          A     I don't believe so.

21          Q     You destroyed those notes?

22          A     I believe after I made the written report  
23          I destroyed some of my notes, yes.

24          Q     And you chose to destroy some notes that you  
25          had made concerning one of the victims that was given  
26          to you by this person, is that correct?

1 MR. BUGLIOSI: That assumes a fact not in evidence.

2 THE COURT: Sustained.

3 BY MR. KANAREK:

4 Q Who else, Officer, spoke to this person that  
5 you are telling us about now other than yourself?

6 A I'm not sure.

7 Q Well, could you pinpoint or would you please  
8 pinpoint for us the day and the time when this person  
9 came.

10 A August 9, 1969, sometime after 1:30 p.m. and  
11 prior to approximately 10:00 p.m.

12 Q And this person was allowed on the premises?

13 A Yes.

14 Q And this person was a male?

15 A Yes.

16 Q Male Caucasian?

17 A Yes, sir.

18 Q And this person was allowed free access to the  
19 entire area except the home, is that what you are telling  
20 us?

21 A No, sir, that is not what I am telling you.

22 Q Well, what is your --

23 A I was asked by an officer if I would talk to  
24 the gentleman.

25 I said yes.

26 He was escorted to me. I talked to him,

1 whatever information he had I noted and he was then  
2 returned to the gate and exited the gate.

3 No one was allowed inside the gate to prowl  
4 around or such without someone in attendance.

5 Q And you say you made some notes of this conver-  
6 sation?

7 A Well, I either noted it mentally or I noted  
8 it physically on a piece of paper, I don't know which, sir.

9 Q Now you are telling us you don't know whether  
10 you wrote it down or not?

11 A That is what I'm telling you, yes, sir.

12 Q Is that correct?

13 A Yes.

14 Q And you have since destroyed notes?

15 MR. FITZGERALD: That has been asked and answered.

16 BY MR. KANAREK:

17 Q That you have taken as a result of this  
18 investigation, your own personal notes?

19 MR. STOVITZ: Asked and answered, your Honor.

20 THE COURT: Sustained.  
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1 Q What documents, Officer, have you caused to  
2 be created -- I gather typewritten documents -- from your  
3 notes?

4 A A progress report.

5 Q How many progress reports did you write?

6 A Two progress reports.

7 Q Are these notes perhaps in a desk somewhere or  
8 did you actually physically destroy them yourself?

9 A I physically destroyed the notes that I  
10 referred to or used in making my reports.

11 Q Well, then, can you tell us the nature of what  
12 this civilian had to say?

13 MR. STOVITZ: Immaterial. Calls for hearsay.

14 MR. KANAREK: Your Honor, it is certainly not offered  
15 for the truth of the matter asserted. It is offered so that  
16 we can find out -- maybe find this person.

17 MR. STOVITZ: Immaterial and calls for hearsay, your  
18 Honor.

19 THE COURT: overruled.

20 You may answer.

21 THE WITNESS: I don't recall.

22 MR. KANAREK: Q You don't recall the subject  
23 matter?

24 A It was regarding one of the victims.

25 I didn't place a great deal of importance on it  
26 at the time, and I don't recall who it was.

1-2

1 Q Or anything about it; is that right?

2 A Other than it was in relation to one of the  
3 victims.

4 I don't recall even what information it was  
5 relative to one of the victims at that time.

6 Q Now, Officer, directing your attention to this  
7 bush.

8 You know, Mr. Bugliosi interrogated you  
9 concerning the bush; right?

10 A Yes, sir, he did.

11 Q Now, at the time that you first observed this  
12 bush, had other police officers been in the area, to your  
13 knowledge, prior to the time that you, yourself, observed  
14 the bush?

15 MR. STOVITZ: Ambiguous, your Honor, as to what  
16 counsel means by the word "area."

17 THE COURT: Sustained.

18 MR. KANAREK: May I have that photograph, please?

19 (Mr. Stovitz hands a photograph to Mr. Kanarek.)

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

21 THE COURT: Yes.

22 MR. KANAREK: Q Officer, I show you this bush,  
23 or this bush area.

24 This is Exhibit No. 94.

25 A Yes, sir.

26 Q Would you hold that photograph, please?

1 A Yes.

2 Q Now, directing your attention to what appears  
3 to be -- is that concrete?

4 A Yes, this is concrete or flagstaff -- flagstone,  
5 I believe it is called.

6 Q Now, when you first saw the area, what was in  
7 the area in what you call the concrete or flagstone area?

8 A What was in the area?

9 Q Yes.

10 A In relation to people or --

11 Q Things, anything.

12 A Anything at all?

13 Q Yes.

14 A Well, the pool of blood was there, the splatters.  
15 The bush which had been broken. And that was it.

16 It was protected by uniformed personnel, as they  
17 are directed and taught to do so.

18 MR. KANAREK: I see.

19 May I approach the witness again, your Honor?

20 THE COURT: Yes.



A-1

1 MR. KANAREK: Q I show you, Officer, a picture  
2 of a house, which is People's Exhibit 4, and ask you to  
3 look at that.

4 Can you integrate this picture, Exhibit No. 94,  
5 with that picture?

6 A Well, it is right by the pole, right near where  
7 this X with a circle around it is; a red circle also is just  
8 below the other circle.

9 It would be just on the other side of that  
10 marking.

11 MR. STOVITZ: May the record indicate that the  
12 witness referred to the circle with the X on Exhibit 4  
13 rather than the other photograph, Exhibit 94, your Honor?

14 THE COURT: Is that correct?

15 THE WITNESS: Yes, that is correct, your Honor.

16 THE COURT: Very well.

17 MR. KANAREK: Q Now, Officer, would you step to  
18 the exhibit and show us -- would you step to the board,  
19 please?

20 (The witness leaves the witness stand and  
21 approaches the board.)

22 MR. KANAREK: Q Now, Officer, would you show me --  
23 would you show us on this photograph where this flagstaff  
24 or concrete area is located?

25 A The flagstaff area is right in this area here  
26 (indicating).



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1 Q Would you mark that with, say, "FS"?

2 MR. STOVITZ: F what, sir?

3 MR. KANAREK: FS, like in Stovitz.

4 Would you mark that?

5 MR. BUGLIOSI: FS for what? Flagstaff?

6 MR. KANAREK: Flagstaff.

7 MR. BUGLIOSI: Your Honor, I object to the confusing  
8 markings that Mr. Kanarek makes on these exhibits. Three  
9 months from now it will be -- I mean, it is just Turkish.

10 THE COURT: Isn't there a mark there already?

11 MR. BUGLIOSI: There is a mark already.

12 THE COURT: On the diagram?

13 MR. STOVITZ: He just identified it some 22 minutes  
14 ago.

15 MR. KANAREK: No, your Honor. The area that he just  
16 pointed to is different than the area that is marked.

17 THE COURT: Then draw a line out from the area and  
18 have him identify it out at the end of the line.

19 MR. KANAREK: Yes, sir.

20 MR. STOVITZ: Your Honor, I object to Mr. Kanarek  
21 doing it. The witness was the one that testified to it and  
22 he is there.

23 THE COURT: Let the witness do it.

24 MR. KANAREK: I have no pride of authorship.

25 THE WITNESS: What would you like marked, Mr. Kanarek?

26 MR. KANAREK: Would you mark the area that you just

1 pointed to as being the flagstone area?

2 THE WITNESS: The flagstone area?

3 MR. KANAREK: Right.

4 THE WITNESS: You would like me to mark what?

5 MR. KANAREK: The Court has requested that we draw a  
6 line from that area to a place, perhaps, on the chart where  
7 there is no writing, so that we can mark it.

8 Begin at that point, the point you have  
9 previously pointed to in your testimony, and draw a line  
10 out.

11 (The witness complies.)

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8b-1

1 MR. KANAREK: Now, would you draw a line out to an  
2 open area in the chart? Just a direct line, so we can  
3 mark it.

4 THE WITNESS: In this position, you mean?  
5 (Indicating.)

6 MR. KANAREK: Yes. Right.

7 Now, you wrote the "FS" there; is that right?

8 THE WITNESS: That is right.

9 MR. KANAREK: All right.

10 Now, then, may he put a circle at the end of  
11 that line with his initials in it, your Honor, so we can  
12 then know that it came from this police officer?

13 THE COURT: Put the "FS" at the end of the line  
14 so that we know what the line is.

15 MR. KANAREK: He has already written it.

16 THE COURT: He wrote it at the other end.

17 MR. KANAREK: All right.

18 Will you put the "FS" at the other end of the  
19 line?

20 THE COURT: Now, put an arrow on the line so we know  
21 the direction of the line.

22 MR. KANAREK: Then would you put your initials,  
23 let's say, in a circle immediately adjacent to that?

24 THE COURT: We don't need his initials, Mr. Kanarek.

25 MR. KANAREK: So we will know that it was this officer  
26 that testified to it.

8b-2

1 THE COURT: The record will clearly reflect it.

2 MR. KANAREK: Very well, your Honor.

3 All right.

4 Q Now, directing your attention, Officer, to this  
5 picture and this area that you are speaking of, would you  
6 describe for us how far, in fact, is this area in terms  
7 of feet from, let us say, the entrance or the door of the  
8 entrance to this home?

9 A How far is this particular area depicted in  
10 People's 94, or Exhibit 94?

11 Q Right. To the door.

12 A I would state approximately three to four feet.

13 Q All right. Do you remember this?

14 A I didn't measure it. I am giving you what my  
15 opinion is as to the distance.

16 Q The distance is three to four feet? And is  
17 that to the beginning of this flagstone area that we have  
18 in People's Exhibit 94?

19 A I don't understand the question.

20 Q Is that three or four feet that you are speaking  
21 of, looking at People's Exhibit 94, would you tell me  
22 where in People's Exhibit 94 does the three to four-foot  
23 distance begin?

24 Just draw a line somewhere on this Exhibit 94  
25 to where the three to four-feet begins, the distance from  
26 this flagstone area that you are calling the three to



1 four feet, until the beginning of the entrance of that  
2 home?

3 A To the front door?

4 Q Yes. Would you show me on this picture?

5 A From this picture, I can't determine.

6 Q Well, when you were thinking of three to four  
7 feet, does that three to four feet have a location in  
8 this picture anywhere; the one end of the three to four  
9 feet in Exhibit 94?

10 A One would start from the location of the bush,  
11 but from that picture I cannot state the distance.  
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8c fls.

-1  
1 Q No, I am not asking you to state the distance.  
2 I am asking you to integrate this picture with this  
3 bigger diagram so that we will know where the three to four  
4 feet has significance in this diagram.

5 MR. STOVITZ: In this picture, Counsel. You are  
6 pointing to the picture.

7 MR. KANAREK: Pardon me. In Exhibit 94.

8 Because at a later time, Sergeant, we  
9 will have to use this exhibit in connection with this  
10 diagram, because we don't have any picture that closes in  
11 on this area.

12 THE WITNESS: I would estimate it to be three, four,  
13 five feet.

14 MR. KANAREK: All right.

15 Q Now, when you are thinking of that three or four  
16 or five feet, it is a distance, it has two ends to it;  
17 right?

18 A Correct.

19 Q I am asking you to show me somewhere on Exhibit  
20 94 wherein you have the end, one end, of that three to four  
21 feet distance?

22 MR. STOVITZ: I object to the question as unintelligi-  
23 ble.

24 MR. KANAREK: I don't think it is unintelligible, your  
25 Honor.

26 THE COURT: Overruled.

1 THE WITNESS: You want to know the direction?

2 MR. KANAREK: Q You have told us of a distance  
3 of three to four feet, officer.

4 A Yes.

5 Q Now, one end of that, which is a length, a  
6 linear length, -- right?

7 A Yes.

8 Q One end of that is somewhere in this diagram.  
9 You told us it is three to four feet.

10 MR. STOVITZ: That is a picture, Counsel.

11 MR. KANAREK: Pardon me. In Exhibit 94.

12 Q One end of it is somewhere in Exhibit 94;  
13 right?

14 A Yes.

15 Q All right.

16 Would you just show us where in Exhibit 94 is  
17 the end of the three to four feet that you have spoken of  
18 as being the distance from the door to this flagstone area?

19 THE COURT: I don't think that is clear now, Mr.  
20 Kanarek.

21 You asked him to refer to an area.

22 MR. KANAREK: In order to clear it up, I make a  
23 motion that --

24 THE COURT: Why don't you just ask him, if you want  
25 to know, how far it is from that particular place in the  
26 photograph to whatever place you want.

1 MR. KANAREK: He is telling us it is three to four  
2 feet. All I want to do is orient that diagram with this  
3 picture.

4 THE COURT: That is not what he said.

5 MR. KANAREK: He said it is three or four feet from  
6 the door to the flagstone area.

7 All I want to know is where in this Exhibit 94  
8 is the end of the three or four feet.

9 THE COURT: Well, ask some additional questions and  
10 pinpoint it.

11 MR. KANAREK: Very well.

12 THE COURT: It is now 12:00 o'clock.

13 Ladies and gentlemen, do not converse with any-  
14 one or form or express any opinion regarding the case until  
15 it is finally submitted to you.

16 The Court will recess until 2:00 p.m.

17 (Whereupon, at 12:00 o'clock p.m. the court  
18 was in recess.)  
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