

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.

171

No. A253156

REPORTERS' DAILY TRANSCRIPT

Thursday, January 28, 1971

APPEARANCES:

For the People: VINCENT T. BUGLIOSI,
DONALD A. MUSICH,
STEPHEN RUSSELL KAY,
DEPUTY DISTRICT ATTORNEYS

For Deft. Manson: I. A. KANAREK, Esq.

For Deft. Atkins: DAYE SHINN, Esq.

For Deft. Van Houten: ~~RONALD HUGHES, Esq.~~
MAXWELL KEITH, Esq.
For Deft. Krenwinkel: PAUL FITZGERALD, Esq.

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JOSEPH B. HOLLOMBE, CSR.,
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Official Reporters

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I N D E X

PEOPLE'S WITNESS: DIRECT CROSS REDIRECT RECROSS

CROWE, Bernard 21690 21727K

E X H I B I T S

PEOPLE'S: FOR IDENTIFICATION IN EVIDENCE

P-1 - Photograph of male Caucasian 21712

LOS ANGELES, CALIFORNIA, THURSDAY, JANUARY 28, 1971

9:50 o'clock a.m.

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(The following proceedings were had in the chambers of the court out of the presence and hearing of the defendants and the jury, all counsel with the exception of Mr. Hughes being present:)

THE COURT: All counsel are present.

Are we ready to commence the penalty phase, gentlemen?

MR. BUGLIOSI: Yes.

THE COURT: Before the defendants are brought down, I intend to start with the defendants in the courtroom, but as I have indicated before, in view of the past history if there is any disruption I will act to remove them.

MR. FITZGERALD: I have some motions I would like to make before we actually start the penalty phase.

THE COURT: Do you want to make those here or in open court?

MR. FITZGERALD: I prefer to make them in open court.

THE COURT: With the jury present?

MR. FITZGERALD: No, without the jury present; better do it in the presence of my client also.

THE COURT: Anything else? I wanted to ask your

1 respective estimates, if you have any.

2 MR. BUGLIOSI: Our case will be brief, your Honor.
3 What we would like to offer is a shooting, involving
4 Manson and a black man on Franklin Boulevard, Hollywood.
5 It will be very brief.

6 Also we would like to put on the Hinman murder
7 against Susan Atkins, again very very brief.

8 We are not going into any details or anything,
9 basically the Coroner's testimony, the murder scene and an
10 alleged confession by Susan Atkins, and then an Oregon
11 incident in which Susan Atkins was involved very very
12 briefly.

13 I think our case will take four or five days
14 at the very most. We are not going to put on the Shea
15 murder at all, and we are not going to put on the Hinman
16 murder against Manson, both of which would be very long
17 drawn out affairs.

18 We are not going into that.

2 fls.

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1 THE COURT: Well, you mentioned something about a
2 confession.

3 MR. KAY: Yes.

4 We will have to go through the arraignment and
5 all that.

6 MR. BUGLIOSI: Let me give the Court a copy.

7 In fact, I gave the defense attorneys copies.

8 THE COURT: Who will be the witness?

9 MR. KAY: Roni Howard.

10 MR. BUGLIOSI: Roni Howard.

11 This is Roni Howard's statement, your Honor.
12 There are a few Aranda problems in there.

13 THE COURT: I would think that we would follow the
14 same procedure and have her testify out of the presence of
15 the jury --

16 MR. BUGLIOSI: Right.

17 THE COURT: -- first, with full cross-examination.

18 MR. BUGLIOSI: Right.

19 It is going to be brief.

20 When we get around to the time for the defense,
21 I have heard so many rumors as to what the defense is
22 going to be, I think we should have some discussion on the
23 scope of the penalty hearing.

24 I don't know what they intend to do, but it
25 sounds like certain things aren't properly admissible
26 during the penalty hearing that they intend to put on.

1 But this is premature right now.

2 MR. KANAREK: Your Honor, I do have a motion to continue
3 based on People vs. Crovedi, on the basis that we should be
4 entitled to prepare.

5 Mr. Bugliosi, as recently as yesterday and today,
6 is giving us statements attributed one to Bernie Crowe and the
7 other to Roni Howard.

8 We did make motions for discovery way before even
9 the trial started. And based on People vs. Crovedi, I
10 do make a motion to continue the penalty phase so that we
11 can check out and do what would be necessary in connection
12 with this discovery.

13 He has given us, as I say, as recently as yesterday
14 the statements.

15 I happened to be in the courtroom, your Honor,
16 doing some work for the trial, and Mr. Bugliosi saw me, and
17 then he went to his office and asked me to drop down to his
18 office, and he gave me a statement attributed to Mr. Crowe;
19 and this morning he gave us the Roni Howard statement.

20 So, I do make a motion to continue.

21 MR. SHINN: Join in the motion.

22 MR. BUGLIOSI: Roni Howard's statement concerning the
23 Susan Atkins' confession on the Hinman murder is contained
24 in this report right here, which is the same report that we
25 were dealing with on the Tate murders.

26 This was given to the defense several months ago.

1 MR. SHINN: Will you identify that document? What is
2 it?

3 MR. BUGLIOSI: It says: Transcript of tape No. 32970,
4 a recorded interview of Roni Howard at Sybil Brand Institute
5 on November 25th, 1969. And the defense got a copy of this
6 several months ago.

7 With respect to the Crowe incident, this Thomas
8 Walleman gave us a statement several months ago, and that
9 has been in our tubs down there, and you knew about it. It
10 has been in our tubs for several months.

11 Crowe we just interviewed. I did speak to Crowe
12 twice several months ago, but one time he wouldn't even
13 talk to me, and the second time -- I mean, he wasn't
14 antagonistic; I mean, he just didn't want to give me any
15 information.

16 The second time he did talk to me but it was
17 very sketchy.

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1 Then Mr. Kay interviewed him a couple of days
2 ago, and I interviewed him yesterday, and you have copies
3 of those reports.

4 But I will say this: Walleman's report on
5 that shooting up on Franklin Boulevard is more complete
6 than what Crowe said, and you have had access to that for
7 several months.

8 I don't think this is catching you off guard.
9 You have had documents.

10 MR. SHINN: Are you saying that this document you
11 handed us today dated January 27th, 1971, this is what
12 she is going to testify to? In other words, this is the
13 watered-down version?

14 MR. BUGLIOSI: No, that is not the watered-down
15 version. That is the complete statement right there.
16 And I think the Court will want to Arandize certain things
17 out of that. I don't know. We will have to go through
18 the same Aranda process we went through during the trial.

19 MR. SHINN: Are you saying, Mr. Bugliosi, that this
20 statement dated January 27th, 1971, is contained in this
21 blue document?

22 MR. BUGLIOSI: No. There are some additional things.

23 I sat down and talked with her, and she came
24 up with some additional things that aren't contained in
25 there.

26 What I am saying is that Roni Howard did make

1 a statement way back in November of '69 that Susan Atkins
2 made an admission on the Hinman murders, and you have had
3 access to that statement for several months. Not only
4 access, but you were actually given a copy of it.

5 MR. SHINN: What page?

6 MR. BUGLIOSI: I'd say that you should read between
7 pages 1 and 13 or 14. She talks about Bobby and stabbing
8 Gary Hinman. It is all in there.

9 That is the same report that contains Susan
10 Atkin's confessions on the Tate murders.

11 THE COURT: All right.

12 Anything else?

13 MR. KANAREK: Yes, your Honor.

14 I wonder, in order that I not have to make --

15 THE COURT: I mean, anything else on your motion?

16 MR. KANAREK: No.

17 I believe that because something is in the
18 Library of Congress, so to speak, like Mr. Bugliosi says,
19 his tubs, I mean, his tubs are just drawers and drawers
20 of material, and I don't think that the law contemplates
21 that as being discovery.

22 MR. BUGLIOSI: The other defense attorneys came
23 down and opened the tubs up and looked through it.

24 MR. KANAREK: I have seen your tubs, too, Mr.
25 Bugliosi.

26 MR. BUGLIOSI: You have seen the outside.

1 MR. KANAREK: I have been inside, too.

2 MR. BUGLIOSI: You have been inside the tubs?

3 THE COURT: You did have a copy of the tape recorded
4 interview of Roni Howard, didn't you?

5 MR. KANAREK: Yes, your Honor.

6 THE COURT: Okay.

7 MR. KANAREK: But, you see, your Honor, the point
8 is -- let's put it this way -- penalty is so broad, without
9 having any particularity --

10 THE COURT: Let's not get into that.

11 The point is that you knew about this particular
12 matter.

13 I knew about it, and I learned it from that
14 tape recorded interview that we considered during the
15 course of the trial in connection with the Bruton-Aranda
16 problems regarding Roni Howard.

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1 MR. KANAREK: But what I am saying, your Honor, is --

2 THE COURT: I know that you knew it also.

3 MR. KANAREK: Right.

4 But what I am saying is that when they have such
5 wide latitude, how do we know what they are going to focus
6 on in the penalty phase?

7 It seems to me that the law requires an offer of
8 proof by them, or some kind of notice as to in what manner
9 they are going to proceed so that we can prepare a defense,
10 because the wide, wide, world is there as far as penalty
11 goes.

12 So, it really is more than just physically having
13 the material, too. It is a matter of some kind of focus.
14 And I think due process under the Fourteenth Amendment
15 demands that the prosecution indicate some kind of focus
16 because of the wide latitude on the penalty phase.

17 THE COURT: You have had months and months to consider
18 the very real possibility that if there were a first degree
19 conviction, that evidence would be used. So, it is hardly
20 a surprise.

21 MR. KANAREK: Right. I agree.

22 THE COURT: And if you have done nothing about it,
23 of course, that is your choice.

24 MR. KANAREK: When you say nothing, your Honor, that is
25 not so.

26 THE COURT: So far you have talked in generalities.

1 Now, if you are serious about making a motion for a
2 continuance, then support it with some kind of a factual
3 showing which would give me some basis upon which to rule.

4 But talking about it in vague generalities about
5 needing more time, doesn't accomplish anything.

6 MR. KANAREK: Well, let me speak of a witness here
7 named Rosina.

8 THE COURT: Where?

9 MR. KANAREK: In the Bernie Crowe matter.

10 There is a witness named Rosina who is supposedly
11 a female.

12 THE COURT: Are we on some other subject?

13 MR. KANAREK: No. I would like to interview this
14 person.

15 MR. KAY: Where is she?

16 MR. BUGLIOSI: I don't know where she is.

17 MR. KANAREK: We would like some time to locate her.

18 What I am saying is, your Honor, they have spoken of
19 Hinman and Shea. I have been going over the Hinman case
20 and the Shea case. They said they may put it in.

21 Now they say they are not putting it in.

22 So, all the details, the work, that I have done --

23 THE COURT: Mr. Crowe's name has come up in this case
24 before, too, and you are aware of that.

25 MR. KANAREK: Yes, I agree. But what I am saying is,
26 your Honor, they are now telling us -- previously he did not

1 represent that he was not going to put on Hinman and Shea,
2 so I just spent great numbers of hours on Hinman and Shea.
3 And now he says he is not going to do it.

4 So, it is a denial of due process. He is now going
5 into a particular point that he has indicated to the Court.

6 THE COURT: My personal feeling is, Mr. Kanarek, that
7 the motion is made in bad faith.

8 MR. KANAREK: May I ask why it is made in bad faith?

9 THE COURT: Because you knew about these things, and
10 you have known about them for months.

11 Now, your argument is just a make-weight argument,
12 and is not supported by anything that would constitute
13 grounds for a continuance.

14 You knew about these things.

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1 MR. KANAREK: Not about the statement we got yester-
2 day, your Honor.

3 THE COURT: I am going to deny the motion for a
4 continuance.

5 What about the defense estimate for their case,
6 the penalty phase? Do you have any kind of an estimate?

7 MR. FITZGERALD: We estimate about 12 to 15 court
8 days.

9 MR. BUGLIOSI: That's three weeks almost.

10 MR. FITZGERALD: That's three weeks, maybe less.

11 MR. KEITH: Are you including all of us?

12 MR. FITZGERALD: All of us.

13 MR. KEITH: Let's make that 16, then.

14 MR. KAY: In other words, you are going to take a
15 day?

16 MR. KEITH: I may take two days. He included one
17 day for me.

18 MR. FITZGERALD: I did include one day for him.

19 THE COURT: All right. Anything further.

20 MR. BUGLIOSI: Other than that I am aghast because
21 I think we are going to be here for another two months,
22 and that is why I was deliberately cutting down on the
23 penalty phase, but it looks like we will be here putting
24 tinsels on the next Christmas tree, but the prosecution
25 will do everything possible to expedite things.

26 84 witnesses with eight counts and four

1 defendants, unheard of. Right down the hallway they have
2 one count of murder, one defendant, 105 witnesses.

3 MR. FITZGERALD: You just said you were going to take
4 one week to put on a defense and we said three weeks, and
5 now you are talking about next Christmas.

6 MR. BUGLIOSI: I am cutting up about next Christmas,
7 but I say we are going to be here another two months, Paul,
8 if you are going to take three weeks.

9 I don't see how we can keep it down below
10 two months: a week for us, three weeks for you, argument --

11 MR. FITZGERALD: That is probably accurate, probably
12 accurate.

13 MR. BUGLIOSI: I am not criticizing, I am just saying
14 we will be here another two months.

15 MR. KANAREK: In the posture of this case, why don't
16 you just let this go to life imprisonment, Mr. Bugliosi?

17 MR. KAY: Does this have to be on the record?

18 MR. KANAREK: I think the State of California has
19 gotten its pound of flesh, and has gotten its whatever in
20 this case.

21 THE COURT: Anything further, gentlemen?

22 (No response.)

23 Very well, as soon as they are ready in court
24 we will proceed.

25 Do you intend to make an opening statement?

26 MR. BUGLIOSI: No.

1 THE COURT: You will be ready to call your first
2 witness.

3 Incidentally, I do have to recess early today.
4 I have to attend a meeting of the executive committee of
5 the court. It starts at 4:00 o'clock and I have to be
6 there, unfortunately so.

7 I am going to recess at a quarter to 4:00.

8 MR. SHINN: Are you going to call Roni Howard today,
9 Mr. Bugliosi?

10 MR. BUGLIOSI: Well, probably not, no, probably not
11 because it seems to me we will be with Crowe most of the
12 day.

13 My direct won't be too long, but I imagine
14 Mr. Kanarek will want to examine in depth. It is pretty
15 important.

16 If we get through with Crowe today, then I
17 will get into the Hinman matter, call the Coroner and the
18 officer who arrived at the scene and probably Roni Howard
19 tomorrow.

20 MR. KANAREK: Your Honor, if I may:

21 First of all, I would like to make this
22 comment on the record:

23 Your Honor has accused me of bad faith in
24 connection with this motion. I would like to --

25 THE COURT: Well, I said that it appeared to be
26 brought in bad faith, since the things that you claim now

1 as a basis for a motion for a continuance were known to
2 you a month ago.

3 MR. KANAREK: Query as to whether they were completely
4 known in view of Mr. Bugliosi's --

5 Your Honor has not even read Mr. Bugliosi's --

6 THE COURT: I don't care to prolong it, Mr. Kanarek,
7 if you are not in bad faith, you are not in bad faith.

8 MR. KANAREK: I would like to show the Court I am
9 not in bad faith.

10 Has your Honor read the statement attributed
11 to Mr. Crowe, the interview which Mr. Bugliosi gave me
12 yesterday?

13 THE COURT: That is not the point. The point is you
14 knew about Mr. Crowe and the incident and the information
15 was available to you.

16 MR. KANAREK: That's right, but we made discovery as
17 to statements, your Honor --

18 THE COURT: I don't want to prolong it, Mr. Kanarek.

19 MR. KANAREK: May I make this request to the Court
20 then --

21 THE COURT: No --

22 MR. KANAREK: This is to save time in court and not
23 make objections in front of the jury.

24 I would ask your Honor for a continuing
25 objection as to Mr. Crowe on due process under the 14th
26 Amendment, on the grounds that the prejudicial value far

1 outweighs any probative value for the penalty phase as
2 far as all of Mr. Crowe's testimony and as far as all
3 of Roni Howard's testimony.

4 If I have that continuing objection on the
5 prejudicial value far outweighing the probative value,
6 then I won't have to make that objection before the jury.

7 THE COURT: I am not going to grant any such
8 continuing objection. You will have to make your objec-
9 tions.

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1 MR. KANAREK: Then may I state it is my belief, based
2 on what the prosecution has suggested as to Mr. Crowe and
3 the incident concerning Mr. Crowe when Mr. Manson allegedly
4 shot Mr. Crowe, I maintain that bringing this up before the
5 jury in the penalty phase is a violation of the due process
6 under the Fourteenth Amendment and the equal protection --

7 THE COURT: How can I rule on it? I haven't heard the
8 evidence. I don't know what he is going to say.

9 You are premature. Make your motions and objections as we
10 proceed, Mr. Kanarek.

11 MR. KANAREK: Okay.

12 (The following proceedings were had in open court
13 in the presence of all counsel with the exception of
14 Mr. Hughes, all defendants. The jury is not present:)

15 THE COURT: All defendants and counsel are present.
16 The jury is not present.

17 You had something you wish to take up, Mr.
18 Fitzgerald.

19 MR. FITZGERALD: Yes, if the Court please. I have one
20 motion on behalf of Patricia Krenwinkel solely, then, an
21 objection concerning the constitutionality of the penalty
22 phase of the trial to be made on behalf of all the defendants.

23 Then I was just informed that Mr. Manson would
24 request permission to address the Court for the purpose of
25 making a motion.

26 The motion I have on behalf of Patricia Krenwinkel

1 is pursuant to Penal Code Section 1026, I would at this
2 time ask leave of the Court to enter a new and additional
3 plea of not guilty by reason of insanity.

4 In the event that motion is denied, I would pro-
5 ceed with the other motions in connection with the
6 constitutionality of the death penalty.

7 THE COURT: Do you wish to argue the motions?

8 MR. FITZGERALD: Well, to be candid with the Court I
9 was certainly aware that under most circumstances, and
10 certainly ordinarily a plea of not guilty by reason of
11 insanity should be interposed at the time plea is entered,
12 and certainly if it is not entered at the time of plea, it
13 should be entered as soon as possible thereafter, and
14 certainly with all due haste, particularly in advance of
15 trial, and it is a very unusual request to make such a
16 request at such a late date.

17 I might indicate to the Court that Miss Kren-
18 winkel is not of the same opinion, obviously, but I think
19 that in essence I made a tactical decision in advance of
20 trial, and it was perhaps an erroneous decision.

21 I felt tactically and strategically that a plea
22 of not guilty by reason of insanity, or to interpose, for
23 that matter, even a diminished capacity defense, would be
24 in the nature of a confession and avoidance defense, that
25 in essence Patricia Krenwinkel would be admitting the
26 defenses by interposing such a plea, based on mental
illness or mental aberration, and I chose therefore not to

1 enter a plea of not guilty by reason of insanity.

2 Now, however, the situation has changed remarkably.

3 The defendant Krenwinkel stands convicted of
4 seven counts of first-degree murder and one count of
5 conspiracy to commit murder.

6 At this time I think that a jury, before they
7 determine whether she ought to die, ought to be fully
8 and adequately appraised of any mental condition that
9 may have affected the commission of the crimes.

10 I am not admitting on her behalf the commission
11 of any offenses, but the verdict stands as it has been
12 rendered.

13 I think also that the jury was able to adjudicate
14 guilt or innocence based on the circumstances and the facts
15 presented to them.

16 I don't see where any prejudice would inure either
17 to the People or to the jury itself before we begin the
18 penalty phase. Your Honor could appoint psychiatrists and
19 we can proceed with a not guilty by reason of insanity
20 phase of the trial as to Patricia Krenwinkel.

21 None of the other defendants will join in such a
22 plea, is my understanding; it will be a relatively short
23 matter as to Patricia Krenwinkel.

24 In the event the psychiatrists in a very short
25 fashion determine that she is sane, then we can immediately
26 proceed with the penalty phase of the trial.

1 THE COURT: Do you wish to be heard, Mr. Bugliosi?

2 MR. BUGLIOSI: I am interested in when Mr. Fitzgerald
3 reached this new determination.

4 Number one, even at any time after the verdict is
5 much too far after the bell has already been rung.

6 But I am wondering why just before we call the
7 first witness to the witness stand he is now entering this
8 plea.

9 The jury came back with their verdict a couple of
10 days ago. It seems to me at that time would have been not
11 the proper time -- even this would have been too late -- but
12 if it were going to be made at all, it seems to me it should
13 have been made after the verdict came in, not five seconds
14 before we call our first witness to the stand at the penalty
15 trial.

16 The People's position, your Honor, is that under
17 existing law Mr. Fitzgerald's motion and plea is far too
18 belated.

19 However, in view of the extremely serious nature
20 of this new plea, it seems to me that we should retire to
21 chambers and exhaustively review the law on this subject.
22 I don't think the Court should cavalierly rule one way or
23 the other at this particular moment.

24 I think both sides should research this area in
25 depth before the Court rules.

26 THE COURT: Well, I want to make sure first that

1 Mr. Fitzgerald stated all of the reasons and arguments
2 that he has in support of that motion.

3 MR. FITZGERALD: I will submit the matter.

4 THE COURT: I would agree with Mr. Bugliosi that
5 existing law does indicate that such a plea cannot be made
6 at this juncture, in this point of time.

7 I take it none of the other defendants are joining
8 in that?

9 MR. KEITH: Correct.

10 MR. FITZGERALD: That is my understanding.

11 MR. KANAREK: We are not joining, your Honor.

12 MR. SHINN: We are not joining, your Honor, Miss
13 Atkins is not joining in that motion.

14 THE COURT: All right, we will take a brief recess then
15 and I will see counsel in chambers while we discuss this
16 matter.

17 MR. FITZGERALD: Miss Krenwinkel, if the Court
18 please -- I would request that all the defendants be
19 present, but certainly Miss Krenwinkel. I did not consult
20 with Miss Krenwinkel about the entry of such a plea, and I
21 can hear her behind me, and she is not in accord with my
22 representations to the Court.

23 I think in her best interests she ought to be
24 present.

25 THE COURT: Well, you are her lawyer, Mr. Fitzgerald,
26 and you are speaking for her as long as you are her counsel.

1 I will see counsel in chambers.

2 (The following proceedings were had in the
3 chambers of the Court, out of the hearing and presence of the
4 jury and the defendants, all counsel with the exception of
5 Mr. Hughes being present:)

6 THE COURT: We will go off the record.

7 (Off the record discussion.)
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1 MR. BUGLIOSI: The People move to have all the
2 People's exhibits introduced into evidence during the
3 Penalty trial.

4 I think that motion has to be made.

5 THE COURT: You mean, your previously admitted
6 exhibits?

7 MR. BUGLIOSI: Right. May they be admitted again?

8 THE COURT: If you have any exhibit in the penalty
9 phase, I am going to start the numbering over again and
10 precede it with the letter P, so there won't be any
11 confusion with the other exhibits.

12 MR. BUGLIOSI: In other words, People's P-1?

13 THE COURT: Yes. P-1 and P-2, et cetera.

14 MR. BUGLIOSI: We are going to use People's 40,
15 for instance, and maybe a few other exhibits. But even
16 if we don't use many, the jury, of course, is entitled,
17 during their deliberations, to consider all of these
18 exhibits introduced during the penalty trial.

19 THE COURT: Does anyone have any objection to that?

20 MR. FITZGERALD: My understanding of the law is
21 that they are going to be instructed that they can consider
22 anything at guilt. I think he is simply doing this out of
23 an abundance of caution. I think it is done by operation
24 of law already.

25 THE COURT: They will be received, the same exhibits
26 that have heretofore been received.

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Do the defendants want their exhibits received?

MR. FITZGERALD: Please.

THE COURT: The defense exhibits heretofore received will also be received for the purpose of the penalty trial.

MR. FITZGERALD: Would you take under advisement my request that you appoint doctors?

Would you think about that irrespective of any not-guilty-by-reason-of-insanity pleas?

THE COURT: You mean, on the subject of --

MR. FITZGERALD: Right, mitigating circumstances of penalty, mental state.

THE COURT: For the purpose of having them testify on the penalty phase?

MR. FITZGERALD: For the purpose of having them testify.

Well, to examine them first, and I will make a decision later whether they should testify.

THE COURT: I mean, that is what you would contemplate, but at least it is a possibility?

MR. FITZGERALD: Right.

Or just think about it. You don't have to rule now.

THE COURT: Examine them for what purpose? How? What would be the scope of the examination?

MR. FITZGERALD: To determine whether she is medically ill by medical standards.

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1 I just want some sort of a mental profile for
2 the jury in the event that it is apparent.

3 THE COURT: What you are talking about, I think,
4 is a general psychiatric examination, and let the chips
5 fall where they may.

6 MR. FITZGERALD: Right. Let the chips fall where
7 they may.

8 THE COURT: Without any reference to any specific
9 question.

10 I don't want to make it look like sanity or
11 anything.

12 MR. FITZGERALD: No. I am not suggesting that it is
13 a sanity hearing.

4a fls.

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1 THE COURT: I think if the Court appoints one or
2 more psychiatrists, they should make a general examination
3 of her and simply report, if you want them to, their
4 findings.

5 MR. FITZGERALD: Right.

6 THE COURT: Without any limitation as to the
7 particular areas.

8 MR. BUGLIOSI: Their findings, as Mr. Kay brought
9 out, might be that she is insane and, in essence, we are
10 almost having an insanity trial.

11 They might come back and say that, you know.

12 MR. FITZGERALD: Well, in the event we reach that
13 point, I wouldn't attempt to put on that evidence, if it
14 is ruled inadmissible.

15 Well, on the other hand, why isn't it admissi-
16 ble?

17 You know, it is not a defense, but it is
18 certainly one of the things that the jury can take into
19 consideration in amelioration of the offense, that she was
20 crazy or insane at the time.

21 THE COURT: Or now.

22 MR. FITZGERALD: Yes. Or now.

23 Also, in the event that your Honor is inclined
24 to appoint the doctors, I would like it to be pursuant to
25 Evidence Code 1017, and also perhaps Sections 950 through
26 954, et seq.

1 Those sections of the Evidence Code relate to
2 confidentiality. I wouldn't like to have the prosecution
3 receive a copy of the report until such time as I proffered
4 the evidence, at which time, of course, they are entitled
5 to a copy.

6 But if I decided not to put it on, I would
7 not like --

8 THE COURT: On the other hand, why shouldn't they,
9 if the Court is appointing the psychiatrists? We are no
10 longer talking about guilt.

11 MR. KAY: Your Honor, I sympathize with Mr.
12 Fitzgerald's position, but I wonder if it is really
13 proper for the Court to appoint a psychiatrist for a
14 private attorney.

15 I mean, if Mr. Fitzgerald was still in the
16 Public Defender's office, I could understand his expendi-
17 ture of County monies for the psychiatrists, but as a
18 private attorney, I just question whether that is really
19 proper.

20 MR. BUGLIOSI: I tend to disagree. From a strictly
21 legal standpoint. But I think Mr. Fitzgerald's personal
22 monetary sacrifice has been enormous in this case.

23 MR. KAY: No doubt.

24 MR. BUGLIOSI: And I think substance over technicality
25 should prevail.

26 THE COURT: The Court can appoint an expert if it

1 deems it necessary or desirable. The question is whether
2 I deem it necessary or desirable.

3 MR. BUGLIOSI: Yes.

4 If the Court thinks it is a valid motion of
5 Mr. Fitzgerald, I think it should be at County expense.

6 It would be an unrealistic burden on him to
7 have him pay it out of his own pocket.

4b fls.

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THE COURT: I can see no reason to turn a penalty phase into some kind of a diminished capacity proceeding at the request of the defendant, unless there is some kind of a showing.

Again, there is nothing. There is nothing in this record, nothing that the Court has seen, that would indicate that any of these defendants has any mental illness, any diminished capacity, any insanity is now present or was present at the time of the crime. Nothing.

MR. KEITH: The Court isn't saying that testimony from a psychiatrist concerning the character and personality of one of the defendants would be inadmissible, is it?

THE COURT: No.

MR. KEITH: That would be all important, it would seem to me, in the penalty phase.

THE COURT: No. But I don't think it is something that the Court has to, on its own, arrange for.

The defendants are perfectly capable of getting personality and character witnesses in if they want to.

MR. BUGLIOSI: Unless there is some legal showing already in the record, and then I think the Court could make that appointment. But in the absence of a legal showing, I don't think that the Court can open up this barrel of worms.

MR. KEITH: I just wanted to make it clear that we are not talking about admissibility but we are talking about the propriety of a court appointment.

THE COURT: That's right.

1 MR. FITZGERALD: Another problem is this. Basically,
2 I don't have a tremendous amount of confidence in some of
3 the psychiatrists that are available on the Superior Court
4 panel. I am sure your Honor has heard that before.

5 On the other hand, in the event the Court-appointed
6 psychiatrists come up with material that is favorable for
7 a defendant, and as an attorney you put that psychiatrist
8 on the stand, they sell much, much better to jurors because
9 they are independent psychiatrists who are on the panel
10 who, you know, examine numbers of people, and so on, and so
11 forth.

12 When you bring in outside paid psychiatrists,
13 retained psychiatrists, people, by and large -- and I think
14 jurors -- at least some jurors -- feel that you have bought
15 their testimony and that psychiatrists will testify on any
16 side of the issue, and so on.

17 THE COURT: Well, I just don't see any necessity for
18 the Court in this case to appoint psychiatric experts.

19 If there was something, some evidence, some
20 showing, some fact that one could point to that would
21 indicate that psychiatric testimony would somehow be
22 necessary or desirable because --

23 MR. FITZGERALD: All we have, Judge, is the prosecution's
24 evidence, the prosecution's theory, the bizarre nature of
25 the offenses themselves, the gross overkill involved. ✓

26 I don't know that most of Mr. Bugliosi's

1 adjectives are appropriate, but even if some of them are,
2 this is a highly unusual, peculiar and bizarre situation.
3 But that is it.

4c

4c-1

1 THE COURT: We see many crimes of that nature.

2 Well, I am not going to appoint doctors,
3 and I am not going to allow the plea.

4 I will make that statement on the record.

5 MR. BUGLIOSI: We are on the record.

6 THE COURT: I know.

7 MR. FITZGERALD: You probably had better deny it
8 in open court, or bring my client in here.

9 THE COURT: Then you will want to make your motion?

10 MR. FITZGERALD: Yes. It is about six or seven
11 minutes long.

12 THE COURT: Then we will bring the jury down after
13 that.

14 MR. KAY: I think Mr. Manson has a motion, too.

15 THE COURT: What does he want?

16 MR. FITZGERALD: I understand his motion is in the
17 nature, again, of representing himself at the penalty
18 phase; representing himself as opposed to counsel.

19 I am guessing, but I think it is a pretty
20 good guess. I mean, everybody was present when he said
21 it to me.

22 MR. MUSICH: Can't that motion be made through his
23 attorney, Mr. Kanarek?

24 THE COURT: He is entitled to make that motion.

25 All right, gentlemen.

26 (Whereupon the following proceedings occur in

1 open court. All counsel and defendants present. Jury
2 absent.)

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

5 Mr. Fitzgerald, I have carefully considered
6 your motion and your arguments in support of it, I have
7 also reviewed in my mind the evidence at the trial on the
8 guilt phase, and there is no good cause whatever suggested
9 by you, or shown in the record, none whatever in my opinion,
10 and accordingly, the motion to add the additional plea of
11 not guilty by reason of insanity will be denied.

12 I understand you have another motion?

13 MR. FITZGERALD: That is correct, your Honor.

14 On behalf of all the defendants, we are
15 interposing an objection to this so-called penalty phase
16 of the trial on the ground that the death penalty, which
17 is an equal penalty to life imprisonment in California,
18 is unconstitutional on the following constitutional
19 grounds:

20 That the death penalty for first degree
21 murder constitutes cruel and unusual punishment in viola-
22 tion of the Eighth Amendment to the United States
23 Constitution, and Section 6, Article 1, of the California
24 Constitution.

25 In support of that proposition, I would like
26 to argue that the death penalty is cruel and unusual

1 because it inflicts the loss of life without commensurate
2 justification. The right to life is a fundamental right
3 and before the State may restrict such a fundamental right,
4 it must demonstrate a compelling interest in so doing, and
5 that to show such an interest, the State must establish
6 (1) the restriction imposed rationally relates to a
7 legitimate governmental objective, and (2) the benefit to
8 the public far outweighs the impairments of the constitutional
9 right; and (3) no alternative means less subversive of
10 the constitutional right are available.

11 The proper functions of punishment are isola-
12 tion, rehabilitation and deterrence, not retribution.
13 Isolation and retribution can be better achieved by life
14 imprisonment than execution.

4d fls.

4d-1

1 It is also cruel and unusual in that it is
2 imposed without standards and can be imposed regardless of
3 extenuating circumstances.

4 Also, Sections 190 and 190.1 of the California
5 Penal Code confer absolute discretion on the jury and
6 thereby require the jury to perform a sui generis function
7 which subjects the defendants to the power of arbitrary
8 decision.

9 Section 190 of the California Penal Code
10 provides that:

11 "Every person guilty of murder in the
12 first degree shall suffer death, or confinement in
13 the State Prison for life, at the discretion of the
14 court or jury trying the same, and the matter of
15 punishment shall be determined as provided in
16 Section 190.1."

17 Section 190 does not articulate any purpose or
18 prescribe any standard to guide the trier of fact in its
19 determination of penalty. Section 190.1 provides that
20 at the penalty trial, evidence may be presented of the
21 circumstances surrounding the crime, of the defendant's
22 background and history, and of any facts in aggravation
23 or mitigation of the penalty. The determination of the
24 penalty of life imprisonment or death shall be in the
25 discretion of the court or jury trying the issue of fact
26 on the evidence presented.

1 Section 190.1 does not explain which circum-
2 stances or background facts should be considered as
3 aggravating and which as mitigating, nor the extent of
4 aggravation or mitigation necessary, for the imposition
5 or withholding of the ultimate penalty.

6 A number of California Supreme Court cases have
7 held that the jury does not need to find ameliorating
8 circumstances to impose life imprisonment nor need it find
9 aggravation in order to impose the death penalty. The
10 choice between the two penalties rests in the absolute
11 discretion of the jury.

12 Furthermore, the jury is instructed that "Beyond
13 prescribing the two alternative penalties, the law itself
14 provides no standard for the guidance of the jury in the
15 selection of the penalty, but, rather, commits the whole
16 matter of determining which of the two penalties shall be
17 fixed to the judgment, conscience and absolute discretion
18 of the jury."

19 The absolute discretion of the jury is not only
20 unguided and unlimited, its exercise is not even subject
21 to review on the question of abuse.

22 In all other situations than the penalty trial,
23 a jury deliberates under the Court's instructions and
24 reaches its verdicts within the area delineated by the
25 judge. In the most important decision of all, whether a
26 human being shall live or die, the jury has no guidelines,
no standards, no criteria.

4e-1

No. 3. The possible imposition of the death penalty in the absence of any prescribed standards deprives the defendants of life without due process of law in violation of the Fourteenth Amendment to the United States Constitution.

Nothing could be more basic to the due process clause or to the requirement of procedural fairness than that a person not suffer the arbitrary deprivation of his life or liberty.

The constitutional imperative that laws infringing upon life and liberty be framed in terms of a reasonably ascertainable standard is central to our administration of criminal justice.

The absence of any standards to circumscribe the trier of facts' discretion under Sections 190 and 190.1 of the Penal Code to determine whether a convicted capital defendant shall suffer death or life imprisonment therefore deprives the defendants condemned to death of his life without due process of law.

The requirements of a reasonable degree of certainty in legislation, especially in the criminal law, is a well established element of the guarantee of due process of law.

The constitutional requirement for certainty in the criminal law serves to protect two basic sets of rights deemed fundamental to the administration of criminal

1 justice. The first is the concept of notice and the
2 second procedural safeguards and an opportunity for
3 meaningful review.

4 A criminal law which is not framed in terms
5 of sufficiently ascertainable standards violates the due
6 process clause in the first instance because it fails to
7 give adequate warning of its own proscription.

5 fls.

4d-1

1 In other words, a defendant ought to be provided
2 with a reasonable opportunity to prepare and present his
3 defense and not be taken by surprise.

4 Also a criminal statute lacking a sufficiently-
5 ascertainable meaning precludes administration pursuant to
6 constitutionally required procedural safeguards. The lack
7 of ascertainable standards denies the accused of a
8 meaningful defense and prevents judicial control and
9 review of the relevancy and sufficiency of the evidence to
10 establish a violation of law.

11 The offenses which are punishable by death are set
12 out in statutes contained in the California Penal Code. The
13 circumstances under which a person may receive the death
14 penalty rather than life imprisonment remain totally unclear
15 however. The law, by failing to provide criteria sufficiently
16 ascertainable to guide the courts and juries in making that
17 distinction, prevents a defendant from knowing how to show
18 that he falls within the class of capital offenders for whom
19 the law contemplates the lesser penalty of life imprisonment.

20 Furthermore, the complete absence of standards in
21 the administration of the death penalty deprives the
22 defendant of any way to protect himself against an arbitrary
23 imposition of the death penalty. Since no limitations bind
24 the exercise of the discretion of the jury, the defendant
25 can neither challenge the evidence introduced during the
26 penalty trial on the ground of insufficiency nor seek review
on the ground of the erroneous application of the death

1 penalty to him.

2 Sections 190 and 190.1 thus deny due process of
3 law because they provide no standards by which an abuse
4 of discretion by the trier of fact can be curbed or even
5 subjected to review. The power of the trier of fact to
6 decree the death sentence is as broad and arbitrary as it
7 is absolute and untouchable.

8 The absence of any prescribed standards in the
9 administration of the death penalty deprives the defendants
10 sentenced to death of their right to equal protection of
11 the law in violation of the Fourteenth Amendment.

12 The unguided discretion of the jury to decide
13 that a convicted capital defendant shall suffer death
14 rather than life imprisonment violates the basic guarantee
15 of the equal protection clause that the legal process
16 must provide for even-handed justice.

17 Such discretion also violates the essential
18 corollary of this proposition that a statute abridges this
19 guaranty if it confers upon the jury "a naked and arbitrary
20 power" to impose a criminal penalty on the basis of any
21 principle. The equal protection clause prohibits the
22 arbitrary selection of a class of individuals for the
23 imposition of a special burden. It requires as a minimum
24 that legislative classifications be rationally related to
25 a legitimate governmental purpose.

26 The procedure under Sections 190 and 190.1, providing no classificatory criteria whatsoever, permits a

1 trier of fact arbitrarily to determine whether a particular
2 convicted capital defendant should suffer death rather than
3 life imprisonment. Such absence of classification renders
4 the current procedure insufficient to satisfy even the
5 minimum requirement of equal protection. In failing to
6 provide any rational basis upon which to justify an
7 imposition of the death penalty on those particular convicted
8 capital defendants sentenced to death rather than life
9 imprisonments, the law makes an invidious discrimination
10 against those upon whom the trier of fact imposes the death
11 penalty.

12 Thus, the trier of fact's absolute power to impose
13 the death penalty on a convicted capital defendant violates
14 the basic interdictment of the equal protection clause that
15 no person shall hold "a naked and arbitrary power" to make
16 invidious discriminations against another.

17 In a study performed by Hans Zeisel, entitled
18 "Some Doubt on Juror Attitudes Toward Capital Punishment,"
19 after demonstrating that he can find no decisive factors
20 which account for the infliction of the penalty, the author
21 concludes "In the end the task is one of deciding who,
22 among those convicted of capital crimes, is to die. Whatever
23 the differences on which this decision hinges, they remain
24 demeaningly trivial compared to the stakes. The discretionary
25 use of the death penalty requires a decision which no
26 human should be called upon to make."

Sections 190 and 190.1 permit the judge or jury

1 to decree the random doom of death without the restraining
2 guide of reason. Neither society nor the Legislature nor the
3 courts have said why one capital defendant should be
4 selected to die and another to live. The death penalty
5 has been supported as a punishment, a deterrent, a safety
6 valve for revenge, an economy for the state, and on other
7 grounds, each of which has been as hotly defended as it has
8 been severely attacked. But no one knows which of these
9 notions, and as many others as the mind can conjure, are
10 accidentally seized upon by the judge or jury to grant or
11 deny life. No one knows what moves the judge or jury to
12 select a capital defendant for death. We know only that
13 the motives and notions that deal out death are as obscure,
14 disordered, and irrational as the statistical incidents of
15 the death penalty itself. Yet the foundation rock of law is
16 reason; the judicial process presupposes that its
17 determinations are justified only when explained or
18 explainable in reason.

19 The irrational process of decreeing death cannot be
20 reconciled with the sense of reasoned justice; we cannot
21 explain why or when we impose the penalty. If a civilized
22 society cannot say why one man should be executed and
23 another not, it does not rationally, logically, take life.
24 Indeed, it grossly denies due process of law in inflicting
25 death upon the basis of a trial that is capricious, discrimi-
26 minatory and guess infested.

1 Thank you.

2 THE COURT: Do you care to respond, Mr. Bugliosi?

3 MR. BUGLIOSI: No.

4 THE COURT: The constitutionality of the death
5 penalty, as you know, Mr. Fitzgerald, has been passed on
6 many times both by the California Supreme Court and United
7 States Supreme Court.

8 The cruel and inhuman punishment argument has
9 been turned down numerous times, and the Courts have pointed
10 out the fact that the United States Constitution anticipates
11 the death penalty no less than three times in the Fifth
12 Amendment alone, in the Grand Jury, the double jeopardy and
13 the due process clauses of the Fifth Amendment.

14 As to the California procedure, so far as a
15 penalty trial in the absolute discretion of the jury is
16 concerned, our California Supreme Court has upheld the
17 constitutionality of those provisions in the Anderson case,
18 and other cases.

19 Of course, as you know, the constitutionality of
20 the California provisions is presently pending before the
21 United States Supreme Court in cases which probably will be
22 handed down this year.

23 But insofar as this court is concerned, that
24 decision has already been made by our California Supreme
25 Court.

26 In any event, I don't personally believe that the

1 provisions are unconstitutional, and the motion will be
2 denied.

3 Anything further before we bring the jury down.
4 and proceed with the penalty phase?

5 MR. FITZGERALD: I believe Mr. Manson had a motion,
6 your Honor.

7 THE COURT: Mr. Manson, you may be heard.

8 DEFENDANT MANSON: If at any time prior, in the earlier
9 trial, that I have reflected any misconduct in the face of
10 your Honor, it has been at the figurehead of the Judge.

11 I would like at this time, if possible, to
12 submit myself in toto, and put on a penalty phase on behalf
13 of myself in place of Mr. Kanarek.

14 I don't have any more money. You see, he has been
15 working seven months now, and I haven't got any more money
16 to pay him. That is one good reason.

17 And another good reason is that I have personal
18 knowledge of the people involved, and could probably put on
19 a very sensible penalty phase if the Judge would let me do
20 this.

21 THE COURT: Well, Mr. Manson, this question, of course,
22 as you know, has been considered half a dozen times or more
23 since this case began, by at least four different judges,
24 several times by me.

25 I see no reason to change my mind that you are not
26 competent to represent yourself.

1 DEFENDANT MANSON: Your Honor ---

2 THE COURT: Now, if you have information which you
3 think will help you in the penalty phase, then I certainly
4 urge you to give it to your attorney and permit him to
5 conduct the best possible defense that he can; and the
6 presence of Mr. Kanarek as your lawyer is not going to
7 hinder your defense; it is going to help it. If I did not
8 believe so I would do something about it.

9 DEFENDANT MANSON: We have been through this before as
10 well on one side as the other, and I say to you this, that
11 no man can speak in place of this man that is standing in
12 front of you.

13 THE COURT: Well --

14 DEFENDANT MANSON: Your Honor, may I be heard, please?

15 The attorney has not put on a defense.

16 The attorneys didn't want to ask the questions
17 when it came time to put on the defense.

18 The attorneys wouldn't understand the defense if
19 it was put on in front of them.

20 The children that you have here are as you would
21 reflect upon me, the inadequacy that you feel, and tell me
22 the words that come from your head, I don't understand
23 those words. It may be your reality, and you may be
24 speaking from it, but it doesn't communicate to me, as well
25 as sometimes that I try to communicate to this Court and it
26 becomes difficult at times for your Honor to understand

1 what I am trying to say.

2 We wish to put on a defense; we wanted to put on
3 a defense from the minute I was arrested. I knew that
4 nothing could come between us.

5 Now, in the prior motions, in the prior motions
6 that I offered in front of you, something did come between
7 us and it wasn't my fault. It come between us because the
8 Sheriff has more authority than your Honor.

9 If the Judge says one thing, the Sheriff says
10 something else, it doesn't flow.

11 The proper facilities was not in the isolation
12 ward, and I didn't have access to the proper material to
13 make motions, and when the motions did appear in front of
14 your Honor, they weren't from this man; they were from
15 another segment, another thought, you know, and I look at
16 this and I say to myself, the only thing that I can do is
17 give myself an equal chance.

18 I wouldn't ask you for anything that I couldn't
19 give you, and I ask to be allowed to put on this penalty
20 phase, as I have asked to be allowed to offer a defense,
21 as clumsy and awkward as it may be, I am sure you will see
22 that it is very adequate because I can stand on my thought
23 as I am one with my thought.

24 THE COURT: Mr. Hanson, you will be permitted to put
25 on all legally admissible evidence in your defense on the
26 penalty phase, and I suggest that you cooperate with

1 Mr. Kanarek to the utmost of your ability.

2 Your motion to substitute to relieve Mr. Kanarek
3 and represent yourself, if that is what it is, will be
4 denied.

5 DEFENDANT MANSON: Before you rule, before you rule,
6 please -- there is no way that I can think from this man
7 (indicating).

8 There is no way that I can put my words in this
9 man's head.

10 There is no way I can speak through any of these
11 people, and there is no way any of these people can speak
12 through me.

13 There is no way that I can express my thought on
14 the witness stand, because when I say something on the
15 witness stand, that does not make it valid simply because
16 I say it.

17 I wish to call witnesses in my behalf, as I have
18 wished to call witnesses in my behalf. This has been your
19 show.

20 What good is a courtroom if it is only one-sided?

21 THE COURT: I heard your arguments, Mr. Manson, I
22 have heard the arguments; I have heard the same arguments
23 before. The motion is denied.

24 DEFENDANT MANSON: It is not an argument. It is a fact.

25 THE COURT: All right, sir, you may sit down.

26 DEFENDANT MANSON: Can you look at the fact?

1 THE COURT: You may sit down, sir.

2 DEFENDANT MANSON: Can you look at the fact?

3 THE COURT: You may sit down, sir.

4 DEFENDANT MANSON: Why can't you look at the fact?

5 THE COURT: Sit down, Mr. Manson.

6 DEFENDANT MANSON: If you were truth --

7 THE COURT: Bring the jury down.

8 DEFENDANT MANSON: Now I am supposed to sit here like
9 a dummy?

10 MR. KANAREK: Your Honor, I have another motion
11 before the jury comes down.

12 THE COURT: Sit down, Mr. Manson.

13 DEFENDANT MANSON: There is no justice here, Older,
14 dammit man, look at it.

15 THE COURT: All right, I am going to have you removed,
16 Mr. Manson, and you will not be present during the penalty
17 phase of your trial.

18 DEFENDANT MANSON: It doesn't mean anything. I am
19 already removed from the first day.

20 THE COURT: If you don't sit down at once I will have
21 you removed. I suggest to you it is not to your best
22 interest.

23 DEFENDANT MANSON: My best interest, you already
24 convicted me for something I didn't even do.

25 THE COURT: Mr. Kanarek, you may make your motion.
26

5b-1

1 MR. KANAREK: Your Honor, I have a motion here.

2 DEFENDANT MANSON: He ain't got no guts; he's a
3 woman. You can't face me in this courtroom. If you let
4 me go in here I'd tear that little boy apart; you know
5 it, too.

6 MR. BUGLIOSI: You already called me a genius,
7 Charlie.

8 THE COURT: That will be enough, Mr. Bugliosi.
9 Let's proceed.

10 MR. KANAREK: I have a motion here to determine the
11 state of mind of Evelyn Hines, presently a juror in the
12 above-entitled action, a motion re security, which is in
13 writing.

14 I have reason to believe that since becoming
15 sequestered and a trial juror in this case, Miss Hines --

16 THE COURT: Wait, Mr. Kanarek --

17 MR. KANAREK: Miss Hines has taken to alcohol --

18 THE COURT: Then you put it in the form of a written
19 motion supported by declarations and file it in the court
20 and it will be taken up at the proper time.

21 MR. KANAREK: She is coming down now.

22 THE COURT: Yes, she is.

23 MR. KANAREK: I do have it (indicating).

24 THE COURT: Sit down, Mr. Kanarek.

25 MR. KANAREK: I do have it.

26 THE COURT: All right, then file it.

1 DEFENDANT MANSON: We can't keep these things
2 covered up forever.

3 (Whereupon the members of the jury enter the
4 courtroom and the following proceedings were had in open
5 court in the presence and hearing of the jury:)

6 THE COURT: All defendants, counsel and jurors are
7 present.

8 You may proceed, Mr. Bugliosi.

9 MR. BUGLIOSI: People call Bernard Crowe.

10 THE CLERK: Would you raise your right hand, sir.

11 Would you please repeat after me:

12 I do solemnly swear --

13 THE WITNESS: I do solemnly swear --

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

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

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

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

18 THE CLERK: -- before this court --

19 THE WITNESS: -- before this court --

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

21 THE WITNESS: -- the truth --

22 THE CLERK: -- the whole truth --

23 THE WITNESS: -- the whole truth --

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

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

26 THE CLERK: -- so help me God.

5b-3

1 THE WITNESS: -- so help me God.

2 THE CLERK: Would you be seated, please.

3 Would you please state and spell your name.

4 THE WITNESS: My name is Bernard Crowe, C-r-o-w-e.

5 DEFENDANT MANSON: I can't get nothing from this man.
6 I can't even communicate with him.

7 THE COURT: All right, remove Mr. Manson from the
8 courtroom.

9 Will counsel approach the bench, please.

10 (Whereupon Mr. Manson leaves the courtroom
11 and the following proceedings were had at the bench out
12 of the hearing of the jury:)

13 THE COURT: I want the record to reflect what I have
14 just observed, and which of course the record could not
15 show other than Mr. Manson's words.

16 Were you able to get his words?

17 THE REPORTER: I was.

18 THE COURT: Mr. Manson struck Mr. Kanarek, it
19 appeared to me, several times.

20 Is that right, Mr. Kanarek?

21 MR. KANAREK: If I could decline to state, your
22 Honor, on the basis --

23 THE COURT: Do you want to take the Fifth Amendment?

24 MR. KANAREK: No, your Honor, I think I owe it to
25 the defendant, I think your Honor has other means of
26 ascertaining those facts.

5b-4

1 THE COURT: I am stating what the facts are. I
2 am giving you a chance to confirm it or dispute it if you
3 like.

4 What happened was that Mr. Manson struck you
5 several times, sitting at the counsel table, and in a
6 voice that could be plainly heard said words to the
7 effect "I can't get along with him; I can't get along
8 with this man," or words to that effect.

9 As a result of that disruptive and violent
10 behavior I had him removed from the courtroom.

11 Does anyone care to say anything?

12 MR. BUGLIOSI: I observed the same thing that the
13 Court did.

14 I observed one fairly hard blow by Mr. Manson
15 to Mr. Kanarek's side.

16 THE COURT: This was plainly visible to the jury
17 because Mr. Manson was sitting, facing the jury at
18 counsel table with Mr. Kanarek facing the jury directly
19 in front of the jury on the opposite side of the courtroom,
20 not more than 20 feet away.

21 MR. BUGLIOSI: When I say I observed one blow,
22 I do not mean to say I observed all of the blows. There
23 very well may have been more blows. I was looking to the
24 front, and when I looked to the left I saw one blow.

25 MR. KAY: I observed two blows, both to Mr. Kanarek's
26 chest.

1 MR. KANAREK: Would your Honor admonish the jury
2 not to consider it for any purpose?

3 THE COURT: Yes, I will.

4 MR. KANAREK: Very well, your Honor.

5c fls. 5 THE COURT: All right, gentlemen, let's proceed.
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1 THE COURT: The jury is admonished to disregard
2 Mr. Manson's statements to Mr. Kanarek, if you were able to
3 hear them, and also disregard what you saw in connection
4 with the little incident between Mr. Manson and Mr. Kanarek.

5 Let's proceed, gentlemen.

6 MR. KANAREK: Your Honor, may I have a continuing
7 objection on relevancy and materiality, and that the
8 prejudicial value outweighs the probative value as far as
9 this witness is concerned?

10 THE COURT: Yes, you may.

11 MR. KANAREK: Thank you, your Honor.

12
13 DIRECT EXAMINATION

14 BY MR. BUGLIOSI:

15 Q How old are you, Mr. Crowe?

16 A 28.

17 Q On the date, July 31st, 1969, were you up in
18 Hollywood?

19 A Yes.

20 Q Were you at an apartment house on Franklin
21 Boulevard in Hollywood?

22 A Yes.

23 Q Do you know the address of that apartment house?

24 A Around 6900 block or something to that effect.

25 Q The 6900 block of --

26 A -- Franklin Boulevard.

1 Q -- Franklin Boulevard?

2 A Yes.

3 Q Near what large intersection?

4 A I think it's between Highland and La Brea, if I am
5 not mistaken.

6 Q And at approximately 11:00 p.m. on July 31st, 1969
7 were you inside of a car parked in front of the apartment
8 house?

9 A Yes.

10 Q Whose car was this?

11 A A friend's.

12 Q And you were seated in the car?

13 A Yes.

14 Q And what is the friend's name?

15 A Steve.

16 Q Was anyone else in the car?

17 A Yes.

18 Q Who else?

19 A Steve, Dell, Jim and Rosina and myself.

20 Q These were all friends of yours?

21 A Yes.

22 Q Do you know Rosina's last name?

23 A No, I don't.

24 Q Did Rosina live in this apartment house?

25 A Yes.

26 Q Do you know a man by the name of Tex Watson?

1 A Yes.

2 Q Was he also inside the car?

3 A Yes.

4 Q I show you People's 36 for identification, do you
5 know who is shown in that photograph?

6 A Yes.

7 Q Who is that?

8 A Tex, Charlie Tex.

9 Q Tex Watson?

10 A Yes.

11 Q Was there any discussion in the car with respect
12 to the purchase of marijuana?

13 MR. FITZGERALD: Objection, your Honor, calls for
14 hearsay.

15 Also I would like to interpose an objection on
16 the relevance and materiality ground as to Patricia
17 Krenwinkel. May this be limited testimony?

18 THE COURT: The objection is sustained on the hearsay
19 ground.

20 The testimony is being offered solely against
21 Mr. Manson.

22 MR. BUGLIOSI: Yes, your Honor.

23 THE COURT: All right, the jury is admonished to
24 consider the testimony of this witness with respect to
25 Mr. Manson only and not as to any of the other defendants.

26 Q BY MR. BUGLIOSI: What discussion was had inside

1 of the car with respect to the purchase of marijuana?

2 A On Franklin, or --

3 Q On Franklin Boulevard. You say you were parked
4 and you were seated in the car which was parked outside the
5 apartment house.

6 A Right.

7 Q At about 6900 block Franklin, is that correct?

8 A That's correct.

9 Q At about 11:00 p.m.?

10 A Right.

11 Q What discussion was had in the car with respect
12 to the purchase of marijuana?

13 A Well, actually we all got in the car and we left.

14 Q Was there any discussion in the car about
15 marijuana before you left?

16 A No, not really, we just knowed what we had to do.

17 Q How did you know what you were going to have to
18 do?

19 A Well, to get the weed, yes, to pick up the people
20 and go another place and get it.

21 Q When you say "weed," you mean marijuana?

22 A Yes, marijuana.

23 Q Was there any transference of money? Did you give
24 anyone money?

25 A Yes.

26 Q Whom did you give money to?

1. A Del.
2. Q How much money did you give him?
3. A 2400.
4. Q \$2,400?
5. A Yes, sir.
6. Q Where were you and Del at the time you gave Del
7. \$2,400?
8. A In the car.
9. Q This was when the car was parked outside the
10. apartment house?
11. A No, after I left that residence and I wanted to --
12. Q All right, there was no discussion then outside
13. the apartment house with respect to buying marijuana?
14. A Not really, I don't recall any.
15. Q But everyone just knew you were going to go to
16. El Monte, is that what you were saying?
17. A Yes, we knew before we went there, to pick the
18. people up --
19. MR. KEITH: Just a moment -- that question was leading,
20. if the Court please.
21. THE COURT: Sustained.
22. Q BY MR. BUGLIOSI: Now, did you and Del and Jimmy
23. and Steve and Tex Watson and Rosina drive to El Monte?
24. A Yes.
25. Q Do you know where you drove to in El Monte?
26. A Not offhand, no.

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Q Pardon?

A Not offhand, no. Sorry.

Q Who was driving the car?

A I was.

Q And where did you stop the car in El Monte, in front of where?

A I was in front of an apartment building.

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5d-1

Q Do you know what street it was on?

A I don't believe I can recall the street.

Q After you stopped the car in front of this apartment building in El Monte, what is the next thing that happened?

A At that time he had asked for the money, and he said he would be back in 15 or 20 minutes.

Q When you say "he," to whom are you referring?

A Charlie Watson.

Q So after you parked the car Charlie Watson asked for the money?

A Yes.

Q And did you see anyone give him money?

A Yes, after I gave it to Del and Del gave it to him, after a short, brief conversation.

Q You gave Del \$2400 then outside the apartment building in El Monte?

A Right.

Q And then you saw Del give Tex Watson the \$2400?

A Yes.

Q What discussion was had at that time with respect to the purchase of marijuana?

A Well, I was under the impression that the money never had to leave --

MR. KEITH: Move to strike that on the ground he is

5d-2

1 offering a conclusion, he was under the impression.

2 THE COURT: Read the question, Mr. Hollombe.

3 (Whereupon the reporter reads the pending
4 question.)

5 THE COURT: Overruled, you may answer. The motion is
6 denied.

7 BY MR. BUGLIOSI:

8 Q You may answer the question, Mr. Crowe.

9 A What was that again?

10 Q What discussion was had in the car concerning
11 the purchase of marijuana when the car was parked outside
12 the apartment building in El Monte?

13 A At that time I had the impression that the money
14 would never leave my presence until, you know, the marijuana
15 was there, and we debated that a few minutes, and then I
16 said, "It's your responsibility, Del," and I gave him the
17 money and he gave it to him, and at that point, that is
18 when the conversation ended.

19 He got out of the car and I went to the
20 apartment building.

21 Q Did Mr. Watson say anything about getting
22 marijuana?

23 A Yes.

24 Q What did he say?

25 A He say he will bring it out 15 or 20 minutes.

26 Q Did Mr. Watson then get out of the car?

5d-3

1 A Yes, at that time.

2 Q At the time he got out did everyone else remain
3 inside the car?

4 A Yes.

5 Q Did you see Mr. Watson enter the apartment
6 building?

7 A Yes, because no sooner he entered the apartment
8 building, and I just automatically jumped out of the car to
9 see where he was going.

10 And at that time he, you know, he disappeared.

11 Q So you saw him enter the apartment building?

12 A Yes.

13 Q Did you enter the apartment building at that
14 time?

15 A Yes.

16 Q Immediately after he did?

17 A Yes, but he disappeared. I did not see what
18 apartment he went into.

19 Q What happened next?

20 A At that time I came back to the car, I sat
21 down and we were talking.

22 I said "Well, it probably would be okay."

23 And we waited for about an hour and a half,
24 two hours. He never showed up so we left then and went
25 back to the apartment in Hollywood on Franklin Boulevard.

26 Q So Mr. Watson then had \$2400, you say, is that

1 correct?

2 A Right.

3 Q And he entered the apartment building, is
4 that correct?

5 A Yes.

6 Q And he said he was going to get some marijuana,
7 is that correct?

8 A That's right.

9 Q You have to answer out loud.

10 A That is true, yes, sir.

11 Q But he never came back out of the apartment
12 house?

13 A Right.

14 Q And you never did get the marijuana?

15 A No, I did not.

16 Q About what time was it when this happened in
17 El Monte?

18 A It was about 12:30, close to 1:00 when we
19 left.

20 Q So this is about 1:00 a.m. now on the morning
21 of August 1st, 1969, is that correct?

22 A Right, correct.

23 Q And then you drove back to the apartment house
24 on Franklin Boulevard in Hollywood, is that correct?

25 A That's correct.

26 Q What is the next thing that happened?

1 A At that time Rosina had called out to the ranch --

2 MR. KANAREK: I ask that that be stricken, your Honor,
3 that Rosina called out to the ranch, as hearsay, a conclusion.

4 There is no foundation for it, your Honor, over
5 and above the continuing objection.

6 It is a voluntary statement.

7 THE COURT: Do you wish to be heard?

8 MR. BUGLIOSI: Well, if I'm heard at all on this, your
9 Honor, it should be up at the bench.

10 THE COURT: Well, it appears to be a conclusion.

11 The objection will be sustained and the answer
12 will be stricken.

13 BY MR. BUGLIOSI:

14 Q Did you enter Rosina's apartment in the apartment
15 house?

16 A Yes.

17 Q On what floor of the apartment was her apartment?

18 A The second floor.

5e-1

1 Q And who was in the apartment at that time besides
2 you and Rosina?

3 A Del, Jim, Rosina and myself.

4 Q And did Rosina make a telephone call at that time?

5 A Yes.

6 Q In your presence?

7 A Yes.

8 Q Did she say where she was going to call?

9 A Yes.

10 MR. KANAREK: Object on the grounds of hearsay.

11 May that be stricken, your Honor?

12 THE COURT: Wait for the ruling.

13 DEFENDANT MANSON: (From the holding room) Let him go
14 ahead, Irving, and tell the truth.

15 MR. KANAREK: Your Honor, I will object to that
16 question on the grounds, your Honor, that it solicits
17 hearsay and there is no foundation.

18 THE COURT: The objection is sustained. The answer
19 is stricken. The jury is admonished to disregard it.

20 Q BY MR. BUGLIOSI: Did Rosina speak to anyone
21 over the telephone?

22 MR. KANAREK: That calls for a conclusion on his part,
23 your Honor, hearsay. There is no foundation.

24 THE COURT: Sustained.

25 MR. BUGLIOSI: Your Honor, I am not asking for the
26 conversation now, I am just asking whether she spoke to

1 anyone over the telephone.

2 I am not getting into the exact conversation at
3 this point.

4 THE COURT: Unless he was listening, it is a conclusion.

5 Q BY MR. BUGLIOSI: You were present inside the
6 apartment, is that correct?

7 A Yes.

8 Q And did Rosina pick up the telephone?

9 A Yes.

10 Q And did you hear her talk to anyone?

11 A Yes.

12 MR. KANAREK: Object, your Honor, that is calling for
13 a conclusion. He has no way of knowing --

14 THE COURT: The objection is sustained, unless he was
15 on the line, Mr. Bugliosi, he has no way of knowing whether
16 she was talking to anyone.

17 Q BY MR. BUGLIOSI: Okay, did you hear Rosina
18 speak while she was holding the telephone in her hand?

19 A Yes.

20 Q At any time thereafter did you pick up the
21 telephone?

22 A She handed it to me.

23 Q How long after she was on the telephone did she
24 turn the telephone over to you?

25 A Possibly five minutes, perhaps, maybe a little
26 more, a couple of minutes.

1 Q Did you talk to anyone on the telephone?

2 A Yes.

3 Q To whom did you talk?

4 MR. KANAREK: I object, calling for a conclusion,
5 hearsay, no foundation, no showing --

6 That is not the way you prove a telephone
7 conversation. He has to prove that he has some kind of
8 knowledge of the voice on the other end, your Honor.

9 It is improper, no foundation to that.

10 THE COURT: Lay a foundation, Mr. Bugliosi. The
11 objection is sustained.

12 Q BY MR. BUGLIOSI: Did you have a conversation
13 with someone on the telephone?

14 A Yes.

15 Q Did the person with whom you were talking identify
16 himself or herself?

17 MR. KANAREK: Calling for hearsay, a conclusion; no
18 proper foundation, your Honor.

19 THE WITNESS: Yes.

20 THE COURT: Overruled.

21 Q BY MR. BUGLIOSI: Were you speaking to a man or
22 a woman?

23 A A man.

24 Q And what identification ~~did the~~ man give you over
25 the phone?

26 MR. KANAREK: Object, calling for hearsay, a conclusion,

1 your Honor, improper foundation.

2 DEFENDANT MANSON: Will you be quiet, man? You are
3 cutting my throat. Shut up!

4 THE COURT: Mr. Murray, close the door to the detention
5 room.

6 Read the last question, Mr. Hollombe.

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

9 "Q And what identification did the
10 man give you over the phone?"

11 THE COURT: Objection sustained.

12 Q BY MR. BUGLIOSI: Did the man to whom you were talking
13 say who he was?

14 MR. KANAREK: That is calling for hearsay, your
15 Honor, a conclusion. There is no foundation.

16 THE COURT: Overruled.

17 THE WITNESS: She told me --

18 THE COURT: Answer that yes or no.

19 THE WITNESS: Ask the question again, please.

20 Q BY MR. BUGLIOSI: You say you were speaking
21 to a man over the telephone, is that correct?

22 A Right.

23 Q Now, did the man with whom you were talking tell
24 you who he was?

25 MR. KANAREK: That would be clear hearsay, your Honor.

26 THE WITNESS: No, he did not.

1 THE COURT: What was the answer?

2 (Whereupon, the reporter reads the record.)

3 Q BY MR. BUGLIOSI: Had you ever spoken to this
4 man before?

5 A Prior to the telephone call?

6 Q Yes.

7 A No, I have not.

8 Q And how long did you talk to this man?

9 A About three or four minutes, something like that,
10 if it was that long.

11 Q Did you threaten this man in any fashion?

12 MR. KANAREK: That is calling for a conclusion, your
13 Honor.

14 THE WITNESS: No.

15 THE COURT: Sustained.

16 Q BY MR. BUGLIOSI: What did you say to this man?

17 MR. KANAREK: That is hearsay. I object on the ground
18 it is hearsay; no foundation for it, your Honor; it is a
19 conclusion.

20 THE COURT: Sustained.

21 Q BY MR. BUGLIOSI: Do you know Charles Manson?

22 A Do I know him?

23 Q Yes.

24 A Which way do you mean?

25 MR. KANAREK: That is ambiguous.

26 THE COURT: Overruled.

1 Q BY MR. BUGLIOSI: Have you ever met Charles
2 Manson?

3 A Prior to today?

4 Q Yes.

5 A Yes.

6 Q Have you ever spoken to Charles Manson?

7 A Yes.

8 Q On approximately how many occasions?

9 MR. KANAREK: Your Honor, again I will object to that
10 as calling for a conclusion.

11 THE COURT: Overruled.

12 THE WITNESS: Five times.

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1 BY MR. BUGLIOSI:

2 Q Are you familiar with his voice?

3 A Yes.

4 Q This man to whom you were talking over the
5 telephone inside Rosina's apartment, did that appear to
6 be Charles Manson's voice?

7 MR. KANAREK: Object, your Honor, on the grounds that--
8 I would ask for a voir dire hearing -- on the grounds that
9 it is calling for a conclusion of the witness.

10 We are now talking about at the time that the
11 conversation took place.

12 THE COURT: The objection is overruled.

13 You may answer the question.

14 THE WITNESS: I vaguely do, the phone call, at the
15 time.

16 THE COURT: The answer is non-responsive.

17 Read the question.

18 (The question was read by the reporter.)

19 MR. KANAREK: That is leading and suggestive and
20 calling for a conclusion.

21 THE COURT: Overruled.

22 You may answer.

23 THE WITNESS: I am not that positive. It was the
24 first time that I heard his voice.

25 MR. BUGLIOSI: Q Now, looking back, did that
26 appear to be Mr. Manson's voice?

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1 MR. KANAREK: Objection on the grounds that the
2 prejudicial value far outweighs the probative value, and
3 calling for a conclusion and hearsay.

4 THE COURT: It has already been asked and answered.
5 The objection will be sustained.

6 BY MR. BUGLIOSI:

7 Q You are not positive whether it was Mr. Manson's
8 voice?

9 A Not at the time, no.

10 Q Did it appear to be Mr. Manson's voice now,
11 in looking back?

12 MR. KANAREK: I object. It is calling for conjecture
13 and conclusion.

14 MR. BUGLIOSI: A witness doesn't have to be positive
15 about the identification of a voice.

16 I am asking him if it is his opinion based on
17 subsequent conversation with Mr. Manson that it was Mr.
18 Manson.

19 THE COURT: Let's find out if he has an opinion
20 first.

21 Do you have an opinion on the subject as to
22 whether or not it was Mr. Manson on the telephone?

23 THE WITNESS: No. I'd rather say I do not.

24 BY MR. BUGLIOSI:

25 Q After you spoke to this man over the telephone,
26 what is the next thing that happened?

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1 A You mean, in the course of the conversation
2 on the phone between me and Manson?

3 Q No. After you had the conversation with the
4 man over the telephone, what is the very next thing that
5 happened?

6 A I left the apartment.

7 Q Where did you go?

8 A I went to a friend of mine's residence and I
9 returned.

10 Q Inside the same apartment house?

11 A No. I left the premises and I went to another
12 part of Hollywood.

13 Q At some later time, did you return to Rosina's
14 apartment?

15 A Yes, I did.

16 Q About what time?

17 A Anywhere between 45 minutes to an hour; something
18 in that area.

19 Q Later?

20 A Yes.

21 Q This would be approximately what time in the
22 morning?

23 A It could have been roughly around 2:00.

24 Q 2:00 a.m.?

25 A 1:30 or 2:00. Somewhere between 1:30 and 2:00
26 o'clock.

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Q In the morning?

A In the morning.

Q Did you return to the apartment with anyone?

A Yes.

Q Who?

A Steve.

Q When you entered the apartment, was anyone already inside Rosina's apartment?

A Yes.

Q Who was inside the apartment?

A Charles Manson, and another gentleman standing there.

Q Do you know his name?

A Not offhand.

Q Does the name T.J. ring a bell?

A Yes, it does.

Q Was that the man that was with Manson?

A Yes.

Q Was anyone else inside the apartment?

A Yes.

Q Who?

A Rosina, Steve, Del, myself and T.J.

5a fls.

6a-1

1 Q Was that the first time that you had ever seen
2 Charles Manson?

3 A Yes.

4 Q Did you see Mr. Manson?

5 A Yes.

6 Q Do you know where he was seated in the courtroom?

7 A Yes.

8 Q Where?

9 A Right next to the attorney there, between the
10 secretary of the court and the attorney.

11 Q Would you point it out?

12 A There. (Indicating.)

13 Q The chair right here?

14 A Yes.

15 MR. BUGLIOSI: May the record reflect, your Honor,
16 that Mr. Manson was seated in this chair earlier today?

17 THE COURT: Yes, the record will so indicate.

18 BY MR. BUGLIOSI:

19 Q Was that the first time that you had ever seen
20 Mr. Manson?

21 A Yes.

22 Q The first time you had also seen T.J.?

23 A Yes.

24 MR. BUGLIOSI: Your Honor, I have here a photograph --
25 in fact, two photographs -- a side view and a frontal
26 view of a male Caucasian.

1 May it be marked as People's P-1?

2 THE COURT: It may be so marked.

3 BY MR. BUGLIOSI:

4 Q I show you People's P-1.

5 Do you know who is depicted in that photograph?

6 A Yes.

7 Q Who is that?

8 A The gentleman that was standing by the door.

9 Q Standing by what door?

10 A Of Rosina's apartment that night.

11 Q Was this the man that was with Mr. Manson?

12 A Yes,

13 Q Whom you call T.J.?

14 A Yes.

15 Q What is the next thing that happened, Mr. Crowe,
16 after you entered Rosina's apartment?

17 A We walked in. I can't quite remember whether he
18 was introduced to me or whether he introduced himself.

19 Q When you say "he," whom are you referring to?

20 A Charlie Manson.

21 However, he got up and shook my hand, and I
22 sat down, and we talked.

23 And he said: It doesn't sound like Tex would
24 do something like that. That is, my brother, you know.

25 MR. KANAREK: May I ask that that be stricken on the
26 grounds of hearsay?

1 THE COURT: The answer will be stricken.

2 The portion as to what Mr. Manson said, the jury
3 is admonished to disregard.

4 BY MR. BUGLIOSI:

5 Q What did you say to Mr. Manson and what did he
6 say to you?

7 A Well, he said that hisself or none of his people
8 had anything to do with what Charlie Tex Watson had done,
9 and they weren't responsible for what he had done.

10 Q Had you ever told Mr. Manson what Tex Watson had
11 done?

12 MR. KANAREK: Your Honor, may the witness be allowed
13 to finish his answer? I think he was interrupted by
14 Mr. Bugliosi at that point.

15 THE COURT: Go ahead, Mr. Crowe.

16 THE WITNESS: Where was I?

17 MR. BUGLIOSI: I think you indicated, sir, that
18 Mr. Manson told you that he was not responsible for what
19 Mr. ~~Watson~~ ^{Watson} had done; is that correct?

20 A Yes.

21 Q Did you ever tell Mr. Manson what Mr. Watson had
22 done?

23 MR. KANAREK: Leading and suggestive, your Honor.
24 Objection.

25 THE WITNESS: No, I never mentioned it.

26 THE COURT: Overruled.

1 THE WITNESS: In my own words, I never mentioned
2 anything.

3 BY MR. BUGLIOSI:

4 Q Now, did Mr. Hanson indicate to you, in any
5 fashion, whether he was the person to whom you had spoken
6 over the telephone an hour or so earlier?

7 A Oh, yes.

8 MR. KANAREK: Objection. Calling for a conclusion and
9 hearsay, your Honor. Ambiguous.

10 THE COURT: Overruled.

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1 MR. BUGLIOSI: Q What did he say to you?

2 A He said: Like I was telling you on the phone,
3 we had nothing to do with it. You know, with these
4 actions. We don't know where he is.

5 Q Let's go back to the conversation over the
6 telephone.

7 What did you say to Mr. Manson and what did he
8 say to you?

9 MR. KANAREK: Your Honor, I must object to that.
10 The same rules apply now as applied a few minutes ago.
11 It is conclusion, it is hearsay. There is no foundation
12 for it.

13 MR. BUGLIOSI: He has already testified, your Honor,
14 that Mr. Manson indicated that he was the man he had just
15 spoken to over the phone.

16 MR. KANAREK: But this question is still improper,
17 no matter what this witness says. That doesn't authenticate
18 any previous conversation.

19 THE COURT: The objection is sustained.
20 BY MR. BUGLIOSI:

21 Q What is the next thing that happened after
22 Mr. Manson told you that he was not responsible for what
23 Mr. Watson had done?

24 A What happened after that?

25 Q Yes.

26 A Well, at that time, I can't remember what the

6b-2

1 last statement was that was made before the motion or
2 activity took place, but he got up -- I mean, he said:
3 Of course, I came ready.

4 And I said --

5 Q Let's take it a little more slowly now.

6 You say he got up. Was he seated somewhere?

7 A Yes. He was sitting on the edge of the bed.

8 Q And were you sitting somewhere?

9 A Yes. In a chair.

10 Q And were the other people still in the apartment?

11 A Yes.

12 Q And how long were you talking to him before you
13 say he got up?

14 A I think about ten or fifteen minutes, roughly.
15 He done most of the talking.

16 Q Then you say he got up from the bed; is that
17 correct?

18 A Yes. He got up.

19 Q When he got up, did you also get up?

20 A No.

21 Q You remained seated in the chair?

22 A Yes.

23 Q What is the next thing that happened?

24 A Well, he got up, and he said: Of course, I
25 came ready.

26 And then he backed up a little bit, and he to

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1 pulled a revolver out of his belt and started pulling
2 the trigger.

3 And in the course of the trigger being pulled,
4 about four times, I said: Why do you pull a gun on me? I
5 didn't pull one on you.

6 And he kept pulling the trigger.

7 So, I made an attempt to get out of the chair
8 to go for him -- I mean, towards him. I was going to save
9 myself, or whatever.

10 And at that time, as I leaned forward, the
11 gun shot again, and he said: This one is loaded.

12 And I fell back in the chair, and I looked, and
13 then I tried to go forward again, and then I fell.

14 Q You say he pulled the trigger three or four
15 times?

16 A Yes. About four times. Three or four times,
17 yes.

18 Q But the revolver did not fire?

19 A No.

20 Q And then he told you: This one is loaded?

21 A Yes. "This one is loaded." As I made another
22 attempt, made my first attempt to get out of the chair.

23 Q And this time you were shot?

24 A I was shot. And I fell back into the chair.
25 And I lurched again to go forward. And then I fell.

26 Q Where were you shot?

6b-4

1 A In the stomach.

6c-1

2 Q Could you point out the spot on your stomach,
3 sir?

4 A Right here.

5 MR. BUGLIOSI: May the record reflect the witness
6 is indicating the left lower abdomen, your Honor?

7 THE COURT: Is that correct, Mr. Crowe?

8 THE WITNESS: Yes. Right here. I don't know what
9 part it is.

10 THE COURT: The record will so indicate.

11 MR. BUGLIOSI: Q Did you see the revolver in
12 Mr. Manson's hand?

13 A Vaguely, yes.

14 Q Could you describe the revolver for the Judge
15 and the jury?

16 A It was a long one.

17 Q You say long. In what fashion? Was the
18 barrel long?

19 A Yes. Something like that one there.

20 Q I show you People's 40 for identification.
21 Have you ever seen that revolver before?

22 A Yes. It looks like it.

23 But I was a distance away.

24 Q This looks like the revolver that Mr. Manson
25 had in his hands when he shot you?

26 A Why don't you point it at me. Then I could tell.

1 Q Something like this?

2 A Yes. Could be.

3 Q It never had this on it, of course?

4 (Referring to the exhibit tag.)

5 A No. Definitely not.

6 Q But otherwise it looked like this?

7 A Yes.

8 He was about from where you were sitting at,
9 and I was over here..

10 Q He was about right here in relation to you?

11 A Right. Right in that distance.

12 Q Well, let's narrow it down. Closer, or farther,
13 or what?

14 A Perhaps a little closer.

15 About right there. Somewhere around there.

16 MR. BUGLIOSI: May the record reflect an approximate
17 distance of 15 feet, your Honor?

18 THE WITNESS: Would you move back a little bit?

19 Yes, somewhere around in there.

20 THE COURT: Approximately.

21 THE WITNESS: Approximately.

22 BY MR. BUGLIOSI:

23 Q After he shot you, you say that you then fell
24 onto the floor?

25 A Yes.

26 Q And what did you do at that time? Did you

1 remain on the floor?

2 A Well, at that time, I made a mental attempt to
3 get up, and then intuition said "Play possum."

4 So, I played possum and held my breath.

5 Q When you say "Played possum," you mean played
6 dead?

7 A Played dead, yes.

8 Q But while you were on the ground or on the
9 floor, I take it you were not looking at Mr. Manson?

10 A No, I wasn't.

11 Q After Mr. Manson shot you, and while you were
12 still on the ground, did you hear Mr. Manson say anything?

13 A Yes.

14 He told my friend --

15 MR. KANAREK: I object on the grounds of hearsay. It
16 is after the event is over, your Honor.

17 THE COURT: Overruled.

18 You may answer.

19 THE WITNESS: What was that again?

20 MR. BUGLIOSI: Well, after you were on the ground --
21 on the floor -- and you were playing dead, did you hear
22 Mr. Manson say anything inside the apartment?

23 THE WITNESS: Yes.

24 He told my friend Steve to give him the shirt
25 that he was wearing, which earlier, as we approached the
26 apartment, made our entry, he complimented Steve on the

1 shirt, which is a rust colored suede shirt with fringes
2 hanging down. And he demanded Steve to give him the shirt.

3 BY MR. BUGLIOSI:

4 Q Mr. Manson wanted Steve's shirt?

5 A Yes.

6d fls.

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1 Q You don't know whether Steve gave him the shirt?

2 A When he left, Steve didn't have no shirt on.

3 Q But at that particular point, you were not
4 watching Mr. Manson and Steve?

5 A No, not really.

6 Q Did you hear Mr. Manson say anything in addition
7 to that?

8 A Yes.

9 After he asked Steve for his shirt, I heard
10 Steve say: Sure, brother. You know. And I don't know
11 what happened after that.

12 He gave Manson his shirt, and then he said --

13 Q When you say "he," whom do you mean?

14 A He said: Fear through awareness is where it is
15 at, or awareness through fear is where it is at.

16 Q Fear through awareness is where it is at?

17 A No. Fear through awareness is where it is at,
18 or awareness through fear is where it is at.

19 Something to that effect.

20 Q What is the next thing, if anything, that
21 Mr. Manson said or did?

22 A I think vaguely I can recall -- I am not too
23 positive -- that I heard him say, "Now we are even" to
24 somebody there. And later on I found out that he had kissed
25 this fellow's foot and said, "Now we are even." Which was
26 Del's foot.

1 And I heard him say: If you people knew what is
2 good for you, you wouldn't mention nothing about this
3 incident.

4 Something like that. Something to that effect.

5 Q And then Mr. Manson left?

6 A Yes.

7 Q Did he leave with T.J.?

8 A Yes, the fellow he came in with, right.

9 Q How long after Mr. Manson shot you would you
10 estimate he left Rosina's apartment?

11 A I can say roughly three to four to five minutes.
12 Somewhere around that area. Somewhere around three to
13 five minutes.

14 Q After Mr. Manson and T.J. left Rosina's apartment,
15 what is the next thing that happened?

16 A Well, everyone ran to me on the floor, and I
17 told them, "Shush, give him a chance to get out of here."

18 I didn't have any arms on me at the time.

19 And I said: "Let's call the ambulance, and
20 everybody get out of here," you know, "just vacate the
21 place and leave me here."

22 So, they called the ambulance, and everyone left.

23 Then the police and the ambulance arrived at the
24 scene.

25 Q And you were transported to some hospital?

26 A Yes.

1 Q What hospital?

2 A The General Hospital.

3 Q How long were you hospitalized there?

4 A 18 days.

5 Q Were you near death at all?

6 A My heart stopped twice. I had two or three
7 collapses. They didn't think I was going to make it.

8 Q Was the bullet still in your body?

9 A Yes, it is.

10 Q Was the bullet removed from your body at the
11 General Hospital?

12 A No, it wasn't.

13 Q Is the bullet still in your body?

14 A Yes, it is.

15 Q Do you know where the bullet is located in your
16 body?

17 A Yes.

18 MR. KANAREK: Calling for a conclusion on his part.

19 THE COURT: Overruled.

20 BY MR. BUGLIOSI:

21 Q Where is the bullet presently located in your
22 body?

23 A Do you want me to point to it or tell you?

6e-I

1 Q You can tell me, I think.

2 A In my back, maybe kind of close to my spine,
3 at the time.

4 I don't know where it is now. They said it has a
5 tendency to move.

6 But it was sort of close to my spine at the time.

7 Q It was lodged near your spine?

8 A Yes.

9 Q Your upper, mid, or lower spine?

10 MR. KANAREK: That has no relevancy, your Honor.

11 Objection.

12 THE WITNESS: It is the lower, I guess.

13 THE COURT: Overruled.

14 BY MR. BUGLIOSI:

15 Q The lower spine?

16 A I guess so, yes.

17 Q To the left of the spine or the right of the spine?

18 A The left.

19 Q Going back to the incident in Rosina's apartment,
20 were you under the influence of alcohol or any type of a
21 drug during this incident?

22 A No, I wasn't.

23 Q Did Mr. Manson appear to be under the influence
24 of alcohol during this incident?

25 MR. KANAREK: Calling for a conclusion, your Honor.

26 THE COURT: Overruled.

1 You may answer.

2 THE WITNESS: I didn't get any indication. I wasn't
3 really noticing.

4 He talked very straight to me, you know.

5 BY MR. BUGLIOSI:

6 Q Did you get the impression that he was under the
7 influence of anything, alcohol or drugs?

8 MR. KANAROX: Calling for a conclusion.

9 THE COURT: At that time?

10 MR. BUGLIOSI: Yes.

11 THE COURT: Overruled.

12 You may answer.

13 THE WITNESS: No.

14 MR. BUGLIOSI: Your impression was that he was not
15 under the influence of anything; is that correct?

16 A Yes. Vaguely. I can remember back in my mind
17 now.

18 Q Are you a Black Panther, sir?

19 A No, I am not.

20 Q Have you ever been a member of the Black Panthers?

21 A No, I haven't.

22 Q Did you tell Charles Manson that you were a
23 member of the Black Panthers?

24 A No.

25 Q Did you, at any time, in the apartment house or
26 at any time, threaten Mr. Manson?

1 A No.

2 Q I take it that you never did get the marijuana,
3 did you, sir?

4 A No.

5 Q Did you ever see Tex Watson after that event?

6 A No, I haven't.

7 MR. BUGLIOSI: Thank you.

8 No further questions.

9 MR. FITZGERALD: No questions, your Honor.

10 THE COURT: Mr. Shinn?

11 MR. SHINN: No questions.

12 THE COURT: Mr. Kanarek?

13 MR. KANAREK: Yes, your Honor.

14 CROSS-EXAMINATION

15 BY MR. KANAREK:

16 Q Mr. Crowe, how long have you been a dope pusher?

17 A I don't understand the term.

18 MR. BUGLIOSI: That assumes a fact not in evidence.

19 THE COURT: Sustained.

20 MR. KANAREK: Q Now, your purpose in getting
21 this marijuana, Mr. Crowe, was to resell it; right?

22 A No comment.

23 MR. KANAREK: No comment?

24 Your Honor, may we have an answer?

25 THE COURT: Answer the question.
26

1 THE WITNESS: Not me, no.

2 BY MR. KANAREK:

3 Q Not you?

4 A No.

5 Q In other words, you protect yourself, you give
6 the dope to somebody else to sell; is that right?

7 A Pardon?

8 MR. BUGLIOSI: I object on the ground that it is
9 irrelevant.

10 MR. KANAREK: It is most relevant and material, your
11 Honor.

12 THE WITNESS: May I speak to my attorney, please?

13 THE COURT: Yes.

14 THE WITNESS: May I speak to you, sir?

15 MR. FITZGERALD: For the record, sir, your name?

16 MR. MORGAN: James Edward Morgan.

17 (James Edward Morgan approaches the witness
18 stand and speaks to Mr. Crowe.)

19 MR. KANAREK: May I have an answer?

20 THE COURT: The objection is sustained.

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BY MR. KANAREK:

Q Well, Mr. Crowe, what was your intent, your state of mind? What were you going to do with the dope?

MR. BUGLIOSI: That is irrelevant.

THE COURT: Sustained.

BY MR. KANAREK:

Q How long, Mr. Crowe, how long had you known Mr. Watson?

A Prior to the time he went to -- what time are you speaking of? What do you mean? Now, then, or what?

Q Then.

A The time this happened?

Q Yes.

A Judging from the time, leaving Hollywood to El Monte, maybe it was about 20, 30 minutes. I don't know how long the ride is.

Q Did someone introduce you to Mr. Watson?

A Yes.

Q Who introduced you to Mr. Watson?

A Rosina.

Q Rosina?

A Yes.

Q And is Rosina a girl that lived in the apartment that we are talking about?

A As I understood, yes.

Q And was Rosina a girl friend of Mr. Watson's?

A As I understood, yes.

1 Q Now, you knew this. How did you understand that
2 Rosina was a girl friend of Mr. Watson?

3 A Because she said --

4 MR. BUGLIOSI: Calls for hearsay.

5 THE COURT: Sustained.

6 BY MR. KANAREK:

7 Q Now, you gave \$2,400 to Mr. Watson; is that
8 right?

9 A No, I didn't give him anything.

10 Q You didn't give him anything?

11 A No.

12 Q Well, was it your money?

13 A Yes.

14 Q Your money; right?

15 A Yes.

16 Q What were you going to do -- let me ask you this:
17 What was supposed to happen for the \$2,400?
18 How much marijuana were you supposed to get?

19 A I can't recall at this particular time.

20 Q You can't?

21 A No, I don't.

22 Q Well, you deal in marijuana, don't you?

23 MR. BUGLIOSI: Your Honor, this assumes facts not in
24 evidence.

25 MR. KANAREK: He is an expert.

26 MR. BUGLIOSI: Irrelevant.

1 THE COURT: Sustained.

2 We will take our recess, ladies and gentlemen.

3 Do not converse with anyone or form or express
4 any opinion regarding penalty until this issue has finally
5 been submitted to you.

6 The Court will recess until 1:45.

7 (Whereupon, at 12:00 noon the court was in
8 recess.)
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LOS ANGELES, CALIFORNIA, MONDAY, JANUARY 28, 1971

1:54 P.M.

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THE COURT: All the defendants except Mr. Manson are present; all counsel and all jurors are present.

You may continue, Mr. Kanarek.

BERNARD CROWE,

the witness on the stand at the time of the noon recess, resumed the stand and testified further as follows:

CROSS-EXAMINATION (CONTINUED)

BY MR. KANAREK:

Q Mr. Crowe, do you go by the name of Bernie?

A No.

Q What first name do you go by?

A Lotsapoppa.

Q Pardon?

A Lotsapoppa.

Q How do you spell that?

A L-o-t-s-o-p-o-p-o.

Q Now, in your presence, Mr. Crowe, may I call you -- do you prefer to be called Lotsapoppa?

A Lotsapoppa, right.

Q You would rather be called Lotsapoppa?

A Yes.

Q Well, Lotsapoppa, is it a fact that in your

1 presence you heard Rosina say that you, Lotsapoppa, would
2 kill everyone connected with Tex unless you got your money
3 back?

4 A Will you rephrase the question again?

5 Q Yeah --

6 THE COURT: Let's have the question read.

7 (Whereupon, the pending question was read by the
8 reporter as follows:

9 "Q Well, Lotsapoppa, is it a fact
10 that in your presence you heard Rosina say
11 that you, Lotsapoppa, would kill everyone
12 connected with Tex unless you got your money
13 back?")

14 THE WITNESS: No, she did not hear me say that. She
15 said that on her own recognizance, figuring that she could
16 scare whoever knew where his whereabouts were.

17 Q Lotsapoppa, would you listen to the question?
18 The question was whether Rosina said that you would kill
19 everyone connected with Tex unless you, Lotsapoppa, got
20 your money back.

21 A Yes, she said that.

22 Q She said that, right?

23 A Right.

24 Q And can you give us, or would you give us,
25 Mr. Crowe, or Lotsapoppa, would you give us the exact words
26 that Rosina said?

1 THE COURT: Mr. Kanarek, either use that microphone
2 properly or put it down.

3 MR. KANAREK: I don't know what your Honor deems as
4 proper.

5 THE COURT: Well, you are much too close.

6 MR. KANAREK: All right, is this all right, your Honor?

7 Q BY MR. KANAREK: Would you please give us the
8 exact words that Rosina uttered, what the exact words were
9 that came out of her mouth, not just your conclusion or
10 your summary, but what words came out of her mouth when she
11 made this statement?

12 A The only thing I can do for you is to give you the
13 basic of the conversation.

14 I actually cannot recall word-for-word of the
15 conversation at that particular time.

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1 MR. KANAREK: All right.

2 Q Give us, as best you can, as close to the
3 words that she used. The words she used.

4 A That I was going to destroy anyone out to the
5 ranch or had any dealings with Charlie Watson unless I
6 received the money, or whatever I was after.

7 Q And what was it that you were after?

8 A Marijuana.

9 Q And you didn't use the term marijuana on that
10 evening; you called it by some other term; is that right?

11 A Weed.

12 Q Weed?

13 A Yes.

14 Q Any other term?

15 A Grass, or whatever.

16 Q Grass?

17 Anything else?

18 Mary Jane?

19 A No. I don't use that term. It is a little too
20 feminine.

21 Q A little too what?

22 A A little too feminine.

23 Q I see.

24 Now, what time was it that evening that you
25 first saw Mr. Watson?

26 A Like I said, around 10:30, 11:00 o'clock.

8-2

1 Somewhere around in that area.

2 Q 10:30 or 11:00 o'clock in the evening; is that
3 right?

4 A Yes.

5 Q And in whose presence were you when you first
6 saw Mr. Watson that evening?

7 A Steve, Rosina, Del, Jim and myself.

8 Q All right.

9 Now, what is Steve's full name?

10 A Steve Scorpi.

11 Q Can you spell that?

12 A His last name I don't know. Scorpi or Scorpi.
13 Something like that.

14 Q Where does Steve Scorpi live?

15 A In Brooklyn.

16 Q Where?

17 A Brooklyn, New York.

18 Q Where is he right now?

19 A He is in Brooklyn;

20 Q He is in Brooklyn right now?

21 A Yes.

22 Q Do you know his address in Brooklyn?

23 A Sure. He offered to come down.

24 Q You mean, you can bring him to this courtroom?

25 A Yes. He is willing to come.

26 Q Would you see to it that he gets here?

8-3

1 A It is not my job.

2 Q Well, let me ask you this: What is his address
3 in Brooklyn?

4 A I have it written down somewhere. I will have
5 to get it, or whatever.

6 MR. KANAREK: May we use the good services of your
7 attorney to present us with that address?

8 THE WITNESS: Speak to my attorney about that.

9 MR. MORGAN: Your Honor, may I address the Court?

10 THE COURT: Yes, Mr. Morgan.

11 MR. MORGAN: I would like to advise the Court that
12 I am not at the disposal of Mr. Kanarek for those purposes.

13 MR. KANAREK: Very well.

14 I didn't suggest that he was. I was just asking
15 your Honor.

16 Q Well, Mr. Crowe, what is your address?

17 A No comment.

18 MR. BUGLIOSI: I object, your Honor.

19 MR. KANAREK: Under Smith vs. Illinois, your Honor,
20 I believe we are entitled to that.

21 THE COURT: Overruled.

22 You may answer.

23 THE WITNESS: 7008 Woodrow Wilson Drive.

24 BY MR. KANAREK:

25 Q 70 what?

26 A 7008 Woodrow Wilson Drive, Hollywood.

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Q And is there an apartment number there, Mr. Crowe?

A No. It is a house.

MR. KANAREK: Mr. Bugliosi has represented that he will ask Mr. Crowe for this address.

Will you represent to us that you will give Mr. Bugliosi --

MR. BUGLIOSI: This is irrelevant, this type of question, and I object on that ground.

MR. KANAREK: This is the only chance we have, your Honor.

THE COURT: Continue with your examination, Mr. Kanarek.

BY MR. KANAREK:

Q Mr. Crowe, will you give Mr. Bugliosi the address of your --

THE COURT: Go ahead with your examination, Mr. Kanarek.

MR. KANAREK: That is part of my examination, your Honor.

THE COURT: The objection is sustained.

MR. KANAREK: Then may we approach the bench?

THE COURT: It is not necessary. Proceed.

BY MR. KANAREK:

Q Well, sir, then there was Mr. Scorpi and yourself, and a person that you called Del?

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A He is deceased.

Q And what was his full name?

A I have no knowledge of his last name.

Q What?

A I have no knowledge of his last name.

Q Had you ever seen him before that night?

A Oh, plenty times, yes.

Q And you don't know his last name?

A No.

We were very close friends, but I don't
remember.

Q What?

A We was very close friends but I didn't know
his last name, or I have forgotten it, or whatever.

Q I see.

And do you know where he lived?

A Reno or Frisco.

Q Do you know his address in that area?

A No, I don't.

Q Did you, at any time, know his address in
Reno?

A No.

Q Can you furnish us with a name of someone
who could give us where he lives in Reno?

A No.

Q You can?

1 A No. I won't.

2 Q Have you ever been to his home in Reno?

3 A No.

4 Q Do you know anyone in the Los Angeles area
5 that knows him?

6 A That knew him?

7 Q Knew him. Pardon me.

8 A Yes.

9 Q And who would that be?

10 A He is not in town now, you know.

11 Q What is the name of this person?

12 A Bob.

13 Q What is Bob's last name?

14 A That is all I know. Bob.

15 Q And when did Del pass away?

16 A I am trying to remember.

17 He came to the hospital a few times to see me.
18 About three or four months, something like
19 that, after the incident.

20 Q And did he pass away in Los Angeles?

21 A No. On the way up to Reno, from leaving
22 San Francisco.

23 Q And do you know what state he died in?

24 A An automobile accident.

25 Q I see.

26 And where was that automobile accident?

1 A I don't have any knowledge.

2 On the road somewhere.

3 Q Do you know if it was in the State of
4 California?

5 A Yes, it was in the State of California.

6 Q And do you know, was he with another person?

7 A So I heard.

8 Q Do you know the name of the other person?

9 MR. BUGLIOSI: Irrelevant, your Honor.

10 MR. KANAREK: Your Honor, this is our only chance
11 for discovery, to obtain this. We have no way of taking
12 depositions with the witness.

13 THE COURT: Never mind the argument, Mr. Kanarek.

14 You may answer the question.

15 THE WITNESS: What was the question again?

16 BY MR. KANAREK:

17 Q Do you know if there was another person with
18 this gentleman when he passed away?

19 A There were some people in the car but I
20 don't really know, you know, who they were.

21 Q You don't know the names of any of them?

22 A One, you know.

23 Q Who would that be?

24 A A girl named Chris.

25 Q A girl named Chris?

26 A Yes.

Q Do you know in what County of the State of California it was that this accident occurred?

A No.

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1 Q Pardon?

2 A All I know is in the state, on the highway from
3 San Francisco to Reno.

4 Q And it was in the State of California?

5 A Uh-huh.

6 Q And it's three months after this incident that
7 you are speaking of?

8 A Yes.

9 Q Now, also in the automobile besides yourself was
10 Rosina.

11 Was she in the automobile besides yourself and
12 Mr. Watson and Del and Scorpi?

13 A Yes.

14 Q And what is Rosina's last name?

15 A I don't know. The first time I met her, too,
16 was that night.

17 Q You had never seen her before, is that right?

18 A Not to my memory, no.

19 Q And on this occasion who was it that arranged
20 the meeting between yourself and Mr. Watson and Rosina?

21 A Del.

22 Q Del, the person that passed away?

23 A Uh-huh.

24 Q He arranged that?

25 A Yes.

26 Q Now, was Del a person that you knew to be

1 engaged in the sale of marijuana?

2 MR. BUGLIOSI: Irrelevant, your Honor.

3 MR. KANAREK: Your Honor, it goes to the state of mind.

4 We are dealing -- Mr. Bugliosi opened up the
5 subject.

6 THE COURT: I don't care for the argument in front of
7 the jury, Mr. Kanarek. The objection is sustained.

8 Q BY MR. KANAREK: Well, when you spoke with
9 Mr. Del, or Del concerning this, would you tell us what
10 the conversation was between yourself and Del concerning
11 the transaction which later occurred, you say, with
12 Mr. Watson?

13 A I knew evidently at the time -- he was supposed to
14 get some marijuana, kilos of marijuana, through a person he
15 got it before, and that was it.

16 And I didn't question him, we don't question
17 each other; I just take him at his word, you know, your
18 word is your bond, you know, we live by that.

19 Q And how long prior to the time that you met with
20 Mr. Watson did you have this conversation with the person
21 you call Del concerning this transaction?

22 A At my house, you know.

23 Q That was on Woodrow Wilson Drive?

24 A Yes.

25 Q And how long before, Mr. -- or Lotsapoppa, how
26 long before you saw Mr. Watson did you have the conversation

1 with the person you call Del?

2 A Actually I only had a few words I talked with Del,
3 and he asked me would I come along, and I did, and that was
4 it.

5 Really, I just kept quiet most of the time, you
6 know, and then he went on and took care of the transaction,
7 the business he had to take care of.

8 Q How long was it you had the conversation with
9 Mr. Del, or Del, before you met with Mr. Watson?

10 What time transpired between the conversation at
11 Woodrow Wilson Drive between yourself with Del and the
12 conversation with Mr. Watson?

13 A Are you saying the first time I was introduced to
14 him prior to the time I had a conversation with Del, is that
15 what you are asking me?

16 Q Yes, I will ask that.

17 A Well, it must have been about, let's say 10:00,
18 10:30, something like that, in between that time. There
19 wasn't much he had to say.

20 "Do you have some?"

21 And he said the amount of money, and he gave him
22 the money without too much question or details, and all that,
23 you know.

24 Q Mr. Del was at your house about 10:30, is that
25 right?

26 A About 10:00 or 10:30, I'm not exactly what time it

1 was.

2 Q Is that about the time that he came to your
3 house?

4 A Roughly, yes.

5 Q Had he been there before this conversation took
6 place?

7 A Who, Del?

8 Q Mr. Del.

9 A Plenty of times, sure.

10 Q Pardon?

11 A Plenty of times.

12 Q All right, on this occasion he came to your house,
13 what time did he come to your house on this night?

14 A That is what I said, around 10:00 or 10:30 he
15 came to my house and he told me what he had to tell me.

16 From that point we left. It wasn't -- I did not
17 send him to a third degree or what, I did not send him to
18 any changes.

19 I just accepted it.

20 Q And you then went with him to meet Mr. Watson,
21 right?

22 A Yes.

23 Q Now, my question is: Would you give us an estimate
24 of the time involved, how much time elapsed between the time
25 you spoke with Del and the time you met with Mr. Watson, how
26 much time went by?

1 A I would say roughly between 10:30 and 11:00,
2 about an hour really, say between 10:00 and 11:00.

3 That is when we was all together on our way to
4 El Monte, during that one-hour period.

5 Q When you had that first conversation with
6 Mr. Del was anyone present at Woodrow Wilson Drive except
7 yourself?

8 A Now?

9 Q No, before you went to meet with Mr. Watson was
10 anyone present at the conversation when you and Del spoke
11 concerning a proposed meeting with a person who turned out to
12 be Mr. Watson?

13 Was anyone else present at the conversation on
14 Woodrow Wilson Drive other than yourself and Del?

15 A Yes, one other.

16 Q Who is that person?

17 A Jim.

18 Q Jim? What is his last name?

19 A I don't know.

20 Q You don't know Jim's last name?

21 A No.

22 Q Where does Jim live?

23 A I don't know.

24 Q Pardon?

25 A I don't know.

26 Q You don't know how to get hold of him?

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A. No.

Q Does he have a phone number?

(Witness shakes head in the negative.)

Q Pardon?

A I don't know how to get in touch with him.

Q Have you seen Jim between that time and this day?

A Yes.

Q If you want to get hold of Jim, how would you do
it?

A I wouldn't know.

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9a-1

1 Q Pardon?

2 A I wouldn't know.

3 Q I see. Would you describe Jim for us?

4 A I was looking -- I didn't pay that much
5 notice to him. He is tall, that is all I know, he had
6 black -- brown hair, something like that I guess.

7 Q Is he a black man or a white man?

8 A A white man.

9 Q Well, may I ask you, do you know in what area
10 he lives? Do you know where he lives?

11 A No, I don't.

12 Q Do you know where he works?

13 A Miami is all I know, Miami, Florida.

14 Q He is from Miami, Florida?

15 A Yes.

16 Q On occasion he comes to Los Angeles, and when
17 he does he shows up there on Woodrow Wilson Drive, is that
18 the way it works?

19 A No, I just met him in a couple of night clubs.

20 Q Pardon?

21 A I met him at night clubs through some friends.

22 Q You see him from time to time?

23 A I did. Not now.

24 Q I see. And when was the last time you saw
25 him?

26 A He came to the hospital to see me a couple of

9a-2

1 times. After that I seen him in a club on Sunset Strip,
2 and that was that.

3 Q And when he came to visit you in the hospital,
4 he did come with Del?

5 A Yes, uh-huh.

6 Q And did -- when Del spoke of Mr. Watson, what
7 did Jim say, if anything, concerning Mr. Watson?

8 MR. BUGLIOSI: Calls for hearsay.

9 MR. KANAREK: Your Honor, it is not offered for the
10 truth of the matter asserted.

11 MR. BUGLIOSI: If it is not, then it is irrelevant.

12 MR. KANAREK: It goes to the state of mind, your
13 Honor.

14 THE COURT: Sustained.

15 BY MR. KANAREK:

16 Q May I ask you, would you tell us, Mr. Crowe,
17 how was Mr. Watson described as the contact in this
18 narcotics sale, how did Del describe him?

19 MR. BUGLIOSI: Same objection.

20 THE COURT: Read the question, Mr. Hollombe.

21 (Whereupon the reporter reads the pending
22 question as follows:

23 "Q May I ask you, would you tell us,
24 Mr. Crowe, how was Mr. Watson described as the
25 contact in this narcotics sale, how did Del
26 describe him?")

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1 MR. BUGLIOSI: Calls for hearsay.

2 MR. KANAREK: Your Honor, the conversation has already
3 been gone into. We are entitled to have the complete conver-
4 sation in accordance with the Evidence Code.

5 THE COURT: Is that what you are calling for? Is
6 that what your question calls for?

7 MR. KANAREK: Yes.

8 THE COURT: The conversation?

9 MR. KANAREK: Yes, your Honor, description, which
10 has to be done verbally.

11 THE COURT: Overruled, you may answer.

12 Do you understand the question?

13 THE WITNESS: Would you repeat it, please.

14 THE COURT: Read the question.

15 (Whereupon the reporter reads the pending
16 question as follows:

17 "Q May I ask you, would you tell us,
18 Mr. Grove, how was Mr. Watson described as the
19 contact in this narcotics sale, how did Del
20 describe him?")

21 ATTORNEY JAMES MORGAN: Before he answers may I
22 confer with my client a moment?

23 THE COURT: Yes.

24 MR. MORGAN: Thank you, your Honor.

25 (Whereupon Mr. Morgan confers with the
26 witness, after which the following proceedings were

had in open court.)

THE COURT: You may answer.

THE WITNESS: The question was, did Del describe what part that Charlie Tex was playing?

THE COURT: How did he describe Watson?

THE WITNESS: He didn't really. He didn't.

BY MR. KANAREK:

Q What did he say?

A He said nothing pertaining to Tex at the time.

Q Well, your state of mind was such that you were going to meet someone who was going to sell narcotics to you, right?

A Not to me, he wasn't going to sell nothing to me.

Q He was going to sell narcotics -- let me withdraw that.

At the time you went to Woodrow Wilson Drive did you take some money with you?

A Yes, I did.

Q You had \$2400 cash, right?

A Somewhat, yes.

Q You had at least \$2400 in cash on the premises, right?

A Yes.

Q Now, your state of mind, Mr. Grove, that this \$2400 was going to be transferred to some person that Del

1 spoke of for the purposes of getting narcotics, is that
2 right?

3 A Yes.

4 Q And these narcotics were to go to which person?

5 A No comment. I mean, I refuse to answer that
6 question.

7 Q Pardon?

8 A I refuse to answer that question.

9 MR. KANAREK: Well, your Honor, may we have an
10 answer.

11 MR. BUGLIOSI: Irrelevant.

12 MR. KANAREK: Your Honor, it is most relevant.

13 THE COURT: Sustained.

14 Mr. Kanarek, I told you many times I don't want
15 the argument in front of the jury.

16 If you think it is important enough, you may
17 request to come to the bench.

18 MR. KANAREK: May I, your Honor?

19 THE COURT: No, I have ruled. Let's proceed.

20 BY MR. KANAREK:

21 Q Well, would you tell us, Mr. Crowe, directing
22 your attention to your state of mind, when you left Woodrow
23 Wilson Drive you were thinking in terms of just meeting a
24 person that was going to furnish narcotics, is that right?

25 A Marijuana, yes.

26 Q Well, marijuana is a narcotic, right?

1 A Well, marijuana, that is what I understand,
2 marijuana.

3 Q Is it a fair statement that when you left,
4 when you left -- pardon me --

5 Prior to the time that you left, Del somehow or
6 other described the person, a human being that was going
7 to give -- that was going to arrange for this transaction,
8 is that right?

9 A Will you rephrase the question?

10 Q Pardon?

11 A Would you rephrase the question, please.

12 Q Certainly.

13 Was your state of mind such that when you left
14 Woodrow Wilson Drive you had in mind that a narcotic
15 transaction was going to take place with the person that
16 Del had spoken of, is that right?

10 fls. 17 A Yes, that is correct.

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1 Q Now, will you describe for us your state of mind
2 as to whether you thought this person was a man, a woman,
3 or what? What was your state of mind as to the type of
4 person you were going to meet?

5 A It was a woman, really.

6 Q Pardon?

7 A A woman.

8 Q Your state of mind was that you were going to meet
9 a woman?

10 A Uh-huh.

11 Q Is that right?

12 A Yes.

13 Q Rosina?

14 A Yes.

15 Q That is the person who turned out to be the
16 person that you were going to meet?

17 A Right.

18 Q And from your conversation with Del at the
19 Woodrow Wilson address, your state of mind was that you
20 were going to meet a woman; is that right?

21 A That's right.

22 Q So you then proceeded, you then proceeded to go
23 with Del and Jim.

24 Did Jim accompany you?

25 A Yes.

26 Q You, Del and Jim went to Rosina's on Franklin

1 Avenue; is that right?

2 A Yes.

3 Q Did you have conversation with Jim also as well as
4 Del concerning what was going to take place on Franklin
5 Avenue?

6 A Somewhat, yes.

7 Q The three of you were in a car driving there;
8 right?

9 A Right.

10 Q Who drove?

11 A I drove.

12 Q And where was Del?

13 A Next to me on the front seat.

14 Q And Jim was where?

15 A In the back seat.

16 Q And when you got to this address, did you get out
17 of the automobile?

18 A Yes.

19 Q And you got out of the automobile, and then what
20 occurred?

21 I am not asking for conversation now, I am asking
22 for physical movement.

23 Did you and these other people go somewhere when you
24 got out of your automobile?

25 A No. Just I.

26 Q You got out alone?

1 A Yes.

2 Q And then what? Where did you go?

3 A I went to see where he was going.

4 At the last moment, I just figured that -- I mean, not
5 disputing Del's judgment, just intuition, I just acted
6 impulsively, to go and see where he was going. It was a
7 thought of my own.

8 Q Who had the money at the time that you arrived at
9 the Franklin Avenue address?

10 A I did.

11 Q And so, you got out of the car after Del got out
12 of the car; is that right?

13 A What location? What are you speaking about?
14 El Monte or here?

15 Q Franklin Avenue.

16 Did you go first to Franklin Avenue before you
17 went to El Monte?

18 A Yes. I went to Franklin first.

19 Q My question is: When you got to Franklin Avenue,
20 did you get out of the automobile?

21 A No, I didn't.

22 Q Did anybody get out of the automobile?

23 A Yes. Everyone else but myself.

24 Q You mean, Jim and Del got out of the automobile?

25 A Right.

26 Q And they went, disappeared from your view?

A Uh-huh.

1 Q Is that right?

2 A Uh-huh.

3 Q How long were they out of your view?

4 A I can't remember, but it was a short period of
5 time, because I got in a conversation with some other friends
6 that was living on the premises at that time and they was
7 talking to me in the car, something like that, as I can
8 remember vaguely.

9 Q Well, when you got to the Franklin Avenue
10 address, you did not get out of the car, right?

11 A Not at the first approach of the apartment.

12 I mean, of the first -- when I left my house to go
13 to Franklin, I didn't get out of the car. But on the
14 return from the whole trip, I got out of the car and I went
15 in the apartment.

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1 Q My question now is: When you first came to the
2 Franklin Avenue address, after having left Woodrow Wilson
3 Drive, did you, when you first stopped in front of this
4 Franklin Avenue address, did you get out of the automobile?

5 A No, I didn't.

6 Q All right. Who got out?

7 A Del and Jim.

8 Q All right.

9 Then they disappeared from your view; right?

10 A Yes. Correct.

11 Q How long were they gone from your view?

12 A Perhaps ten or fifteen minutes. I don't know.
13 I can't remember, really, the exact time. Roughly, I
14 mean. A few minutes or so. I don't know. I can't
15 recall.

16 I wasn't timing it. I wasn't waiting alone. I
17 was talking to someone, and that passed the time away.

18 Q Who were you talking to?

19 A Just a friend. I can't exactly remember who
20 it was, the people.

21 People I was talking to was people that I knew,
22 associates or something, you know, slightly.

23 Q You had just come from Woodrow Wilson Drive;
24 is that right, Mr. Crowe?

25 A That is correct.

26 Q By what means did you communicate with this

10a-2

1 person who did not drive in the automobile with you from
2 Woodrow Wilson Drive?

3 A I can't remember that. I mean, I am involved
4 with someone about nothing. You know, you say "Hi" and
5 "Goodbye." It is someone you see, that you had been
6 introduced to, in their company.

7 You know, you say "Hi" and "Goodbye," you know.
8 An acquaintance. You know. I can't remember.

9 Q Well, when the car came to a state of rest at
10 the Woodrow Wilson address, where was it? Where was the
11 car physically located when it came to rest?

12 A It was on the parking lot of the premises which
13 is the Magical Castle here. It is on the same ground. The
14 apartment building directly across from it on the parking
15 lot. That is all I can say.

16 Q What is the Magical Castle, Mr. Crowe?

17 A It is a club that is owned by magicians.

18 Q And that is near Franklin and what intersection?

19 A I know it is in the 6900 block. Maybe 32, 37,
20 something like that. 6932 or something.

21 Q What is the nearest cross street to this
22 address?

23 A The Magic Castle?

24 Q To this address that you went to; the nearest
25 north and south street?

26 A North and south, you say?

1 Q It is a fact that Franklin runs east and west?

2 A Right.

3 Q Now, would you tell us the closest north and
4 south street to the address that is Rosina's apartment?

5 A I know to the south would be Hollywood Boule-
6 vard. To the north is unknown. There is no street that
7 runs that way, I don't think. I don't know. It is up
8 in the hills or something. I don't know the name of the
9 street.

10b fls.

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1 Q Mr. Crowe, my question is as to what street runs
2 north and south that is closest to this address.

3 I am not asking for a street that runs east and
4 west like Hollywood Boulevard. My question is what north
5 and south street is the closest to this address where Rosina
6 lives or lived?

7 A From my judgment, my memory, like Highland is east
8 and La Brea is west.

9 Am I right? Or what?

10 Q I don't know, Mr. Crowe.

11 A You can say east or west, and I can give you an
12 answer; but north and south, the only thing I can say,
13 south is Hollywood Boulevard.

14 Now, north, I don't know, unless you go up one of
15 the streets and go up in the hills, and I don't know the
16 name of the street beyond Franklin up in the hills.

17 So, the only thing that I can relate to is Hollywood
18 Boulevard, which is south.

19 Q Well, can you relate to Highland Avenue, which is
20 north and south?

21 A Yes, I can do that.

22 Between Highland and La Brea on Franklin.

23 Q This address, then, is between Highland and La Brea
24 on Franklin?

25 A Yes.

26 Q Is it on the north or the south side of Franklin?

1 A It is on the north side of Franklin.

2 Q And do you know where the Landmark Hotel is?

3 A Motel.

4 Yes, I do.

5 Q How far is it from the Landmark?

6 A I couldn't give you an exact estimate. Maybe I
7 can say --

8 Q Give us the number of feet away from the Landmark.

9 A Well, I wouldn't go so far as to say feet. I
10 don't know. Maybe a block or two, or something. Saying
11 offhand, you know. I don't know.

12 Q While you were sitting in the car, you happened
13 to see someone you know walking on Franklin Avenue?

14 A No. I couldn't see really on Franklin Avenue if
15 I am in the parking lot, the position that I am parked in.

16 The people that were on the premises.

17 Q You mean the people on the premises were people that
18 you knew?

19 A People that I knew, yes.

20 Q And while Jim and Del were away --

21 A Out of my vision when they were in the apartment
22 house.

23 Q You struck up a conversation with people that you
24 knew?

25 A Someone said, "Hi" to me, and I said, "Hi" to
26 them, "how are you feeling," et cetera, and so forth.

1 Q Someone that you had seen before?

2 A Yes.

3 Q Did you know the name of this person?

4 A I couldn't recall that now, no.

5 Q Then, when Del and Jim came back, they came
6 back in the company of other people; is that right?

7 A Yes.

8 Q With whom did they come back?

9 A With Rosina and Tex.

10 Q Rosina and Tex; right? Is that all?

11 A Yes.

12 Q And then when Rosina and Tex came with Jim and
13 Del, did those four people all get into the automobile?

14 A Yes, uh-huh.

15 Q And after --

16 A It would be five, wouldn't it?

17 Q Pardon? Four people and you would make five;
18 right.

19 A Right.

20 Q Okay.

21 Now, after those four people got into the automo-
22 bile with you, was there a conversation?

23 A Yes.

10c-1

1 Q All right.

2 Would you tell us what was said by each person
3 in the automobile after the four people returned to the
4 automobile?

5 A Well, they got in. "This is Poppa. Poppa,
6 this is Tex. This is Rosine's old man." And that was it.

7 Something else was said about music or something,
8 songs or something. I just can't remember what the conver-
9 sation was based about.

10 Tex was saying something about -- we were
11 talking about music, we had the radio on and it was nice
12 music on.

13 I just can't remember what the conversation was
14 based upon.

15 Q Would you please tell us what was said by
16 each person?

17 A I couldn't recall the conversation.

18 You mean, as far as introducing, I explained
19 that to you.

20 As far as the music, I can't remember the
21 conversation, but I know it was basically about the type
22 of music you like and groups, whatever, songs or something.
23 I don't know. I can't remember.

24 Q You said something right when those four
25 people came back to the car, when those four people entered
26 the automobile?

10c-2

1 A Yes.

2 Q Would you tell us what you said, Mr. Crowe?

3 A I am saying that when they got in the car,
4 they said "This is Tex. Tex, this is Poppa. Poppa, this
5 is Tex, this is Rosine's old man."

6 I said, "Hi," and shook his hand.

7 That was it. He was in the back seat. Rosine
8 was in the middle. Del was on my right.

9 We started driving, and I turned music on, and
10 we were talking about music.

11 I can't recall the conversation about the music,
12 or whatever.

13 Q Then at sometime the narcotics transaction was
14 discussed; right?

15 After these people came back to the car?

16 A Not really.

17 Q Well, you say not really. What do you mean by
18 that?

19 A No, I can't remember any conversation on the
20 way.

21 It was just the basic casual conversation between
22 the peoples in the car, because we already knew what we had
23 to do. There was no need in discussing it. What do you
24 want to discuss about it?

25 I mean, when we get there, it will be done or,
26 you know, one or the other.

1 Q Directing your attention to your state of mind,
2 Mr. Crowe, would you tell us when did you first think that
3 you were going to El Monte that night? When did it first
4 come into your mind that you were going to El Monte?

5 A After I was given directions and I was seeing
6 the signs on the freeway.

7 They said, you know, "Make a turn off here,"
8 you know. And it said "El Monte."

9 Q Pardon?

10 A Someone had told me, "Make a turn off here,"
11 you know, et cetera.

12 Q Who was telling you? Who was directing you?

13 A I can't remember, really. I really can't
14 remember. It could have been Tex, Del, Jim or Rosina.
15 I don't know. I can't remember that closely.

16 Q Now, during this ride, was there any mention
17 of the money?

18 A No.

19 The conversation about the marijuana, we didn't
20 even talk about that afterwards.

21 I mean, everybody knew what they had to do.
22 They were just doing it. That was it.

10d fls.

10d-1

1 Q Everybody knew what they had to do?

2 A Or what they were going to do, or whatever.

3 Q On what do you base the statement that everybody
4 knew what they had to do? Would you tell us what you base
5 that statement on, Mr. Crowe?

6 A Well, just say that everyone -- wow -- what are
7 you doing to me?

8 Excuse me. I am sorry.

9 There was no special meaning behind the statement.
10 It is just the way it came out. I am not too well educated,
11 you know. Fourth grade. I am trying to relate as much as
12 I possibly can.

13 Q Fourth grade,--but you live on Woodrow Wilson
14 Drive.

15 A Does that have anything to do with my former
16 education? What about knowledge and wisdom and under-
17 standing of oneself? Can that handle the situation of what-
18 ever you want to know?

19 Q You have done very well in the material things of
20 life, haven't you?

21 A It all depends.

22 THE COURT: Get on with your examination, Mr. Kanarek.

23 BY MR. KANAREK:

24 Q Mr. Crowe, directing your attention to the term
25 "old man" that Rosina -- or Tex was spoken of as Rosina's
26 old man.

1 Would you tell us, what is your state of mind,
2 what does that mean?

3 MR. BUGLIOSI: Irrelevant.

4 MR. KANAREK: This goes to the --

5 MR. BUGLIOSI: Irrelevant.

6 THE COURT: Sustained.

7 MR. KANAREK: May we approach the bench?

8 THE COURT: The objection is sustained.

9 Ask your next question.

10 BY MR. KANAREK:

11 Q Does old man mean to you "pimp"?

12 MR. BUGLIOSI: Irrelevant.

13 THE COURT: Sustained.

14 THE WITNESS: It just means to me that he is going with --

15 MR. BUGLIOSI: Just a moment. There is an objection.

16 THE COURT: Wait for the question, Mr. Crowe.

17 THE WITNESS: I am sorry.

18 BY MR. KANAREK:

19 Q You have heard the word "old man" before; is that
20 right?

21 MR. BUGLIOSI: That is irrelevant.

22 THE COURT: Sustained.

23 Do you have any more examination, Mr. Kanarek?

24 MR. KANAREK: Yes, your Honor.

25 THE COURT: Proceed with it.

26 MR. KANAREK: Q Well, Mr. Crowe, did

1 Mr. Watson look like a puppy dog to you?

2 MR. BUGLIOSI: Oh, that calls for a conclusion, your
3 Honor.

4 THE COURT: Sustained.

5 THE WITNESS: No, he didn't.

6 MR. BUGLIOSI: Wait a while.

7 When there is an objection, you have to wait for
8 the Court to rule.

9 MR. KANAREK: Your Honor --

10 THE COURT: The objection is sustained.

11 BY MR. KANAREK:

12 Q Mr. Crowe, did Mr. Watson, did he look like a
13 robot to you?

14 Do you know what I mean by a robot?

15 A Yes, I do.

16 Q Did he look like he had mechanical arms,
17 Mr. Crowe?

18 MR. BUGLIOSI: It is objectionable, but I will withdraw
19 the objection, your Honor.

20 THE COURT: I will sustain my own objection.

21 Let's get on with it, Mr. Kanarek.

22 BY MR. KANAREK:

23 Q Was Mr. Watson, did Mr. Watson seem to speak the
24 English language without any impediment, Mr. Crowe?
25 Did he stutter or anything like that?

26 A I can't remember now. I can't remember. I
don't think so. I don't think so.

1 Q Did he seem like he was operating under his own
2 power when he walked? Did he seem to walk under his own
3 power, or did he seem like someone had strings on him, a
4 puppet? Did he look like a puppet to you?

5 A No. He looked like a man that is responsible.

6 Q Very responsible and knew what he was doing?

7 A Yes. As far as I knew, yes.

8 I wasn't confronted with his condition. I mean,
9 there was ^{nothing} extraordinary, nothing odd, about his walking
10 or talking. Or if there was, I didn't notice it at the time.

11 If there was, I would have taken it for a regular
12 physical thing of his own, whatever, you know. I don't know.

13 Q How long did it take to get to El Monte, Mr. Crowe?

14 A Like I said before, as long as it takes from
15 Hollywood to El Monte. It could be 20 minutes to a half
16 hour. I don't know. I really didn't time it.

17 The music was going on, there was conversation
18 about music, you know, et cetera, so I really didn't clock
19 it.

20 Q On your way to El Monte, did Mr. Watson stop and
21 fix any dune buggies?

22 MR. BUGLIOSI: This is silly, your Honor, and I will
23 object on that ground.

24 THE COURT: Sustained.

25 MR. KANAREK: Q On your way to El Monte, would
26 you tell us where you were, Mr. Crowe? Where were you and
where were the rest of the people in the car?

1 A While we was driving, you mean?

2 Q Who was driving?

3 A I was.

4 Q You were?

5 A Yes.

6 Q Will you tell us where the rest of the people
7 were in relationship, now, to the car, while you were going
8 to El Monte?

9 A I will repeat.

10 Del was on my right in the front seat. Jim was
11 in the back seat on my far right. Rosina was in the middle.
12 And Charlie Watson, Tex, was on my extreme left.

13 There were five people in the car, right? Five
14 seats. The car had bucket seats, just enough space for the
15 people.

16 Q Was Rosina sitting next to Mr. Watson?

17 A Yes. Certainly.

18 Q And by what term did she address Mr. Watson, do
19 you know? Do you remember?

20 A Tex.

21 Q And what did he call her?

22 A Or Charlie. One or the other.

23 Q What did he call her?

24 A I can't remember, because mostly when I heard --

25 THE COURT: Never mind. You have answered the
26 question.,

1 Ask your next question.

2 BY MR. KANAREK:

3 Q Now, directing your attention, then, Mr. Crowe,
4 to Rosina. Would you describe her for us?

5 A The way I remember, she was just tall, thin.
6 A tall, thin girl, that is all.

7 Q About how old? Was she black or white?

8 A She was white.

9 Q About how old did she appear to you to be?

10 A It is very hard to tell these days. I don't know.
11 About 24, 25, 26. She was a woman.

12 Q Pardon?

13 A She was a woman, you know.

14 Q She wasn't a teenager?

15 A No. She was a woman, a full-grown woman.

16 Q Directing your attention, Mr. Crowe, to
17 Mr. Watson, did Mr. Watson talk?

18 He spoke during the trip; right? He didn't hang
19 his / head and sort of look scared about everything; right?

20 A I was driving, remember. You know, I wasn't in the
21 back seat. I was driving and he was on my far left. So
22 that would make it slightly difficult for me to look at
23 him.

24 I am looking at Rosina if I am looking through my
25 rearview mirror.
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Q Yes?

A Or the sideview mirror.

So, I couldn't really notice his nerves, his face; or I couldn't see him, so I couldn't really say.

Q But he participated in the directing of you to where you were going?

A It could have been him or somebody else.

As I stated before, I don't exactly recall which one told me to get the exit off, or who was giving me directions.

Q Would you tell us what off-ramp you took? Did you take the San Bernardino Freeway to El Monte?

A The San Bernardino Freeway sounds logical, yes.

Q Did you get off on Peck Drive North?

A Peck Drive? I wouldn't have -- I don't remember that. I don't think so. I don't know. I don't know. I can't say.

Q Do you remember what off-ramp?

A I know it was in El Monte because I seen a sign that said El Monte. That is all I know.

Q And do you know what street you went to?

A No, I don't.

Q Did you go to a residential neighborhood?

A Yes.

Q When you finally stopped your car?

A Yes.

1 Q Was it an apartment house that you stopped the car
2 at?

3 A It was in a residential area where there was some
4 houses on one side and apartments and houses on the other
5 side.

6 On the side where the apartments were, this was
7 the apartment that Tex went into.

8 Q And you stopped the car, right, at someone's
9 request who said, "Here we are"; right?

10 A I beg your pardon?

11 Q Somebody said, "We are here, stop, this is the
12 place, this must be the place"; correct?

13 A Someone must have said something like that because
14 I stopped.

15 Q I see.

16 So, after you stopped the car, did someone get out o
17 the car?

18 A Not at that particular time. There was conversation
19 first, and then someone got out.

20 Q All right.

21 Tell us what everybody said in this conversation
22 after you stopped the car.

23 A Tex asked for the money. He said, "Give me the
24 money and I will be back in 15 or 20 minutes."

25 I looked at Del and Del looked at me and Jim,
26 and I smiled.

1 And I says: "Well, it wasn't supposed to be like
2 that. I didn't have any understanding it was like that."

3 I said: "My understanding was that we would go
4 out or, you know, you would bring it, and you would collect
5 the money. You didn't say we had to refund it to you and
6 leave you."

7 And he asked me what I think.

8 And I said, "Well, it is up to you. You know
9 these people and I don't."

10 I said, "Well, I will give you the money, and do
11 with it what you want to do with it."

12 And he hesitated, but he accepted it.

13 And she said, "Well, I will make it up to you.
14 I can stand up for the money if it is lost, or whatever.
15 I know him. I mean, we have been together six months.
16 They used to be married. They wanted to get married and go
17 out to the ranch and live together, et cetera."

18 I don't think that he would do that.

19 So, I completely washed my hands of the whole
20 situation, and he took it upon himself, and they accepted
21 it, and that was that.

22 As I gave Del the money and he gave it to Tex,
23 I had an intuition that I should get out of the car and see
24 where he was going. It was an impulsive reaction from
25 myself alone. I didn't see it. I just felt it that it wasn't
26 going to go through after he left my presence.

You know, I just felt that way which is something

11-1

I usually do.

Q And so you handed the money to Del and Del gave the money to Mr. Watson, right?

A That's correct.

Q Did you count the money?

A Who, me?

Q Yeah.

A I did prior, early that night, yeah.

Q Did you count the money at any time while you were in the car?

A No, I did not have to, I knew what I had.

Q Did anyone count the money?

A No, they did not have to; he knew what I had. Your word is your bond, you know, that is it.

THE COURT: Answer the question, sir.

Now, listen to the question. Don't volunteer anything. Listen to the question and answer that question.

BY MR. KANAREK:

Q So after you handed the money to Tex, Tex got out of the car, right?

Or after Del handed the money to Tex Tex got out of the car?

A Yes, that's right.

Q Did anybody else get out of the car at that time?

A I did.

Q You got out of the car?

11-2

1 A Not at the same time he did, but afterwards.

2 Q All right, Tex got out of the car and then --
3 Did you see where Tex went?

4 A He entered into the entrance of an apartment
5 building, like duplexes I guess, houses on top of each
6 other, next to each other, et cetera.

7 Q Did you take down the number of the house?

8 A No, I did not.

9 Q Do you remember the number of the house?

10 A No, I don't.

11 Q You don't remember the name of the street?

12 A No.

13 Q And so Tex disappeared from your view at that
14 time, right?

15 A Yes.

16 Q And so there was left in the automobile you,
17 Del, Jim and Rosina, is that right?

18 A Yes.

19 Q How long did you stay in the automobile before
20 you got out -- you, Mr. Crowe, got out of the automobile?

21 A May I have permission to ask him something?

22 THE COURT: Just answer the question, sir.

23 THE WITNESS: I don't fully understand what he is
24 talking about.

25 THE COURT: Then say so. You did not understand the
26 last question?

11-3

1 THE WITNESS: No.

2 Would you rephrase the question, please.

3 MR. KANAREK: Certainly, Mr. Crowe.

4 Q At some time Tex got out of the automobile
5 and disappeared, right?

6 A Yes.

7 Q He disappeared into this home in El Monte or
8 this apartment in El Monte, right?

9 A Yes.

10 Q And after Tex disappeared, sometime elapsed and
11 then you got out of the automobile, right?

12 A Yes.

13 Q Were you the first one to get out of the
14 automobile after Tex disappeared?

15 A Yes.

16 Q How much time went by, elapsed, how much time
17 between the time that Tex disappeared from your sight and
18 you got out of the automobile?

19 A A minute or less.

20 Q All right, you got out. Then what did you do
21 after you got out?

22 A I physically ran to the same exit, to see where
23 he was going.

24 Q And you ran through this door, right?

25 A The same door he went through, yes.

26 Q The door to the apartment house?

11-4

1 A Yes.

2 Q What did you see?

3 A Nothing.

4 Q Nothing?

5 A Houses, flowers and trees.

6 Q Houses, flowers and trees, but no Tex?

7 A Right.

8 Q Tex had --

9 A -- vanished.

10 Q -- gone?

11 A Gone.

12 Q With your \$2400 bucks?

13 A Yes.

14 Q Right?

15 A Yes.

16 Q At that time did you think Tex was sort of
17 a puppydog, a little stupid?

18 MR. BUGLIOSI: Calls for a conclusion.

19 THE COURT: Sustained.

20 BY MR. KANAREK:

21 Q Now, then, after you got out of the car did
22 anyone else that was left in the car get out?

23 A Not after a period of time.

24 Q How long was it -- how long was it before
25 anyone else got out of the car?

26 A About a half hour we all got out except Rosina.

11-5

1 Q Except Rosina?

2 A Yes.

3 Q In other words, Jim and Del and yourself got
4 out of the car, right?

5 A Well, first me and Del and then we looked
6 around and came back and Jim and myself went out, and then
7 we came back, you know, and that was it.

8 Q And you and Jim and Del proceeded to go into
9 various portions of that area looking for Tex, right?

10 A Yes.

11 Q Did you knock at any doors?

12 A No.

13 Q What did you do?

14 A Just looked and whatever, just looked.

15 Q Well, where did you look?

16 A On the grounds or whatever, just hoping to see
17 something or whatever, some people talking loud, maybe
18 a shade open, maybe people had seen them, whatever, just --

19 Q You did a little peeping in windows?

20 A No, I say it's a good possibility someone's
21 blinds might open and he may be in that particular
22 apartment or something, whatever.

23 We just looked around, or maybe he tried to
24 sneak out on another part of the apartment building or
25 something.

26 Maybe we would catch him. It was well over the

11-6

1 time he said it would take him to get it, which was a half
2 hour, and he said 15 or 20 minutes at the time we gave him
3 the money.

4 I did not feel right afterward, after he had,
5 you know, he had left the presence.

6 Q So you looked through the blinds of various
7 apartments on these premises?

8 A I did not say that.

9 Q You did not?

10 A No.

11 Q Well --

12 A I said there was a possibility, it could have
13 been someone's blind could have been open and he might have
14 been in that apartment or something, just looking around,
15 just looking.

16 Q I see.

17 A You know, just looking, investigating, I guess
18 you would call it, or whatever.

19 Q And you looked at the various apartments that
20 were in this particular --

21 A We looked around at everybody around us, behind
22 bushes, just walking to see behind bushes and whatever.

23 It was a pretty big place. There was an open
24 field on the other side of the apartment building and it
25 would take some effort to get across that large field.

26 And just looking behind bushes, you know, maybe

11-7

1 he could be hiding behind a step or behind a bush or some-
2 thing.

3 THE COURT: You answered the question.

4 BY MR. KANAREK:

5 Q You looked at automobiles too, maybe, in the
6 cars parked all around that apartment house, right?

7 A Yes.

8 Q And you waited, had a conversation with Jim
9 and Del for some 15 minutes or more?

10 A I beg your pardon?

11 Q You and Del and Jim spoke for some 15 minutes
12 waiting for the return of Tex?

13 A About a half hour, yes.

14 Q Pardon?

15 A About a half hour.

16 Q And then your heart began to sink, right?

17 During all of this period of time you felt that your money
18 had more or less -- that it was gone and you were not going
19 to get your marijuana, right?

20 A We figured something may have happened, he
21 got hung up in there or whatever.

22 I mean, after the money was given to him I
23 did not feel right at that instant, after he left my
24 presence, so I guess probably, I kind of lost faith, shall
25 we say, from that moment on, I did not have too much faith
26 in that, because I did do this and I know there is a reason

11-8

1 for me doing it, that is all I know.

2 Q When you say "reason," what do you mean by that?

3 A There is a reason to follow to see where he was
4 going.

5 It was some sort of distrust from me for him
6 at that last moment, I guess, or whatever.

7 Q In your mind you thought maybe he was a little
8 tricky, right?

9 A It must have indicated that because I got out
10 to see where he was going, yes, I did that and there was a
11 reason for me doing it.

12 Q And so, after searching this area with your
13 friends you came back to the car, right?

14 A Yes, I came back to the car, yes.

15 Q All right, and then you and Rosina and Jim and
16 Del, the four of you then left the area, right?

17 A Yes, just about a half hour, an hour and a
18 half, perhaps.

19 Q You stayed there an hour to an hour and a
20 half, you, Rosina and the three of you, waiting for a
21 Tex that never showed up, right?

22 A Right, uh-huh.

23 Q And so during this period of time of an hour
24 you had a conversation with Rosina and the other people,
25 right?

26 A Yes.

11-9

1 Q And you felt -- was your state of mind such
2 that you thought you had been tricked during this hour
3 or so?

4 A Not really, not me.

5 Q You thought that Del was being tricked then?

6 A I felt that Rosina was being tricked.

7 Q You thought Rosina was being tricked?

8 A Uh-huh.

9 Q And/^{it}was your money, right?

10 A Yes.

11 Q You had never seen Rosina before in your life,
12 right?

13 A Uh-huh.

14 Q And you felt that Rosina was being tricked?

15 A Yes, I draw that conclusion after the incident.

16 Q My question is, as you sat there with yourself
17 and the two other men and Rosina, you felt that you were
18 being tricked, after all it was your \$2400 that more or
19 less had disappeared into the darkness of El Monte, right?

20 A Yeah.

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1 Q So your state of mind at that time was that you
2 were being tricked; that you had been tricked, right?

3 A I think at that time she had more to lose than I
4 did because she lost, or she had faith in him, and she let
5 him down. That could not equal up to \$2,400.

6 I mean, it is the feeling for another person or
7 whatever, and she had confidence in him.

8 Q She had confidence in Tex, and Tex had let her
9 down, is that right?

10 A That's right.

11 Q Your state of mind was such that you were unhappy
12 about the \$2,400?

13 A I was displeased. I wasn't unhappy.

14 Q Well, your state of mind was such that you were
15 very displeased, isn't that a fair statement, Mr. Crowe?

16 A If you are speaking of my mind?

17 Q Yes.

18 A If I wanted me to express my mind to you so you
19 can explain my mind to me --

20 Q In your mind were you unhappy with having lost
21 the \$2,400?

22 A I didn't particularly -- I did not particularly,
23 you know, hate anyone for it or whatever.

24 I was displeased slightly, yes. If there
25 me there there would be no money. I acknowledge that fact, ^{wasn't}
26 and that should answer the question.

1 Q What was that, a what knowledge?

2 A I acknowledge the fact if there wouldn't be no
3 me there, there would be no money or anything else, not to
4 me nowhere, so there had to be a me to accept this, to have
5 a desire for this, is my understanding about money, I cannot
6 relate to you on that.

7 Q You had never seen Rosina before in your life?

8 A Right.

9 Q She meant nothing to you?

10 A She meant a whole lot to me, like you mean some-
11 thing to me.

12 Q I dare not ask what.

13 A It's all in your own head, whatever you think.

14 Q Was it love at first sight between you and Rosina
15 or what? You say all of a sudden, here your 2,400 bucks
16 had sort of disappeared, and you are sitting there in
17 El Monte, and are you telling us that at that point you
18 were feeling sort of bad for Rosina, is that what you are
19 telling us?

20 A Yes, and I was feeling partially, shall I say, not
21 pity, slight understanding toward Charlie Tex, too, because
22 he did this to himself, not to me.

23 Q You meant that he did it to himself because he
24 ran off with your dollars, right?

25 A No, he ran off with his soul in the condition that
26 it was in.

1 Q I see, and would you tell me what do you mean by
2 that when you say he ran off with his soul?

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

4 THE COURT: Sustained.

5 Q BY MR. KANAREK: So then you developed this
6 feeling for Rosina at that point, sometime during the
7 evening, right?

8 A It is the same feeling I have for everybody in
9 my presence, even for you now in my presence.

10 Q I see. That you became --

11 Is it a fair statement that you became unhappy
12 about losing the \$2,400, so let's forget now about Rosina,
13 what went on in her mind.

14 In your mind you would rather not have been
15 detached from your 2,400, if you did not get the marijuana.

16 A Quite naturally.

17 Q Right. There is no question about that?

18 A Right.

19 Q So it's a fair statement that you were not the
20 happiest man in the world there at El Monte, California?

21 A Oh, yes, it all depends on what your definition of
22 happiness is.

23 Q Well, is it a fair statement that you were not
24 happy at what had happened, Mr. Crowe?

25 A I wasn't dishappy, I wasn't dishappy about it
26 either.

1 I wasn't pleased about it 100 per cent, I mean,
2 you lose \$2,400 you cannot really laugh and be happy about it,
3 you know.

4 But I mean, you know, whatever, it's just some
5 money that got away, you know, I bought a guy for \$2,400, and
6 I did not think that people were for sale. But I bought him.

7 So that is all that is to it.

8 Q What do you mean when you say you bought him?

9 MR. BUGLIOSI: That is irrelevant.

10 THE COURT: Sustained.

11 Q BY MR. KANAREK: Mr. Crowe, in the language of the
12 narcotics type of trade, is that called being burned?

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

14 THE COURT: Sustained.

15 Q BY MR. KANAREK: Was your state of mind such,
16 Mr. Crowe, that you were burnt?

17 A That I was burnt?

18 Q Right, when the \$2,400 happened -- when it happened
19 the way it has been set forth by you here, is it a fair
20 statement of mind you thought you had been burnt?

21 A No, I thought he had been burnt.

22 Q And why did you think that he had been burned?

23 A Because he burnt himself.

24 Q What do you mean by that?

25 MR. BUGLIOSI: Irrelevant.

26 MR. KANAREK: Your Honor, we are going to the state of

mind of this particular witness.

THE COURT: Sustained.

We will take our recess at this time, ladies and gentlemen, do not converse with anyone or form or express an opinion on the subject of penalty until that issue is finally submitted to you.

(Recess.)

11b

11b-1

1 THE COURT: All defendants except Mr. Manson are
2 present; all counsel and all jurors are present. You may
3 continue.

4 MR. KANAREK: Thank you, your Honor.

5 BY MR. KANAREK:

6 Q Now, Mr. Crowe, then at some time you and the
7 other three people left El Monte and came back to Franklin,
8 is that right?

9 A Yes.

10 Q Did you go anywhere from El Monte on the trip
11 back to the Franklin Avenue address, did you stop off any-
12 where?

13 A No, we did not.

14 Q You came directly back?

15 A Yes.

16 Q And about how long was it -- let me ask you this:
17 Did you ever see Tex Watson again?

18 A No.

19 Q You never have seen Tex Watson again?

20 A No.

21 Q Right?

22 A Right.

23 Q Then you came back -- then you came back and
24 when you got to the Franklin Avenue address where did
25 Jim and Del go?

26 A Where did they go?

11b-2

1 Q Yes, when you got to the Franklin Avenue
2 address, did they come in?

3 A Yes, we all went in together.

4 Q All four of you?

5 A Yes.

6 Q You parked the car on the lot, on the street?

7 A On the lot, yes.

8 Q Who drove back?

9 A I did.

10 Q And then you went into the house, and while
11 you were in the house you had conversation with Rosina?

12 A Yeah, we was all talking, yes.

13 Q And Del?

14 A Yes.

15 Q And Jim?

16 A Yes.

17 Q And you were discussing Tex, right?

18 A Yes.

19 Q And the fact that Tex had not come back after
20 have left you, right?

21 A Right.

22 Q And that was the main topic of conversation,
23 right?

24 A Yes.

25 Q And was your state of mind at that time, when
26 you got back to the house, was it that you were a little

11b-3

1 unhappy, to say the least, about losing the \$2400, is
2 that right?

3 A Rephrase that question again.

4 Q Well, when you got back to the house, back to
5 the apartment there, you were quite unhappy about not getting
6 the marijuana for the \$2400, or getting your \$2400 back,
7 right?

8 A I was not unhappy, as I explained to you before,
9 I wasn't unhappy, I wasn't pleased about what happened.

10 Q You conducted all of the search and all of
11 that, you became apprehensive when Mr. Watson first left
12 you, that certainly happened?

13 A Apprehensive?

14 Q Well, you were unhappy almost immediately after
15 he left your presence there in El Monte, you became suspicious
16 of him, Mr. Watson?

17 A Yes, evidently, because I reacted to that.

18 Q So when you came back, when you came back, your
19 main problem was to try and get that \$2400 back, is that
20 right?

21 A If I could, yes, yes.

22 Q If you could. Is \$2400 that meaningless to you,
23 Mr. Crowe?

24 A Yes.

25 Q Well, you stayed there with Rosina and Jim and
26 Del trying to figure out some way of getting your \$2400 back,

11b-4

1 is that right?

2 A Trying to figure some way to get the weed,
3 yeah.

4 Q Pardon?

5 A The weed, or the money -- the marijuana or the
6 money.

7 Q Right, you wanted either one, right?

8 A Yes.

9 Q And so there was conversation between yourself
10 and Rosina, right?

11 A We will say between the four of us.

12 Between the four of you.

13 And what was said by each of you?

14 A I will try to explain it as much as I possibly
15 remember it.

16 It was a definite thought on Rosina's part,
17 that she could not believe that he would do such a thing,
18 and she was terribly hurt about it, which was quite convinc-
19 ing to me, from my experience with people, and I accepted
20 it, and that was it.

21 And that is all I can slightly remember, and
22 she said "I can call out to the ranch and see if I can,
23 you know, shake him up or something."

24 She got on the phone and she explained to the
25 party on the other phone -- at that time I only knew the name
26 Charlie, and she said I was going to destroy everybody out

11b-5

1 to the ranch, I was going to kill the people out there or
2 something.

3 Anyway the only one I knew was Charlie Watson,
4 and she gave me the phone, and when she gave me the phone --

5 Q Right now, would you tell me what you heard her
6 say?

7 You heard her say that you were going to kill
8 everyone connected with Tex unless you got the money back,
9 right?

10 A That is what she said, yes.

11 Q That was in your presence that that conversation
12 took place, right?

13 A Right.

14 Q You never had seen Mr. Manson in your life at
15 that point, is that right?

16 A That's right.

17 Q And as a matter of fact she used some pretty
18 rough language, is that correct?

19 A What do you mean, in what respect?

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1c fls.

1b-1
1 Q Well, she, I hate to use the type of language,
2 but would you tell us the exact words she uttered?

3 A Well, as I remember it, she says, "Do you know
4 what Tex done? He ripped off \$2,400 from these people, and
5 these people mean business," something like that.

6 "And they are going to destroy anyone having any
7 dealings with Charlie Tex," if they didn't tell the people
8 where his whereabouts were, where he was at that time, and
9 he wanted the money or the weed.

10 And one word led to another. I can't remember.

11 I am just telling you the basics of the conver-
12 sation on the telephone.

13 And at that time she handed me the receiver and --

14 Q Right now I am talking about right now, about
15 what word you heard her say.

16 Did she use swear words?

17 A Profanity?

18 Q Yes.

19 A Not that I remember, no.

20 Q Pardon?

21 A Not to my knowledge, I can't remember, I don't
22 think so.

23 Q You don't think she used profanity?

24 A No.

25 Q She just said --

26 A I don't think she mentioned any profanity at all,

1 four-letter words, and stuff like that, no, I didn't hear
2 that.

3 Q All right, did you hear her use the word "kill,"
4 actually the word "kill," come out of her mouth?

5 A Yes, yes.

6 Q You heard her say that you were going to kill
7 everybody at the ranch if you did not get your money or the
8 weed. You heard her say -- you heard her say that on the
9 telephone, right?

10 A Yes, I heard her say that.

11 Q Then at that time was Jim present in the room?

12 A No, he had left as soon as we entered the apart-
13 ment, and after that about five or ten minutes or so, he
14 had left and he had something else to do.

15 Q What about Del?

16 A He stayed.

17 Q And to your knowledge how was Jim going to use --
18 what transportation was Jim going to use to go wherever he
19 was going?

20 A Well, I really don't know unless he had one of the
21 people in that -- on the premises take him, because we all
22 knew quite a few people on the premises that lived in the
23 same like -- well, it's kind of difficult, they are like
24 bungalows, slightly, too, like little private bungalow sort
25 of thing.

26 He knew a few people there, maybe he used that source,

1 or he had his own car there, I can't remember.

2 Q And you had had other narcotic transactions in
3 that same area, in that same apartment house, is that right,
4 Mr. Crowe?

5 A I refuse to answer on the grounds I may incriminate
6 myself.

7 Q What is that?

8 A No statement, no comment.

9 Q You are saying that -- you are saying that your
10 answer may tend to incriminate you, is that what you are
11 saying?

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

13 THE COURT: Sustained.

14 Q BY MR. KANAREK: Then after Rosina spoke with
15 whoever she spoke with on the telephone, you spoke with the
16 person, is that right?

17 A Yes, yes.

18 Q And the person that you spoke with at that time
19 was a person that you had never seen before in your life as
20 far as you knew, right?

21 A Yes, to my better knowledge.

22 Q Is that correct?

23 A Yes.

24 Q And there is no question about it that your
25 state of mind was that you wanted the money back?

26 A I beg your pardon?

1 Q You wanted your money back, right?

2 A Yes.

3 Q Now, how long after you had the telephone in
4 your hand, how long after that was it that the person you
5 say is Mr. Manson came into the apartment?

6 A Well, after I talked to the gentleman on the
7 telephone at that time, which is beyond my knowledge who it
8 was at that particular time, which was about like two or
9 three minutes -- two minutes' conversation on the phone,
10 and I just handed the phone back.

11 And I left and I went to get my friend, Steve.

12 When we got back we walked in, and Manson was
13 introduced to me, or he introduced himself to me, one or the
14 other, and he shook my hand and he complimented Steve's
15 shirt that he was wearing, and then we began to talk.

16 And he said he could not understand the fact that
17 Tex would do something like that, it did not sound like him.

18 And no one else had anything to do with it; it
19 was just his own motive; it was a question of motive.

20 Q How long after you hung up the phone did you have
21 this conversation with Mr. Manson?

22 A The only time I was talking to him on the phone --
23 or when he came over?

24 Q No, no, I'm talking now, Mr. Crowe, I'm not talking
25 about the person that you are talking to on the telephone.
26 I am saying how long after you hung up the telephone did

Mr. Manson appear at this address?

A. Between 45 minutes and an hour.

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12-1

1 Q And you told the person on the telephone -- you
2 had a conversation with the person on the telephone con-
3 cerning what Tex had done; is that right?

4 A Yes.

5 Q Now, you say you went to get Steve.
6 Where was Steve?

7 A He was at a friend's house.

8 Q In the same apartment area?

9 A No.

10 Q Where?

11 A Another part of Hollywood.

12 Q How far away from Franklin, from this address
13 on Franklin? How far did you have to go?

14 A Approximately six, seven, eight -- between six,
15 seven to ten blocks. Fountain and Las Palmas.

16 Q You drove down there; is that right?

17 A Yes.

18 Q And you got Steve; right?

19 A Yes.

20 Q And directing your attention, then, to your
21 state of mind, was your state of mind such that when you
22 were talking on the telephone you were talking to Mr.
23 Manson?

24 A I didn't know his name at the time. All I
25 knew it was Charlie.

26 I remember her relating to Charlie. That is

12-2

1 all I heard.

2 Q And that is the same person that Rosina had
3 just made the statement to about killing everybody at the
4 Spahn Ranch; right?

5 A Yes.

6 Q Then your state of mind was such that you were
7 going to leave that area on Franklin and go six or eight
8 blocks away and come back with Steve; right?

9 You happened to know where Steve was; right?

10 A Oh, sure.

11 Q Right?

12 A Yes.

13 Q And the reason that you had for going to get
14 Steve was because you wanted someone that was sort of a
15 friend of yours at this location; right?

16 A I already had a friend there. I had two there.

17 Q Well, who were the two that you had?

18 A Del and Jim. After Jim left, there was Del.

19 Q But Del was in another area; right; another
20 part of the --

21 A Well, we were in the same room. In the same
22 room that I was.

23 Q Then you went down to get Steve because you
24 wanted more sort of friends around so far as you were
25 concerned?

26 A No.

12-3

1 There was a reason. I just went to get him.

2 Q Why did you go to get Steve?

3 A If it is okay with the Court, I'd rather not
4 answer.

5 MR. KANAREK: This goes to the state of mind. We are
6 dealing with an allegation by the prosecution concerning
7 an altercation, and we have a right to know what this
8 witness's state of mind was. We are entitled to know
9 why he went to get this gentleman called Steve.

10 THE COURT: Read the last question.

11 (Whereupon the question was read by the
12 reporter.)

13 THE COURT: Answer the question.

14 MR. MORGAN: Your Honor, before he answers the
15 question, may I talk to my client?

16 THE COURT: Yes.

17 (Mr. Morgan and the witness confer.)

18 MR. MORGAN: Thank you, your Honor.

19 THE COURT: Do you have the question in mind, Mr.
20 Crowe?

21 THE WITNESS: Yes.

22 I went to get him because he was a friend of
23 mine in town, and I respect his judgment very well.

24 I mean, we are very personal friends. He came
25 from Brooklyn to see me. And at the time that I was absent
26 from him, I was wondering how he was.

12-4

1 I left him at some friend's house. I asked
2 his opinion about it. I explained to him what happened.
3 He said: Well, forget about it. It is nothing.

4 I said: I'd like to investigate and see if
5 they were together, you know. Just question.

6 He said: Okay, but I would just leave it alone
7 and not go with it.

8 We came back, and that was that. That is the
9 reason that I went to get him.

12a fls.

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12a-1

1 MR. KANAREK: Q You went to see him to talk
2 to him about what you should do; right?

3 A No. Actually, he was from out of town
4 visiting me, and I was gone between ten and ten-thirty,
5 and now it must be 1:30 or 2:00 o'clock in the morning,
6 somewhere around in that area.

7 So, that is quite a while to leave him at
8 some friend's, another friend's residence, without my
9 presence, although he was a friend of mine and he was
10 welcome. But I was worried about him, as one friend to
11 another, you know, and that was one of the biggest motives
12 that I went to get him.

13 Q Your state of mind, then, was that when you
14 left where Rosina was living, you left with the intent
15 to go and get Steve and come back with Steve; is that
16 right?

17 A Yes. Sure.

18 Q You were going to bring Steve back to Rosina's;
19 right?

20 A Yes.

21 Well, he was with me, and I just brought him
22 with me. I didn't think nothing like this would happen,
23 or what had occurred. At the time I had no idea that such
24 a thing would have taken place.

25 If I did have an idea such a thing would take
26 place, I would have been prepared, which I wasn't. I didn't

12a-2

1 have no arms or anything.

2 It was just a matter of getting my friend
3 instead of just leaving him in a strange house to an
4 extent, without knowing the people, you know, that well.

5 Q But your real reason for going to get him,
6 or your main reason, was because you wanted him to come
7 back with you in order to go further about getting back
8 this \$2400?

9 A I didn't say that. You did.

10 Q I am asking you if that was in your mind.

11 A No.

12 Q Then what was your purpose in bringing Steve
13 back?

14 A I explained to you, sir.

15 Q You mean you brought Steve back and it had
16 nothing to do with getting the \$2400 back?

17 A No, definitely not. I wouldn't -- no, definitely
18 not.

19 Q You brought Steve back to Rosina's for a social
20 visit? You had forgotten about the \$2400, and you didn't
21 care anything more about it; right?

22 A I didn't really actually forget it. I did
23 care some more about it, you know. I was thinking of that,
24 and also thinking of my friend, which meant more to me
25 than the 2400.

26 Q You had a conversation with Rosina before you

1 went to get Steve; right?

2 A Yes. With everyone in the apartment, yes.

3 Q And Rosina and you discussed what Rosina
4 had said concerning wiping out everybody at the ranch;
5 right?

6 A That was part of the conversation, yes.

7 Q And you approved of this?

8 A I didn't approve of anything. I didn't say
9 anything.

10 She knew the people, and I didn't know them.
11 So, she figured she would use the kind of approach she
12 thought would get the money back or solve the situation
13 that occurred at that particular time.

14 I didn't make no comment one way or the other.
15 All I said was I wanted the money or the weed, and that is
16 all, and I gave her the receiver, and she did the rest of
17 it.

18 So, I guess she knew what she was doing, and
19 whatever.

20 I mean, it didn't matter. It wasn't in my
21 mind to do anything to anybody. I never mentioned it.

22 12b fls.
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12b-1

1 Q Pardon?

2 A I never mentioned the fact what I was going to do
3 to anybody, or any sign of angriness, or nothing. Just
4 displeased, you know, let down to an extent.

5 Q Directing your attention to what was going on in
6 your mind. In your mind, you had heard what Rosina had said
7 over the telephone; that is correct, right; no question about
8 that?

9 A Oh, yes. Right.

10 Q And regardless of what you told Rosina, you wanted
11 to have somebody with you to accomplish the return of the
12 money or the weed?

13 A No.

14 Steve actually suggested very strongly, in fact,
15 he insisted that I shouldn't go back, and should forget
16 about it, whatever, after I explained to him what had taken
17 place and what was said in the course of the whole trip.
18 And he said, "Shine it on, man." Like, you know, "Forget
19 about it. I wouldn't bother about it."

20 I just took his advice. But I wanted to stick my
21 neck out to find out if the three people were together,
22 according to the conversations. But I had slightly more
23 faith in Rosina than I did anyone else that was involved in
24 that particular incident -- on the opposite side, I should
25 say.

26 Q Well, then, Steve gave you the advice. He

1 suggested that you not go back to Rosina's; right?

2 A Yes. Forget about it, in other words.

3 This is his words: Forget about it. Shine it on,
4 in other words.

5 Q But you didn't follow the advice of Steve, and you,
6 on your own, decided that you were going to go back; right?

7 A Yes.

8 It was me involved, so I had to make the decision.

9 Q And you decided to go back?

10 A Yes.

11 Q And you went back knowing that you had just
12 spoken to someone on the telephone concerning this matter?

13 A Uh-huh.

14 Q Right?

15 A Yes.

16 Q And your state of mind was such that you knew or
17 thought that there might be somebody coming to that
18 apartment house; is that right?

19 A Not at that time. Not at that time, really.

20 I mean, I just didn't -- no, I didn't look for any
21 trouble after that. As far as I was concerned, that was the
22 end of it there at that moment.

23 Q At what point was it the end of it, Mr. Crowe?

24 A The money was gone. I wasn't going to kill anybody.
25 I didn't think anybody was going to kill me or try to kill
26 me, or whatever, you know.

1 Q Then, would you tell us, why did you go back to
2 Rosina's if this meant nothing to you and if you just forgot
3 about it and you said goodbye to the \$2400? Why did you go
4 back?

5 A To an extent, I went back to further investigate.
6 Even after I went to get Steve, as we were talking, on the
7 way back, this is something that I wanted to do.
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Q All right.

Then you went back with Steve; right?

A Yes.

Q You and Steve together went into Rosina's?

A Yes.

Q You knocked on the door.

Was Rosina's door locked at that time?

A I don't remember.

Yes. Someone came to the door. Yes.

Q Pardon?

A Yes. Someone came to the door. I think it
was Del.

Q Del was still there with Rosina?

A Yes.

Q Now, you left Del without any transportation;
right?

A Me?

Q When you left Del at Rosina's, you left him
without any transportation?

A I had the car.

Q Right.

You went out to get Steve; right?

A With the car, yes.

Q And Del was left behind?

A Yes. In the apartment.

Q And you went out there -- let me withdraw that.

12c-2

1 So, at the time that you left, you knew that
2 you were going to come back and get Del; right?

3 A Yes.

4 Q And so you went to get Steve so that you could
5 have yourself and Steve and Del to put a little pressure
6 upon somebody to get your money or the weed?

7 A They weren't the type of people to put pressures
8 on nobody.

9 They wasn't the ones -- well --

10 THE COURT: Mr. Kanarek, as I indicated to counsel
11 this morning, we will have to adjourn at this time today
12 rather than the usual time.

13 Ladies and gentlemen, do not converse with
14 anyone or form or express any opinion regarding the penalty
15 until that issue is finally submitted to you.

16 The court will adjourn until 9:00 o'clock
17 tomorrow morning.

18 (Whereupon at 3:45 o'clock p.m. the court
19 was in adjournment.)
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