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SUBSEQUENT LIFE TERM PAROLE CONSIDERATION HEARING
STATE OF CALIFORNIA
BOARD OF PRISON TERMS

In the Matter of:

STEVE GROGAN

CDC Number B-38773

CALIFORNIA MEDICAL FACILITY
VACAVILLE, CALIFORNIA

ORIGINAL

TUESDAY, OCTOBER 21, 1980
2:11 P.M.

Cathleen Slocum
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MEMBERS PRESENT

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- Mr. A. Vineyard, Presiding Officer
- Ms. L. Collier, Board Member
- Mr. K. Risen, Board Member

ALSO PRESENT

- Mr. Steve Grogan, Inmate
- Ms. D. Samuelson, Attorney for Inmate
- Mr. J. Simpson, Deputy District Attorney, Los Angeles County
- Ms. D. Mann, Reporter, Fairfield Daily Republic

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P R O C E E D I N G S

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PRESIDING OFFICER VINEYARD: This is a subsequent life prisoner parole consideration hearing being held in the case of Steve Grogan, B-Number 38773, received by the California Department of Corrections on 12/29/71 for the offense of murder first which is in violation of Penal Code Section 187, County of Los Angeles Case Number 267861, count number three. Victim was Donald Jerome Shea. The offense occurred on August 23rd to August 24th, 1969.

This hearing is transcribed. Today is October 31st 1980. The time at this point is about eleven minutes two and the hearing is being conducted at the California Medical Facility in Vacaville.

My name is Austin Vineyard. I'm a Hearing Representative with the Board of Prison Terms. Sitting with me also as members of the panel today, immediately to my left is Mr. Kenneth Risen who is a member of the Board of Prison Terms, and on his left is Miss Collier, who is also a member of the Board of Prison Terms. Also present in the room are the prisoner, his attorney, Miss Diana Samuelson, Mr. Simpson -- what is your first name?

MR. SIMPSON: James R.

PRESIDING OFFICER VINEYARD: Mr. James R. Simpson, who is attending today as a representative of the

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Los Angeles County District Attorney's Office, and Miss
Diane [unclear] and I take it that's M-a-h-n?

Yes.

PRISON OFFICER WINEYARD: -- who is a reporter
with the Fresno Daily Republic.

This hearing is being conducted pursuant to Penal
Code Sections 3041.7, 3041, and 3042, and the regulations
of the Board of Prison Terms governing parole consideration
hearings for life prisoners. The purpose of today's hearing
is to consider the prisoner's suitability for parole. It is
necessary for us to conduct this hearing under revised
procedures enacted by the Legislature effective July 1st,
1977, which are applicable to all prisoners under a life
sentence.

We will be considering the number and nature of the
crimes for which Mr. [unclear] was committed to prison, his
criminal history or lack of it prior to this commitment, and
his behavior since commitment. We'll reach a decision and
inform him and his counsel if he is considered suitable for
parole or not and why; and, if found suitable, the length of
his term and specific factors leading to that
determination.

This hearing, as you'll recall, Steve, is divided
into four parts. The first parts are the parts which I'll
be conducting which would be a discussion of the commitment

1 offense and the surrounding circumstances as well as pre-
2 conviction factors consisting of your prior criminal history.

3 Mr. Risen will be discussing the parole plans as
4 the last section and Miss Collier will be discussing post-
5 conviction factors consisting of the history of institutional
6 adjustment. As we complete each of these four individual
7 sections, your counsel may make statements in each of the
8 four areas. Also, the representative of the District
9 Attorney's Office will be asked to make comments at the end
10 of each of the four main sections of our discussion this
11 afternoon.

12 You'll be given an opportunity to comment on the
13 facts of the case at each of the four areas of the hearing.
14 At completion of the presentation of all four areas, you'll
15 be asked to make a summation or recommendation concerning
16 suitability for release and length of confinement.

17 These are not adversary proceedings. Any questions
18 that are raised should be directed to the Chair, myself.

19 Did you receive advance written notice of the time
20 and place of this hearing, Mr. Grogan?

21 INMATE GROGAN: Yes, I did.

22 PRESIDING OFFICER VINEYARD: Approximately when was
23 that?

24 INMATE GROGAN: Approximately a month and a half
25 ago.

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1 PRESIDING OFFICER VINEYARD: You have an opportunity
2 to review your file and discuss your case with your counsel?

3 INMATE GROGAN: Yes, I did, sir.

4 PRESIDING OFFICER VINEYARD: Are you prepared to
5 proceed with the hearing this afternoon?

6 INMATE GROGAN: Yes, we are.

7 PRESIDING OFFICER VINEYARD: There's no confidential
8 information that we'll be using as a basis for any part of
9 the decision in your case today. Before you leave today
10 we'll tell you what our decision is and you'll have the
11 right of appeal of that action as long as you do make your
12 appeal within 90 days from the time that you get the
13 decision in writing. The decision in writing would be
14 delivered to you as soon as possible.

15 You're not required to discuss your case. If you
16 want to make full representation through your counsel,
17 you're perfectly entitled to do that. You're not required
18 to admit guilt, although the panel must accept as true any
19 factual findings that were made by the Court at the time of
20 your adjudication in this case.

21 Is Mr. Grogan going to be giving any testimony
22 today, Miss Samuelson?

23 MS. SAMUELSON: Yes.

24 PRESIDING OFFICER VINEYARD: I'm going to ask you to
25 raise then, young man, raise your right hand.

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(Thereupon Inmate Steve Grogan was,
by the Presiding Officer, sworn to
tell the truth, the whole truth, and
nothing but the truth.)

INMATE GROGAN: I do.

PRESIDING OFFICER VINEYARD: Thank you. Be seated.

On our form 1008 is a listing of the documents
being considered in this hearing. I'm going to ask Miss
Samuelson to take a look at my copy to be sure that it
corresponds with yours. In addition to this, we have the
material that was submitted to the panel by you in your
brief of today as well as the letter from Patrick's cousin
or, excuse me, Steve's cousin, Patrick Creer, that was
received today.

MS. SAMUELSON: It looks like the same thing,
although there was a discussion I had with Mr. McDonald
about including the two transcripts of last year's hearing
which isn't shown here, but I was told they were going to
put them in the file.

PRESIDING OFFICER VINEYARD: Do you have a copy of
that transcript?

MS. SAMUELSON: Yes, I have a copy of both
transcripts.

PRESIDING OFFICER VINEYARD: We have one copy here
between the three of us.

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INMATE GROGAN: I have another one here.

PRESIDING OFFICER VINEYARD: It should be included on there. When you give that back to me, I'll write that in.

MS. SAMUELSON: There were two years. In fact, they have maybe another copy here. She had it in the file.

PRESIDING OFFICER VINEYARD: Will there be any need for us to have a copy of the 1978 transcript or are you going to be referring to it specifically?

MS. SAMUELSON: There are some quotes from it, but I made those quotes at the '79 hearing. So I think that probably that's not necessary as long as you accept my quotes.

PRESIDING OFFICER VINEYARD: Well, if it's all right by you, then, we'll let the one from last year suffice. I'll write that in as part of the documents to be considered on my copy of that.

MS. SAMUELSON: There's another letter that just came in yesterday that Steve received which isn't in your packet. I don't have a copy of it. So however you wish to --

PRESIDING OFFICER VINEYARD: At the appropriate time-- what does that concern?

INMATE GROGAN: It's concerning that she's willing to handle my art at her shop.

PRESIDING OFFICER VINEYARD: Say that again.

1 MR. GROGAN: It's a letter from a friend who
2 owns a gallery who is willing to handle my paintings
3 in her gallery, and it's like a letter of community support.

4 PRESIDING OFFICER VINEYARD: All right. When we get
5 to the parole section, why don't you -- it's brief, I see --
6 why don't you just read that into the record, read it to us
7 and it will go into the record that way.

8 The list of documents will be marked Document Number
9 1. Your brief will be marked Document Number 2. On the
10 letter from Patrick Creer, I've marked that Document Number
11 3. As such, they'll become part of the record of this
12 hearing.

13 Do you have any objections other than those that
14 are contained in your brief, Miss Samuelson?

15 MS. SAMUELSON: No, I don't.

16 PRESIDING OFFICER VINEYARD: You make three
17 objections in that brief. The first is that application of
18 the Board of Prison Term rules and regulations promulgated
19 July 1st, 1978 and reflecting the determinate sentencing law
20 emphasis rather than the indeterminate sentence law purposes
21 constitutes ex post facto violation in
22 Mr. Grogan's case. This objection has been raised many times
23 in the past. We have it on the authority of our legal
24 counsel that we're proceeding legally in the application of
25 those rules and regulations as they were promulgated on July

1 1st of 1978. This is a matter over which, a procedural
2 matter, a policy matter, over which this panel has no
3 control.

4 MS. SAMUELSON: I understand.

5 PRESIDENT OF BOARD, VIDEARD: Your objection will be
6 accepted without prejudice and we will overrule it.

7 Second, the denial of permission to call Dr. Alfred
8 Auerback, M.D., a psychiatrist in private practice in
9 San Francisco to testify regarding Mr. Grogan's mental state
10 development and prognosis, violates Mr. Grogan's right to
11 due process at this hearing.

12 Dr. Auerback is not departmental staff. The
13 attendance of outside psychiatrists, experts, others who may
14 wish to testify, is at the panel's discretion. It's been
15 the policy of the board to receive this type of information
16 in writing because it's more concise and issue-oriented.
17 We've read the copy of Dr. Auerback's report. We feel that
18 we understand his definitions and evaluations of Steve as he
19 saw him at the point that that evaluation was written, and
20 that his presence would not be necessary either to provide
21 us with any better understanding or to comply with any of
22 Mr. Grogan's rights to due process. That objection is
23 overruled without prejudice.

24 Third is to the extent the board has examined and
25 reviewed and permitted to remain in Mr. Grogan's central

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1 file, and/or Board of Prison Term addendum documents which do
2 not relate to the circumstances of his commitment offense,
3 but only to other crimes with which Mr. Grogan was not
4 involved is prejudicial to him and denies him a due process
5 of law.

6 Are you referring to mention made in the file of
7 the other illegal behavior which took place within the group
8 of which Mr. Grogan was a part, or are you referring to
9 specifically his past arrests?

10 MS. SAMUELSON: No.

11 PRESIDING OFFICER VINEYARD: You're talking about the
12 activities of the Manson Family?

13 MS. SAMUELSON: I was appalled when I went through
14 the Board of Prison Terms' addendum here to find not only
15 hearing transcripts of Mr. Grogan's last hearing and of
16 Bruce Davis' last, I believe, it was his last hearing, but
17 that of Tex Watson, that of Charles Manson, neither of which
18 discussed in any manner, shape or form Mr. Shea's death at
19 all. All they discussed was the Tate-La Bionca case and I
20 saw that and I thought that it was totally irrelevant,
21 misleading and prejudicial and I requested that these items
22 be removed because they didn't have any place in Grogan's
23 file.

24 PRESIDING OFFICER VINEYARD: Crime partner information
25 has always been contained in the Department of Correction.

1 file for purposes of understanding the relative degree of
2 culpability or involvement of this individual or that
3 individual and to be sure that the panel equates their
4 judgment with regards to time to be served with what was
5 considered appropriate in other cases for like behavior.
6 That's the main reason that it's there.

7 It's pertinent information insofar as it relates to
8 the total circumstantial context in which the commitment
9 offense was perpetrated. I think that in this particular
10 case a study of the various parts played by different

11 individuals in the total activities of that group has shown
12 through the summaries of hearings, actions taken in all the
13 different cases, would probably really work more to Steve's
14 advantage than disadvantage. But that's subjective opinion.

15 What I'm telling you is what the policy is. This
16 is part of his total history. It has to be considered. It's
17 part of the total circumstances in which he had involved
18 himself at the time that he became responsible at least
19 partially for a man's death. That's important. So under-
20 stand that.

21 MS. SAMUELSON: Sure, we understand that. But the
22 only problem that I have with that and the reason for my
23 objection was because in my mind they are totally separate
24 incidents. Mr. Galt had nothing to do with what Mr. Manson
25 and Mr. Manson and the other people did, of which those

1 hearing, we're talking about specifically and solely and
2 relate to this offense. So that's why I objected.

3 PRESIDING OFFICER VINEYARD: What we're talking about
4 today and what we are legally and morally bound to consider
5 and which I can personally guarantee you that we will
6 consider without bringing in any other aspects is Los
7 Angeles County Case 267861.

8 MS. SAMUELSON: That's fine. That's all we want.
9 But it appears when the other material is inserted that the
10 case expands and that Mr. Groves becomes tried and sentenced
11 for behavior that he didn't

12 PRESIDING OFFICER VINEYARD: I'll say again, it's
13 part of the total picture presented. We have to make an
14 inquiry into his entire background under the criteria and
15 procedures of the indeterminate sentencing law and that's
16 one of the reasons that it's there. Any other reason that
17 it's there is so that we can equate our actions in this case
18 with what was considered fair for similar behavior in other
19 cases.

20 MS. SAMUELSON: But my only point was, it wasn't
21 similar behavior. There were different reasons for the
22 other offenses.

23 PRESIDING OFFICER VINEYARD: The motivations and the
24 impetus and the driving force and the emotional context
25 operating at that time was the same.

1 MS. SAMUELSON: Well, if I could respond to that, I
 2 don't really want to take up all the board's time, but I
 3 think it's important just to get this point across. And
 4 that as in reading the transcript, Mr. Manson's hearing, for
 5 example, there was a distinguishing point made between this
 6 case and the Tate-La Bionca cases and the District Attorney
 7 specifically -- and I don't know who it was -- but the person
 8 specifically pointed out that the Shea case was the only
 9 case that appeared to have any motive or any reason to it
 10 and that is a real distinguishing characteristic that is
 11 important to note and to consider. I don't think that you
 12 can lump them all into one course of conduct or one time
 13 frame -- time frame, true, but not what was behind it.

14 PRESIDING OFFICER VINEYARD: Well, we're not going
 15 to do that. I think it's important for us to understand the
 16 situation out of which all of these individuals were
 17 operating at the time, the influences that they had one to
 18 the other, the influence that was exerted by them on crime
 19 partners and the influences that they were subjected to, from
 20 Mr. Manson. I think this is part of the total picture we
 21 have to look at. We're not talking about Tate-La Bionca or
 22 anybody else today. We're talking about Shorty Shea.

23 MS. SAMUELSON: That's all I want to discuss.

24 PRESIDING OFFICER VINEYARD: I'll overrule that
 25 objection without prejudice.

1 on the transcript for last year, and I'm referring
2 specifically to the beginning on page 7, line 10 to page 8,
3 line 14 is the circumstances of offense as entered into the
4 record last year. I would like to incorporate those into
5 the record for this year by reference. Although in reading
6 a little further, you did make some objections to the wording
7 of that particular ~~version~~ that was used. It started off as
8 a discussion between you and Mr. Brown, and then we seem to
9 have gotten lost and we fell off into a question and answer
10 session with Mr. Grogan.

11 You made the comment:

12 "As I indicated in the brief, I
13 think a ~~more accurate~~ description of
14 what happened is detailed in the most
15 recent psychiatric report of Dr. Sanders,
16 and that is also included in my brief.
17 You will find it on page 1."

18 Then Mr. Brown asked you:

19 "What, in essence, is the correction
20 you want to make?"

21 And you said:

22 "Well, initially, the record should
23 indicate that Mr. Grogan resided on the
24 ranch before Manson or anybody else
appeared at the ranch. We had gone there

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...was 15 approximately,
...said, "Fifteen and a half."

...Miss Samuelson, said,
...at that time you met Mr. Shea,
...the victim, and had a relationship with
...him off and on during the several years
...that he was there."

I think they're getting a little bit far afield.
Is there anything specific to the circumstances of the
offense itself as given between line 10, page 7, and line
24, page 8, that you feel is an unfair interpretation of
the information that we have on file from the Court?

MS. SAMUELSON: Well, I think that if you look on
page 12, beginning at line 2, and you'll see that finally
the question and answer period stopped and Steve started to
tell what happened. It's pretty chronological in terms of
what happened after this and that and what Steve's
involvement was. I think it would be much fairer and more
accurate to incorporate that page, page 12 to 17, which ends
when Steve talks about digging a shallow grave.

PRESIDING OFFICER VINEYARD: Well, we're not really
concerned with all of the preliminary information that seemed
to get into this thing, and even in this section on line 12,
or what happened afterwards. What we're concerned with is
the official version as received from the Courts, the

1 circumstances of the offense. The one accepted by Mr. Brown
2 last year, seemed to be to us in review of the other
3 material contained in the file that came officially with the
4 record, as being a pretty good one. This would be the
5 official version of the offense with this hearing concerned,
6 at least in part with the discussion of those facts as given
7 by the Court as to whether or not they are valid, or whether
8 or not they really reflect the part that Mr. Grogan played
9 in his killing.

10 MS. SAMUELSON: Well, the facts that were indicated
11 the official version of the facts, are incorrect. So I don't
12 see how we will continue to reiterate those same facts if
13 they are totally wrong.

14 BOARD MEMBER COLLIER: May I make a suggestion. I
15 would like to suggest that we incorporate by reference the
16 official version as contained in that transcript and make
17 some decision on whether or not we're going to include,
18 Miss Samuelson's remarks and Mr. Grogan's statements, where
19 we're going to start and stop it.

20 May I ask this question? Counsel, what pages were
21 you asking that we incorporate by reference out of that
22 transcript?

23 MS. SAMUELSON: Page 12 through 17.

24 PRESIDING OFFICER VINEYARD: But I think it's
25 important for us to differentiate here between the official

1 version and his remembrance of the circumstances. The
2 official version is the one that we'll incorporate by
3 reference. It's the one that's contained on page 7, line 10
4 through line 24 on page 8.

5 Now, if you want to go over that and review that,
6 Counsel, to see if there is anything additional in the
7 official record which has been left out of this version, why
8 then we can discuss it. But as far as making his statements
9 and his remembrances and his versions part of an established
10 official court record, I don't know how we can do that.

11 BOARD MEMBER COLLIER: May I just interject some-
12 thing. May I ask for a five-minute recess, please,
13 Mr. Chair?

14 PRESIDING OFFICER VINEYARD: Yes.

15 BOARD MEMBER COLLIER: The time is approximately
16 2:35 p.m. and the hearing is in recess. Could you please
17 clear the room and we'll call you back in in a minute.

18 (Thereupon a recess was taken.)

19 PRESIDING OFFICER VINEYARD: We're back on record in
20 the hearing for Steve Grogan. The time is eighteen minutes
21 to three. All parties previously identified are back in the
22 room.

23 Counsel, what we'll do is to incorporate, as I said
24 the official version as given in last year's transcript.
25 That's line 10 on page 7 through line 24 on page 8.

1 If you consider that what was said last year that
2 you referred to beginning on page 12, line 2, down through
3 page 17 - I'm not quite sure where you wanted to end this.
4 it was on 17, wasn't it?

5 MS. SAMUELSON: Yes. That's kind of the end of
6 the specific circumstances of the offense.

7 PRESIDING OFFICER VINEYARD: Down through 16?

8 MS. SAMUELSON: Line 16; is that what you said?

9 PRESIDING OFFICER VINEYARD: Line 16 on page 17.

10 MS. SAMUELSON: Right.

11 PRESIDING OFFICER VINEYARD: We'll incorporate that
12 section by reference, too, so that we can proceed.

13 MS. SAMUELSON: All right.

14 PRESIDING OFFICER VINEYARD: I would take it that
15 anything you would add to the official version that we're
16 incorporating here from last year would be pretty much the
17 same as what you wanted to get in at that hearing?

18 MS. SAMUELSON: These facts haven't changed.

19 PRESIDING OFFICER VINEYARD: Okay.

20 MS. SAMUELSON: While we're on this area though,
21 there was a reference in the hearing decision itself that
22 was incorrect and I don't know whether this is the time now
23 to correct that. But rather than have it be continuing
24 through the rest of the file --

25 BOARD MEMBER RISEN: I don't believe we can

1 modify that.

2 BOARD MEMBER COLLIER: We cannot modify a decision.

3 HEARING OFFICER VINEYARD: If you would like to
4 point it out and go on record as stating that it is incorrect,
5 and give us the correct version on how you feel it should be
6 in there, it will become part of the record.

7 MS. SAMUELSON: What I'll do is, when I find it --
8 I haven't found the hearing decision yet.

9 Why don't I look for it during the recess and then
10 we can make that correction. It had something to do, I
11 think, one, with Mr. Shea, Steve knocking him out of the car
12 and that wasn't what happened. He didn't hit him over the
13 head and the body flew out of the car.

14 BOARD MEMBER COLLIER: I have a question. It goes
15 back to the same discussion we had a few minutes ago, that
16 if you're modifying the official version, then whatever
17 version is in that version is probably the same version
18 that's contained in the transcript of hearing; is that
19 correct?

20 MS. SAMUELSON: No, because it was, I believe, the
21 misconception arose from the testimony in the hearing last
22 year and it wasn't the official version. It was a
23 misunderstanding of the testimony. That's why I wanted to
24 clear it up.

25 BOARD MEMBER COLLIER: So you're saying that the

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1 Statement of Facts as contained in last year's decision is
2 not the same as that contained in the transcript of last
3 year's hearing?

4 MS. SAMUELSON: Right. Specifically, I found with
5 the help of the District Attorney on page 4, number one, it
6 says, "the prisoner first struck the victim on the head with
7 a metal object which, according to the prisoner, knocked the
8 victim out of his vehicle." That's not what was testified
9 to.

10 PRESIDING OFFICER VINEYARD: What was the correct
11 testimony?

12 MS. SAMUELSON: The testimony was that Steve hit
13 him on the head and he just left the vehicle.

14 INMATE GROGAN: It surprised him and he left the
15 passenger side of the car.

16 MS. SAMUELSON: He left the car still in gear and
17 Steve was in the back seat. He jumped over the front to
18 stop the car and when he got out of the car himself,
19 Mr. Shea had already been stabbed and it was at that point
20 that Mr. Grogan stabbed him,

21 PRESIDING OFFICER VINEYARD: All right. The version
22 given in the, officially, was that he was taken to part of
23 Spahn's movie ranch, where he was dragged from his car,
24 beaten over the head, and stabbed in the body by each crime
25 partner. Doesn't say anything about Mr. Grogan knocking him

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1 out of the car.

2 MS. SAMUELSON: Well, it does if you look on page
3 4, number 1.

4 PRESIDING OFFICER VINEYARD: But I mean the official
5 version that we're considering here.

6 MS. SAMUELSON: Well, that whole official version
7 is wrong.

8 BOARD MEMBER COLLIER: If you look at paragraph
9 number one,

10 "He committed the murder offense
11 in an especially heinous, vicious, and
12 cruel manner. The prisoner first struck
13 the victim on the head with a metal
14 object which, according to the prisoner,
15 knocked the victim out of his vehicle."

16 Now, my understanding of that is that the prisoner
17 is saying that when he was hit on the head with this the
18 victim was knocked out of the vehicle, not that the prisoner
19 knocked the victim out of the vehicle. Does that make
20 sense? Do you understand what I'm saying?

21 MS. SAMUELSON: No.

22 BOARD MEMBER COLLIER: The statement that I read to
23 me means that Mr. Grogan did not knock the victim out of the
24 vehicle. Whatever he was hit with caused him to be knocked
25 out of the vehicle.

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1 MS. SAMUELSON: That's incorrect also. That's a
2 misconception.

3 BOARD MEMBER RISEN: Mr. Chairman, my comment would
4 be that what we're talking about is a statement made by the
5 last panel regarding suitability. Any objection to that
6 would have to be made in an appeal by the prisoner to the
7 Board of Prison Terms last year. We have no way of modifying
8 their decision.

9 PRESIDING OFFICER VINEYARD: Did you appeal that
10 inconsistency or that error when you saw it last year?

11 MS. SAMUELSON: No, because we thought that we
12 would raise it so that the record was straight.

13 PRESIDING OFFICER VINEYARD: We can't change the
14 record from last year.

15 MS. SAMUELSON: I'm not asking you to change --

16 PRESIDING OFFICER VINEYARD: We can enter into the
17 record this year what you have to say about it as I told
18 you and, if you want to say that that is incorrect, that a
19 blow did not knock him out of the vehicle, well, that's the
20 way this record will reflect it.

21 MS. SAMUELSON: Right. Well, that's all we want is
22 to keep the record straight and the errors not be reiterated
23 over and over again.

24 BOARD MEMBER RISEN: Mr. Chairman, I would like to
25 add that we're not accepting what she says as a fact, that

1 we're asserting the fact that he says it happened that way.

2 INMATE GROGAN: May I say something? What it was
3 in my account of the story was that I had mentioned that I
4 hadn't knocked him out of the vehicle. I explained what
5 happened. In the hearing in the summation, I guess he
6 understood it that my blow knocked him out of the car
7 completely which wasn't how I explained it to him during the
8 hearing. That's what we're contending.

9 PRESIDING OFFICER VINEYARD: Is there any statement
10 that you would like to make to us with regard to this
11 offense or any part that you played in it?

12 INMATE GROGAN: Yes, there is. I'd like to -- I
13 don't know where to quite start. I want to express my
14 sorrow and regret that I was caught up in such a situation
15 where I let myself be led into such a situation. I think
16 my statements in the last hearing echos what I feel pretty
17 well at this point in time.

18 PRESIDING OFFICER VINEYARD: And what is that?

19 INMATE GROGAN: Well, it spans quite a large area
20 of different circumstances.

21 PRESIDING OFFICER VINEYARD: You have an opportunity
22 at this point to make a statement if you'd like to with
23 regard to the offense. If you want to do that, fine.
24 Referral to the record last year isn't the same as making a
25 statement to us this year.

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1 INMATE GROGAN: I understand that,

2 PRESIDING OFFICER VINEYARD: Is there any area
3 throughout these -- let me see if I can give you a little
4 assistance with this -- Is there any area in the past two
5 hearings, Steve, that you feel hasn't been adequately
6 covered with regard to the offense itself?

7 INMATE GROGAN: No, I think we've covered it as
8 far as what happened, the facts, the way I related what
9 happened as I saw it and participated in.

10 PRESIDING OFFICER VINEYARD: At the time of the
11 ending of the last two hearings, was there any feeling on
12 your part after you left and walked down that corridor that
13 I wish I had said this or I wish I had said that and why
14 didn't I mention this or that?

15 INMATE GROGAN: There's so much I could say. I
16 don't want to take up your time. I want to express the
17 feeling that it was a terrible thing that I did and there's
18 nothing I can do to change what already happened. I can't
19 undo it. It's already done. The only thing that I can do
20 is what I've been doing in changing myself as a person and
21 making my own safeguards that something like that will never
22 happen again.

23 As far as the Statement of Facts of what happened,
24 I think we've pretty well covered it last year. If you want,
25 we can go over it again, but I think it would belabor the

1
2 PRESIDING OFFICER VINEYARD: Were you still
3 experiencing the effects of psychedelics after you came into
4 the institution?

5 INMATE GROGAN: I was experiencing chaotic thinking
6 and illogical reasoning as far as I know.

7 PRESIDING OFFICER VINEYARD: For how long a period
8 of time?

9 INMATE GROGAN: Probably a couple of years. It
10 took me a couple of years to really sift out from a clear
11 standpoint my participation in the crime, how I was being
12 related, influenced, and how I was evaluating my
13 situation around. It took me about a couple of years. It
14 takes a couple of years to orientate yourself into prison.
15 It's like you're in there and you're disoriented for a year
16 or two. So like the first couple of years, year and a half,
17 I was trying to orientate myself in the prison system. After
18 that I felt comfortable. I started evaluating myself, my
19 participation in the crime and just my past. It was at that
20 point where my thinking started being clearer focused.

21 PRESIDING OFFICER VINEYARD: Were there any
22 righteous flashbacks?

23 INMATE GROGAN: No, there wasn't any hallucinations

24 PRESIDING OFFICER VINEYARD: At any time during the
25 course of Mr. Shea being killed, did you have any feeling

1 that this was not the right time for you to be involved in,
2 or that this was a wrong thing or a bad thing or evil
3 or something that you personally didn't want any part of, or
4 did it seem perfectly natural to you?

5 INMATE GROGAN: No, it didn't seem natural at all.
6 As I stated last year, it took me a minute and a half just
7 to hit the guy. I was scared. I was hesitant. I didn't
8 want to hit the person. I kept going back and forth in my
9 mind as far as doing it and looking for an excuse out, a way
10 out, hoping a car would come by on the highway and draw
11 attention where we'd have to forget about the incident. I
12 never felt like it was a natural thing to do at all.

13 PRESIDING OFFICER VINEYARD: Well, then, what was
14 holding you there?

15 INMATE GROGAN: What was motivating me?

16 PRESIDING OFFICER VINEYARD: What was holding you
17 there to keep you from saying I want no part of this and
18 walking away?

19 INMATE GROGAN: Fear.

20 PRESIDING OFFICER VINEYARD: Fear of whom?

21 INMATE GROGAN: Well, fear of death, ultimately,
22 besides the personalities involved. Fear of my own death
23 if I didn't participate.

24 PRESIDING OFFICER VINEYARD: And what was the
25 personality part?

1 INMATE GROGAN: Well, just the person who had the
2 opportunity to kill me at the time.

3 PRESIDING OFFICER VINEYARD: I see what you're
4 saying, your own death aside from the personalities involved
5 So you thought that your participating in this behavior was
6 under threat of death?

7 INMATE GROGAN: Well, I was -- see, during the
8 whole period that I was staying there, the first couple of
9 years were nice, No violence ever happened. Then there
10 was a part of kind of like starting to gravitate in the
11 section of violent talk, violent suggestions and things as
12 to actions. I got the feeling at that part that I was
13 always being watched and that if I did any kind of actions
14 that was against the group, that I would be dealt with in a
15 violent manner.

16 At the point of time when I was sitting in the car,
17 the motivation that kicked me over the edge was the guy had
18 a knife there and pulled out the knife and urging me to go
19 on and do it.

20 PRESIDING OFFICER VINEYARD: You were part of the
21 scene around the Spahn Ranch for quite a while, for a number
22 of years, two, three years before the Mansons showed up?

23 INMATE GROGAN: About a year, maybe less than a
24 year. I used to work there as a hired hand.

25 PRESIDING OFFICER VINEYARD: What was your relation

1 to Shorty during that period of time?

2 INMATE GROGAN: We worked on an off-and-on basis.
3 He'd come as a seasonal. When he didn't have a job and no
4 place to live, he'd stop by and it was like a handout. He
5 would work there for room and board.

6 Our relationship was, you know, it was normal
7 relationship with working parties. See each other every day.

8 PRESIDING OFFICER VINEYARD: Casual, no real
9 feelings?

10 INMATE GROGAN: Right.

11 PRESIDING OFFICER VINEYARD: No animosity
12 toward him?

13 INMATE GROGAN: No.

14 PRESIDING OFFICER VINEYARD: Did you have any
15 information yourself that Shorty was trying to downgrade the
16 group or was carrying words to the police?

17 INMATE GROGAN: By my influence as far as you mean
18 written statement facts?

19 PRESIDING OFFICER VINEYARD: Did you see anything
20 yourself or was it just something somebody told you?

21 INMATE GROGAN: Well, I best explain that that I
22 was involved in a couple of raids that he supposedly had
23 been responsible for.

24 PRESIDING OFFICER VINEYARD: Who told you that?

25 INMATE GROGAN: Well, everybody that was living

1 there. People said that they had heard him over talking.

2 PRESIDING OFFICER VINEYARD: People said, but did
3 you ever see him with a police officer or did he ever tell
4 you that he was going to give information that would cause
5 you to be raided?

6 INMATE GROGAN: Not that I could recall.

7 PRESIDING OFFICER VINEYARD: So you acted on what
8 would constitute hearsay, somebody else said?

9 INMATE GROGAN: That would be correct, yes.

10 PRESIDING OFFICER VINEYARD: Was it even that
11 definite? Was it something more a statement of somebody
12 said it would have to be Shorty because he's the outsider
13 here?

14 INMATE GROGAN: I don't think I understand.

15 PRESIDING OFFICER VINEYARD: Did you really know
16 why you were killing him?

17 INMATE GROGAN: Yes. From my point of view, what
18 little time I had to reason between the time I was told to
19 sit in the back of the car and between the time that he was
20 killed, is that he was being killed because he was trying
21 to get us evicted from the ranch in just any way that he
22 could, either by getting us arrested and put in jail, or by
23 talking to George Spahn who was the owner of the ranch and
24 get us expelled off the ranch.

25 PRESIDING OFFICER VINEYARD: Somebody told you that?

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1 INMATE GROGAN: Yes, numerous people told me that.

2 PRESIDING OFFICER VINEYARD: Numerous people.

3 What type of drugs have you used in the past
4 besides LSD?

5 INMATE GROGAN: I've used mescaline, STP, Angel
6 Dust, marijuana, hashish -- I experimented a little bit with
7 heroin -- stimulants, and just a little bit of alcohol.

8 PRESIDING OFFICER VINEYARD: When did that start,
9 this type of drug usage? About how long before the murder
10 of Mr. Shea?

11 INMATE GROGAN: A few years before that. I started
12 experimenting with getting loaded when I was about 14 or 15.

13 PRESIDING OFFICER VINEYARD: The report says 15.
14 Right before this occurred, during this, say, roughly three
15 months before this occurred, were you using some type of
16 drug daily?

17 INMATE GROGAN: Usually every night we smoked
18 marijuana or smoked some hashish. We dropped acid maybe
19 once a month.

20 PRESIDING OFFICER VINEYARD: You were using
21 hallucinogenics and mind expanders?

22 INMATE GROGAN: That's correct.

23 PRESIDING OFFICER VINEYARD: What kind of shape
24 were you in at the actual time that this took place?

25 INMATE GROGAN: Well, I had just woken up. The

1 night before I walked out to the boardwalk. I wasn't
2 actually intoxicated, I don't think. Right after ingesting
3 a drug.

4 PRESIDING OFFICER VINEYARD: Did you have a lot of
5 drugs in your system for a long period of time prior to
6 that?

7 INMATE GROGAN: I imagine yes, a lot of residue.

8 PRESIDING OFFICER VINEYARD: Who provided the money
9 for these drugs?

10 INMATE GROGAN: They came in different various
11 ways. Some people just bring in a bag of weed. Other times
12 one or two members of the group would go out and buy drugs.
13 It was all bought so everybody would ingest them at the same
14 time. That was one of the rituals, that no one would be
15 taking any drugs without everybody else being able to
16 participate at the same time.

17 PRESIDING OFFICER VINEYARD: Last year, Steve, I
18 asked you a question about the fact that, from what I had
19 heard about that situation, just not even officially, that
20 there were quite a number of people coming and going at the
21 ranch over a period of time immediately prior to the murder.
22 Apparently some stayed and apparently some drifted on. Some
23 decided it wasn't for them. Some maybe just laid up over
24 night. But during your lucid moments you surely must have
25 had some inclination about the kind of situation that you

1 had gotten yourself caught up in there and you still stayed.

2 INMATE GROGAN: I don't understand what you're

3 saying. I mean, I understand what you're saying. All I

4 have to say of that is that there was a small number of

5 people that would come and go, but it was more like people

6 that were drifting in and out of the area and knew about the

7 place, they could stay for a day. But the strong, the

8 people that were in the group generally stayed there. There

9 wasn't that much leaving and going. If they did it, it was

10 maybe for a couple of weeks and they'd come back and when

11 they come back, they feel all guilty and stuff. It was like

12 they had to go through some penance to get over their own

13 guilt feelings.

14 But as far as a lot of people leaving and going,

15 there wasn't that much activity except for people that were

16 not even really connected with the group, just friendships.

17 PRESIDING OFFICER VINEYARD: Not really candidates,

18 just layovers.

19 INMATE GROGAN: That's correct.

20 Up to that point in time we wasn't really doing,

21 you know, it wasn't the type of seriousness that this crime

22 consisted of going on. You understand what I'm saying?

23 There's no real basis for me to evaluate why should I leave

24 this place. It's pretty nice. I'm getting along with the

25 people and it's not all that bad.

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1 PRESIDING OFFICER VINEYARD: Can you conceive of
2 these different types of factors falling into that
3 particular type of combination again sometime in the future
4 and being caught up in this similar situation?

5 INMATE GROGAN: No, I will never see this ever
6 happening again.

7 PRESIDING OFFICER VINEYARD: If I had asked you
8 when you were 16 years old if you could conceive of this
9 kind of thing happening, would that have been your answer?

10 INMATE GROGAN: At 16, I don't think so.

11 PRESIDING OFFICER VINEYARD: Mr. Risen.

12 BOARD MEMBER RISEN: The only question I have is
13 what you were interviewed by Dr. Auerback --

14 INMATE GROGAN: Right.

15 BOARD MEMBER RISEN: -- and you submitted a copy of
16 that to your counsel. Is that story or the information
17 contained in there regarding the commitment offense your
18 version of what happened?

19 INMATE GROGAN: Yes, I think it's pretty accurate.

20 BOARD MEMBER RISEN: That's the only question I
21 have.

22 MS. SAMUELSON: He didn't have an opportunity to
23 edit it. The doctor dictated the report and I showed Steve
24 a copy of it this morning. So I don't know whether he, if
25 you have any specific questions --

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1 BOARD MEMBER RISEN: No. If he had read it and if
2 he had substantially with what the doctor had said about
3 the commitment offense.

4 PRESIDING OFFICER VINEYARD: My doctor doesn't let
5 me edit his reports on me either.

6 MS. SAMUELSON: Just so you know what was involved.

7 INMATE GROGAN: I agree pretty much.

8 BOARD MEMBER RISEN: I have nothing further.

9 PRESIDING OFFICER VINEYARD: He got it pretty
10 straight from you.

11 INMATE GROGAN: (Inmate nods head.)

12 PRESIDING OFFICER VINEYARD: The version in
13 Dr. Auerback's report would be the one that you would prefer
14 to have accepted over and above the official version
15 involved?

16 INMATE GROGAN: Well, the official version as it
17 reads, the part that we objected to.

18 MS. SAMUELSON: It's not complete either. It
19 doesn't go into detail about everything. It's an overview.
20 But the forces that existed are accurately represented here
21 and that's what's really important, I think, at least as
22 part of the specifics involved.

23 PRESIDING OFFICER VINEYARD: Miss Collier.

24 BOARD MEMBER COLLIER: I have no questions.

25 PRESIDING OFFICER VINEYARD: Do you have any

1 comes concerning this particular section of the material,
2 Mr. Simpson, that covers the commitment offense, any
3 statements that you would like to make at this point, sir,
4 concerning it?

5 MR. SIMPSON: The only comment I would have is,
6 we've been talking about motive and lack of motive for the
7 particular other offenses that counsel referred to, and also
8 the fact there was a motive for this offense. Two things
9 strike me. One is the fact that -- it may be more
10 appropriate to do under subsequent proceedings -- the fact
11 that he waits some eight years, I suppose, before he
12 discloses the whereabouts of the body of Mr. Shea. We have
13 a reason for it, that is, the fact that he was being
14 accused of dismembering the body and also the mutilation.
15 The guy does not disclose the motive for coming forth.
16 That's the reason, but not the motive, as I see it. It may
17 be more appropriate to discuss that during the latter
18 portions of the hearing. I'm not sure.

19 PRESIDING OFFICER VINEYARD: Let's ask him about
20 it now. Why was it 1977 before you came forward and said
21 that the decapitation, the nine parts dismemberment and
22 this kind of thing were told to you by Charlie to relate to
23 the group in order to impress them. Why did you wait until
24 1977?

25 INMATE GOGAN: Well, it wasn't that I waited until

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1 that point. It was a culmination. I was getting to the
 2 point where I was wrestling with myself to come and tell
 3 authorities because I think it's noticed pretty well in the
 4 last hearing that there's a wall between inmate and staff
 5 that if you cross it when you're in the penitentiary, you're
 6 likely to go out on a slab.

7 Wrestling with that idea, wrestling with the fact
 8 that there might be retribution from sympathizers from
 9 Charlie Manson, just wrestling with the fact within myself that
 10 I want to come forth and deliver this information. I think
 11 it wasn't all just 1977, go tell them what happened. I
 12 think it was an evolvement of coming clear of myself and
 13 taking responsibility for what I did.

14 I didn't want to take responsibility for what I did
 15 for many years. Part of it --

16 PRESIDING [REDACTED] likes
 17 point that you had something to gain by this because the
 18 question remains that the body had not been found and that
 19 it had been beheaded and that it had been cut into nine
 20 parts. These kinds of things which were pretty heinous and
 21 horrendous as far as murder is concerned, as far as
 22 treatment of a body is concerned, and that by clearing this
 23 up you had something to gain.

24 To be honest with you, staff indicates this as a
 25 symptom of change and growth. What's the answer, is it in

1 between complete?

2 INMATE GROGAN: I think I didn't get to explain
3 that. The only thing I got out of it was my own piece of
4 mind, being able to face up to what I did and straighten out
5 the record. That's my benefit for doing it. That's the
6 motivation behind it when you break it all down. I'm more
7 or less giving you an overview of why I waited so long.

8 MR. SIMPSON: Nothing further.

9 PRESIDING OFFICER VINEYARD: Is there anything
10 further, specifically?

11 MR. SIMPSON: No.

12 PRESIDING OFFICER VINEYARD: Miss Samuelson?

13 MS. SAMUELSON: It would seem to me if he had such
14 a motive in mind, that he would have thought it through
15 more completely and realize that he better have done that a
16 few years before because isn't it kind of funny that his
17 MEPD is coming up in '77-- I mean, it's not something that
18 you think out and then just do in '77 with that kind of
19 motive behind it. If you were really going to do that with
20 that kind of a motive, he would have done that way back when
21 because Steve is still being accused of having ulterior
22 motives for going and telling the truth about what happened
23 even at this point. At least by now if he had done it three
24 or four years before '77, he probably would have been
25 through all that by now and wouldn't have to be questioned

1 about it. So I think, you know, I think Steve's answer to
2 it really the true one and not the one that looks like it
3 could be on the surface...

4 That's all I have about that.

5 PRESIDING OFFICER VINEYARD: Prior arrest history
6 shows an arrest for possession of marijuana. I believe I
7 figured this out as age 18. You were counseled and released.
8 That was in June of '67. In August of '67 you were arrested
9 and paid a \$550 fine it looks like for shoplifting. Do you
10 recall that?

11 ~~INMATE GROGAN: The \$550 fine was for~~
12 renting a truck and damages and a fee for not returning it.

13 PRESIDING OFFICER VINEYARD: The arrest itself was
14 shown as shoplifting, '69 grand theft money and prowling,
15 and there was insufficient evidence because the claimant
16 refused to prosecute.

17 When were you in a mental hospital, Steve?

18 INMATE GROGAN: It was in July of 1969.

19 PRESIDING OFFICER VINEYARD: And you escaped from
20 there?

21 INMATE GROGAN: Walked away.

22 PRESIDING OFFICER VINEYARD: You left without
23 permission?

24 INMATE GROGAN: That's correct.

25 PRESIDING OFFICER VINEYARD: Against medical advice?

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1 INMATE GROGAN: I didn't have --

2 PRESIDING OFFICER VINEYARD: Escaped?

3 INMATE GROGAN: I didn't have no advice telling me
4 I couldn't leave, but I understand what you're saying.

5 PRESIDING OFFICER VINEYARD: And where was that?

6 INMATE GROGAN: It was Camarillo.

7 PRESIDING OFFICER VINEYARD: And you were arrested
8 apparently three months later in Independence, Missouri?

9 INMATE GROGAN: Independence, California.

10 PRESIDING OFFICER VINEYARD: Where is Independence
11 California?

12 INMATE GROGAN: Inyo County.

13 PRESIDING OFFICER VINEYARD: And then action on
14 that was dismissed in deference to the homicide warrant that
15 had been issued.

16 So your prior record is relatively or comparatively
17 minor.

18 There is a theft conviction, having to do with an
19 automobile in December of '69 while you were waiting to go
20 to court on a murder charge?

21 INMATE GROGAN: What warrant is that out of?
22 County?

23 PRESIDING OFFICER VINEYARD: It says Los Angeles.

24 INMATE GROGAN: I think that was a truck that I
25 rented and I paid restitution on it. The outcome was a

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1 misdeemeanor breach of promise.

2 PRESIDING OFFICER VINEYARD: We're talking about
3 two years and four months difference though. So the one
4 when you were arrested for shoplifting, that \$550 must have
5 been for something else.

6 INMATE GROGAN: Must have been for bail. We were
7 reading the record the other day and it was for --

8 PRESIDING OFFICER VINEYARD: You forfeited bail.

9 INMATE GROGAN: -- forfeited bail and I explained
10 that I forfeited bail. I was taken to Juvenile Hall. There
11 wasn't no bail put up. There was counseling recommended.

12 PRESIDING OFFICER VINEYARD: There was also an
13 arrest in Independence for possession of an illegal weapon,
14 no disposition shown. What were the circumstances
15 surrounding that arrest?

16 INMATE GROGAN: That arrest was in conjunction with
17 a police raid they had in the desert and they arrested a bunch
18 of people that happened to be around in the proximity that
19 that sawed-off shotgun was in, and they arrested me and a
20 couple of other people for that.

21 I think during my trial, one of the persons came
22 forth and said that it was in his possession, Randy Morgalia.

23 PRESIDING OFFICER VINEYARD: Well, there was no
24 prosecution on it.

25 Are there any further comments by the panel with

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1 regard to these first two portions of the hearing?

2 BOARD MEMBER RISEN: I have none.

3 BOARD MEMBER COLLIER: I have none.

4 PRESIDING OFFICER VINEYARD: Anything further,
5 Mr. Simpson, before we go on to the post-conviction factors?

6 MR. SIMPSON: Reading the transcript from the last
7 hearing at page 36, I notice there's a couple of other --
8 either I failed to understand the comments you made about
9 prior convictions. I notice there was the dissuading of a
10 witness in a murder case discussed on page 36. There was an
11 indecent exposure discussed on page 37. I'm sure the Court's
12 reviewed --

13 BOARD MEMBER COLLIER: Panel.

14 MR. SIMPSON: Excuse me. Panel.

15 PRESIDING OFFICER VINEYARD: There was no
16 conviction, as I recall. That had something to do with a
17 tear in your pants or something?

18 INMATE GROGAN: Yes.

19 MS. SAMUELSON: That's why he went to the hospital.

20 INMATE GROGAN: That's when I went to the hospital.

21 PRESIDING OFFICER VINEYARD: What was the one that
22 Mr. Simpson speaks of with regard to dissuading a witness?

23 INMATE GROGAN: That was a misdemeanor, the
24 disposition.

25 PRESIDING OFFICER VINEYARD: What was the

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1 circumstances?

2 INMATE GROGAN: The circumstance was a young lady
3 named Barbara Hoyt was supposed to testify at Charles
4 Manson's trial. Okay. Would you like me to go into depth
5 in this or just disposition?

6 PRESIDING OFFICER VINEYARD: How were you involved?

7 INMATE GROGAN: I was involved to the extent that I
8 pleaded nolo contendere with the group in order that one
9 person named Ruth Morehouse could be released on her own
10 recognizance, to have her child on the street.

11 But as far as actually participating in any
12 conspiracy to dissuade, I participated in nothing, but it
13 was lodged in the indictment.

14 PRESIDING OFFICER VINEYARD: How was what you said
15 you did connected with dissuading a witness?

16 INMATE GROGAN: I was ready to fight the charge
17 myself. They arrested about five, six, seven people on
18 conspiracy charges.

19 PRESIDING OFFICER VINEYARD: Had anybody threatened
20 her?

21 INMATE GROGAN: Not to my knowledge they didn't.

22 PRESIDING OFFICER VINEYARD: Had anyone planned to
23 exact any kind of retribution if she did testify?

24 INMATE GROGAN: No. It was my belief from what the
25 other girls told me that she didn't want to testify in the

1 first place. Consequently, from the statements in the
2 indictment, that a couple of the girls and her had went to
3 Hawaii so she wouldn't testify. When they got there, I
4 guess one of the girls slipped her some drugs and that was
5 the whole thing about the case. Slipped her some
6 hallucinogenics. Then it scared her so she came back and
7 said that everybody she saw at the ranch at the time was
8 involved. So that's how I got involved in the conspiracy.

9 The reason why we pled nolo contendere was because
10 we had an agreement with the prosecutor that if the one lady
11 could have her child -- she was nine months pregnant -- that
12 she could have it on the street, that we'd all plead to a
13 misdemeanor nolo contendere and he agreed to that, and so we
14 did. That was the result of that.

15 PRESIDING OFFICER VINEYARD: During the course of
16 the proceedings in court, Mr. Simpson, was there any
17 indication of threatening of witnesses or subordination of
18 witnesses, anything of that type?

19 MR. SIMPSON: I cannot answer that question. I was
20 not present during the trial, nor do I have a copy of the
21 trial file. Mr. Kay has it. I couldn't answer that
22 question.

23 PRESIDING OFFICER VINEYARD: Ms. Samuelson.

24 MS. SAMUELSON: I wanted to bring out a little bit
25 about the indecent exposure since it was raised and just

1 have to explain what happened and why he went to Camarillo
2 for one day, and why he left after that one day.

3 JIMMIE GROGAN: Okay. The circumstances
4 surrounding that arrest was that I received a parking ticket
5 in the valley, San Fernando Valley, and I went to the court
6 and they gave me a fine. At the time I didn't have no
7 money because my employment was just solely for room and
8 board at the ranch. I asked my brother if he would help me
9 pay and he agreed. So I went over to my parent's house,
10 which was in Simi Valley. I went there dressed as I work
11 on the ranch. We never wear any other clothing because we
12 didn't have any. The pants that I had on -- I'm always
13 riding horses and things -- the crotch was ripped out. I
14 went to the house looking for my brother. I couldn't find
15 him. So I was waiting around the corner, maybe hoping that
16 he would come back.

17 Some neighborhood kids came by and recognized me
18 and we started playing with each other, rolling around,
19 throwing grass at each other and stuff. My genitals became
20 exposed through rolling around the grass and one of the
21 mothers across the street saw it and called the police. That
22 was the indecent exposure.

23 Consequently, my commitment to Camarillo was --
24 they were going to send me to YTS and that was a lesser of
25 the choices, go to Camarillo for 90-day observation.

1 MS. SAMUELSON: And what happened, Steve, that one
2 day that you were there at Camarillo? What prompted you to
3 leave?

4 INMATE GROGAN: Well, the night before a couple of
5 patients that had hit one of the counselors over the head
6 with a bag of rice, it was all dorm living and it scared the
7 hell out of me. So it was in part a lot of my motivation
8 for leaving. I wasn't used to being around -- it sounds
9 funny -- I wasn't used to being around crazy people, but
10 these people were pretty bad off. A lot of them couldn't
11 move right and others were really extremely violent and had
12 to be sedated. I had never been in a violent environment
13 like that before. So it upset me emotionally as far as
14 handling it.

15 MS. SAMUELSON: That's all I have.

16 PRESIDING OFFICER VINEYARD: That was the
17 explanation given the other two years on that arrest. There
18 is no documentation really on what happened except your
19 statement.

20 INMATE GROGAN: Right.

21 PRESIDING OFFICER VINEYARD: Is there any further
22 comments with regard to this section?

23 MS. SAMUELSON: No.

24 PRESIDING OFFICER VINEYARD: I'll ask Miss Collier
25 then to give a resume of the pertinent post-conviction

1 **FACTORS:**

2 **BOARD MEMBER COLLIER:** Okay. At this time I'd like
3 to direct Counsel's attention and the D.A.'s attention to
4 the October 17, 1979 transcript of last year's hearing
5 beginning on page 41, line 1, through page 97, line 9.
6 Instead of rediscussing the post-conviction factors that
7 were covered -- and I might add very thoroughly last year --
8 by Mr. Vineyard, Mr. Brown participating in the discussion,
9 Mr. Grogan, of course, Miss Samuelson. I think everybody
10 who was present at the hearing at that time participated.

11 I'd like to, with Counsel's concurrence,
12 incorporate by reference all of the material contained in
13 those pages.

14 **MS. SAMUELSON:** I'm just going through them right
15 now to make sure I didn't put any notes down to discuss.

16 **BOARD MEMBER COLLIER:** Okay.

17 **MS. SAMUELSON:** Could I ask a question? Has the
18 transcript been read by everybody?

19 **BOARD MEMBER COLLIER:** Everybody on this side of
20 the table has read the transcript.

21 **MR. SIMPSON:** Not by me.

22 **BOARD MEMBER COLLIER:** We have reviewed all of the
23 material that you have in front of you.

24 **PRESIDING OFFICER VINEYARD:** I don't think it's
25 been too long ago that the panel began receiving routinely a

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1 copy of the transcript. That is that we were faced with
2 the situation of Counsel coming in with one whereas we
3 hadn't had a chance to look at it.

4 INMATE GROOM: Kind of puts you between a rock
5 and a hard place as far as going over the facts without the
6 transcript.

7 PRESIDING OFFICER VINEYARD: Puts us in the dark.

8 MS. SAMUELSON: The only comment I remember was
9 that there was a question about the disciplinaries and there
10 was an older disciplinary in '79 that he got when he was in
11 the visiting room for not reporting to the hospital he was
12 ducated for. I just want to make sure that that was an
13 older one in early '79 and I don't know what was discussed
14 here, but I wouldn't want that to creep in in the recent
15 conduct to his detriment at this time.

16 BOARD MEMBER COLLIER: I don't understand what
17 you're saying, Counsel.

18 MS. SAMUELSON: Well, I think there was a
19 disciplinary, a 115 that he received in the early part of
20 '79 --

21 BOARD MEMBER COLLIER: There's a disciplinary
22 dated June 1st, 1979. The specific act was failed to answer
23 ducat. He was counseled. The disposition was that he was
24 counseled. That 115 is part of the record.

25 MS. SAMUELSON: Okay.

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1 BOARD MEMBER COLLIER: Is that the one you're
2 referring to?

3 MS. SAMUELSON: Yes. And that was the last one
4 that he got?

5 BOARD MEMBER COLLIER: Yes. As far as the record
6 shows, that is the last 115 that he received and that was
7 discussed at last year's hearing.

8 MS. SAMUELSON: All right. I didn't believe it was
9 so that's why I raised it.

10 Okay. So we're to page --

11 INMATE GROGAN: 97.

12 MS. SAMUELSON: That's fine.

13 BOARD MEMBER COLLIER: Mr. Simpson?

14 MR. SIMPSON: No objection.

15 BOARD MEMBER COLLIER: Okay. Then that will be
16 the order then, the post-conviction section in last year's
17 transcript, and that transcript is dated October 17, 1979,
18 pages 41, line 1 through page 97, line 9 will be incorporated
19 by reference.

20 Now, before we take a look, Counselor, at the last
21 year's adjustment, are there any comments you want to make
22 regarding that period of time, keeping in mind that there is
23 a very thorough discussion from last year on all of his
24 accomplishments and I will cover today his adjustment
25 accomplishments, et cetera, from the last board appearance

1 until today's date.

2 MR. SANDERSON: Whether I have any further comments
3 to add about the discussion? No.

4 BOARD MEMBER COLLIER: I'm going to be relying, of
5 course, on all the information I have in front of me. I've
6 reviewed the C-file thoroughly, the document records, et
7 cetera, that was submitted for today's hearing.

8 It's interesting that we have two Board Reports.
9 Sometimes we don't get one, but we got two on this one. One
10 is dated August 1, 1980. The other one is dated October 16,
11 1980.

12 I'm just curious, Mr. Grogan, do you know why
13 there are two Board Reports?

14 INMATE GROGAN: Jones originally made the first
15 Board Report and I changed caseworkers and Officer Stahl
16 made the next report.

17 BOARD MEMBER COLLIER: In reviewing and comparing,
18 they just about read the same way because I'm sure the
19 source of the information was the Central file and comments
20 from you.

21 INMATE GROGAN: In reference to Officer Stahl, his
22 is more conclusive in that he sees me everyday. He's also
23 a lead officer. Whereas Jones had seen me intermittently
24 over a six-month period.

25 BOARD MEMBER COLLIER: As far as academic

1 instruction is concerned, there's been no participation this
2 last year, vocational instruction, no participation this
3 past year.

4 Your work assignment indicates that you are
5 currently assigned to California Medical Facility Central
6 Arts Program where your duties include that of sign painter,
7 silk screen, graphic art, layout, lettering for
8 institutional as well as central service. Your work reports
9 are above-average to exceptional.

10 What I'm going to do is to read into the record
11 laudatory chronos that have been submitted on your behalf
12 regarding your work effort. There is one here dated October
13 2nd, 1980. It's submitted by a K.C. Martin, M-a-r-t-i-n,
14 Supervisor of Central Arts. In summary he indicates that
15 in addition to your regular duties in the Central Art
16 Department that you are responsible for laying out and
17 painting the banners for all inmate activities and functions
18 which includes banquets. That your ability has improved to
19 the point that you now produce most of your own layouts and
20 that he indicates what your particular duties are and those
21 have already been placed in the record.

22 That you are conscientious and a willing worker,
23 not afraid to ask questions. That you get along well with
24 staff.

25 You recently had been given a bonus for

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1 above-average work performance over an extended period of
2 time. The bonus is \$18 per month for a period of three
3 months.

4 Then there's another chrono, October 16, 1980,
5 submitted by S.D. Powell, P-o-w-e-l-l, indicating that the
6 person who wrote it had been observing you for approximately
7 a year and a half. He comments on your participation in the
8 Prison Arts Project and Musicians and Performing Arts
9 Association. He indicates that you perform skillfully,
10 enthusiastically, that you played an important part in the
11 coordination and management that is necessary for the
12 continuation and success of both these projects.

13 He also stated that you relate to staff and peers
14 alike. That your job assignment in Central Arts has been,
15 faultless, that your talents and creativity is apparent in
16 your completed task. He indicates that your participation
17 has enhanced the reputation of this Central Arts Unit.

18 PRESIDING OFFICER VINEYARD: Which Mr. Powell is
19 that?

20 INMATE GROGAN: Associate Superintendent.

21 PRESIDING OFFICER VINEYARD: Franklin D. Powell?

22 INMATE GROGAN: Right, Central Services.

23 BOARD MEMBER COLLIER: And while we're on the
24 area of your work assignments, you recently -- this is in
25 conjunction also with self-help participation -- you

1 recently received a grant from California Arts Council. I
2 believe the date of contract is August 1st, 1980 to cover
3 the period 1980 to '81 to be a guitar teacher. The
4 particular program that you're involved in with the Arts
5 Council is called Artists in Social Institutions.

6 Counsel, what I think I'd like to do is go on and
7 complete my discussion. Then you can make your statement
8 after I've completed mine.

9 As far as the psychiatric factors are concerned,
10 we note for the record that we have two psychiatric reports.
11 One was completed by staff here at the institution. That
12 one is dated September 25th, 1980, submitted by Arthur D.
13 Mattocks, M-a-t-t-o-c-k-s, Senior Psychologist. I'll just
14 excerpt out some of the conclusions in that report.

15 "Prior evaluations over the past
16 few years have contained diagnostic
17 labels such as schizophrenia, chronic
18 indifferntiated type, schizoid
19 personality and immature personality.
20 These reports speak of a lack of
21 presence of defining symptoms and
22 characteristics. Early evaluation
23 spoke of loose associations in thought
24 and peculiarities of affect. From these
25 evaluations and numerous interviews of

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1 In this report, the following report was

2
3 Now, I'm not going to read that whole third
4 paragraph. What I am going to do is turn to the second page
5 and read what appears to be the conclusions.

6 "At the present time there appears
7 to be no major personality pathology
8 evident. As stated in the evaluation of
9 August 13, 1979 by Dr. Sanders, Steve
10 does exhibit some emotional dependencies,
11 but these are neither exaggerated or
12 distorted. He is somewhat cautious
13 regarding his social contacts, but this
14 appears appropriate due to circumstances
15 and past experiences. He recognizes his
16 tendency to be impressionable and makes
17 conscious efforts to re-evaluate his
18 responses to others.

19 "Remorse and guilt regarding his
20 offense is evident both verbally and
21 emotionally. Free of past pseudo-
22 philosophical rationales and chaotic logic,
23 he now faces the enormity of the offense
24 with real and appropriate feelings. His
25 violence potential is considered to be

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minimal, considerably improved by his
personal and more realistic appraisal
of values. Continued exposure to more
conventional and discipline thinking and
lifestyles can be expected to further
strengthen these gains.

"Diagnostic Impression: Immature
personality, much improved."

The Psychiatric Council saw you, Mr. Grogan, on
October 1st, 1980, consisting of G. Haiberg, who is a Senior
Psychologist, and other staff, and they concurred with that
report.

There was an independent report prepared by Alfred,
Auerback, A-u-e-r-b-a-c-k, M.D., 450 Sutter,
S-u-t-t-e-r, Street, Room 2100, San Francisco, California.
This report was done upon the request of your Counsel,
Ms. Samuelson.

I'd like to direct your attention to page 9 and,
as did with the report that was prepared by CEC staff,
I'd extract out some information from that report.

Fifth paragraph on page 9:

"While a psychiatrist three years
ago suggested that he might disintegrate
under stress, the fact remains that in
three years of prison living since that

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1 and having been ~~carried~~ carried on
2 several occasions, Mr. Grogan has not
3 compensated. On the contrary, he has
4 carried on his regular activities with
5 energy and zest. At times various
6 examiners have suggested that Mr. Grogan
7 by nature is a follower. In their
8 opinion they felt that he might be
9 influenced by other people. In my opinion
10 Mr. Grogan is now very much his own person,
11 not willing to be swayed by another person
12 in any direction other than one that he
13 considers to be the correct one.

14 "His involvement with Charles Manson
15 occurred during his adolescent years at a
16 time when he was using psychedelic drugs
17 and seeking meaning to life. It was my
18 impression on the basis of this interview
19 that Mr. Grogan showed no evidence of mental
20 disorder, being oriented as to time, place,
21 and person and without any hallucination,
22 paranoid ideation or any bizarre thoughts."
23 He indicates further,

24 "On the basis of my interview with
25 Mr. Grogan, review of the reports furnished

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... and the psychological testing which I
... on Mr. Grogan, I am in complete
... with the many observers who
... feel that Mr. Grogan presents minimal risk
... for violence in the future, probably less
... than the average individual."

He further states he believes the prisoner to be a
person with few, if any, emotional disturbances in terms of
neurotic or psychotic thinking patterns. He has learned
self-control and personal responsibility for his own
behavior.

Dr. Auerback states further he does not consider
the prisoner a person prone to any demonstration of violence
in the future, nor a person who could easily be influenced
by anybody in any form of antisocial behavior.

He concludes by stating,

"There are no psychiatric or
psychological contraindications to parole."

and indicates this report was executed on October 1st, 1980
in San Francisco.

As a followup to that, Mr. Grogan has been involved
in individual therapy. He completed therapy -- I have the
date of July 2nd, 1980. You are now in group therapy; is
that correct?

INMATE, GROGAN: That's correct.

1 BOARD MEMBER COLLIER: How often do you attend
2 group therapy sessions?

3 INMATE GROGAN: I go once a week for around two
4 hours.

5 BOARD MEMBER COLLIER: There is a chrono in the
6 file dated July 2nd, 1980, signed Arthur D. Mattocks,
7 M-a-t-t-o-c-k-s. It states:

8 "The above inmate has been terminated
9 from individual therapy and is now attending
10 group therapy. He has been in the therapy
11 group for approximately six months. His
12 attendance to group and participation has
13 been somewhat minimal. However, he is aware
14 of this and is making improvements in this
15 area. Many of the personal issues to which
16 he sought answers were resolved in individual
17 therapy. The interpersonal areas in which he
18 feels less confident are now to be faced."

19 One thing that I failed to mention with regard to
20 self-help participation is that you are participating in
21 Project Last Chance, and this is an outside community
22 program wherein juveniles are brought in to the institution.
23 I understand you've had the opportunity to speak with these
24 juveniles to give them some idea of what your experiences
25 are. It's supposed to be a program to, hopefully, deter

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1 [unclear] following testimony of GDC.

2 [unclear] That's correct.

3
4 BOARD MEMBER COLLIER: I must say that you have
5 several laudatory chronos speaking about your art abilities,
6 your talent, your musical talent, about your participation
7 in the hobby program, and just how ~~correctional~~ officers
8 and other staff view you as an inmate. They're all
9 laudatory. I will say for the record.

10 Panel members, are there any questions regarding
11 post-conviction factors? Mr. Risen?

12 BOARD MEMBER RISEN: I don't have any.

13 BOARD MEMBER COLLIER: Mr. Vineyard?

14 PRESIDING OFFICER VINEYARD: No, I don't have any.

15 BOARD MEMBER COLLIER: Mr. Simpson?

16 MR. SIMPSON: No.

17 BOARD MEMBER COLLIER: Okay, Counsel.

18 MS. SAMUELSON: I have a few additional, and I'm
19 not sure where they would be contained in your file, but
20 there was a report submitted by Officer Renfrow. This was
21 dated October 15, 1980. I just would like to read the end
22 of it, his conclusion. It is a laudatory chrono dealing
23 with his participation, but this officer indicates that:

24 "I consider him to be a worthwhile
25 individual and I would very much like to
see this panel establish a tentative parole

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1 date for Mr. Grogan.

2 There is another letter submitted by a Jerry Meek,
3 who is the Director of the Prison Arts Project. He also
4 ends his letter with his recommendations without
5 reservation for Steve.

6 There is a Correctional Sergeant Cunny, C-u-n-n-y.
7 He indicates that at his conclusion that,

8 "He has displayed to this writer
9 that he is ready for the responsibility
10 of society, a family, and a life, and I
11 feel that Mr. Grogan is ready for these
12 responsibilities."

13 There is another chrono by a Mr. Bandfield that
14 discusses his musical talent. It's a very brief one. Then
15 there is another chrono from a Dr. Harlan, who was the
16 Director of Arts and Crafts. That's dated October 16th.

17 I just wanted to specify what they were because you
18 did so, but not all of them. I want to be sure they're all
19 in. Then again a Correctional Lieutenant Booky in his
20 October 14 memorandum indicates at the end of his,

21 "I honestly believe that Steve
22 Grogan has been rehabilitated through
23 his own self-discipline and perseverance.
24 His wife and child have been exceptionally
25 supportive of him and hope for his release.

1 he has established roots in the community
2 and his main goal is to be paroled from
3 prison so he can care and provide for his
4 family. It is my professional opinion that
5 Steve Grogan could be released today and
6 he would never revert to his prior
7 lifestyle. I feel an establishment of a
8 parole date would greatly enhance Steve and
9 his family's hopes for the future. Thank
10 you."

11 There is a memo or a chrono from the sponsor of
12 Project Last Chance named Mr. Rankins, who speaks briefly
13 about his participation. Then finally there is a
14 Correctional Officer Bloggett, who submitted a letter.

15 "I urge the panel," he says,
16 "to consider Mr. Grogan on his individual
17 merit and the gains he has made during
18 the period of his incarceration. In my
19 opinion it would be counterproductive to
20 continue to associate this man with his
21 associations of the past. Thank you for your
22 time and consideration."

23 "I think that takes care of the institutional reports
24 that I have.

25 PRESIDING OFFICER VINEYARD: May I ask a question

1 name? Mr. Rankow is band sponsor?

2 INMATE GROGAN: That's correct.

3 PRESIDING OFFICER VINEYARD: Where do you know
4 Sergeant Cunny?

5 INMATE GROGAN: He used to be floor sergeant at
6 Pinel Unit and I since then have met and talked with him.
7 He lives in Napa at the same place where my wife resides,
8 and I like the man. He's a nice person.

9 PRESIDING OFFICER VINEYARD: And Lieutenant Booky
10 is your program --

11 INMATE GROGAN: Right. I knew him since I came to
12 the CDC system.

13 PRESIDING OFFICER VINEYARD: Did you ask any of
14 these officers to write these chronos for you?

15 INMATE GROGAN: I asked them if they had anything
16 to say if they would write it down and they said: "Okay,
17 we'll do something for you." I don't think there's any
18 statement where they said they had written the chronos
19 without my knowing it. I mentioned I was going to the Board
20 and they indicated they wanted to help and I said Okay.
21 It's okay with me. I need all the help I can get.

22 PRESIDING OFFICER VINEYARD: The reason I asked the
23 question, there's two of them here, they're excellent
24 officers and they never write these kind of chronos except
25 in very unusual kind of cases. That's the only question I

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1 have.
2 ~~BOARD MEMBER COLLIER:~~ Counsel, any final comments
3 regarding the whole area of post-conviction factors,
4 institutional adjustment, psychiatric, self-help work or
5 whatever?

6 MS. SAMUELSON: No, I don't think so.

7 BOARD MEMBER COLLIER: Mr. Chair, I return to you.

8 PRESIDING OFFICER VINEYARD: Mr. Risen will discuss
9 with you your parole plans as we know them at this point.

10 BOARD MEMBER RISEN: In going through the Board
11 Report there, it's quite well spelled out here. Also in
12 the file there are many, many letters of support from members
13 of the family and some friends out in the community.

14 Last year you indicated your wife was in school.
15 Now she's a nurse.

16 PRESIDING OFFICER VINEYARD: She's assistant nurse
17 to a doctor working in obstetrics.

18 BOARD MEMBER RISEN: You have a son that's about
19 four and a half years of age?

20 INMATE GROGAN: That's correct. My Counsel's
21 giving you some pictures of my wife and son.

22 PRESIDING OFFICER VINEYARD: You're not trying to
23 sway us now with your pictures of your wife and son?

24 INMATE GROGAN: No. Maybe you'll take sympathy
25 on me.

1 BOARD MEMBER RISEN: Would you like to tell us a
2 little bit about what you have planned for parole?

3 INMATE GROGAN: Well, at this point, to make my
4 plans are to try to get a parole set so I can make concrete
5 plans. The tentative plans I have, I can work with my
6 father down in the valley, San Fernando Valley, his hardware
7 store which he's a manager. I have the option of working
8 with my brother in the L.A. area. Both of them have
9 expressed by way of letters that they're willing to hire me.
10 If that doesn't pan out, I still have my music ability to
11 lay back on and my artistic ability to supplement my income.

12 My trade qualifies me as an aircraft welder. I can
13 depend on that trade.

14 My main concern is just getting this tentative date
15 where I can make solid plans. Like right now I could say
16 I'm going to work with my father, but with no date, what
17 can you say? He's willing to give me a job. I could live
18 down in that area and work seven to five days a week and
19 supplement my income with my artwork or my music on the
20 weekends. It's just about all setting a parole date.

21 I really can't say what I'm going to do when I
22 haven't got, there's no light at the end of the tunnel.

23 BOARD MEMBER RISEN: Do you think you would have
24 any problem living up to a special condition of parole which
25 is antinarcotic testing?

1 INMATE GROGAN: No, I have no objection with that
2 Outpatient Clinic stipulation.

3 BOARD MEMBER RISEN: What do you think would be
4 one of your biggest problems, if any, when you're out on
5 parole?

6 INMATE GROGAN: I really don't anticipate the
7 problems other than just adjusting to the time lapse from
8 10 years ago or 15 years or whatever the case when I finally
9 do come out. It's a matter of prices are higher, people
10 are moving faster and just a matter of a little bit of
11 culture shock I have to go through. I think I can be
12 bolstered by, say, Outpatient Clinic or some psychotherapy
13 on the side, you know, to talk about it if I do have any stress
14 on release dealing with the change of environment that I'm
15 coming into, but I don't see no problems with it. I have
16 plenty of support. My wife is with me, my son.

17 BOARD MEMBER RISEN: Panel, is there any questions?
18 Mr. Vineyard.

19 PRESIDING OFFICER VINEYARD: I don't know if I can
20 agree with you about the fact that you'll have no problems
21 other than those normal adjustmental types of things because
22 you've been out of circulation for a long time. Right or
23 wrong, true or false, you're going to be known for a good
24 many years as a member of the Manson Family in capital
25 letters. This is a very notorious type of a case. That's

1 going to be a problem for you. How much of a problem it
2 becomes is ~~that~~ extent will be dependent upon how much of a
3 problem you permit it to become, but it will be a problem
4 in one degree or another.

5 Also, there were reasons for your behavior in the
6 nomadism and your embracing of the drug culture and the use
7 of drugs and so forth. Drugs are still sold. Maybe some
8 of those reasons are buried in there still. Maybe they
9 haven't been acted on. They haven't been problems for you
10 in the institution because of the controlled nature of this
11 kind of atmosphere. There are tensions and pressures and
12 so forth in prison which aren't necessarily -- they're there
13 and they are very real and very tough ones, but they aren't
14 necessarily the ones that you're going to meet on the
15 outside.

16 I would think that it would be safer to say that at
17 least initially you're going to need all the help you can
18 get to avail yourself of any opportunities for help such
19 as the Outpatient Clinic, such as a strong and directive
20 parole agent, your wife, her support and encouragement,
21 everything she can give you. Because it's far from a
22 perfect world and you're going to have this jacket. Does
23 that make sense?

24 INMATE GROGAN: Sure, it makes lots of sense. I
25 addressed that issue one time that I could possibly, I think

1 It's legal to change your name. I was thinking seriously
2 about doing that. To what extent that might buffer the fact
3 of the label "Manson Family," I don't know, but I think
4 about it. I understand I will have problems with that. No
5 more problems than I've had in here. Like being ten years
6 in the joint and being razed every day behind it. He's a
7 "code" and all of that.

8 I managed to build a tolerance to it. It's not like
9 I'm anonymous in this joint. Everybody knows what I'm in
10 here for and they always ask me about it or kid me about it
11 or razz me about it.

12 PRESIDING OFFICER VINEYARD: What I'm saying is
13 anticipate that there will be problems possibly just to be
14 on the safe side.

15 INMATE GROGAN: Right.

16 PRESIDING OFFICER VINEYARD: Arm yourself against
17 them. Don't go out with any feelings of complacency that
18 as soon as I find out what the current rate for hamburgers is,
19 I'll be okay. It's not going to be that easy. It's going
20 to be difficult for you, Steve.

21 INMATE GROGAN: Maybe I misstated that.

22 BOARD MEMBER RISEN: Miss Collier.

23 BOARD MEMBER COLLIER: I have no questions.

24 BOARD MEMBER RISEN: Mr. Simpson, any comments
25 regarding parole?

1 MR. SIMPSON: I'd only comment that a spinoff of
2 the proposed notariety of the Manson Family is just the
3 factor of pressure itself. The pressures encountered by
4 any parolee once he gets out are a great deal more than they
5 would find in the confined settings of a facility.
6 Mr. Grogan's prior experience with drugs would certainly
7 cause a person to perhaps turn to that type of release
8 should he come under those pressures. I'd merely express
9 a concern that he might choose under the background that I
10 see in these various documents that that might well be a
11 very definite threat both to him and to society.

12 BOARD MEMBER RISEN: Miss Samuelson, anything?

13 MS. SAMUELSON: Yes. I would like to respond that
14 I believe the psychiatrists have spoken to that and have
15 concluded that they feel at least that he's still got
16 enough self-confidence, self-restraint, self-discipline to
17 deal with those problems that we all have to deal with on
18 the outside. Steve has an unusual amount of support. These
19 letters, there must be ten letters in here from people in
20 the community who know about Steve's background. The
21 doctors that his wife works with know about Steve's back-
22 ground and yet, they're willing to embrace and not shun him.
23 I think he would have more of a problem if he didn't have
24 that support, if people continued to associate him with his
25 past and say: "We're not going to have anything to do with

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1 you. But that's just the opposite here. He's got an
2 unusual amount of support and I think that's the key to his
3 making it on parole in addition to the other things that
4 he'll have to fall back on. Whatever programs that are
5 available, you know, prison programs, or parole programs
6 plus whatever his own needs are, that he can get with
7 people that aren't connected with the parole system.

8 I think it's obvious that Steve has that interest
9 in mind. He is not the same person he was ten years ago.
10 He has grown up a lot. He's matured a lot and I don't think
11 the same pressures exist. Different ones exist, but he's
12 also better prepared for those.

13 I think he's already indicated his intention to
14 sever any and all ties with the Manson Family. There's
15 stuff in his record that they wrote him, some of the girls
16 wrote him and he refused to contact them. He has
17 consistently tried to sever that part of his past, and I
18 think he's done it successfully at this point. He's going
19 to have a problem with it, but I think he can deal with it
20 just like he's dealt with it in here. He could get drugs
21 in here. I think everybody knows that there's a drug
22 problem in the prison. You can get any kind of drugs you
23 want in prison. I'm sure if he was oriented in that way,
24 he could get it illegally or maybe even get a psychiatrist
25 to prescribe it for him if he needed that assistance to

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1 deal with the pressures here.

2 So I don't think there's any tendency. I think
3 his association with drugs when he was in that teenage time
4 really taught him a lesson, and I think what Dr. Auerback
5 says about what was the second worst thing that you think
6 you've ever done, and he said use psychedelic drugs. I
7 think that's his attitude. There's nothing to indicate any
8 contrary propensities.

9 I would conclude with that.

10 BOARD MEMBER RISEN: Mr. Vineyard, that would
11 conclude this area then.

12 PRESIDING OFFICER VINEYARD: Anything further?
13 Is there anything you'd like to say in summation,
14 Mr. Simpson, by way of a recommendation perhaps or your
15 overall views with regard to suitability for parole?

16 MR. SIMPSON: Well, I think, Mr. Chairman, we have
17 two things to consider. One is whether or not a parole
18 date should be set which is the initial decision to make and
19 two, if that decision is made, then what date should be set.
20 I don't believe you can necessarily separate those two out
21 into two distinct issues. The board is certainly well aware
22 of the matrix for this type of offense.

23 In my judgment Mr. Grogan says it's important for
24 him to set a date at this time so he can make concrete plans
25 upon his release. When I weigh the value of that decision

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to him against the paramount interest that we're concerned with here, which is he's a threat to society and how much time should be spent for this particular offense of which he was convicted, it's my position that at this time a date should not be set. That he has a number of years yet to serve for the offense for which he was convicted. I would agree with Counsel that he has, in fact, a different personality now than he was ten years ago, but I can't ignore the conduct that took place back during 1969.

In deciding how much time should be spent for this offense and when the date should be set, it would be my position that the date should not be set at this time. As Dr. Mattocks said, who has him under group therapy at the present time, that he should be retained in present program of group therapy to further enhance this man's self-confidence and social skills.

That was the last paragraph of Dr. Mattocks' report that was not read earlier by Miss Collier.

I believe that Mr. Grogan has made remarkable progress. That continued progress under Dr. Mattocks' supervision should provide for release within the not too distant future.

I personally do not believe that it is appropriate at this time to set a date.

I don't have anything further.

PRESIDING OFFICER VINEYARD: Miss Samuelson?

MS. SAMUELSON: First of all, let me address what Counsel said last first, and that was with reference to Dr. Mattocks' report. That recommendation was made to the Classification Committee, not to the Parole Board. It was and that if you're going to proceed in some type of program, that you get a recommendation to do this, that, or the other. I specifically asked the doctor what his recommendation was with reference to parole and he said as far as he is concerned, there's been two clearances. One is that he doesn't have any indication of any kind of schizophrenic or any kind of mental disorder; and two is, as he has said, there's nothing exaggerated or distorted about anything that's related to Steve's mental condition. He has in effect said that Steve is parolable and suitable. His violence potential is very minimal. Dr. Auerback sees the same thing.

The board has documented evidence of what it's been looking for the last two years. So we said three things or two things, one of which is go to Category D, go to Category E and the results of those two things have come back positive, very strongly positive to say this man is suitable for parole.

Now, whether or not it's true that his conduct in 1969 is something that he's going to have to pay for, and

1 he's paid for it by ten years so far, and I'm sure he
 2 understands that if he gets a date today, it's not going to
 3 be that he gets out tomorrow. It's going to be years maybe
 4 that he has to do.

5 I think society will benefit and not just
 6 Mr. Grogan by giving him something to work with because it
 7 makes a big difference in how a person is able to work
 8 towards something that they know is definite. I'm sure his
 9 attitude will change even more positively if he knows he's
 10 got a date. He can plan. His wife can plan. It's very
 11 difficult on her. I think you can get a feeling from the
 12 letters that she wrote what it's like. She's trying her
 13 best to deal with life on the outside by herself, but it's
 14 really hard. She's got a young son and there's no reason
 15 why the panel couldn't, I mean, everything points to
 16 suitability.

17 There is a distinction between the finding of
 18 suitability and the actual release date itself. I'm sure
 19 that you as board members and representatives have given
 20 countless dates and hardly probably one percent or two
 21 percent of them have resulted in the person's release
 22 immediately, especially in light of cases these days.

23 So I would disagree with the District Attorney's
 24 statement about now not being the time. I think that
 25 society, the society's goals of punishment and also

1 mitigation as apply to these life cases will be met
2 by both finding him suitable and also giving him a date that
3 he can work with even if it's not immediate and knowing all the
4 while that if you give him a date two or three years from
5 now, he's going to continue with his programming. It's in
6 his own best interests, as well as society's best interest,
7 to continue with the things that are going to make him
8 stronger.

9 I think all of us are interested in self-growth
10 in all of our lives and we don't stop doing something that
11 we think is positive for no reason. I don't believe that
12 anything that Steve has been involved with has been for the
13 reason that, "It's so that I can get a suitability finding."
14 I don't think any of it has been focused around that. I
15 think it's been coming from his heart is why he's been doing
16 it. I think that that attitude has come through to people
17 who have seen him.

18 Obviously, all his officers have seen it. The
19 psychiatrists have seen it. I can only hope that you've
20 seen it today and in your past experience with Steve.

21 Assuming that there is a suitability finding, I
22 would request that all the factors be considered. That
23 there is considerable mitigation. I've addressed that in
24 my brief last year which you could refer to and I won't
25 reiterate it outright here, but there is a lot of need for

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1 mitigation in almost every criteria that the board has set
2 forth in its rules and regulations.

3 BOARD MEMBER RISEN: I have no questions.

4 PRESIDING OFFICER VINEYARD: Anything further,
5 Miss Collier?

6 BOARD MEMBER COLLIER: I have nothing.

7 PRESIDING OFFICER VINEYARD: Anything further from
8 anyone?

9 Was there anything further that you would like to
10 state at this point, Steve?

11 INMATE GROGAN: I think my lawyer summed it up
12 pretty well. I've done all I can, man, you know, to meet
13 your criteria as far as what the board regulations lay
14 down, but most of all, I've done it because I wanted to do
15 it. I've got involved in music and teaching music because
16 I enjoy the pleasure of teaching somebody and giving them
17 a talent that they can in turn be creative with and maybe
18 channel some of their own energy and frustrations out in a
19 beautiful medium. I involved myself with art because I love
20 beauty. It's an expressive way to do it. Plus, I've gotten
21 to the point where I can make money with it. I can help my
22 wife out. I send her home a couple thousand dollars this
23 last year from the money I made from the art shows. It's
24 helped out immensely.

25 These things I'm doing are for me. But as far as

1 your position, to determine whether I'm suitable or not, I
 2 think within myself I feel suitable. I know in this type
 3 of case it takes courage amongst you people to make a
 4 decision in that vein because I know there's some backlash
 5 that will eventually come back to you, but you've got to be
 6 strong, man, to make the right decision, you know,
 7 regardless in the face of maybe some of the papers will say
 8 that the board gave this such and such a [REDACTED] that we
 9 understand at this point that a date doesn't mean I'm going
 10 home tomorrow either. It might be for seven more years,
 11 eight more years. I think the papers in their frantic
 12 reporting tend to leave this out. It's not that I'll be
 13 going home tomorrow.

14 MS. SAMUELSON: Not only that, they don't usually
 15 report all of the things that happened during the hearing.

16 I think also that I don't think it's a risk or it's
 17 something that will be borne by you individually. I mean,
 18 I have put myself into recommending this case. Dr. Auerback
 19 has put his credentials in recommending this. Dr. Mattocks
 20 also and the officers have also stated that they have given
 21 you their feelings about this person. It's not lightly
 22 given. I don't think that any decision of suitability will
 23 be based on straws. There's a solid foundation for it,
 24 solid documentation for it.

25 PRESIDING OFFICER VINEYARD: All right. Maybe Miss

1 have some equal time, but this isn't the place for that
2 either.

3 We'll go off the record at seven after four and
4 ask that the room be cleared while we make a decision.

5 (Thereupon the room was cleared and
6 this hearing before the Board of
7 Prison Terms recessed for
8 deliberation by the Board.)

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RESUMPTION OF PROCEEDINGS

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1 RESUMPTION OF PROCEEDINGS
2
3 PRESIDING OFFICER VINEYARD: We're back on record
4 in the hearing for Steve Grogan. All parties previously
5 identified have returned to the room.

6 The panel finds the prisoner unsuitable for parole
7 for the following reasons:

8 (1) The commitment offense occurred as a direct
9 result of conspiracy, freely entered into by the prisoner
10 and his two crime partners. The victim was an individual
11 known personally to the prisoner for an extended period and
12 was at various times a co-worker. The reasons for the
13 offense were apparently based only on the belief the victim
14 was a menace to the group in which prisoner was a member,
15 which in turn was a belief based only upon hearsay.

16 The prisoner was first to strike the victim, a
17 blow to the head with a metal object, and prisoner then
18 participated in stabbing the victim with his two crime
19 partners. After killing the victim, the body was covered
20 with leaves and left at the crime scene until prisoner
21 returned to that location later that day and buried it.

22 Several years later on his own volition prisoner
23 notified authorities of the location of the remains. Noted
24 is the fact that prisoner initially told others the victim's
25 body had been beheaded and cut into nine portions.

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1 This is an execution-type offense involving
2 planning in which the victim was lured to a secluded spot
3 and panel views it one of a particularly callous nature.

4 (2) The current psychiatric evaluation dated
5 9/25/80 by Arthur L. Mattocks, Ph.D., is considered quite
6 positive. However, the panel notes that this is the first
7 clearly and unequivocally positive psychiatric or
8 psychological evaluation submitted in the case since
9 prisoner's reception by CDC.

10 Consolidations of gains made to this point with a
11 further prolongation of demonstrated capacity to maintain
12 those gains must definitely be shown prior to establishment
13 of parole suitability.

14 Our recommendations are that you continue present
15 institutional programming and maintain a clear disciplinary
16 record.

17 This hearing is terminated at five minutes to five.

18 (Thereupon this hearing before the
19 Board of Prison Terms in the matter
20 of Inmate Steve Grogan was adjourned
21 at 4:55 p.m.)

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CERTIFICATE OF SHORTHAND REPORTER

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

That I am a disinterested person herein; that the foregoing hearing before the Board of Prison Terms was reported in shorthand by me, Cathleen Slocum, and thereafter transcribed into typewriting.

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

IN WITNESS WHEREOF, I have hereunto set my hand this 11th day of November, 1980.

Cathleen Slocum
CATHLEEN SLOCUM
Certified Shorthand Reporter
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