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LIFE TERM PAROLE CONSIDERATION HEARING  
STATE OF CALIFORNIA  
COMMUNITY RELEASE BOARD

In the Matter of the Life  
Term Parole Consideration  
Hearing of:

STEVEN BROGAN.

CDC Number B-38773

ORIGINAL

DEUEL VOCATIONAL INSTITUTION  
TRACY, CALIFORNIA

TUESDAY, AUGUST 22, 1978.

11:00 a.m.

Cathleen Flynn  
C.S.R. License No. 2322

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MEMBERS PRESENT

- 1 Ms. Ruth Ruckelshaus, Presiding Member
- 2
- 3 Mr. Ralph Pizerno, Member
- 4 Mr. Ted Rich, Hearing Representative
- 5

MEMBERS ABSENT

NONE

ALSO PRESENT

- 10 Mr. Stever Grogan, Inmate
- 11 Mr. Kenneth Foley, Attorney for Inmate
- 12 Mr. Michael J. Montagna, Deputy District Attorney,  
Los Angeles County
- 13
- 14 Lt. Cecil Chandler, Correctional Lieutenant, DVI
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PROCEEDINGS

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2  
3       PRESIDING MEMBER RUSHEN: The case today is  
4 Mr. Steve Grogan. The number is B-38773. The date is  
5 August 22nd, 1978. The place is the Deuel Vocational  
6 Institution, Tracy, California.

7       A panel of the Community Release Board has  
8 convened today, Mr. Grogan, to conduct a lifer hearing for  
9 you pursuant to Penal Code Sections 3041 and 3042 and the  
10 regulations of the Community Release Board governing parole  
11 consideration for life prisoners.

12       The purpose of the hearing today is to consider  
13 your suitability for parole. It is necessary for us to  
14 conduct this hearing under the revised procedures enacted  
15 by the Legislature effective July 1, 1977 which are  
16 applicable to all prisoners under life sentence. The time  
17 is about 11:37.

18       We will be considering the number and nature of  
19 the crimes of which you are committed to State Prison, your  
20 criminal history or lack of it prior to your commitment.  
21 We will reach a decision this morning, or rather this  
22 afternoon, because we will be breaking for lunch, as to  
23 whether you are suitable for parole. If we find you  
24 suitable, we will give you the time of your confinement.  
25 We will also state for you and the record our reasons for

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1 finding you suitable. If we find you unsuitable, we will  
2 give you the specific factors which went into our  
3 consideration.

4 You have appeal rights if you are not satisfied  
5 with the findings today under Section 2050 of the CRB rules.  
6 As I said before, we will give you the verbal decision  
7 today. You will receive a written decision at a later  
8 date, but under no circumstances will this be final for  
9 60 days. This is according to the law which gives the  
10 community time to react to our decision that we make today.  
11 So after the 61st day, the decision becomes final.

12 We are not utilizing any confidential information  
13 today. We have a list of the documents. Your counselor  
14 has the folder. We will be submitting this entire folder,  
15 with our findings.

16 I believe that takes care of all the housekeeping.  
17 Can the panel members think of anything procedural that I  
18 have omitted?

19 BOARD MEMBER PIZARRO: Nothing, Mrs. Bushen.

20 HEARING REPRESENTATIVE RICH: There's a pained  
21 expression on counselor's face.

22 MR. FOLEY: You mentioned a break for lunch. I  
23 don't mean to inconvenience the Board. My experience in  
24 the past has been that these hearings have usually  
25 concluded at or near lunchtime. I have a preliminary

1 examination set at 1:30 this afternoon in Jackson, Amador  
 2 County, wherein I've called the court and informed that I  
 3 may be a half an hour late. I was just on a phone. If  
 4 at all possible, in no way do I want to prejudice anyone  
 5 by hurrying through this, but if we could take this at  
 6 the straight hearing without a lunch break, I would  
 7 certainly appreciate it because I know the judge, the  
 8 magistrate who I am to appear in front of was very  
 9 displeased because I was late the last time I appeared  
 10 there from being here at these hearings.

11 PRESIDING MEMBER RUSHEN: Well, we'll do our best.  
 12 It depends on how long this hearing is. If it looks as if  
 13 it's going to go past 1:00 o'clock, I think it would be  
 14 very unfair to your client --

15 MR. FOLEY: I agree.

16 PRESIDING MEMBER RUSHEN: Okay. As I said, we  
 17 will not have any confidential information. This folder will  
 18 be given to Exhibit 1.

19 Now we will proceed in the following manner.  
 20 I will handle the preconviction factors and the offense  
 21 part of the hearing. I will ask the District Attorney --  
 22 and we will identify ourselves in a few minutes. I will handle  
 23 the preconviction factors and the statement as to the  
 24 circumstances surrounding the offense. I will now instruct  
 25 the District Attorney that unless he has notified counsel

1 prior to ~~ten~~ days, he will confine his remarks to what is  
2 -- not his remarks, but his factual remarks I should say  
3 to what is contained in the record. He certainly will have  
4 the right to represent his office in terms of his opinion  
5 and any statement that he wants to make regarding  
6 suitability or time. After that, the panel then will ask  
7 any questions that it wants to ask of the District  
8 Attorney and then counsel and Mr. Grogan will be permitted  
9 to make any statements, any corrections, any modifying  
10 statements that you want to make regarding the commitment  
offense.

12 I would ask that in the quest for an orderly  
13 hearing, this is an administrative hearing and not an  
14 adversary hearing. That we do not interrupt each other.  
15 The District Attorney, I would also ask that you not address  
16 counsel. Make your remarks to the panel and let's give each  
17 one an opportunity to finish his statement so that we can  
18 do this in an orderly manner.

19 After we conclude that part of the hearing regard-  
20 ing the facts surrounding the circumstances of the offense  
21 and the preconviction factors, I will ask Mr. Rich to  
22 handle the postconviction. At that time, Counselor, you  
23 and Mr. Grogan will be permitted to make any statements,  
24 file any documents which you wish to support the fact how  
25 Mr. Grogan has spent his time since the conviction. Again,

1 the panel will ask any questions and then we will move  
2 into the parole plan factor.

3 At the conclusion of that, the Deputy District  
4 Attorney will be permitted to make a summary statement.  
5 In that statement he may give his recommendations as to  
6 the suitability or unsuitability. If he speaks to  
7 suitability, he will be permitted, if he wishes, to select  
8 a period and make a suggestion as to the amount of time.  
9 Subsequent to his statement, Counsel, you will do the  
10 concluding statements and you will be given the same  
11 privilege.

12 At this time we will identify ourselves for the  
13 record. My name is Ruth Rushen, R-u-s-h-e-n, Board Member  
14 presiding in this case. We will go to my right.

15 BOARD MEMBER PIZARRO: My name is Ralph  
16 Pizarro, P-i-z-a-r-r-o. I'm a member of the Community  
17 Release Board.

18 MR. CHANDLER: I'm Lieutenant Cecil Chandler,  
19 Correctional Lieutenant, DVI.

20 PRESIDING MEMBER RUSHEN: And, Lieutenant, are you  
21 here at the request of Mr. Grogan?

22 MR. CHANDLER: Yes, ma'am.

23 PRESIDING MEMBER RUSHEN: Thank you.

24 INMATE GROGAN: Steven B. Grogan, B-38773.

25 MR. FOLEY: Kenneth Foley, F-o-l-e-y, attorney



1 for the inmate.

2 MR. MONTAGNA: Michael J. Montagna,  
3 M-o-n-t-a-g-n-a, District Attorney of Los Angeles County.

4 HEARING REPRESENTATIVE RICH: Ted Rich, R-i-c-h,  
5 Hearing Representative, Community Release Board.

6 PRESIDING MEMBER RUSHEN: Counselor, do you plan  
7 for Mr. Grogan to discuss his situation personally?

8 MR. FOLEY: Yes, I do.

9 PRESIDING MEMBER RUSHEN: All right. Will you  
10 stand and you will be placed under oath.

11 BOARD MEMBER PIZARRO: "Raise your right hand.

12 (Thereupon Inmate Steve Grogan was, by  
13 Board Member Pizarro, sworn to tell the  
14 truth, the whole truth, and nothing but  
15 the truth.)

16 INMATE GROGAN: I do.

17 BOARD MEMBER PIZARRO: Please be seated.

18 PRESIDING MEMBER RUSHEN: All right. We will  
19 begin now by asking the Deputy D.A. if he will state for  
20 the record the facts surrounding the commitment offense  
21 and then make any factual statements regarding your  
22 preconviction criminal history.

23 MR. MONTAGNA: Do you want us to stand?

24 PRESIDING MEMBER RUSHEN: Be seated.

25 MR. MONTAGNA: The prisoner here was convicted by

1 a jury of murder in the first degree in 1970. The jury  
2 fixed the penalty at death. The court subsequently  
3 reduced it to life imprisonment.

4 The facts surrounding the crime reflect that this  
5 defendant in company with Charles Manson and several other  
6 members of the so-called Manson Family killed one Donald  
7 Jerome Shea, S-h-e-a, also known as Shorty Shea. It appears  
8 from the records before the Board that the Manson Family  
9 took up residence at an abandoned movie ranch in the San  
10 Fernando Valley known as the Spahn, S-p-a-h-n, Ranch.  
11 Mr. Spahn was the owner of the ranch. Shorty Shea was an  
12 employee, a ranchhand employed by Mr. Spahn. The record  
13 would indicate that Mr. Spahn wanted to have the Manson  
14 Family removed from the premises and for this purpose  
15 asked Mr. Shea to take care of that.

16 This would appear to be the motive behind the  
17 killing of Shorty Shea.

18 The record indicates that Mr. Shea was taken by  
19 Mr. Manson, Grogan and the other parties, that he was  
20 driven out. He was clubbed over the head with some sort  
21 of a blunt instrument. That he was thereafter stabbed  
22 repeatedly and killed. The property of Mr. Shea was taken  
23 by the members of the Manson Family.

24 The record would indicate that Mr. Grogan  
25 personally participated in the killing. That he was the one

1 who hit him on the head and also participated in stabbing  
2 the body. The record would indicate it was a brutal  
3 execution-type killing, Shea begging for mercy.

4 After the killing, Grogan and other members of  
5 the Manson Family bragged concerning the killing. They  
6 made claims of having decapitated the body, cutting the head  
7 off with ~~machetes~~. There is indications that Mr. Grogan,  
8 evidence that he bragged in regard to the killing about all  
9 of the red, warm ~~stuff~~ that was just as if the man would  
10 not die. He bragged ~~about~~ cutting the head off. He was  
11 asked whether or not ~~it~~ made him feel guilty. These are  
12 statements made to ~~many~~ parties, not police, after the  
13 killing.

14 He stated, ~~all~~ ~~things~~ that make you feel, do you  
15 feel guilty? It was a ~~question~~ asked. Grogan stated,  
16 "That's my deal. I've ~~had~~ ~~to~~ learn to live with it.  
17 That's my changes which ~~is~~ to go through. One baby in  
18 reality to kill another baby ~~and~~ eat its shit and not think  
19 anything of it."

20 There are indications ~~in~~ the file that shortly  
21 before the killing of Shorty ~~that~~ which took place in late  
22 August of 1969, that this defendant, this prisoner,  
23 Mr. Grogan, proceeded to the home ~~of~~ the La Bianca's with  
24 Charles Manson and other members ~~of~~ the Manson Family.  
25 That he was outside of the La Bianca ~~home~~ when they first

1 went into that residence, going there for the purpose of  
2 killing the occupants.

3 MR. FOLEY: Excuse me. Where is that, if I may  
4 interrupt, where is that in these materials?

5 MR. MONTAGNA: On page 2 of the history of the  
6 crime.

7 That Manson parked the car outside the  
8 home, went inside where he tied up the victims. Then  
9 Manson, thereafter, returned to the car where he ordered  
10 three of the parties; Watson, Krenwinkel and VanHouten to  
11 go inside, and to do a better job than they had done the  
12 previous night. It appears that Mr. Grogan left the scene  
13 and did not participate in those actual killings.

14 There is evidence from the same document that  
15 thereafter Linda Kasabian and Mr. Grogan went to a location  
16 for the purported purpose of killing somebody who had  
17 assisted Miss Kasabian. This was at the request of Charles  
18 Manson. The record would indicate that Miss Kasabian led  
19 him to a false address so that no harm could come to this  
20 person. There's indications that a person by the name of  
21 Retz was going to purchase the Spahn Ranch, a German person.  
22 This would be around October, sometime after the killing of  
23 August of 1969. Mr. Grogan talked of securing explosives in  
24 order to blow up Mr. Retz.

25 During the course of the trial, Mr. Grogan denied

1 his guilt. As I've indicated to the Board, he was found  
2 guilty and sentenced to the death penalty which was later  
3 reduced.

4 I might add at this point that the body had not  
5 been recovered at the time of the crime, but subsequently  
6 in the early part of, I believe, it was of this year through  
7 the voluntary, as far as I know, cooperation of Mr. Grogan,  
8 he contacted both the police department, DA's office and  
9 offered to assist in locating the body. Aerial maps were  
10 brought up here and he attempted to pinpoint the location.

11 They dug and they were not able to do so. It  
12 wasn't clear whether or not Mr. Grogan was coming up with  
13 a false story or attempting to have himself brought to  
14 Los Angeles in order to accomplish an escape. In any  
15 event, he was brought down to Los Angeles. He did in the  
16 company of representatives from the sheriff's office go  
17 out and after extensive digging they were able to recover  
18 the body of Mr. Shea. Mr. Shea was not decapitated. The  
19 body was intact. Which would indicate that some of the  
20 statements made after the killing by Mr. Grogan were not  
21 true. The body did have a crushed skull, however, which  
22 is consistent with him being hit in the back of the head  
23 as described by Mr. Grogan. It's my understanding there  
24 was also substantial evidence of multiple stab wounds  
25 having been inflicted.

Thank you.

PRESIDING MEMBER RUSMEN: All right. Do you care to make any comments about his prior criminal history?

MR. MONTAGNA: His record indicates an extensive arrest record, both as a juvenile and as an adult, going back to the early part of 1967. He was arrested for possession of marijuana, counseled and released. He was arrested for shoplifting as a juvenile. Bail was forfeited. He was arrested for indecent exposure in Ventura County and placed on probation as a juvenile. He has two other juvenile arrests. One for grand theft auto which was a District Attorney's reject, and another one for grand theft money, prowling, for which he was released due to insufficient evidence.

As an adult, he was arrested in 1969 for auto theft. That was a rejection by the District Attorney's Office. In 1969, he had an arrest for contributing to the delinquency of a minor, receiving stolen property, violations of the deadly weapons and parole law, violation of Section 10851 of the Vehicle Code. All these charges apparently were dismissed in the interest of justice due to the fact that the then defendant, Mr. Grogan, had been arrested on a homicide charge.

In December of 1969, he was arrested for grand theft auto. He was convicted, I believe, by a plea of

1 joggling, violation of Section 10851 of the Vehicle Code  
2 and was placed on probation.

3 He was subsequently also prosecuted for  
4 tampering with a witness, conspiracy to dissuade a witness  
5 from testifying. To which he entered a plea of nolo  
6 contendere. That offense was made a misdemeanor. The  
7 most recent charge that I've mentioned to the Board  
8 involved attempting to dissuade a witness in the Manson  
9 trial from offering testimony.

10 PRESIDING MEMBER RUSHEN: All right, Counselor.

11 ~~MR. FOLEY~~: Yes. My first response I'd like to  
12 make, Mr. Montagna has referred to statements made by  
13 Mr. Grogan, I'd like to clarify that situation somewhat  
14 because really what he's talking about is hearsay. The  
15 reports indicate, and if you wish to you may turn to the  
16 Cumulative Case Summary, page 2, that what are alleged to  
17 be statements by Mr. Grogan are, in fact, statements which  
18 were made to the authorities by other members of the  
19 Manson Family or former members or people who said they had  
20 information concerning the offense.

21 More particularly, referring to page 2 of the  
22 Cumulative Case Summary, it shows that one of these sources  
23 of information concerning Mr. Grogan's statements made  
24 these references that the District Attorney has hit upon  
25 concerning how groovy it was to stab Shorty, et cetera,

1 et cetera, and about the decapitation. My point is this:  
2 Having the benefit of hindsight in this situation, seeing  
3 the fact that Mr. Grogan was convicted of decapitation  
4 murder, mutilation, decapitation-murder, and he was  
5 sentenced for that reason, and now seven years later they  
6 have discovered the body and the body was in fact attached  
7 as stated by the District Attorney and was not decapitated.  
8 I think that -- in no way are we saying that Mr. Grogan  
9 was not involved in the instant offense, but I think that  
10 really puts a lot of question on to the exact nature of  
11 the offense, as to how it was believed to have happened,  
12 and how it actually happened.

13 My reading of these documents in reference to  
14 the offense, even the statement by the Parole Board two  
15 years ago, so much emphasis was put on the mutilation-  
16 decapitation aspect of this case, that in light of the  
17 information that the body was not decapitated, I think  
18 putting great reliance on statements which may have been  
19 presented at the trial which were used to convict  
20 Mr. Grogan, have been proven to be unreliable. There was  
21 no decapitation.

22 Now, I wish to have Mr. Grogan go into his prior  
23 record. In lieu of the fact that the body has been  
24 discovered intact, obviously the commitment crime is not of  
25 the nature that it was originally believed to be. I think

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1 what you have here is an, apparently, a stabbing death  
2 which is not uncommon to people in this institution. What  
3 I am saying is when you have people coming up in front of  
4 you requesting parole hearings on commitment offenses,  
5 I think Mr. Grogan has been separated from usual treatment  
6 because of the notoriety going with this case and because  
7 of the nature of the cause of death.

8 I feel in lieu of the most recent findings that  
9 that type of treatment is not justified. If anything,  
10 Mr. Grogan's actions might indicate a different treatment  
11 may now be in order. But the one point again that I really  
12 want to emphatically express is that these reports about  
13 Mr. Grogan is reported to have said or done coming from  
14 other members of the Family, I think are inherently  
15 unreliable. This Board now has proof of that fact. I  
16 would ask that possibly Mr. Grogan -- I know the Board is  
17 interested in this aspect -- could go through his prior  
18 record with the Board and discuss the situations that  
19 resulted in his conviction.

20 If the District Attorney dismisses a case or  
21 doesn't want to file a charge, I'm convinced that they  
22 must feel there wasn't evidence to show a violation of the  
23 law or else they would have prosecuted. So I'm going to  
24 address myself primarily to the convictions which Mr.  
25 Grogan has on his record. Possibly you could begin and

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1 talk to the Board about your juvenile record and relate  
2 what that entails.

3 INMATE GROGAN: All right. Do you want to bring up  
4 the prior arrest?

5 MR. FOLEY: Yes.

6 INMATE GROGAN: I think it would be better --  
7 I can't remember.

8 MR. FOLEY: We'll find a copy of your prior  
9 record. It is in the probation reports. All right.  
10 The first one, apparently you were counseled and released  
11 on the possession of marijuana charge. How much marijuana  
12 did you have at that time?

13 INMATE GROGAN: Well, it was, I didn't have any  
14 on my possession. It was found under a seat of the car  
15 I was riding. I was a passenger of a car. It was one  
16 joint. So they pulled us in and they called my father and  
17 counseled us.

18 MR. FOLEY: And in 1967 -- By the way, how old  
19 were you at that time?

20 INMATE GROGAN: What's the date on that?

21 MR. FOLEY: June 5th of '67.

22 INMATE GROGAN: Seventeen. It seems like I was  
23 much younger than that.

24 MR. FOLEY: Possibly 15?

25 INMATE GROGAN: (Nodding head.)

1 MR. FOLEY: How about the shoplifting charge in  
2 1967 where you forfeited bail? Do you remember what that  
3 was that you took?

4 INMATE GROGAN: Yes. That was a pair of socks.  
5 I don't recall forfeiting any bail.

6 MR. FOLEY: Well, apparently they treated it as  
7 an infraction where you posted a bail and never showed up  
8 and they just kept your bail money.

9 INMATE GROGAN: It was juvenile. They took me  
10 straight to Juvenile Hall. Is that considered as an adult  
11 offense?

12 MR. FOLEY: No. It's a juvenile offense, but  
13 the notation says bail forfeited and that's what it usually  
14 means. The grand theft-money and prowling. Never mind,  
15 that was insufficient evidence, be a reject.

16 The incident in Ventura County concerning the  
17 indecent exposure, could you explain that to the Board,  
18 what that entailed?

19 INMATE GROGAN: I was coming back from the Spahn  
20 Ranch where I was working before and I was going to my  
21 parents' house. This happened on the same block as my  
22 parents' house. I came back and I wanted to get some  
23 money because I had a traffic ticket that I had to pay off.  
24 My brother was living there and he offered to pay the  
25 traffic ticket. So there was nobody home. As I was leaving

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1 there was some neighborhood kids that were on the lawn and  
2 I was playing with them and the pants I was wearing had the  
3 crotch ripped out of them from riding on the horses and  
4 things at the ranch. So when I was playing with the kids  
5 on the lawn I guess one of the mothers had viewed it from  
6 one of the windows and had called the police thinking that  
7 I was exposing myself to their children. As a result of  
8 that, I was arrested.

9 MR. FOLEY: In fact, you were referred to a  
10 hospital for a period of time?

11 INMATE GROGAN: Yes. They referred it to, I  
12 think, it was Camarillo for 90-day observation.

13 MR. FOLEY: Also, one other thing crossed my mind.  
14 This ranch that you were living on, the Spahn Ranch, were  
15 you residing there prior to Charles Manson's arrival on the  
16 ranch?

17 INMATE GROGAN: I was there when I was about 15  
18 years old and lived in the back. They had a back ranch-  
19 house that I lived in and I worked odd jobs, guiding tours  
20 for writers and cleaning up the ranch and stuff. They'd  
21 give me food and clothing. The rent was free. It wasn't  
22 really nothing to pay for rent. It was just an old shack.  
23 It had no electricity or hot water or anything. Just a  
24 place to rest.

25 MR. FOLEY: The next entry on your record is the

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1 auto. theft, grand theft auto. Could you explain that?

2 That's in December of 1969.

3 INMATE GROGAN: I recall being arrested for  
4 grand theft auto because I had rented a truck. It was a  
5 half-ton truck, I think. I took it to the desert and it  
6 got stuck in the desert. At that time I was arrested by  
7 Inyo County. I had rented it for one day. So the company  
8 called up and thought I had stolen the truck. I went to  
9 court and I paid restitution for it, all the damages and  
10 the time overdue. I pleaded guilty, I think, to a breach  
11 of promise, a misdemeanor. Is that the same one?

12 MR. FOLEY: I think so. You were put on  
13 probation for three years.

14 INMATE GROGAN: Yes.

15 MR. FOLEY: And not the instant offense but the  
16 offense of trying to dissuade a witness, could you explain  
17 how your plea came about in that case?

18 INMATE GROGAN: Well, there was one of the  
19 defendants in the trial being held was pregnant, about nine  
20 months pregnant and we decided amongst the people that was  
21 charged with the crime that we made a deal with the  
22 District Attorney if they released the lady who was going to  
23 have a child on the streets, that we would plead nolo  
24 contendere misdemeanor on trying to dissuade a witness.  
25 So that's how I plead. It was more or less agreed so that

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1 she could get, have her baby on the streets rather than  
2 have it in the jail. To me at that time I didn't really  
3 care because I was being tried for murder. Nolo contendere  
4 misdemeanor -- that was the way I was looking.

5 MR. FOLEY: Concerning the instant offense, the  
6 commitment offense, the murder itself, would you have any  
7 objection relating to the Board what happened?

8 INMATE GROGAN: I have one statement that I'd  
9 like to make off the record. It concerns my welfare in  
10 here and the facts surrounding the case if I could make  
11 that off the record.

12 MR. FOLEY: Could we go off for a second?

13 PRESIDING MEMBER RUSHEN: Well, I'm not quite  
14 sure we would need to go off the record. Who would see  
15 the record?

16 INMATE GROGAN: Well, my concern is for the  
17 other defendants' attorneys who are active in their appeals  
18 would find out certain --

19 MR. FOLEY: Hold on one second, Mr. Grogan.  
20 There's one incident documented that apparently two years  
21 ago or a year and a half ago you were assaulted and stabbed  
22 in the institution here?

23 INMATE GROGAN: (Nodding head.)

24 MR. FOLEY: And if the Board is --

25 PRESIDING MEMBER RUSHEN: Is this connected,

1 Counselor, with the ~~kind~~ of thought you were in about the  
2 witness? Where is this question leading to now that he  
3 wants to go off the record?

4 MR. FOLEY: Well, it goes into the commitment  
5 offense. I think Mr. Grogan just wants to make a  
6 statement off the record apprising the Board of a situation  
7 he is in concerning details of the instant offense. If the  
8 Board doesn't want to go off the record, then my suggestion  
9 is make the statement as best you can concerning your  
10 involvement. If you feel that it might cause problems,  
11 we'll just pass over it.

12 PRESIDING MEMBER RUSHEN: Okay. It is five of  
13 twelve. Let's go off the record for a discussion among the  
14 panel and we'll clear the room.

15 (Thereupon the room was cleared and an  
16 off-the-record discussion was held.)

17 PRESIDING MEMBER RUSHEN: It is now 12:12. The  
18 panel has reconvened in the case of Mr. Grogan.

19 It is the decision of this panel that they will  
20 not go off the record, Counselor. So, Mr. Grogan can either  
21 make his statement. He can word it any way he wants to.  
22 We will make one concession that we will limit our question-  
23 ing and let his statement ride in any way he wants to make  
24 it.

25 MR. FOLEY: Do you think under those circumstances

1 you can ~~make~~ a statement?

2 INMATE GROGAN: I can say all that I participated  
3 in if that's acceptable to you.

4 PRESIDING MEMBER RUSHEN: Fine.

5 INMATE GROGAN: Want me to start from the  
6 beginning? I woke up on the morning -- I don't know the  
7 alleged date, whether it's correct or not. I have to get  
8 my head together. I woke up and I was on the boardwalk in  
9 front of the Spahn Ranch. There's a boardwalk that runs  
10 east and west. I came out there and I was told to get into  
11 the back of a car and at a certain time to try to knock out  
12 the driver, Shorty Shea. And the other person got in and  
13 we drove down the path about a quarter of a mile and pulled  
14 off to an embankment.

15 Thereupon another person got out of the car and  
16 supposedly I was supposed to hit him. I couldn't. I was  
17 scared to death myself. I kept trying to look for a car  
18 to come so I wouldn't have to hit the person. Then I  
19 finally hit the guy on the back of the head. It didn't  
20 knock him out, but it surprised him. He jumped out of the  
21 right side of the car and the car was still in gear. I  
22 had to jump over the front seat to put it in gear to stop  
23 it. It was going to drive off an embankment. This is hard  
24 to tell. I went up there and stopped the car. I assumed  
25 he was already stabbed and I came over to where he was. I was



1 I stabbed him and I stabbed him  
2 twice at the same time he was unconscious. The  
3 other people, I took his body and pulled it  
4 over by some walls and covered it up. That night I came  
5 and buried it. That's basically it.

6 PRESIDING MEMBER RUSHEN: You buried it?

7 INMATE GROGAN: Yeah.

8 PRESIDING MEMBER RUSHEN: You don't have to name  
9 anyone. Were you alone when you buried him?

10 INMATE GROGAN: Yes.

11 PRESIDING MEMBER RUSHEN: You buried him because  
12 someone told you to bury him or -- how did you happen to  
13 go back and bury him?

14 INMATE GROGAN: I just waited till dark and got  
15 a shovel and went back to the site.

16 PRESIDING MEMBER RUSHEN: Was it your idea to  
17 bury him or were you following orders?

18 INMATE GROGAN: Yeah, I guess you could say I was  
19 following orders.

20 PRESIDING MEMBER RUSHEN: I don't have any more  
21 questions.

22 BOARD MEMBER PIZARRO: What was the purpose of  
burying him?

23 INMATE GROGAN: I guess to hide the body from  
being discovered.

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1 BOARD MEMBER PIZARRO: That's all.

2 PRESIDENT MEMBER RUSHEN: I don't have any other  
3 questions. Mr. Rich.

4 HEARING REPRESENTATIVE RICH: No, I don't have  
5 any questions.

6 MR. FOLEY: There are a couple of points I'd  
7 like to make along these lines. You made reference to it,  
8 Mrs. Rushen, following orders. One thing that appears  
9 consistently throughout the sentencing transcript in the  
10 case and also even the Appellate Opinion which refers to  
11 the trial in Mr. Grogan's case, and I don't know if you  
12 want me to refer to the exact spot, but it's very documented  
13 that Mr. Grogan was considered by the sentencing court to  
14 have been under the influence of Mr. Manson. That was  
15 also the opinion of the Appellate Court, that everything  
16 concerning Mr. Grogan and his involvement was almost that  
17 of being a follower at that time of Charles Manson or at  
18 least operating at his directions. I think in that respect  
19 your point about him following orders is very well taken  
20 and is very much documented by the opinions of the court  
21 and also the Appellate Court.

22 I think possibly if I refer to the sentencing  
23 transcript -- this is page 14 of the sentencing transcript,  
24 the last paragraph, line 25. This is the court. He says,  
25 "But I can't overlook the fact here that Mr. Weidman makes

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1 a valid point. As I see it, that Mr. Grogan is, in fact,  
 2 of limited intelligence, was young, 16 years old, when he  
 3 came under the influence of Manson and the Prosecution  
 4 has upheld itself on an evidentiary hook, namely, of  
 5 establishing beyond any question that Charlie Manson was  
 6 the leader of the band. Charlie Manson decided what  
 7 everyone else did. Charlie Manson ultimately made the  
 8 decision as to who lived and who died when they ran afoul  
 9 to the plan. Mr. Grogan was too stupid and too hopped up  
 10 on drugs to know what his role was other than to carry out  
 11 his assignments."

12 Now, that was the sentencing court before the  
 13 judge reduced the death penalty to life imprisonment.  
 14 Also, if I can find the Appellate, where I have that in  
 15 my notes here. Here we are. Page 70 of my notes which  
 16 would be, well, it's actually page -- this is the Appellate  
 17 Court. We know this isn't in fact the case. But on page  
 18 2 of the opinion, the court goes on in the second paragraph  
 19 describing the killing which turns out now not to have  
 20 been in fact the way it occurred.

21 Shea many times with a machete and because none  
 22 of the previous wounds succeeded in killing him, Appellant,  
 23 at Manson's direction, decapitated Shea. Shea's body or  
 24 parts of it were never found. I think the Appellate Court  
 25 at that time also understood from the trial transcript that

1 it was Mr. Hanson who was in fact the leader and the boss  
2 in this situation.

3 Concerning the commitment offense, that's  
4 basically all I would have to add.

5 PRESIDING MEMBER RUSHEN: I have a question.  
6 Mr. Grogan, what was the purpose for all these years of  
7 saying that you decapitated the body?

8 INMATE GROGAN: You mean the reason for the  
9 years that I didn't come forth and tell?

10 PRESIDING MEMBER RUSHEN: Yes.

11 INMATE GROGAN: I was scared.

12 PRESIDING MEMBER RUSHEN: Okay. What happened  
13 to make you not scared?

14 INMATE GROGAN: I don't know. Just over the  
15 years carrying this guilt, you know, it's just weighed on  
16 me so much. I just wanted to get it over with.

17 PRESIDING MEMBER RUSHEN: Okay. I gather from  
18 what you're saying that you were told to say that you cut  
19 the guy's head off. Is that what you're saying?

20 INMATE GROGAN: Yeah.

21 PRESIDING MEMBER RUSHEN: Okay. What was the  
22 purpose of that?

23 INMATE GROGAN: All I can put together is to make  
24 the crime more threatening and use the psychological tool  
25 of fear among the other people that were there at the time

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1 as far as I guess control over them.

2 PRESIDING MEMBER RUSHEN: Okay. Any panel member  
3 have any comments or questions regarding the offense?

4 HEARING REPRESENTATIVE RICH: I don't have any.

5 BOARD MEMBER PIZARRO: Could I ask you, what  
6 caused you, of recent past, to come up and point out to  
7 these people where the body was where you had remained  
8 silent for so many years?

9 INMATE GROGAN: I wasn't willing to take the  
10 responsibility for doing it. I was trying to get out of  
11 it. Plus, like you're programmed not to tell the  
12 authorities or go to the authorities for anything. I  
13 got a wife and a kid that I've got to look out for. I've  
14 got to keep my emotions back. It's coming to me all of a  
15 sudden.

16 I just come to grips with myself to come clean  
17 with myself, clear my own conscience, and the record as  
18 far as concerning my involvement with these people and  
19 the effects that it would have on my future family and my  
20 wife. It's a decision that I came to within myself.

21 BOARD MEMBER PIZARRO: Thank you. You've  
22 answered my question.

23 PRESIDING MEMBER RUSHEN: All right. If there's  
24 nothing further then, Mr. Rich, will you take over at this  
25 time.

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1 LEADING REPRESENTATIVE RICH: Okay. Counsel,  
2 we'll let you do this as the procedure was before. There  
3 are three areas that we are mainly concerned with:  
4 vocational -- well, four, really -- vocational, academic,  
5 psychological area, and the final one would be disciplinary  
6 behavior. Okay, and if you want to report on those.

7 MR. FOLEY: The first thing, continuing on with  
8 Mr. Pizarro's questions for this new area of since he's  
9 been confined, I'd like to point out that the psychological  
10 reports on Mr. Grogan dating back to Dr. Wittner's  
11 report in 1972 up to and including Dr. Mackenberg's  
12 report of apparently December 5th, 1977, reflect a  
13 continuous change in Mr. Grogan. It's interesting to note  
14 that even while Dr. Mackenberg says that he thought, see,  
15 could possibly still be dangerous on the outside, he noted  
16 that he's seeing a change in Mr. Grogan over a period of  
17 time. I think the change is documented because after  
18 apparently that consultation with Dr. Mackenberg, he did  
19 contact the authorities and I believe Mr. Montagna is aware  
20 of the fact that he contacted the DA's office and made the  
21 arrangements to lead to the discovery of the victim's body.  
22 I think that reflects very favorably on Mr. Grogan. I  
23 would also refer to the most recent psychological report  
24 dated August 1st of 1978 by Melvin Macomber, M-a-c-o-m-b-e-r.  
25 He states in that report, you know, going into what has been

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1. pretty consistent; that Mr. Grogan's intelligence now is  
2. considered to be quite normal. That current psychological  
3. testing shows no serious psychopathology. Grogan is seen  
4. as somewhat of a nonconformist who is quite naive and  
5. unsophisticated. He is not criminally orientated. He has  
6. a strong passive and intellectual orientation towards life.  
7. He is in good touch with his feelings. He has a strong  
8. interest in the artistic and literacy. Grogan's defenses  
9. against future drug uses are quite good and it is not  
10. believed that he would revert to drug usage upon parole.

11. And he goes on to state in his concluding  
12. paragraph, "For the last several years he has been quite  
13. confused, guilt-ridden and fearful. He has shown  
14. considerable improvement at this time and there is no  
15. evidence of psychopathology which would indicate a  
16. potential for violence in the future. Grogan is not in  
17. need of psychotherapy. Violence potential appears to be  
18. below average. Prognosis for successful adjustment in the  
19. community appears to be very good."

20. And this is the most recent report on Mr. Grogan.  
21. Like I say, I think his actions speak louder than words  
22. and he's documented the change he's going through.  
23. Possibly, Mr. Grogan, you could address the Board as to your  
24. vocational accomplishments since you've been here at the  
25. institution.

1           MR. GROGAN: Well, see, I enrolled in  
2 vocational airframe. I have 2300 hours in that. Completed  
3 different courses in welding and sheet metal work, drafting  
4 and woodworking, riveting. What airframe is composed of  
5 is it encompasses all your different trades. When you're  
6 doing is you're fixing airplanes under federal regulations.  
7 There's certain criteria that you have to be competent in  
8 in order to work on planes and stuff. Anyway, I've got  
9 2300 hours in there where I learned a great deal about  
10 the trade itself. But I've never completed the course  
11 because I wanted to get out and into hobby and sell some  
12 art work with my wife and child. All that remains for me  
13 to complete the trade is a few more hours and brush up on  
14 my studies and I'll take the federal test. And I can get a  
15 license and be licensed by the Federal Aviation Commission  
16 to work on planes.

17           MR. FOLEY: Along these lines, I've asked you to  
18 bring some of your art work with you here today. I was  
19 wondering if the Board would care to take a look at  
20 Mr. Grogan's skills and what he's done since he's been  
21 in the institution concerning his art work. Why don't you  
22 pull that out now.

23           This is a portfolio of some of Mr. Grogan's art  
24 work. I would pass it around to you because I was quite  
25 impressed with it myself. I think he definitely has a



1 talent there. In fact, most of those pictures, for your  
2 reference, of the female, that's Mr. Grogan's wife. Is  
3 the child your child?

4 INMATE GROGAN: Yes. That's my son.

5 MR. FOLEY: And that is Mr. Grogan's natural son  
6 who is, I believe now, two years of age. Also, Mr. Grogan  
7 is an accomplished musician. He has been performing, I  
8 guess, since your incarceration with a group here in the  
9 institution.

10 INMATE GROGAN: Various groups over the years.  
11 Played for banquets and different meetings they have here,  
12 for the inmate shows and recently I worked with Buddy  
13 Harper. He came down from Sacramento. He wanted the DVI  
14 group, cross-section of the racial people to get a band.  
15 Maybe, quell the racial situation.

16 PRESIDING MEMBER RUSHEN: I'm sorry, I missed  
17 that. Say that again.

18 INMATE GROGAN: Buddy Harper came down from  
19 Sacramento out of Enomoto's office and his expressed  
20 purpose was to open some doors for the music program here.  
21 We got together and we made a mixed band of blacks and  
22 Chicano and whites and we performed for the inmates and  
23 we played for the visitors and did different shows. They  
24 were video-taped. The main thing for this was to show  
25 the inmates here that black, white, and Chicano could work

1 together and maybe this would, you know, foster an  
2 understanding amongst the general inmate population to  
3 stop all the racial tension that they've been having here  
4 lately.

5 PRESIDING MEMBER RUSHEN: How long did your bank  
6 last?

7 INMATE GROGAN: Still.

8 PRESIDING MEMBER RUSHEN: Still in effect?

9 INMATE GROGAN: Yes.

10 I've got a picture of it here.

11 MR. FOLEY: While Mr. Grogan is getting that  
12 picture, I would like to very briefly comment on his  
13 disciplinary record which is almost nonexistent. I believe  
14 there are only three entries on his disciplinary record  
15 which covers a span of time. When were you first received  
16 by the Adult Authority, '71?

17 INMATE GROGAN: December of '71.

18 MR. FOLEY: Since December of '71.

19 INMATE GROGAN: Here's a picture of the latest  
20 group.

21 MR. FOLEY: Do you remember what your 115's were  
22 for, Mr. Grogan?

23 INMATE GROGAN: Yes.

24 MR. FOLEY: All right. Could you just explain  
25 briefly the circumstances, how it came about and what is

1 involved?

2 INMATE GROGAN: Well, starting with the first  
3 one?

4 MR. FOLEY: Yes.

5 INMATE GROGAN: Okay. Maybe we should wait  
6 until they finish viewing the pictures.

7 PRESIDING MEMBER RUSHEN: All right, Counsel.

8 HEARING REPRESENTATIVE RICH: Go ahead.

9 INMATE GROGAN: My first 115 was coming to work  
10 late. All that centers around was I misunderstood the  
11 officer's order. I was a quarter orderly and I thought  
12 he told me to come back at 1:30, but he told me to come  
13 back at 1:00 o'clock. For that I was wrote up for a 115.

14 MR. FOLEY: The next one was in '75. It's  
15 for failing to turn over a cat?

16 INMATE GROGAN: Yeah. My neighbor next door  
17 below me had a kitten that he had. I kept on begging him  
18 to let me see it. I wanted to see the animal and take him  
19 in my house and look at it. He expressed to me that he  
20 real careful not to let anybody see it. So I was coming  
21 up the stairs and the officer saw me have it. I had it in  
22 my jacket. And he asked me to give it to him. I told him  
23 I wouldn't do it. I took it to my house and put it in a  
24 pillow sack and sent it back down to the person who gave it  
25 to me. I was thinking more of the person because it was his

1 cat. He just got it. I didn't want to make him upset at  
2 me. So I told the officer, no, I wouldn't show it to him.

3 MR. FOLEY: And I guess the last 115 you  
4 received was in December concerning Mr. Alves here, the  
5 custodian, where it is alleged that you referred to him in  
6 a derogatory manner. Could you just describe how that came  
7 about?

8 INMATE GROGAN: On that day I woke up with a  
9 hemorrhage in my nose and I couldn't stop the bleeding.  
10 I was bleeding out bloodclots of blood. I finally got to  
11 the hospital in the morning and it took them a half-hour to  
12 pack my nose. It was hard for them to stop the bleeding.  
13 They told me to come back at noon and give me a pass if my  
14 nose started bleeding again which it did. I went back to  
15 the hospital and was blocked. I got to the hospital and  
16 Alves was coming out the door and he had just let some-  
17 body out and somebody in. I showed him the pass and I said  
18 I had to see the doctor right now, and I just need to see  
19 a doctor. He said he couldn't let me in and I thought that  
20 he was just messing with me because I saw him letting people  
21 in and out.

22 So I asked him again. I asked him about three  
23 or four times and I said, "Okay, fuck-face, play your games"  
24 in that tone. Upon that, he let me in the hospital. I  
25 gained entry. He wrote me up for it. But I was in a state

1 -- if I didn't have my nose bleeding and stuff like that,  
2 I think I could have handled the situation a little better.  
3 Because of that bleeding in my nose I was more or less  
4 in a state of disarray.

5 MR. FOLEY: Now, you've stopped going to school  
6 when you were in the tenth grade.

7 INMATE GROGAN: Yes.

8 MR. FOLEY: And your registered or recorded  
9 grade point average is, what, 12.1?

10 INMATE GROGAN: I'm not sure.

11 MR. FOLEY: I think the Cumulative Case Summary  
12 documents Mr. Grogan's school grade point average as 12.1.

13 Mr. Chandler has been asked to be here and I  
14 somewhat overlooked [REDACTED]'s familiar with Mr. Grogan's  
15 adjustment and behavior since he's been in the  
16 institution. I was wondering if we could at all possible  
17 have Mr. Chandler put under oath and ask him what he may  
18 have observed concerning Mr. Grogan.

19 BOARD MEMBER PIZARRO: Raise your right hand.

20 (Thereupon Mr. Cecil Chandler was, by  
21 Board Member Pizarro, sworn to tell  
22 the truth, the whole truth, and nothing  
23 but the truth.)

24 MR. CHANDLER: I do.

25 BOARD MEMBER PIZARRO: Please state your name.

1 MR. CHANDLER: Lieutenant Cecil Chandler.

2 BOARD MEMBER PIZARRO: Thank you. Be seated.

3 MR. FOLEY: Lieutenant, by way of introduction,  
4 in what capacity are you employed here at the institution?

5 MR. CHANDLER: I'm a Correctional Lieutenant  
6 currently assigned to the Nuestra Familia section of  
7 the institution as the Third Watch Commander.

8 MR. FOLEY: And how long have you been employed  
9 in this type of work?

10 MR. CHANDLER: Nineteen years in DVI.

11 MR. FOLEY: And during the course of your time  
12 here at DVI, have you come to know an inmate by the name of  
13 Steve Grogan?

14 MR. CHANDLER: Yes, I have.

15 MR. FOLEY: Could you describe in what way and  
16 for what period of time you were familiar with Mr. Grogan?

17 MR. CHANDLER: I was Third Watch Commander for  
18 ten years. During that period of time Grogan arrived at  
19 the institution. All new arrivals are given an interview  
20 upon arrival by the Watch Commander currently assigned.  
21 During that period of time they have to determine is he  
22 suitable for Mainline placement, should he be placed in  
23 K-wing pending classification, could he make it on the  
24 Mainline. That's how I come to be acquainted with  
25 Mr. Grogan at that period of time.

1 MR. FOLEY: And for approximately how long have  
2 you known Mr. Grogan?

3 MR. CHANDLER: Six, seven years. Certainly since  
4 he's been here.

5 MR. FOLEY: And during the course of your  
6 familiarity with Mr. Grogan, have you had an opportunity  
7 to observe his behavior within the institution?

8 MR. CHANDLER: Grogan arrived a very threatened  
9 individual. I didn't think he was what he pretended to be,  
10 but he was making it up front at the time. But over the  
11 period of time I've seen a great change in him. I've  
12 related to him as he's made various requests for unlocked  
13 participation. The Watch Commander at the time had to  
14 approve all unlocks for night activities. I would have to  
15 question each one of them individually as to his intent and  
16 purpose. Why do you want to unlock? Oftentimes it was  
17 because of the Board. You people get a lot of credit for  
18 a lot of attendance at night activities. The validity of  
19 it I don't know.

20 I said that I was your name. Now, if you  
21 fail to appear for consecutive sessions, Mr. Grogan,  
22 you will be out. You will not, as long as I am the Watch  
23 Commander, appear on any of my unlocks. He indicated he  
24 was sincere, and as the record did prove, that he was.  
25 He did have some ability and capabilities which he exercised.

1 This relationship continued and this is how I came to  
2 notice him more and more. I've not as of yet read his  
3 central file. So I am not aware of exactly what he was  
4 here for, but I certainly heard the publicity as most  
5 Watch Commanders do. So I don't know how the other inmates  
6 would adjust to him. I discussed that facet of the  
7 situation with him. I don't know if you're going to make  
8 it with the groups. He thought he could. His record  
9 proves that he did.

10 Then he wanted to go into the hobby craft which  
11 I also had at that time, as a night operation. So I let him  
12 do that. He became gradually more mature in his actions,  
13 intent and purpose and I related to him on an ongoing basis.  
14 Within the past year or so, two or three years, he wanted  
15 to get married. I interceded on that behalf and attended  
16 his wedding. Set up various programs for him such as  
17 encouraging his hobby craft participation and his band.  
18 I started his band for them, got an A-Quarter and we set  
19 up the facilities for them. ~~\_\_\_\_\_~~  
20 I guess for them to have something to do other than just  
21 sit around out on the yard. Everything succeeded rather  
22 well.

23 Then he came to me one day and he said, "I've  
24 been thinking about my crime." And I said, "I don't know  
25 about your crime too much." He said, "I would like to talk



1 to you about it." Well, now, before you get involved with  
2 an inmate on a personal basis, there's some things you best  
3 consider. So I went to the Superintendent and I said,  
4 "I think Grogan has had a change of heart and he would like  
5 to talk. Now, am I clear to carry on a personal  
6 relationship with him other than on a staff development-  
7 staff basis?"

8 And he said, "Yes."

9 Grogan came back three or four times and he was  
10 getting closer. If you know an inmate, he's laboring under  
11 two things. One is, he has a pre-set thought that he's  
12 not going to communicate with you too much and that they  
13 build into the system and they have to live with that.  
14 There are several reasons for that. He feels threatened.  
15 He feels a personal threat. He's not going to communicate  
16 with authorities. So he finally made what we call a walk-  
17 around time. You can talk to an inmate and he won't tell  
18 you the truth the first time out, but he'll circle it and  
19 he gets closer and closer. I thought about the fourth time

and he  
21 said, "Yeah, he wanted to talk to me."

22 He told me the nature of the crime. I asked him  
23 at that point what he would like to do about it. He said  
24 he would like to actually, physically assist in the  
25 location. So I go back to the Superintendent and I get

1 clearance again. So then I got clearance to call his  
2 father and his wife and to talk to them on the conference  
3 line. This is the first time, according to his father, that  
4 he had ever admitted responsibility for the crime. So then  
5 we contacted the sheriff's office and LAPD and et cetera.  
6 They wanted to know if it was possible. So he spent all  
7 night drawing a map and I flew down and went to the  
8 sheriff's office, District Attorney. We took the map and  
9 we spent a hectic day out digging in the sand piles. We  
10 didn't find the body. They asked what would you do and  
11 I said I'd photograph the site.

12 They really impressed me, the sheriff's office  
13 and the PD did. They called on a helicopter and it  
14 appeared almost like magic and they were photographing.  
15 We brought slides, took movies and brought them back.  
16 Showed them to Grogan out in the Superintendent's office  
17 in the company of the sheriff's rep. He thought it was  
18 there.

19 So I said, "I don't think you're going to find  
20 it based on what he's showing. It's a wide area and it's  
21 ~~in the sand piles.~~ How about taking Grogan down  
22 in person?" I asked Grogan if

23 Well, it comes to the fact there may be an escape  
24 attempt. You really don't know. The old man said, "Are  
25 you willing to take a chance?" I said, "I'll take a chance

1 for Grogan." They had a joke going if he escapes you'll  
2 pick cherries, et cetera, et cetera. I said, "That's all  
3 right. I know Grogan well enough that I'll go."

4 We did. We took him down and we went out to the  
5 ranch. We looked again and again. Grogan pinpointed the  
6 area that I'd say within 20 foot of the actual location.  
7 I was comfortable with him. They put him in jail and I  
8 stayed at the hotel and we brought him back. Subsequently,  
9 they did find the body.

10 It's my personal opinion that over the years he's  
11 exhibited a great change. He's matured. I think he did  
12 it, discovered the body for several reasons. One, he  
13 probably wanted to get it off his chest. He's gone to  
14 church to a great extent more than he has ever before.  
15 He's upgraded himself. He's no threat to the institution.  
16 He's never been a problem. In fact, personally I'd like to  
17 have the whole population like him behavior-wise. Crime-  
18 wise, I don't know anything about that. I wouldn't get  
19 into that. But he's doing all right.

20 MR. FOLEY: So that in the course of your  
21 [REDACTED] feel that you have seen Mr. Grogan go  
22 through a rather serious maturation?

23 MR. CHANDLER: Through all of his changes. I  
24 think he adopted me.

25 MR. FOLEY: Thank you. Can you think of anything

1 else that hasn't been mentioned?

2 MR. CHANDLER: The other thing I'd like to tell  
3 you is that his reluctance to discuss the situation could  
4 stem from several factors. One, it may involve other  
5 people and the inmates live under a pretty heavy code that  
6 if they give up names, dates, times and places that involves  
7 somebody else. Eventually he's going to get out, even if  
8 he doesn't say anything at all. He may not get out except  
9 on a slab if he does say the wrong thing and it gets back  
10 to the right person.

11 I was a Watch Commander the time that the Nuestra  
12 stabbed him and I brought him off the tier. He was on a  
13 gurney and he came by and he said, "Am I going to live?"  
14 And I said, "The only reason you're going to live, Grogan,  
15 is I don't want to do the paper work. It's a lot less for  
16 a stabee than it is for a victim. So I'm going to let you  
17 live."

18 He was considerably concerned at that point that  
19 he was really going to die. I felt if he had, "Do you have  
20 anything else you want to tell me in case you do, in case  
21 I made a mistake in your diagnosis?" And he said, "No."

22 MR. FOLEY: I have no other questions of  
23 Mr. Chandler. Do any of the Board Members have any  
24 questions?

25 BOARD MEMBER PIZARRO: Nothing.

1 PRESIDING MEMBER RUSHEN: I don't have any.

2 HEARING REPRESENTATIVE RICH: No questions.

3 MR. CHANDLER: I'm supposed to be feeding. Could  
4 I be excused?

5 PRESIDING MEMBER RUSHEN: Thank you.

6 BOARD MEMBER PIZARRO: Thank you very much,  
7 Mr. Chandler.

8 HEARING REPRESENTATIVE RICH: Do you have any  
9 other points, Counselor?

10 MR. FOLEY: Another point I'd like to make is  
11 when Mr. Grogan was admitted to this institution, although  
12 his head was in a different place at that time, he did  
13 perform well on the Adult Authority or on what they call  
14 the BE test. I think he scored at 45. Even though I know  
15 it's not inherently reliable, it indicates he's not likely  
16 to be a repeater if he were to be put on parole. While  
17 he's been in the institution, he's kept close contact with  
18 his family. If you've read through his past jacket, you've  
19 seen the numerous correspondence and letters he gets from  
20 his father, brother, wife, while he's incarcerated here.  
21 I don't think I can really say too much more about  
22 Mr. Grogan's institutional behavior than what Mr. Chandler  
23 said. He apparently made a pretty good show since he's  
24 been here.

25 I have nothing else in those four areas.

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HEARING REPRESENTATIVE RICH: Okay. Counsel,  
there is a couple of minor incidents that didn't result in  
write-ups. I guess it happened in '73. The result was a  
128. Certain behavioral conduct-wise that's not reflected  
in the comments that took place here today. I guess one  
of them was March 2nd, 1973, in K-wing. I guess you were  
going out to court one day and you stopped to have a  
conversation and the officer asked you to go ahead. The  
other one was 8/16/73 when you showed some reluctance to  
help stack some chairs. But those are the two things that  
you didn't mention.

Just one other comment. You know, Counselor,  
we've heard the conversations concerning possible  
motivation for the postconviction factor of verifying and  
telling where the body was. There is another side of the  
story if a skeptic would choose to look at it and might  
state that perhaps the motivating factor came from the  
clearly defining that the decapitation would result in  
stiffer penalties than what would happen if it was, if  
there is such a thing as a regular, ordinary murder.  
Would you care to comment on that possibility? It is  
certainly not an unreasonable assumption that Mr. Grogan  
may have been motivated by the fact that the decapitation  
is an aggravating factor. To clear that up would certainly  
be in his favor.

1           FOLEY: Well, I can't necessarily speak for  
 2 Mr. Grogan. I don't have that power of knowing what his  
 3 true feelings were. But in any event, I would certainly  
 4 think that Mr. Grogan would want to clear up that issue if  
 5 it was being held against him. Anyone with common sense  
 6 would want to show that it wasn't decapitation because,  
 7 let's face it, that's been haunting him since he's been in  
 8 here. The last Board referred to that fact, the mutilation  
 9 murder.

10           In that respect I would certainly hope one of the  
 11 reasons why he turned that information over was to disprove  
 12 the decapitation. I would also like to believe, as I  
 13 think Mr. Grogan has stated and I think Mr. Chandler somewhat  
 14 corroborates it, that he came up with this also to try to  
 15 possibly, if he ever can, get as much of this crime out of  
 16 his life as possible and get it over with rather than  
 17 continually having to live with it because there's no doubt  
 18 that while he has been in the institution, he's married.  
 19 He's got a wife. As we get into the next area, he has  
 20 substantial plans for the outside and substantial abilities.

21           The only way he would ever be able to go out there  
 22 and deal with it, I think, would be if he did clean the  
 23 slate while he was in here. Hopefully, he's of bright,  
 24 average intelligence and he's very sharp the day,  
 25 philosophical at times. I think it would be a serious

1 mistake if he were to try to go outside and make it with  
2 something still inside of him concerning the offense.

3 HEARING REPRESENTATIVE RICH: And concerning just  
4 briefly the vocational aspects, I mean, the in-prison  
5 behavior, as the record would indicate, it has gotten  
6 progressively better.

7 The '71, '72, '73, you were a three- and a four-man  
8 for grades and a C and a D man. The record now indicates  
9 that you're up to a one and two in your evaluations and an  
10 A and B. So the earlier years of your productive performance  
11 in prison was not as good. You've shown improvement in  
12 these cases.

13 Okay. I have no further comment. Mrs. Rushen.

14 PRESIDING MEMBER RUSHEN: We'll move into the --

15 BOARD MEMBER PIZARRO: May I just ask one more  
16 question in that area?

17 PRESIDING MEMBER RUSHEN: Sure.

18 BOARD MEMBER PIZARRO: Would you take a look at  
19 the report for the CRB lifer parole consideration hearing  
20 for this August '67, August 1978 dated 8/14/78, please?

21 MR. FOLEY: Yes.

22 BOARD MEMBER PIZARRO: There's one item in there  
23 that kind of baffles me a little bit and maybe you can  
24 explain it. On the first page under work record, the  
25 second sentence there, it says, "His earlier assignments



1 in culinary and industries were not completed as satis-  
2 factorily as is his present assignment." And then I  
3 thought I heard Mr. Grogan say that he had worked 2350  
4 hours at something, but didn't complete that. Quite  
5 frankly, my question is rather blunt. You start something  
6 but don't complete it. Even after you put in 2350 hours.  
7 Now, apparently, you're working as a hobby tool clerk and  
8 so forth.

9 INMATE GROGAN: For the present.

10 BOARD MEMBER PIZARRO: Might I inquire as to why  
11 you begin something and somehow you never terminate it or  
12 finish it out? Am I misreading this?

13 MR. FOLEY: Let Mr. Grogan explain. I think  
14 he'll know his involvement.

15 INMATE GROGAN: I was working as a stock control  
16 clerk in industry for a year and I controlled all the  
17 stock that went in and out of all the warehouses. Evidently  
18 my work record wasn't as satisfactory as compared to what  
19 it is now. I think that's what he was referring to that.  
20 As far as not completing anything because this really wasn't  
21 anything to complete in industries. It's just a work  
22 assignment. There's really no goals to complete anything  
23 unless you want to upgrade your ability to work in  
24 industries surrounding. But after a year I left. I was  
25 taken out of there because of an incident where an officer

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was killed.

BOARD MEMBER PIZARRO: There's a mention in there of that, locked the whole place down.

INMATE GROGAN: Okay. As far as my trade went, I had 2300 hours, it was true, but I had no date. I had nothing to gauge myself to where I could keep going. If I was to complete my training and get everything out of it, I would probably forget it by the time I got out.

BOARD MEMBER PIZARRO: How many hours did you have to go before you were able to complete it? Just roughly.

INMATE GROGAN: Roughly 2,000 hours.

BOARD MEMBER PIZARRO: Two thousand more?

INMATE GROGAN: I think I had 300 over.

BOARD MEMBER PIZARRO: I see.

MR. FOLEY: And I would just add to that that I have seen in the past where counselors have in fact recommended that a lifer not complete his trade until he does in fact have a date so that he may finish his trade and still have it within his skills upon being released.

I think that last sentence is to be read in a positive aspect. I see what you're talking about. It almost appears it could be taken either way when he says "as is his present assignment," but I think that's to be

1 taken positively, that he's now performing satisfactorily  
2 whereas his earlier assignments were not done so.

3 BOARD MEMBER PIZARRO: That's all I have,  
4 Mrs. Rushen.

5 PRESIDING MEMBER RUSHEN: Before we go into your  
6 parole plans, why were you stabbed?

7 INMATE GROGAN: That's a good question. I don't  
8 know. His motive I can only assume from what the incident  
9 that happened that night. I'll start with those if you  
10 want to have that, I'll give you a clear picture of it.  
11 Would you like to hear it?

12 PRESIDING MEMBER RUSHEN: Yes.

13 INMATE GROGAN: That night -- plus my hobby job,  
14 I have a job where I give my own time. That's as a music  
15 orderly. I go down there and I set up all the equipment  
16 and I take inventory and make sure everything is working  
17 right. At that time I had to unlock and I was at the  
18 unlock. During this unlock, there was something happened  
19 on the yard where a bunch of people, I think it was a bunch  
20 of whites took baseball bats and assaulted the NF gang  
21 members, chased them around the yard because they had some  
22 misunderstanding, little games they got going inside the  
23 institution. After that, they released everybody out of  
24 the yard and locked them up.

25 I was released out of the music room and went back

1 to my wing. By no means had they taken all the members off  
2 the line, just people in the yard. I was waiting up by  
3 myself to be keyed into my cell and at the time one of the  
4 members came up and started stabbing me. I guess because I  
5 was white. That's all I can figure. Maybe a save-face  
6 move because, from what I hear, they looked bad in the yard.  
7 They were running and stuff.

8 PRESIDING MEMBER RUSHEN: Okay. Have there been  
9 any repercussions from your cooperating with the sheriffs  
10 in finding them the body of Mr. Shea?

11 INMATE GROGAN: Well, the way that I -- I made  
12 an agreement with them that --

13 PRESIDING MEMBER RUSHEN: With whom, now?

14 INMATE GROGAN: With the sheriff and the District  
15 Attorney. I think it was more a verbal agreement, that  
16 they would keep my name out of it when they found the body,  
17 that they would keep my name out of it. They just mentioned  
18 an anonymous member of the Manson Family gave authorities  
19 information. I asked them to do that so that the publicity  
20 that I would get from it wouldn't hurt my father because  
21 they live nearby. My father, his heart's kind of weak.  
22 So I wanted to smooth over all that so there wouldn't be  
23 no repercussions on that side. Inside of here, I haven't  
24 told that many people. Nothing has happened.

25 PRESIDING MEMBER RUSHEN: Is any of the Manson

1 Family here?

2 INMATE GROGAN: There's one other person. I don't  
3 think he's in the Manson Family any more, but he was  
4 associated with it at the time.

5 PRESIDING MEMBER RUSHEN: He doesn't know you went  
6 out?

7 INMATE GROGAN: He knows I went out. He doesn't,  
8 as far as I'm concerned, he doesn't hold it against me.

9 PRESIDING MEMBER RUSHEN: Okay. We can move then  
10 to your parole plans.

11 BOARD MEMBER PIZARRO: I'll pick up on that area, then.  
12 Most of the information that I'm going to inquire about  
13 comes off of that report that was written for this hearing  
14 and is dated August 14, '78, and written by Mr. Scott, who is  
15 a Correctional Counselor I. I imagine, Mr. Grogan, you've  
16 been given a copy of this so you know what's in it?

17 INMATE GROGAN: Right.

18 BOARD MEMBER PIZARRO: Under marginal heading  
19 D; Resources and Plans for Release, it talks about the  
20 fact that your father, Mr. Claud Grogan, has offered you  
21 some employment at the Holiday Hardware Store where he's  
22 the manager apparently there. Your brother, Mr. William A.  
23 Grogan apparently is a painter in the Los Angeles area, that  
24 is, he's a painting contractor himself and has offered you a  
25 job with him if and when you are eligible for release.

1 There's something that I'd like to inquire about is that  
2 apparently you've married in the recent past. Am I correct,  
3 sir?

4 INMATE GROGAN: That's correct.

5 BOARD MEMBER PIZARRO: How did you meet your wife?

6 INMATE GROGAN: I met her through correspondence.  
7 She wrote me a letter.

8 BOARD MEMBER PIZARRO: Why would she be writing  
9 you a letter just out of the blue?

10 INMATE GROGAN: Well, she heard about me I guess,  
11 read about me and was interested.

12 BOARD MEMBER PIZARRO: And you just started  
13 corresponding after that?

14 INMATE GROGAN: Right.

15 BOARD MEMBER PIZARRO: When did you first begin  
16 corresponding with her?

17 INMATE GROGAN: I think it was in early '74.

18 BOARD MEMBER PIZARRO: How old of a lady is she?

19 INMATE GROGAN: She's 22 now.

20 BOARD MEMBER PIZARRO: And you were married here,  
21 I saw the --

22 MR. FOLEY: '75.

23 INMATE GROGAN: December 1st, '75.

24 BOARD MEMBER PIZARRO: Of '75. Did I see a  
25 picture of your child? Your attorney mentioned that you

1 have a small child. How old is that child now?

2 INMATE GROGAN: Two.

3 BOARD MEMBER PIZARRO: Two years old.

4 INMATE GROGAN: I have a picture of my wife.

5 BOARD MEMBER PIZARRO: I think I saw it in here.

6 Oh, yea, it's a portrait. There's some pictures in there of  
7 the lady with her eyes down.

8 INMATE GROGAN: Yea.

9 BOARD MEMBER PIZARRO: What would you be doing  
10 for your father, specifically? Let me ask you secondly then,  
11 where is it that you would be planning on wanting to go?  
12 So you got the offers. That's fine. But maybe that isn't  
13 really what you would like to do.

14 INMATE GROGAN: Well, what I'd really like to do  
15 is get this whole Manson thing behind me as best I can.  
16 I'll work for my father for a couple of years and get my  
17 savings up. I plan to maybe move out of state and maybe  
18 possibly change my name if I can, if the courts will allow  
19 it. I've heard that you can do that. Possibly move to  
20 Texas. She has a lot of relatives there that know me and  
21 are willing to help us out. But in the meantime, I'd, as  
22 far as living in California, I've compiled a rather rigorous  
23 program. I plan on working for my dad in the daytime and  
24 then in my evenings doing hobby work which I can sell, make  
25 good money on that, a couple of hundred dollars a month,

1 plus I can sell my art work and possibly play music a couple  
2 of nights a week to supplement my income. I can use the  
3 savings towards future goals.

4 BOARD MEMBER PIZANO: Is Chatsworth, is that in  
5 Los Angeles County or Ventura?

6 INMATE GROGAN: Los Angeles County.

7 BOARD MEMBER PIZANO: And that would be where  
8 you would plan to at least start off?

9 INMATE GROGAN: I could possibly move to  
10 Chatsworth or, more favorably, closer to my father's store  
11 which is in Valencia.

12 BOARD MEMBER PIZANO: What county is that?

13 INMATE GROGAN: I think that's Los Angeles.

14 MR. MONTAGNA: A.A.

15 BOARD MEMBER PIZANO: Well, we've covered  
16 possibility of a job. Imagine if you had a job and money  
17 coming in there wouldn't be any problem with income then,  
18 would there? Does your wife work?

19 INMATE GROGAN: Yes. She's working right now.

20 BOARD MEMBER PIZANO: What does she do, sir?

21 INMATE GROGAN: She can do restaurant work. Right  
22 now she's a cashier at a health food store. She's done  
23 secretarial work.

24 BOARD MEMBER PIZANO: And where does she live  
25 now, what city?



1 INMATE GROGAN: Paso Robles.

2 BOARD MEMBER PIZARRO: How often does she get an  
3 opportunity to come here and visit you?

4 INMATE GROGAN: About once every other week.  
5 She just came up. I got sunburnt outside the other day.

6 BOARD MEMBER PIZARRO: Mrs. Rushen.

7 PRESIDING MEMBER RUSHEN: Is there anything else  
8 you want to add to that before we go into summation?

9 MR. FOLEY: Yes. I would like to make a couple  
10 of additions. I think concerning his release plans -- I  
11 didn't refer to this before. Recently I think even a judge  
12 who sentenced Mr. Grogan has sent a letter to the  
13 authorities stating that, from what he's heard, it appears  
14 that Mr. Grogan is rehabilitating himself. I think there's  
15 been quite a turnaround also from the District Attorney's  
16 Office point of view since the discovery of the body. I  
17 think Mr. Katz wrote a letter also which was in a much  
18 different tone than the letters he had been writing up to  
19 December of '77 before they realized that he had convinced  
20 people it was a decapitation when, in fact, it wasn't.  
21 It must have been a shock for him.

22 Mr. Grogan does in fact own some property that his  
23 parents gave him in that area, I believe. Could you go into  
24 that just a little bit?

25 INMATE GROGAN: Well, it's in Modoc County. It's

1 about an acre's worth of land which my father wrote me  
2 recently -- I think it's in the record.

3 PRESIDING MEMBER RUSHEN: Yes, it's here.

4 INMATE GROGAN: Three thousand-dollar loan value  
5 that would also assist me upon release if I so needed it.

6 MR. FOLEY: There's also, I believe, a letter in  
7 there from his aunt and uncle stating that they'll give  
8 him support when he's released. You have already mentioned  
9 the letters from his brother and his father. I think one  
10 thing that is to be stated, I'm sure you're aware that  
11 Mr. Grogan does have a very strong family behind him.

12 Unfortunately, not many inmates are that lucky. But his  
13 family had stuck with him through this thus far and every-  
14 thing about his family has shown that they have not  
15 rejected him but in fact seem to be doing everything they  
16 possibly can to help him come around and if and when he's  
17 given a date and is released to go out and try to resume  
18 a normal existence.

19 Just in terms, again, of substantiating the  
20 use of his art work, I believe he sent a drawing to somebody  
21 who immediately employed it. Who was that, the one with the  
22 deer jumping the fence?

23 INMATE GROGAN: That was for a health magazine,  
24 Life Science. I asked him for some books on some health  
25 and he sent them to me free of charge. In turn, I offered

1 my services to draw some articles for the magazine. I drew  
2 a sketch about some of my work and he agreed and he said  
3 he'd take the sketch. I have the letter if you want to  
4 see the letter.

5 PRESIDING MEMBER RUSHEN: We'll take your word  
6 for it.

7 MR. FOLEY: Also I think one of your, is it a  
8 painting or a drawing in Mr. Enomoto's office?

9 INMATE GROGAN: Buddy Harper --

10 BOARD MEMBER PIZARRO: I saw a letter in here to  
11 that effect.

12 MR. FOLEY: I have nothing further. Can you  
13 think of anything, Mr. Grogan?

14 INMATE GROGAN: No.

15 MR. FOLEY: Well, let me ask the most obvious  
16 question. Maybe it should be asked. If you're given a  
17 date and you are paroled, do you see any problem with  
18 conducting yourself in a law-abiding manner?

19 INMATE GROGAN: No, not after all this that I've  
20 been through. I've learned my lesson.

21 MR. FOLEY: How about associations with people,  
22 for instance -- obviously one of the reasons you got into  
23 all this was your associations with the Manson Family.  
24 Do you think you're going to be strong enough to postpone  
25 any of that influence or direct it off?

1 INMATE GROGAN: Definitely. I'm not going to  
2 keep in contact with these people any more.

3 MR. FOLEY: I have nothing else.

4 PRESIDING MEMBER RUSHEN: All right. Then we will  
5 go into our summary and we will ask the DA to summarize  
6 and make his recommendation at this time.

7 Before we do that, Counselor, it is 1:10. I  
8 think you're going to be late. We do have to deliberate.  
9 Frankly, I really hate to approach the deliberating phase  
10 of this under the pressure of your time, and yet I  
11 realize you have to go. But you may not --

12 MR. FOLEY: I can just make a call to the court  
13 and tell them I'll be there when I get there. I don't  
14 want to, in any way hurt Mr. Grogan's chances. I didn't  
15 know how long the hearing would take. If you feel a recess  
16 for lunch would be in order, fine. If, on the other hand,  
17 you feel that this matter can be dealt with fairly, --

18 PRESIDING MEMBER RUSHEN: It can be dealt with  
19 fairly. It's just a matter that you're going to be late.  
20 I think you're due there at 1:30.

21 MR. FOLEY: Yes.

22 PRESIDING MEMBER RUSHEN: You won't make it.  
23 So I don't mind continuing, but I'll poll the panel.

24 BOARD MEMBER PIZARRO: I don't mind.

25 PRESIDING MEMBER RUSHEN: Mr. Rich.

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1 HEARING REPRESENTATIVE RICH: It's okay with me.

2 PRESIDING MEMBER RUSHEN: All right. Mr. DA,  
3 I hope you have strength enough to give us your summary  
4 and recommendation.

5 MR. MONTAGNA: Yes. I've given this considerable  
6 thought over the last several days, both in Los Angeles  
7 where I had access to the file, the prison file and your  
8 own file. It's my recommendation that the Board find  
9 him not to be suitable for parole at this time. In coming  
10 to this recommendation, I speak on behalf of the DA's  
11 Office.

12 I certainly in no way would write Mr. Grogan  
13 off as an individual nor would I in any way imply at this  
14 time that he never at any time in the future be paroled.  
15 That is a big step backwards from the position originally  
16 taken with Judge Kolts when he expressed his thoughts that  
17 it would be a great mistake to consider Mr. Grogan as a  
18 candidate for parole at the present or at any time. This  
19 was immediately after the verdict when he wrote this first  
20 letter to the Board in 1976. Certainly things have changed  
21 apparently, and Mr. Grogan, I think the prognosis on his  
22 behalf is better than it has ever been since he came into  
23 the State Prison facility.

24 He does have the support of his family. He has a  
25 wife he apparently cares for. While impressed with his

1 art work, there are plans for the future. He has recently  
2 in the past few months earlier this year finally admitted  
3 his guilt and helped the authorities in finding the body.

4 I don't necessarily personally believe it to be  
5 true, but one can look upon the most recent conduct of  
6 Mr. Grogan with skepticism if one chose with the possibility  
7 that he is coming forth with his best foot, so to speak,  
8 knowing that it would help him to get paroled at an earlier  
9 date.

10 Certainly in going through the prison file there's  
11 an indication back in '75 when he was working in the  
12 culinary department, he declined to work. All he wanted  
13 to do was to pick his guitar and be idle. He was  
14 irresponsible, immature. There's another indication in one  
15 of the work records that he's not adverse to doing extra  
16 work for an ulterior motive. I think, you know, very  
17 candidly, that if Mr. Grogan is sincere in his present  
18 attitude and he continues on with what apparently is very  
19 good indications at the present time, that sometime in the  
20 future, perhaps in the very near future, he might be a  
21 very suitable candidate for parole.

22 The fact that the body was not decapitated is  
23 something to consider, but certainly that in and of itself  
24 does not detract from the brutal execution-type murder that  
25 took place. Mr. Foley would seem to indicate that this

1 changes the whole situation. In my judgment it doesn't.  
2 There are positive factors on behalf of Mr. Grogan, but as  
3 a court concluded, the offense was a wonton, vicious,  
4 executive-type killing and it remains that. But for the  
5 grace of God, so to speak, this man may have been involved  
6 in a number of other murders, the LaBianca murders and the  
7 murder of this person who he went along with Mrs. Kasabian  
8 for the express purpose of killing him. Keep in mind the  
9 killing of Shorty Shea took place after the Manson  
10 LaBianca murders. He full well knew what he was involved  
11 in at this time.

12 There's a price to be paid for what he's done.  
13 In my judgment, the man should remain in prison for a longer  
14 period of time.

15 I've looked at the psychiatric reports. It's  
16 only the most recent one which is very favorable to the  
17 defendant. But as late as October, 1967, reports of  
18 Dr. Malloy,

19 PRESIDING MEMBER RUSHEN: Excuse me, you mean

20 '77?

21 MR. MONTAGNA: October, 1977. Dr. Malloy indicate  
22 that this inmate, Mr. Grogan, is extremely violent and has  
23 a violent potential. This potential continues to be well  
24 above average for the indefinite future. Dr. Wittner, I  
25 believe it is, W-i-t-t-n-e-r, in 1974 indicated Mr. Grogan's

1 future behavior was largely unpredictable. Throughout the  
2 early psychiatric reports, there's a specter of this man  
3 running returning to a violent-type life. There is  
4 extreme violence in his background. He's an easily led  
5 type individual. Possibly some of his earlier conduct  
6 was related to drugs.

7 In conclusion, once again, I certainly wish  
8 Mr. Grogan every success in the future and I certainly  
9 think in the eyes of God he's a human being. He's entitled  
10 to consideration and I'd like to see him out on parole as  
11 soon as it's feasible understanding the laws we have and  
12 the safety of society. I say that time has not yet arrived  
13 and I would recommend to the Board that they not give him  
14 a release date as of this time.

15 PRESIDING MEMBER RUSHEN: Mr. Foley.

16 MR. FOLEY: Yes. I'd like to begin, if I may,  
17 with the Cumulative Case Summary. There's a comment in  
18 there; and this was prepared in 1972. Under Summary and  
19 Recommendation, page 5 of that report, it states that  
20 Grogan appears as an intelligent youth but somewhat  
21 misguided and confused. His prior record is not extensive  
22 and he indicates no real tendency to violence or aggressive  
23 behavior. It goes on to describe his being of average  
24 intelligence and good potential; I think, but for the  
25 instant offense, Mr. Grogan's prior record does not show



1 violence. I think the most recent psychiatric report or  
2 psychological report shows that violence is not deemed to  
3 be a problem with Mr. Grogan. It wasn't viewed to be that  
4 much of a problem in the very beginning as the summary  
5 indicates. Even now it's less of a problem. He's  
6 committed at this time for a crime of violence and I am not  
7 going to say that there's anything good to be said about  
8 a murder, but I had to emphasize the fact that prior Boards  
9 have specifically stated that the reason for denial of a  
10 parole date was because of the mutilation-decapitation  
11 murder. Maybe that in a way led to the discovery, but I  
12 think it's important we know that distinction. No longer  
13 are you in a situation where you're dealing with somebody  
14 who mutilated the body and decapitated the head after  
15 death.

16 2281(a) says that the standard to be employed  
17 is whether or not the prisoner will pose an unreasonable  
18 risk of danger to society if released from prison. I don't  
19 think at this time this Board can say that Mr. Grogan  
20 poses a danger to society. If anything, I think at this  
21 time it's society that is posing the danger to Mr. Grogan.  
22 I'm sure Mr. Montagna is in a situation where the District  
23 Attorney's Office of Los Angeles County doesn't send him  
24 here to ask that Mr. Grogan be given a parole date.  
25 Everyone knows the notoriety this case apparently received

1 at one time. It's not receiving it any more. But that  
2 position holds true. I don't think you could expect him  
3 to say anything else. But you have the benefit of,  
4 amongst other persons, of a lieutenant in the institution  
5 here 19 years who has come in and I've had this happen  
6 once before in that a person when they get in front of the  
7 Board says something different that he believes, but in all  
8 candor, Mr. Chandler's report on Mr. Grogan was a very good  
9 one. There's nothing about Mr. Grogan other than the  
10 instant offense and his involvement in that and, again, I  
11 say under the direction of Mr. Manson.

12 There's nothing about this man that indicates  
13 he has any violent propensities at all. In fact, his  
14 propensities are more in the area of artistic and  
15 literary accomplishments. You've seen his work. I asked  
16 him to bring it and show it to you because I think it's  
17 rather good, actually. He can make some money, I think, in  
18 that respect.

19 His plans upon -- well, before I go into that.  
20 If you run down the criteria, now knowing the context of  
21 the body and what the crime did consist of, if you look at  
22 the criteria under circumstances tending to show  
23 unsuitability, previous record of violence. We don't have  
24 any. Childhood abuse. To the contrary, Mr. Grogan does  
25 come from a good family. Sadistic sexual offenses. Well,

1 I know of no allegations similar to that in this offense.  
2 Psychological factors. Mr. Grogan has never been really  
3 diagnosed as a psychopath. In fact, the reports, even  
4 though somewhat questionable, still have stated that he  
5 does not have psychopathology or was in need of an extensive  
6 psychotherapy. I think in fact the most recent report  
7 says they see no need for psychotherapy at all. Bizarre  
8 conduct after crime. That we know now did not occur.  
9 They buried the body, but they didn't mutilate the corpse  
10 as was convinced to a jury.

11 Institutional behavior. Again, I think that's  
12 been exemplary.

13 I think Mr. Grogan has favorable factors. I think  
14 his juvenile record is somewhat limited. Possession of  
15 marijuana I believe was one of the offenses and some basic  
16 theft offenses. His social history is very positive.  
17 Again, referring to his family relationship. I think  
18 there's no question that Mr. Grogan feels remorse for his  
19 involvement and is attempting to come to grips with dealing  
20 with that. I don't think anything else needs to be said.  
21 You'll get to determine how much remorse you think Mr.  
22 Grogan does feel. His motivation for the crime, I think  
23 the social summary says he was misguided, misdirected some-  
24 how or other. I don't know how. You hear about the  
25 Reverend Moon and the Moonies and how people are able to be

1 led apparently by others, and apparently this happened  
2 to Mr. Grogan. I think a large part of that was his age  
3 which at that time I believe was 18 when these offenses  
4 were, well, this offense was alleged to have occurred.  
5 He was 18 years of age. For the last couple of years prior  
6 to that, that's when his juvenile record began actually,  
7 about 16, 15 years of age. People of that age group are  
8 very impressionable. How old are you now, Mr. Grogan?

9 INMATE GROGAN: Twenty-seven.

10 MR. FOLEY: He's 27. This is nine years after  
11 the alleged offense. He's gone through a number of changes  
12 and I think his age at the time of his involvement should be  
13 a mitigating factor. I think he has great plans for the  
14 future. Anyone who has as much family support as Mr. Grogan  
15 has, I think would qualify for having good plans because  
16 he has people who care about him which I know the Board is  
17 concerned with. So I think all the indications in  
18 Mr. Grogan's case are that he's suitable for parole.

19 In referring to the matrixes which are set out  
20 as guidelines in this type of case, I think appropriately  
21 you could put Mr. Grogan's crime in the category under  
22 2282(b), under Subsection C, a severe trauma, involved a  
23 stabbing and a hitting. I think it would come under  
24 Subcategory 2, prior relationship. There's been established  
25 that Mr. Shea was in fact known by Mr. Grogan and it was

1 their relationship or Mr. Shea's relationship with the  
2 family which led to his demise. There was motivation  
3 resulting out of the relationship. I think that would  
4 appropriately put you in the category of 13, 15 to 17 year  
5 criteria.

6 Candidly, as to whether or not you find there's  
7 mitigation concerning his involvement, I would put primary  
8 emphasis again on his age as being a mitigating factor.  
9 Also, the fact that quite apparently these were not  
10 Mr. Grogan's ideas. These were somebody else's ideas that  
11 he was carrying out. I think the Board could properly  
12 impose the 13-year term for his involvement in this  
13 offense plus the Board, if it so desires, could take into  
14 consideration his exemplary institutional behavior in  
15 further reducing that date.

16 That, of course, would be up to the Board. He's  
17 passed his minimum eligible parole date. I believe that  
18 was in 1977. Is that correct?

19 INMATE GROGAN: Yes.

20 BOARD MEMBER PIZARRO: Yes.

21 MR. FOLEY: And I think you could set a date.  
22 I would ask you to work off of the minimum 13-year term  
23 because of his age and having been influenced and give  
24 Mr. Grogan a chance to get out with his family and use these  
25 people who want to help him and these resources that he has

1 at his disposal while they're still there.

2 Again, everything about Mr. Grogan shows me that  
3 he's suitable for parole and further that, although I know  
4 the Board has never agreed with me in the past, the earlier  
5 the parole date, I think Mr. Grogan in fact could be  
6 released in the next year and I would find it not offensive  
7 and I think he could adapt and make use of that. So I  
8 would ask this Board to find that he is suitable and look  
9 at the C-II subsection and impose the lower recommended  
10 term with any other mitigating factors you feel exist at  
11 this time.

12 PRESIDING MEMBER RUSHEN: Mr. Pizarro.

13 BOARD MEMBER PIZARRO: I have nothing.

14 PRESIDING MEMBER RUSHEN: Mr. Rich.

15 HEARING REPRESENTATIVE RICH: I have nothing.

16 MR. MONTAGNA: May I make one comment which I  
17 think is in answer to an erroneous statement?

18 PRESIDING MEMBER RUSHEN: All right. I don't  
19 usually, but go ahead.

20 MR. MONTAGNA: Mr. Foley in some way implied that  
21 I was sent up here to take a position against releasing  
22 Mr. Grogan. It's not true. Our District Attorney,  
23 Mr. Vandekamp, has taken the position for all life crimes  
24 arising out of L.A. County he wants a representative of  
25 his office to make sure that the Board has accurate

1 information and to take a position only in fairness. I  
2 certainly have not been given any sort of direction in any  
3 way, shape, or form in connection with this or any other  
4 case.

5 PRESIDING MEMBER DUSHEN: Thank you.

6 In cases like this, Mr. Grogan, we kind of make  
7 it a practice -- and when I say cases like this, I mean  
8 lifer cases where by any stretch of the imagination you're  
9 looking at a great deal of time if we find you suitable and  
10 you certainly have a high probability of being found  
11 unsuitable.

12 So, therefore, we like to kind of give you a  
13 final chance when I tell you the kinds of things we're  
14 going to be considering.

15 Now, we have a very definite charge to the jury  
16 of sentencing and protection of society based on the  
17 unreasonable risk factor. Would you care then to speak to  
18 the idea that we must consider that on order of another  
19 you participated in this crime. I would think it's been  
20 adequately documented that you were available to participate  
21 in others if circumstances had come together.

22 Do you want to comment on this fact as to what  
23 could get you to the point where on order of another person,  
24 where you personally have no revenge, there didn't seem to  
25 be greed, there didn't seem to be monetary gain, there

1 didn't seem to be passion, you weren't in the Army or the  
2 service of anything like that. So what is working there  
3 and where is the risk lessened at this point? Do you  
4 follow what I'm saying?

5 INMATE GROGAN: Yes.

6 PRESIDING MEMBER RUSHEN: You can answer it any  
7 way you want to.

8 INMATE GROGAN: Well, at that time I was just  
9 wide open. I was a youngster. I never traveled very far  
10 at all. I hadn't seen too much. These people, what they  
11 brought with them when they came, you know, just  
12 overwhelmed my consciousness. I was just, it's kind of  
13 hard to put as far as I was wide open to suggestion to  
14 where they could, I was given a post-hypnotic suggestion  
15 and it sunk right in. Looking back I can see there was  
16 nothing, no real deep experiences on my part to counteract  
17 any of the games they were running on my head. By games,  
18 I mean intensive psychological program where I don't even  
19 think I was in touch with my own conscious awareness. Do  
20 you follow what I'm trying to say?

21 PRESIDING MEMBER RUSHEN: Not really.

22 INMATE GROGAN: Okay. It's like there were  
23 sessions where LSD was given to people and they'd sit in  
24 one room for 12 hours at a time while a person would  
25 expound different philosophies and play different mind games



1 with you and more or less take you apart bit by bit and,  
2 get off into your soul. This totally had me overwhelmed.  
3 I thought a lot of times a person must have extra-  
4 sensory perception to be able to look inside my mind and  
5 see exactly what was there. I was psyched out as far as,  
6 you know, looking back at it as far as that. That's how  
7 it was. I was young then, stupid, and I've really got  
8 no cleanup for what I did. It was wrong. There's nothing  
9 I could do. I could do a hundred years and I can't bring  
10 the person back. I wish I could. I'd do it if there was  
11 a way to do it. But as far as anything recurring like  
12 that, I'm experienced now. I can tell the telltale signs  
13 of any person who's trying to run a game on me, trying to  
14 hussle me or do anything. I've learned. Experience is the  
15 best teacher. There's nothing that I can see that would  
16 ever coerce me or persuade me to do anything that I don't  
17 want to do.

18 MR. FOLEY: If I can clarify just one thing,  
19 too. I think what Mr. Grogan was referring to initially  
20 was at the time that he came in contact with these people,  
21 that he wasn't even smart enough to know or to have any  
22 defenses to what they may have been attempting to do. In  
23 other words, he was oblivious to the fact that people were  
24 trying to influence him. Again, due probably to his age.  
25 Therefore, he didn't even have an opportunity to

1 resist it. Is that what you were trying to say?

2 INMATE GROGAN: Yes. I think that's more  
3 concise than what I was trying to say. I was trying to  
4 bring in some circumstances that would clarify, just a  
5 short summary.

6 PRESIDING MEMBER RUSREN: All right. We recess  
7 at 1:33. We'll clear the board room.

8 (Thereupon the room was cleared and the  
9 hearing of the Community Release Board  
10 recessed for deliberation by the Board.)

11 --oOo--

RESUMPTION OF PROCEEDINGS

--oOo--

1  
2  
3       PRESIDING MEMBER RUSHEN: We will reconvene in  
4 the case of Mr. Grogan at 1:50 p.m. All persons previously  
5 identified are in the room.

6               The panel has reached a decision and we are  
7 finding you unsuitable for parole at this time, Mr. Grogan.  
8 These are our reasons.

9               We feel that we do not have enough demonstrated  
10 behavior to help us make a conclusion that you don't  
11 present a risk to the health and safety of others at this  
12 time. We see you as presenting too great a risk to take a  
13 chance.

14              Now, there are some of the things that went into  
15 our decision. You demonstrated that you had the capacity  
16 to be so influenced by another person that you could  
17 commit murder in a brutal and vicious fashion and you did  
18 this without what we call the quote, "normal" reasons.  
19 In other words, we did not find any elements of greed; we  
20 did not find elements of revenge; we did not find elements  
21 of passion, and these are the things that we see as we sit  
22 on the Board as to reasons why people commit murder. Even  
23 when they are ordered to commit them, there usually is some  
24 monetary gain, insurance policies or something that they're  
25 going to get out of it. So this has caused us a great deal

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1 of concern in that somehow or another, another person got  
2 into your mind and into your head to such a way that you  
3 were influenced.

4 The other thing that went into our consideration  
5 is that the recency of your, I guess you would call it,  
6 a turnaround if that's what it is. We know that you gave  
7 a very gruesome description of how the murder occurred in  
8 that you cut the man's head off and that you admitted this  
9 to others. I think the court accepted that this testimony  
10 of the witness was true. That you remained silent about  
11 that from 1969 until 1977. During that time also, as far  
12 as the authorities were concerned, you were saying that you  
13 weren't involved, that you had no culpability for the  
14 murder. Now, we realize that recently you have changed  
15 that. We'll go into that a little later.

16 We note that the psychiatric evaluation for 1978  
17 is positive. However, it is the first one. All of the  
18 others have been essentially negative. We're particularly  
19 referring to the one just before this one, the 1977  
20 psychiatric report. That was the psychiatric evaluation  
21 and that was done by the consultant psychiatrist, Dr. John  
22 A. Malloy, M-a-l-l-o-y.

23 Dr. Malloy's diagnosis is that it was a  
24 schizophrenia chronic indifferntiated type and it speaks to  
25 the major concern at that time of his was that when you

1 eventually paroled that you might decompensate from an  
2 emotional standpoint with increase in thought disorganization  
3 and impaired judgment. He makes the statement that,  
4 "Historically on the outside you have been extremely  
5 violent and I would see his violence potential continue  
6 to be well above average for an indefinite period." And  
7 then we come with the '78 which says that your violence  
8 has decreased, but that simply is just too short a time.  
9 We need more observation there.

10 Now, the panel recognizes that there could be  
11 positive motives for your recent admission of guilt and  
12 for your clarification as to the condition of the body in  
13 terms of the mutilation. But it would be very unrealistic,  
14 and we would be derelict in our duty if we would not look at  
15 the other side, that, you know, you could also have come to  
16 the realization that mutilation and decapitation is viewed  
17 in a much more, I guess, serious kind of situation and  
18 parole was definitely not forthcoming under those  
19 circumstances. That possibly could be a reason for your  
20 doing that. That in itself is not essentially negative.  
21 But we again need more time. You only did this less than a  
22 year ago. So we need more time there.

23 We recognize that you have a good institutional  
24 record. We are a little bit concerned about your tendency  
25 to start things and not finish, but here again, isolated

1 that would not keep us from finding you unsuitable. So in  
2 total, if we were to try to put this in just a few  
3 sentences, we would say that we are very concerned about  
4 murders that occur where the mind is involved to the  
5 extent in which yours seemed to have been, where there is  
6 an outside influence over which you didn't appear to have  
7 any control. This, to us, presents a much greater risk  
8 than if we could pinpoint and say that this was passion,  
9 this was greed, or something of that sort.

10 So for these reasons we are not finding you  
11 suitable today.

12 Now, we are supposed to tell you some things  
13 that you can do in the coming year. You will be back before  
14 the Board in another year. We are going to order, number  
15 one, Cat. D diagnostic for you. Now, we realize that there may  
16 not be psychosis and you may be all right, but we need to  
17 know what's in your head and we need to know it over and  
18 above a psychiatric interview. The Cat. D program consists  
19 of a 90-day diagnostic where you are observed and where  
20 many people look at you and try to pull together who is  
21 Mr. Grogan at this time. What makes him tick, and make a  
22 prediction. So we would urge you to cooperate with that  
23 and go through that program.

24 We would further suggest -- now, the Cat. D is  
25 an order. We are suggesting what I'm getting ready to say

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1 now. We would suggest that you think about your  
2 education in some kind of formal completion of something.  
3 You don't have to. This is just a suggestion. We would  
4 suggest that you get you a vocational skill that could  
5 supplement your art, something, you know, that would really  
6 make you capable of making a living when you get out.  
7 Those are just suggestions and they do not in and of  
8 themselves mean that you would not get paroled. But we  
9 are telling you in no uncertain terms that you are to go to  
10 Category D and we hope that you would cooperate.

11 Is there any question that you'd like to make or  
12 consent?

13 INMATE GROGAN: I'm willing to participate in  
14 that program, but due to the stabbing of the NF, Nuestra  
15 Familia, as far as I know this is the only line that  
16 they're not upon. I know that because people have told me  
17 they're up at Vacaville and I still haven't checked at  
18 CMC East where they have that same program.

19 PRESIDING MEMBER RUSHEN: Well, it's my under-  
20 standing that CMC is fairly neutral.

21 INMATE GROGAN: I don't have no objection to going  
22 to that then. It would be closer to my wife.

23 PRESIDING MEMBER RUSHEN: Counselor.

24 MR. FOLEY: Well, I don't know if this would be  
25 a fair question to the Board. But for Mr. Grogan's point of

1 view, if he can't look to a date, what do you think the  
2 Board would require in terms of, let's say, a clean  
3 psychiatric bill of health? Are you talking in terms that  
4 you feel at this time the Board would seriously entertain  
5 suitability if, for instance, he comes out of D clean and  
6 also has the normal yearly report showing very positive as  
7 far as no psychopathology or no psychotherapy being  
8 required? I'm trying to get a feel for what you at this  
9 time in evaluating that he was unsuitable would think you'd  
10 want in order to say he was suitable.

11 PRESIDING MEMBER RUSHEN: I don't think I can  
12 answer it that way. I do think though that the Board would  
13 look on a case of this kind in terms of time, in terms of  
14 the time. You see, if you really want to look at this, we  
15 almost start, start Mr. Grogan's time in 1977. We are  
16 looking at Mr. Grogan. See, it's just been too short. He  
17 just made the turn here a few months ago. Look at it from  
18 this standpoint. How many years was that? Nine years that  
19 you let this go, that you, well, as far as authorities were  
20 concerned you hadn't done anything for nine years. So last  
21 year he says, oh, yes, I did it, and here's the body. So  
22 I'm saying that we need some time and we are not going to  
23 commit ourselves. We are saying, however, that a Cat. D  
24 diagnosis will give the next panel much more to work on than  
25 an individual psychiatric report. We need to really know

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1 who Mr. Grogan is mentally and emotionally before a date  
2 is projected, and that's about as far as we're going today,  
3 Counsel.

4 MR. FOLEY: I was just going to comment that I  
5 think your reference to the turnaround has just happened  
6 recently is inaccurate. I think if you read all the  
7 psychological reports, there's noted improvements in those  
8 reports and that before he did in fact make what you are  
9 referring to as the turnaround, improvement was being  
10 noted throughout. So I don't think it's fair to Mr. Grogan  
11 to say that this is something that's just happened in the  
12 last couple of months. This is something that's been  
13 building up through improvement and I think really the  
14 peak of his improvement was what you're now calling the  
15 turnaround.

16 PRESIDING MEMBER RUSHEN: Okay. Let's see then  
17 if Mr. Grogan sustains this.

18 If there are no more questions, we terminate  
19 this hearing at 2:00 o'clock. Good luck to you.

20 (Thereupon the hearing of the Community

21 Release Board was adjourned at the  
22 hour of 2:00 p.m.)

23 --oOo--  
24  
25

CERTIFICATE OF SHORTHAND REPORTER

1  
2  
3 I, CATHLEEN SLOCUM, a Certified Shorthand  
4 Reporter of the State of California, do hereby certify:

5 That I am a disinterested person herein; that  
6 the foregoing Community Release Board Hearing was  
7 reported in shorthand by me, Cathleen Slocum, and  
8 thereafter transcribed into typewriting.

9 I further certify that I am not of counsel or  
10 attorney for any of the parties to said hearing, nor in  
11 any way interested in the outcome of said hearing.

12 IN WITNESS WHEREOF, I have hereunto set my  
13 hand this 15th day of September, 1978,

14  
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16 CATHLEEN SLOCUM  
17 Certified Shorthand Reporter.  
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