

Inmate # Inst 11-24-81

LIFE TERM PAROLE CONSIDERATION HEARING

STATE OF CALIFORNIA

BOARD OF PRISON TERMS

The Matter of the Subsequent
Parole Consideration Hearing

CDC No. 5151

STEVE GROGAN.

CALIFORNIA ME... ..

VACAVILLE, CALIFORNIA

TUESDAY, OCTOBER 20, 1961

2:15 P.M.

Julieann Hamill
CSR No. 5151

MEMBERS PRESENT

Chairing Member

Secretary, Hearing Representative

Longt Board Member

MEMBERS ABSENT

None.

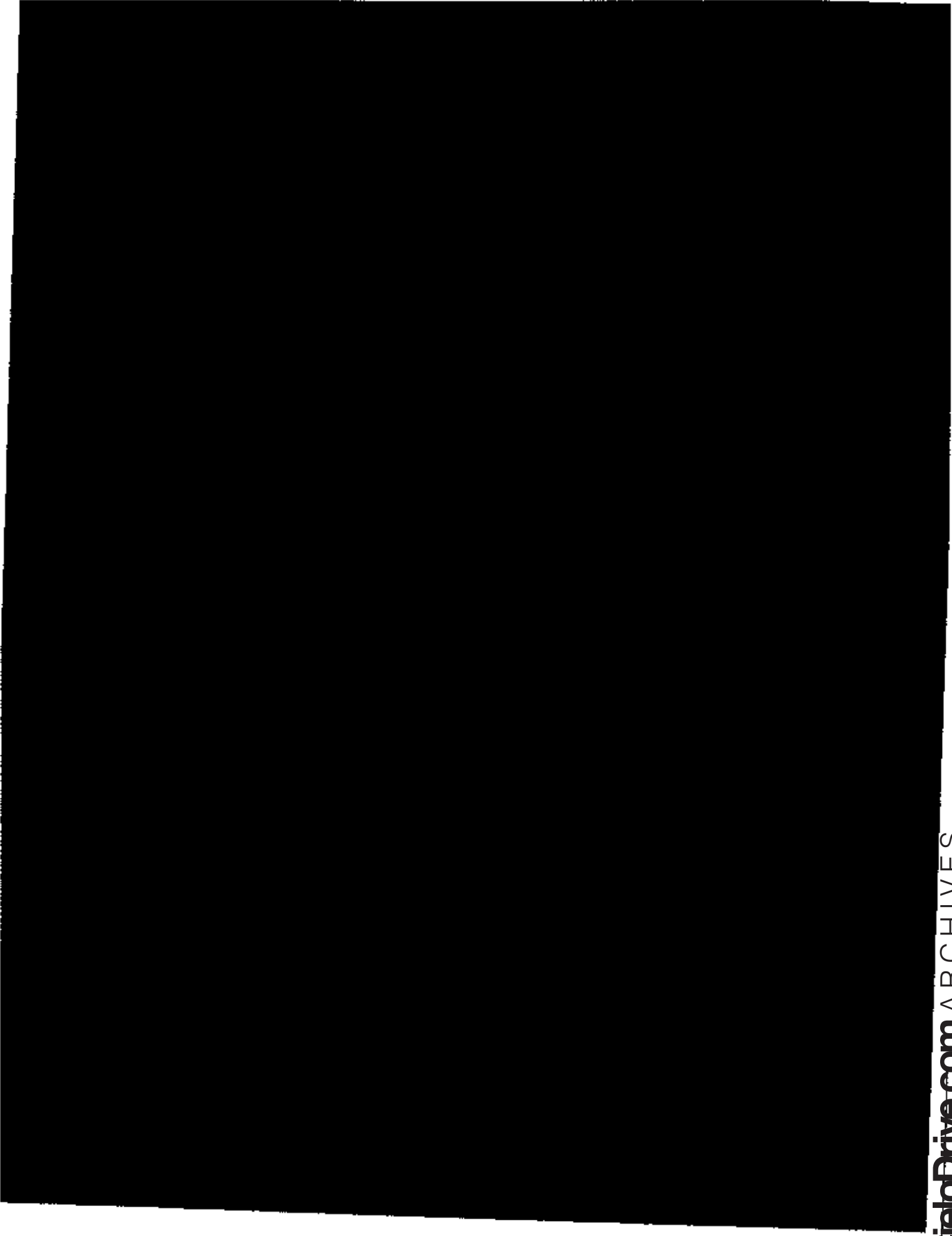
ALSO PRESENT

Steve Grogan, Inmate

William Robinson, Attorney for Inmate

Michael Delaney, Deputy District Attorney for
Los Angeles County

Steve Centanni, KUIC Radio



EXHIBITS

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... afternoon. This
... hearing for
... number is 8938723. Today is
... The time is approximately

... of Prison Terms' panel today is
... Medical Facility at Vacaville.
... I'm a Member of the Board of
... to my left is Mr. Edmund Tong,
... Board of Prison Terms. To my right
... is a Hearing Representative for

... in the room also are the prisoner,
... counsel, Mr. William
... Mr. Michael Delaney, who

... that correct?
... will be
... County District

... or for the prisoner, all questions should
... and the Board can then ask those
... if the Board feels it's appropriate. But the
... Attorney's Office will be presenting from time
... time, if they so wish, their own opinions as to this
... case. Those always to be followed by the statements of
... the prisoner or the prisoner's attorney and that also
... includes final summation.

The hearing is being recorded today. The Board
of Prison Terms contracted reporter is here. We also
have present Mr. Steve Centanni, Chief Editor of
KUIC 95 Radio here at Vacaville.

Mr. Grogan was received on 12-1-78 from the
Department of Corrections from Los Angeles. Case
No. A-267861, involving the crime of murder in the first
degree, 187 of the Penal Code. We have a minimum
parole date in this case of December the 13th, 1979.
Mr. Grogan, this case is being heard today pursuant to
Penal Code Sections 3041, 3042 and the regulations of
the Board of Prison Terms governing parole consideration
hearings for life prisoners. I know that you're familiar
with this process, at least I believe you are, because
you had your first hearing on August the 22nd of 1978.
That was the initial parole consideration hearing. Then
you had two and this will be the third subsequent, the

the 17th, 1979; the second subsequent
the 21st, 1980 and, of course, today,
the 20th of '81 will be the third subsequent or
fourth hearing in this case.

Is that right?

INMATE GROGAN: Correct, sir.

PRESIDING MEMBER ROOS: So you're familiar with
the whole process?

INMATE GROGAN: Been through it a few times.

PRESIDING MEMBER ROOS: So, as you know probably
from prior hearings, we have to decide today whether or
not you constitute an unreasonable risk to the public.
If we find that you do, then you would come back for
another hearing in approximately a year. If we find that
you do not constitute an unreasonable risk today, then
we would be bound to set your total amount of time in
prison, your term or punishment for the crime and other
factors that might be relevant.

We're going to reach that decision today.
Whatever it is we're going to reach it. We're going to
inform you of it. I'm going to inform you with the form
No. 1005, which is simply a summary of our decision now.
We'll give you the decision verbally and then in about
60 days you'll receive a typewritten copy of the decision.
The decision that we make today is not a permanent

5
No, all members of this panel will participate
in that decision, whatever it is today.
Counsel, I assume that your client will be
speaking with us today about some of these areas or all
of these areas?

MR. ROBINSON; Yes, he will.

7
PRESIDING MEMBER ROOS: So, I'd like to place
8 him under oath. If you just remain seated and raise your
9 right hand.

10 (Thereupon Inmate Steve Grogan was,
11 by Presiding Member Roos, sworn to tell
12 the truth, the whole truth, and nothing
13 but the truth.)

14 INMATE GROGAN: I do.

15 PRESIDING MEMBER ROOS: Okay. Thank you very
16 much.

17 INMATE GROGAN: Welcome.

18 PRESIDING MEMBER ROOS: You have certain rights
19 at this hearing. Of course, I already mentioned one right
20 and that is the right to appeal the decision if you don't
21 like it. I don't know what it's going to be. But if
22 you're not satisfied with it, you have the right to appeal.
23 I also give you other, basically, due process
24 rights in these administrative hearings. The right
25 to review the materials that

1 we're going to be using today -- incidently, we're not
2 going to be using any confidential material. We're going
3 to be using material in the Central File, which I
4 understand you had the opportunity to review. I have
5 certificates here or statements here that you signed
6 indicating that you've provided counsel today and that
7 you've had opportunity to look at these materials.
8 I should have also, the right to talk to your attorney
9 Counsel, are you satisfied that your
10 has been afforded these due process rights?

11 MR. ROBINSON: Yes, I am.

12 PRESIDING MEMBER ROOS: And are you ready to
13 proceed today?

14 MR. ROBINSON: I am.

15 PRESIDING MEMBER ROOS: And I assume that you
16 is?

17 INMATE GROGAN: Right.

18 PRESIDING MEMBER ROOS: You also have a right
19 to an impartial panel. What that means is basically you
20 haven't had maybe some negative contact with us on the
21 streets or in the prison or something outside this prison
room such that we would come in here with some prejudice
against you.

Have you seen any of us outside the hearing

MR. GORDAN: I haven't.

PRESIDING MEMBER ROOS: Do you have any reason, Counsel, that the panel could be biased in the way described?

MR. ROBINSON: If there's anyone from the Los Angeles Sheriff's Department or Los Angeles County District Attorney's Office, other than that I couldn't think of any.

PRESIDING MEMBER ROOS: I don't think any of the panel members have that background.

Do you have any preliminary objections, Mr. Robinson, before we get started? Any legal objections?

MR. ROBINSON: Well, I have one objection, which I'm sure you've grown tired of hearing, which is the legal protection objections or the ex post facto objection to proceeding under the rules that have been enacted since the determinate sentence law.

I would note for the record that there's been an appellate court decision, which, of course, is not a final decision yet on this matter, which has been saying these violated protection. And there's not a hearing given under the rules, but I'm sure that this is going to be made the objections formally.

...reason, I believe,

...are referring to?

MR. ROBINSON: Henson, right.

PRESIDING MEMBER ROOS: When decision is final, of the Supreme Court, if it's required, then the Board will have to set up procedures to review some of these cases under the Adult Authority guidelines, which we no longer use since we're using the Board of Prison Terms guidelines. So your objection has been noted for the record and preserved and, if proper, we will then hold a hearing from you later on.

MR. ROBINSON: Second objection is that was also raised last year, and it's also in the file. I don't expect it to be adopted by the Board, but it is the fact that in Mr. Grogan's file, not only in the Central File but in matters considered here, that the hearings are fairly detailed accounts of crimes of some of his co-defendants, which Mr. Grogan has no demonstrated involvement.

I'm certain that these will not have prejudicial effects upon the Board in terms of your evaluation of Mr. Grogan's conduct, but I object to them in the sense that the implication of involvement in those very heinous, reprehensible offenses is, because of the nature of the offenses, damaging to Mr. Grogan.

...these properties have material

to the specific
related offenses. This was discussed
last year's hearing, and I don't believe
there was anything more we discussed on it.

MEMBER ROOS: Okay. Well, I think
the Board can separate out the acts in which Mr. Grogan
participated and those acts which he did not participate.
I think we can confine our consideration to what we have
in the facts as they relate to him.

He's not required, as you know, to discuss the
crime with us or to admit guilt. We can reach a decision
without him doing so; however, if he wants to talk about
the crime, if it should be appropriate, or if the question
should come up, then, of course, we would like to hear
whatever he has to say. But he has a right not to talk
about it.

Of course, the panel has to accept as true what
the court found or what he pled to with respect to the
life crime. So we can't change that, of course, knowing
whatever his activities might have been with the corpus
of the crime. But we're not going to in any sense
overrule the court or make a different finding as to the
facts.

... probably one more minor --
... preliminary and that

... that we are all going off the same
... I have a list of documents that the
District Attorney and that you, Counsel, should have.
I'm just going to pass that over and ask if you'd look
it over and see if it seems to be the same documents so
that we're all together on the materials before us.

7 MR. ROBINSON: I believe I have all these
8 materials.

9 Oh, do you want to see that, Steve?

10 PRESIDING MEMBER ROOS: I'm going to ask the
11 District Attorney to look at it.

12 Are you ready, then, to move into the substantive
13 portion of the hearing?

14 MR. ROBINSON: Yes, I'm ready. Mr. Grogan,
15 on his own, prepared a brief, I guess you could call it,
16 in this matter. He has copies for each member of the panel,
17 and one for the District Attorney who is here today. I
18 would ask, perhaps during the deliberation, if you have
19 time to look at this.

20 PRESIDING MEMBER ROOS: Let the record reflect
21 the speeches of the panel members and the District Attorney

... with various
... articles, other information in
... the time of the deliberations.
... in the time that you

010 448-2757

...to highlight anything in this for our
...ask the District Attorney if he has had
...to review this summary of documents that are
...contained in the record.

MR. DELANEY: I have, Mr. Chairman, and I do have
those documents in my file.

PRESIDING MEMBER ROOS: Thank you. Then, I'm
going to mark this list of exhibits in the files that we
all have as Exhibit 1 today.

(Thereupon the above mentioned
document was, by Presiding Member ROOS,
marked Exhibit No. 1.)

MR. ROBINSON: Can I also note -- excuse me --
that there are certain letters, which are not in the record.
Mr. Grogan has copies of which he received recently. I
just didn't have time to incorporate them in the Central
File and as those matters come up, I will introduce them
as evidence.

PRESIDING MEMBER ROOS: Fine, thank you.

BOARD MEMBER TONG: Excuse me, Counselor. Are
you referring to letters of support?

MR. ROBINSON: Yes.

MR. TONG: All right.

MR. ROOS: Okay. At this point I

(19) 440-2767

I'm going
 ... decision of last
 ... I'm simply going to read
 ... at this point because apparently the
 ... over the years in that there
 ... involvement on the part of
 ... statements to the police and showing
 ... the victim was buried and things like that.
 ... this point we'll read that into the record.
 ... prisoner and crime partners Charles
 ... Davis, and Charles Watson, acting
 ... with one another, enticed the victim,
 ... Shea, a cowboy ranchhand, into a
 ... Spahn Ranch near Chatsworth, California.
 ... part of August 1969. The victim
 ... to a part of the Spahn's movie ranch,
 ... hit on the head by the prisoner and
 ... vehicle. The victim was
 ... in the body by the crime
 ... prisoner. During this occasion,
 ... told the victim he
 ... at some
 ... to chop the
 ... the above-
 ...

...victim's
...to have been
...partners
...personal property for

...told a former member of the
...that the reason they killed the
...because he was 'bad mouthing' the
...and he was calling the man (police). The
...stated to this witness that it was 'really
...killing the victim.

"In the latter part of 1979 (sic), the prisoner,
...motivated by the fact that people
...believed that he had participated in a decapitation
...in which the victim's body was mutilated,
...authorities and supplied information
...to the recovery of the victim's body.

...remains of the victim showed no
...degradation or mutilation. The
...remains reflected multiple
...of the victim showed
...with a blunt
...the prisoner
...the blunt
...presently

...of the
 ...grave,
 ...the orders
 ...Charles Manson. The prisoner
 ...on crime partner Manson's orders
 ...described the decapitation
 ...of the body, in order to create
 ...other persons."

At this point I would ask Mr. Robinson or
 Mr. Grogan if they have any comments on that statement of
 facts.

MR. ROBINSON: Well, as I see it -- is this
 from -- this is from the formal decision that the Board
 made last year?

PRESIDING MEMBER ROOS: Yes, the Board's formal

MR. ROBINSON: What it sort of is is that the
 ...year, that they did is they went back in '79
 ...two fairly distinct and
 ...on this. The first account, which
 ...decapitation, the statements
 ...and this sort of thing
 ...upon which the

...transier.

...transier at DVI and
...in ... recounted to the 179 hearing which
... He told this story and the story
... told as the facts and the discovery
... confirmed most of what Steve says.

... that was done last year is that the section of
... where he told the story was incorporated
... Now, we can do that this year or we could have Steve
... discuss the matter right now. Perhaps the latter would
... be better than doing the first with the facts.

PRESIDING MEMBER ROOS: We've all had the benefit
... of the transcripts. We know how the story has changed
... because of the discovery of the remains and so --

ROBINSON: I would say --

PRESIDING MEMBER ROOS: Probably be best for him
... or you make any statement that he

... Before the stabbing incident that
... himself at DVI and the aftermath of
... transier and coming out
... account. He had
... offense.

... ing incident you

International Institute
 ... ask ... in the form of a
 kind of -- although it's difficult to
 the offense itself, the background of it
 We can get into that in questions
 but if you could just start from that morning
 Fill in details as you go along. I know you've
 been through this a number of times but --

PRESIDING MEMBER ROOS: He probably doesn't need
 to go if he wants to he can, but he probably doesn't
 need to go over all the facts. I think probably what he
 should go over are the things he feels are most important
 inconsistent or highlight things.

THE CHAIRMAN: Okay. I'll start with the report
 you read is pretty accurate inasmuch as it describes
 everything that happened.

... inconsistencies in the sense that, if I
 ... said we enticed the victim to the
 ... was understood how I explained
 ... taking us down to an auto mechanic
 ... parts in. So actually we were

... thing?
 ... exactly.

...to you this
 ...in the morning,
 ...point and just
 ...it so many times.
 ...Well, that morning I was awakened
 ...still, you know, half asleep, told
 ...and handed me like a pipe wrench.
 ...Shorty in the back of the head as soon as
 ...the go ahead or gave me the signal.

At that point Tex and I entered the back seat
 behind the driver, which was Jerome Shea, and Tex was on
 his right hand side. We proceeded down Santa Susana Pass
 toward San Fernando Valley. And about a quarter mile down
 from the ranch there was like a turnoff where cars, you
 know, like that area. And Tex mentioned that he had some
 things that he had to get, pick up before he went
 to the store.

...I'll just get over, you know, the emotional
 ...it's kind of hard to, you
 ...that I did.

...would you like some water?
 ...would.
 ...Nanson was
 ...the back seat.

... in the front seat

... sitting behind the driver.

... in the back seat.

... Then we pulled off the road.

... was still in gear. I think he just
... got the brake, and they got out and they looked
... like he was looking for some parts.

... in the meantime, I was supposed to hit this guy
... in the back of the head. And like I never, you know, hit
... anybody or hurt anybody like that before, and it was hard,
... I was hesitating in my mind, you know, looking
... on the highway hoping maybe cause of traffic
... to hit him because it was just 10 feet off

... was urging me, you know, come on hit this
... He pulled out a knife that he
... finally, you know, put me over
... I wasn't really -- there
... nothing like that.

... stunned him but
... to the passenger

...interrupt you. One
...statement was that the
...out of the vehicle. I remember that was
...last year, and as you just said, he left the
...hit, right? He went out which side?

INMATE GROGAN: Right side.

MR. ROBINSON: The passenger side, all right.

INMATE GROGAN: The blow knocked him forward so
he hit the steering wheel and surprised him and jumped out
the side and I had to reach over the seat and get in the
driver's seat to stop the car, because the way it was parked
there was an embankment, you know, like cul de sac ditch.
And the car ran -- drove into the ditch. So, meantime,
I'm jumping over the seat trying to put the brakes on, put
the car in gear, stop the motor, he had already been stabbed.

PRESIDING MEMBER ROOS: Who did that?

INMATE GROGAN: I imagine Tex did. I didn't
...him. My head was turned; you know.
...peripheral vision, I didn't catch
...out of the car and he was laying
...state. He was already
...arrived on

Was it that the
some people over here and caused
on the side?

right. And I came upon the victim
state. And I was handed a knife and
I stabbed him twice in the chest.

Did Manson stab him too?

I don't know. He might have
stabbed him.

So you stabbed him and
he stabbed him?

He might have stabbed
what happened?

people

...back yourself
...was the grave?

SENATE GROGAN: It was pretty shallow. It was
...to cover his body. But in reference to the
...over the years it was seven years or eight years
...there had been rainstorms and mud slides in that area.
And I think that's what -- they had trouble finding him
when I initially drew a map. I had to go down with them,
escort, and show them the direct vicinity. I couldn't even
remember the exact spot because, you know, landscape had
changed.

PRESIDING MEMBER ROOS: How about all this talk,
it was groovy to kill him, and all that kind of business?

SENATE GROGAN: Well, I was told that if anybody
was to ask what happened that those were the statements
I was to give them in order to -- at that point in time,
at the ranch there was a lot of, seems like there was a
little bit of dissention and philosophy that was promulgated
there. There was always -- fear or love would pull people
...breaking apart. And I think it was, you know,
...that this statement would bring more
...than just stab the guy the way

... Thank you.

... to say about the

I don't have to say anything.
 I'd like to say everything that
 has to be said. It has to be dealt with thoroughly and
 in an adult manner. I'm just trying to think if there's
 areas that need to be addressed.

MR. ROBINSON: I think perhaps when we get into
 the area of post-conviction behavior, since so much of
 you know, the change in the growth and the coming to grips
 with the enormity of this thing that's happened, since I
 he really opened up to this whole thing and perhaps
 additional matters can be looked back to at that time.

PRESIDING MEMBER ROOS: Fine.

Mr. Delaney, do you have any comments on the facts
 of the case?

MR. DELANEY: So far as the basic facts of the
 offense go, I think those have been adequately summarized
 in previous hearings, in the previous comments of the court
 and the District Attorney at the time of the offense.

I recognize that the initial act of mutilation
 was apparently in error and apparently
 essentially by Mr. Grogan in the sense
 that he gathered, as part of this fear
 of a decapitation, mutilation,
 comments so far as

... I think it's adequately summarized. I
 ... callous nature is adequately addressed
 ... and I would simply reiterate those comments.

The only other thing I would say with regard to
 ... offense itself is: I wonder if, in listening to
 ... Mr. Grogan, I wonder if we're not witnessing the degree
 of rationalization on his part. None of us were there,
 and we are limited to the accounts of persons who are
 living, who were there. But I couldn't help but note in
 that short narrative that Mr. Grogan just gave that it was
 the act of Mr. Manson in directing him to do this in the
 first place. It was the act of Tex in urging him to do
 it while they were in the car that he portrays himself
 essentially as a pawn.

I realize he has said in the past that he was
 under substantial domination of Mr. Manson and that domination
 was accentuated by his use of psychedelic and other drugs.
 But my only comment would be, I wonder how truly he's come
 to terms with his own role, how active that role was, whether
 that activity was much more than he's willing to concede
 at this point.

... have nothing else.

... MR. ...: Okay. Mr. Epperly, do

... any comments?

... EPPERLY: Yes. How many

Four. I believe
at that point, was led to believe
that one that stabbed the victim; is that

THAT'S CORRECT.

HEARING REPRESENTATIVE EPPERLY: At what point
of the other three persons that stabbed the

THAT'S CORRECT. In what order?

HEARING REPRESENTATIVE EPPERLY: Right.

THAT'S CORRECT. I guess I was the next one to

HEARING REPRESENTATIVE EPPERLY: You're the next
to stab him and then there was Davis, Manson

THAT'S CORRECT. I'm not sure when that -- both
when I was --

HEARING REPRESENTATIVE EPPERLY: But the other
and Manson?

THAT'S CORRECT. Just the fact that I was there
at that time, you know, just
it's hard to describe

...they, we can
...now, and we're
...interpretation of
...at that time.

...I was scared to death. That's

...REPRESENTATIVE EPPERLY: What were you
...death of?

...GROGAN: Just the fact that I had hurt
...you know, I never -- it was always against my
...the way I was brought up and even in that family
...sacred. There's no need for violence.

...REPRESENTATIVE EPPERLY: Was it, the being
...scared, in your terminology, was it because of the actual
...itself or was there an intimation from some other
...you would be hurt, that there would be something
...to you? Where was your greatest fear?

...: Well, both factors played equal
...level. I think I was more afraid of
...I never struck anybody or anything
...what it's hard to explain --
...in trying to force myself
...want to do it.

...that
...as

from others in the group I was with if I didn't

HEARING REPRESENTATIVE EPPERLY: Do you think you had that thought at the time you struck him with the monkey wrench or the time you were stabbing him?

INMATE GROGAN: The thought that I might be killed if I didn't?

HEARING REPRESENTATIVE EPPERLY: Right.

INMATE GROGAN: I guess I just -- let me state it clearly. At the point of my hesitation beginning when I looked over and saw the guy with the knife and, flash, that I better do this or I'll get killed myself.

HEARING REPRESENTATIVE EPPERLY: It's in the record and has been mentioned before, the amount of ingestion of drugs and whatnot over a long period of time prior to this incident. Do you recall how, immediately prior to this, you had ingested any foreign elements?

INMATE GROGAN: I think, as I stated earlier in the record, we were getting loaded on drugs almost every night, marijuana, hashish and occasionally we'd take some LSD, peyote and psychedelics, hallucinating drugs. And it seemed the whole group of the group was to keep a certain amount of a certain feeling or awareness of a certain plane of consciousness that they could during all waking hours and they were constantly an ingestion of

... if I was going
... it's all right to

... REPRESENTATIVE EPPERLY: I don't know
... now or later on since it happened since
... to raise the issue of his going out and
... the recovery of the body. It's okay to proceed
... with that.

... PRESIDING MEMBER ROOS: Sure.

... ERIC SHERROGAN: If I may, I'd like to address
... the District Attorney said about my participation.
... I'm not trying to make excuses for what I did.
... excuse for what I did. There's no justifiable
... crime regardless of what they told me
... fear. I'm not trying to take, you know,
... excuse myself or any
... did, was totally wrong, against all
... brought up with in society.

... all.

... there's no
... make that sure.
... murder is murder.

... REPRESENTATIVE EPPERLY: Okay. In regards
participation in helping to relocate and recover
body of the victim, what brought about the actual going
there and your willingness to do this?

INMATE GROGAN: Well, I don't think it was one
specific thing. It was, I think, culmination of my growing
and maturing and coming to grips with myself about the crime
and what I did, the acknowledgment, the fact that I was
tired of lying, having to tell everybody I didn't do it,
lie that I perpetrated, the fact that I wouldn't own to
the responsibility. There was a lot of facets that, you
know, they add to my coming forth for this disclosure of
where the body was.

It was -- it's not like in 1977 I decided, well,
today I'm going to tell the District Attorney where the
body is. It was culmination process of up through the years
of me gathering of strength and enough responsibility of
myself to deal with what I've done and come clean with it.

Prison environment is like you live under a lot
of fear too. You know, you can be killed in prison just
as easy as the street, if not easier. And the fact that
you have to go to the authorities, even back at that time in
if you talking with the staff you were
... far as your standing in convict

...dealing with those fears. You know, people put a rat jacket on me and I'm left open, have my property stolen, all the things that to a person that crosses those boundaries in a convict community, staff and convicts alike.

HEARING REPRESENTATIVE EPPERLY: Excuse me. You mentioned '77. I believe Mr. Rops, you mentioned '79. You did go out in '77, right, to relocate --

INMATE GROGAN: Uh-huh.

HEARING REPRESENTATIVE EPPERLY: Okay.

INMATE GROGAN: So consequently I was dealing with all those different factors. Plus incident happened in '77 which really made me cognizant in a way that put me in my victim's shoes, the attack that was led on me. You know, I -- that made me cognizant of the act that I did to the other person, what he must have felt, the terror and the fear when I was being stabbed.

You know, and to myself I didn't have no reason. There was no reason for them to stab me. I was -- what's happening? What are you doing? And I thought I was going to be... You know, just the fact that me being able, by being in the victim's shoes, so to speak, that that gave me some deep insight into what I did and made me all the

...straighten the books
...myself.

... REPRESENTATIVE EPPERLY: Was it ever
... you were the one stabbed at that time?

... GROGAN: No, because the defendant in the
... pled to an assault for probation. So there was really
7 no facts about it, and I didn't testify against him, as
8 far as what he did to me.

9 So in the course of pending proceedings, he didn't
10 make any statement why but my only guess was that that same
11 night there was an incident on the yard where white members
12 of a gang attacked Nuestra Familia because they want a
13 percentage out of some money games and stuff. And this
14 particular person ran on the yard and came back with the
15 institution -- on the recreation's yard, this is where the
16 incident happened. And he was looking for a reason to save
17 face before other gang members and I became the likely
18 candidate. I had just came back from the music room. I
19 wasn't on the yard. I wasn't even sure what happened at
20 the time of the incident.

... REPRESENTATIVE EPPERLY: Were there any
... at the time you offered to go out and
... any discussions as to anything
... considerations by the department
... if you were to

... I asked

... not mention my

... on my parents.

... Was that honored?

... They said tip off by an

... It might be appropriate now, if
 ... was testimony by Lieutenant Chandler, who
 ... important person in this process. He was the
 ... staff at DVI with whom Steve started to discuss
 ... the whole area of it. He was present at
 ... I believe, it was the 1978 hearing. In the '79 hearing
 ... who was the counsel, read into the record
 ... by Lieutenant Chandler, and I think those would
 ... to read into now. They're somewhat
 ... they're important now.

MEMBER ROOS: Why don't you just give
 ... can look at them again? They're in

... have you had the opportunity to

... I don't recall
 ... He was the

HEARING REPRESENTATIVE EPPERLY: For seven or

MR. ROBINSON: This is in the 1979 hearing, pages
67 through 71 and they're short pages because it's quoted
material. That's how you court reporters do it, right?

PRESIDING MEMBER ROOS: Thank you. Anything else,
Mr. Epperly, that you wanted --

HEARING REPRESENTATIVE EPPERLY: No. I have no
questions at this point.

PRESIDING MEMBER ROOS: Mr. Tong, any questions
or comments?

BOARD MEMBER TONG: Mr. Grogan, at the time that
the incident took place and there had been a gradual build
up prior to it of your leaving your family, staying away
for a time, staying away weekends, I'm talking about a period
before your, I guess --

INMATE GROGAN: Involvement with the Charles Manson
group?

BOARD MEMBER TONG: Right. What happened in your
life to cause this, from what you say, from what I've read,
you allege your parents were all right. There was no
negative relationship, is that correct?

INMATE GROGAN: That's correct. Came from a good
family, I can't -- I got no complaints
from my family. I feel bad about what I've

BOB ROBINSON TONG: What the setting is --

STEVE GROGAN: My break off from the family ties.

BOB ROBINSON TONG: You might be a runaway, not sitting along with your parents, if your father's beating on you or something like that. What was happening with you to cause you to seek to be away from your family?

STEVE GROGAN: What was happening with me was that there was a point in my life where I was being real romantic about the meaning of life. You know, where I was real philosopher, philosophised a lot about life and its meaning, deep meanings in life, my purpose in life, you know, what I imagine every teenager goes through that same period in his life. I took it to the extreme to the extent that I went to different monasteries, different monasteries, various Buddhist monasteries and meditation groups.

MR. ROBINSON: What age are we talking about now, Steve?

STEVE GROGAN: Age of fourteen, fifteen and a

MR. ROBINSON: What years were these?

STEVE GROGAN: '66, '67, '65, approximately.

...and marijuana

... into my mind.
 ... state of unconsciousness,
 ... to parents, I viewed it as
 ... the mill and
 ... I thought it was plastic. It was
 ... you die and you're buried and that was
 for

I didn't want to -- at that point I thought there
 was more to life than that. So I was consequently
 so consequently I'd leave the house.
 different monasteries, encounter groups, seminars. I'd
 learn what they had to say. I was constantly programming
 myself to different teachings and things like that. Basic
 format of all those teachings is that you have to clean
 all that you have been programmed in the past so you become
 in contact with your true self.

So that was my quest and over the time it just
 got more intense. I'd leave for a day or two and I'd leave
 for a weekend, week at a time, then a month. So it
 gradually built up so until I finally severed ties and left
 on my own. I was around 15 when I left.

BOB: What was the response of your
 parents at that time to you?

... they were concerned. They
 tried to reassure them as

I was not
 not to worry
 I'll drive like it. I've objected to it. And
 their objections. Left anyway. They were
 to my leaving the house for long periods
 of time.

It's strange because it was in the period where
 it seems like the whole stream of society was in a constant
 flux, so's, you know. All those -- all those different
 events, it's like string of society's fiber was coming
 loose or they were being twisted and metamorphosis, that
 was an result. Everything was just really unstable. I
 think the whole country felt like that. At least I felt
 like that, lot of parents, most people I've talked to.

BOARD MEMBER TONG: At a certain point after
 you've gotten married, your wife needed to change her
 insisted on one number and indication because of threats
 to her family. Would you elaborate upon that, because
 the time after you were incarcerated? Charlie
 was incarcerated. Who was the threat coming from?

Well, after couple years being
 clear in my head, all the
 just started
 thinking, well,

...people? ... am I still
 ... go me?
 So cut them loose. In the meantime, I had met,
 ... met my wife and we visited over a year. I visited
 with her for a year because I wanted to see where she was
 in her head, as far as for a wife, good wife; my
 children. It was more like a testing period. I let her
 go through to see if she would stick by me. Of course,
 there was no guaranty of that. It seemed that after a year
 of going through these hardships of prison life, visiting,
 coming back and seeing you, on the basis that she had left,
 you know, call it quits or she would stick by me.

So consequently after a year and a half, I decided
 we should get married. And some of the girls that were
 involved in Charlie's in Sacramento got wind of the marriage
 and they threatened her with telephone calls. Telling her
 that she wasn't good enough for me. They were going to
 kill her, send somebody over to get her; that she should
 leave me alone; get the hell out of there.

These are not quotes, just summations of the
 feelings. ... told her to change her address, move out
 of there. I wondered how they knew where she lived.

MEMBER TONG: Pardon?

GREGAN: I was wondering how they knew

... the time you got married,
... as the consequences that that might
... reaction from the people that were still out?

INMATE GROGAN: Yeah. It was -- I had those
... them during that relationship. We had told
... relatively the same thing, leave me alone.
7 You have no business with me, and I kind of half ass
8 respected that from those people. Because in their eyes,
9 here I am in the past involved. I am in effect getting
10 out of the group. To them there's no getting out. Because
11 it's -- it's kind of difficult to explain, I guess, the
12 attachment they had to each person that was involved with
13 them over the years and they didn't want to let go of it.

BOARD MEMBER TONG: Okay. Maybe --

INMATE GROGAN: It's like we're supposed to be
16 bonded together for life, you know, for eternity. Almost
17 to a, like a vow, you know, to that. That was their
18 viewpoint of my involvement with them and I didn't see it
19 that way. And they was highly upset that I would leave
20 them and just told them to get the heck away.

BOARD MEMBER TONG: I think you indicated that
at the time of the killing, correct me if I'm incorrect,
that ... mutilate the body and that you surmised
... bringing the group more under his
... was beginning to shift away from

INMATE GROGAN: Yeah. At the time -- it wasn't
 the time of the murders. It was after the murder,
 some time after. The murder that he told me that, you know,
 to mutilate that story if anybody asks.

MR. ROBINSON: Just for clarification, he didn't
 tell you to mutilate the body?

INMATE GROGAN: He told me to say that we had
 mutilated the body.

BOARD MEMBER TONG: Okay. Of the people that
 were involved in the Manson family, do other people have --
 at the time that the incident took place, people were very
 close to one another in terms of the psychodrawn path?
 At this point is there a spread in terms of the individual?

INMATE GROGAN: Yes. There's a -- there's a

BOARD MEMBER TONG: Where people are at in terms
 of their relationship with Manson or --

INMATE GROGAN: I was the only one that was, you
 know, saying -- taking a good look at where they're at.
 It took me a couple years because oriented myself in prison
 and then I started working through the distortion of the
 thing. Yeah, I think they were desperate
 -- that little clique of a group they

are some of them still pretty

...to the extent that you can be?
...contact with them over the
...couple of the girls
...with them, but that's about it as far as I'm
...ed.

BOARD MEMBER TONG: Okay. I don't have any other
...ions.

BERNATE GROGAN: Things are sort of past now.
Just living off old basically.

PRESIDING MEMBER ROOS: Okay. Thank you. If
there are no other comments or questions on the life crime
itself, then we'll talk about the priors.

Does anybody have any other comments or questions
on the life crime?

MR. ROBINSON: I have one further comment which
was not brought up. I hate to belabor the point, but one
thing that wasn't discussed was why Shorty Shea became a
... why it was that Manson and the whole thing took
... and you didn't really bring that up.

MEMBER ROOS: I think that's in the
... I think that was in the
... the police in or was
... member, was he

...to know what was going

...in our circle.

PRESIDING MEMBER ROOS: He wasn't trusted?

INMATE GROGAN: At one point, I think he was but
 it grew later on down the line, wasn't much of a trust.
 The basic tenor of that so-called justification and
 motivation was that he was a threat to the survival of the
 group and children that belonged to this. And through
 previous efforts to make him leave or scare him off the
 ranch failed. So in our distorted thinking, we -- only
 other solution was the murder.

PRESIDING MEMBER ROOS: Okay.

HEARING REPRESENTATIVE EPPERLY: Excuse me.
 Hadn't you known him for several years?

INMATE GROGAN: About a year and a half.

HEARING REPRESENTATIVE EPPERLY: Your having been
 on that ranch.

INMATE GROGAN: A year and a half prior to meeting
 the Manson people. On a seasonal basis on and off we used
 to work together at the same ranch. I lived there before
 they came on, and we worked together with the

HEARING REPRESENTATIVE EPPERLY: Had you known
 ...? I had an impression that

... let's
... stretching it, I

MEMBER REPRESENTATIVE EPPERLY: I see, thank

CHAIRMAN MEMBER ROOS: Anything else?

MR. ROBINSON: No, that's all.

CHAIRMAN MEMBER ROOS: Moving on now to the
preliminaries or -- excuse me -- the priors, I realize from
the transcript of 1979, October the 17th, that pages 32
and 41 contain a quite thorough discussion of the priors.
So I will move to incorporate those with the concurrence
of the District Attorney and with the concurrence of
Mr. Robinson.

But I want to say, by way of summary, that Grogan
was first known to the police at the age of 15 for
possession of marijuana and was handled informally. At
he was arrested for shoplifting and forfeited bail.

He was arrested for grand theft and prowling but was
insufficient evidence. Also at 17 he
possession of grand theft auto, but the
prosecutor failed to prosecute.

At his eighteenth birthday, he was

convicted with child molesting

in Coahuila state

Grogan was
he was wearing
there is an allegation
of his private parts were exposed to the children.
He was sent to the mental hospital. He escaped
the mental hospital after only a few days.

is he was again arrested on suspicion of auto
theft. That's when you were out of the hospital you were
arrested on auto theft?

INMATE GROGAN: Yes.

PRESIDING MEMBER ROOS: Okay. And District
Attorney again did not prosecute. Didn't they realize that
you had escaped or you were already locked up at that time?

MR. ROBINSON: By escape are you referring to
the Camrillo --

PRESIDING MEMBER ROOS: The hospital, yes.

MR. ROBINSON: What county was that warrant on,
--

PRESIDING MEMBER ROOS: Apparently you were in
Camrillo and then you escaped after a few
arrested on suspicion of auto theft.

look at the --
I know if that's very
later that I
promise to return

any way, and because of my arrest in the desert, I couldn't
 get back to them. There was some damages to the truck,
 of which I paid restitution for and case was adjudicated
 as a misdemeanor breach of promise.

PRESIDING MEMBER ROOS: How much did you pay for
 that? Was it \$700 or something or 500?

INMATE GROGAN: 550, I think.

PRESIDING MEMBER ROOS: Well, at that time,
 though, you had escaped previously from Camarillo, right?

MR. ROBINSON: Why don't you describe your so-
 called escape?

PRESIDING MEMBER ROOS: You walked off or
 something?

INMATE GROGAN: I was there for a couple days.
 My experience with institutions was for a couple days in
 juvenile hall or maybe detained overnight, that's about
 it.

I was put together with all these people in
 Camarillo, and there's people there that were severely
 retarded. You know, something I had never been exposed
 to or subject to live with. People that were violent, had
 them on medication, and it was like -- it was scared, scary,
 man. You know, there was people there, they come up to
 me and say, "Hi," and I didn't know how to relate
 to people like that.

And the night prior to my walk away, some of them
 hit a counselor over the head with some weights or some
 kind of heavy object. And I -- I just -- scared me, so
 I said, I got to get out of here. So I walked off.

PRESIDING MEMBER ROOS: June the 11th of '69 is
 when you were arrested for this alleged indecent exposure,
 and then you went to the hospital and then you walked away.
 And then two months later it appears that on August the
 16th of '69 the sheriff's office in L.A. arrested you for
 grand theft auto, which became a District Attorney reject.

Remember that? It was about two months after
 you walked away from the hospital. You were arrested and
 then --

INMATE GROGAN: There was quite a few times where
 I was arrested. And I was driving a motorcycle, and I
 didn't have no registration. And they charged me with grand
 theft and put me in jail for a couple days and released
 me because the people that owned the bike came and showed
 them the registration. That might have been the incident.

PRESIDING MEMBER ROOS: On October the 10th of
 1969 a sheriff's office in Independence arrested you on
 272 P.C., Contributing to the delinquency of a minor, 495
 P.C., receiving stolen property, 12020 P.C., deadly weapons
 concealed, 12020 P.C., and escaping from the
 hospital. And on December the 5th of '69 dismissed.

1 In the interest of justice. You were released to the
 2 sheriff's office on a homicide warrant. So when you were
 3 picked up for these activities on October the 10th of '69,
 4 at that time you were released and you were then held by
 5 the sheriff because of the homicide warrant?

6 INMATE GROGAN: That's correct.

7 PRESIDING MEMBER ROOS: What was the contributing
 8 to the delinquency of a minor at that time?

9 INMATE GROGAN: What had happened, they had a
 10 raid at Desert Ranch that we were staying at in the Wash,
 11 Panamint Mountains. And there was a raid on the police and
 12 they just charged everybody with everything they found.

13 PRESIDING MEMBER ROOS: Were there minors there?

14 INMATE GROGAN: I think there was a girl that
 15 was 17 or 16.

16 PRESIDING MEMBER ROOS: You were 16 at that time?

17 INMATE GROGAN: I just turned 18 at that time.

18 Anything that was found there that was a felony
 19 or misdemeanor was construed to be contributing to a minor.
 20 I think they charged everybody in that area with that charge.

21 PRESIDING MEMBER ROOS: Okay. So, actually the
 22 crime took place, the murder crime took place in August.
 23 When did it take place? August of '69?

24 INMATE GROGAN: As far as I can put together from
 the report from the sheriff and witnesses saying he was

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25

... it in August.

PRESIDING MEMBER ROOS: Of '69. So actually you
had been arrested earlier and sent to the mental hospital?

INMATE GROGAN: Correct.

PRESIDING MEMBER ROOS: Okay.

INMATE GROGAN: I was arrested as a juvenile and
sent to Camarillo under that -- had a choice of going to
Y.A. or Camarillo. The guy said, go to Camarillo. It's
more kick back.

PRESIDING MEMBER ROOS: So this arrest at the
ranch where the minor was present, that took place after
the murder? That took place in October?

INMATE GROGAN: Yeah, it would have to be.

PRESIDING MEMBER ROOS: So you were just bound
over and held by the sheriff after that pending the trial?

INMATE GROGAN: No. What happened is that I was
sent back to L.A. on this grand theft auto warrant, which
I bailed out on and was out on bail for six months. And
then they revoked my bail because of somebody put collateral
up, and I spent the remaining proceedings in county jail.

PRESIDING MEMBER ROOS: It's noted 12-6-69 that
you were arrested for grand theft auto again in the Vehicle
Code.

INMATE GROGAN: That was the original warrant
out of Inyo County.

PRESIDING MEMBER ROOS: Independence?

INMATE GROGAN: Right. And they held me there for -- wasn't very long. I think it was -- seemed like a couple weeks. Then they had a warrant from L.A. County, homicide warrant.

PRESIDING MEMBER ROOS: Okay.

INMATE GROGAN: It has to be bouncing back and forth. Sometimes it's not clear as to dates.

PRESIDING MEMBER ROOS: Then weren't you involved in something where you attempted to --

INMATE GROGAN: Dissuade -- persuade --

PRESIDING MEMBER ROOS: -- dissuade a witness. When did that occur?

INMATE GROGAN: That occurred when I was out on bail.

PRESIDING MEMBER ROOS: When you were where?

INMATE GROGAN: I was out on bail on the grand theft warrant in '69.

PRESIDING MEMBER ROOS: It must have been pretty late in '69 or early '70.

INMATE GROGAN: Early '70.

PRESIDING MEMBER ROOS: About this incident helping somebody to go to Hawaii to avoid testifying?

INMATE GROGAN: What happened in that incident, the girl named Barbara Hoyt was scheduled to testify in the Charles Manson case. She came to the ranch where I

when you were

INMATE GROGAN: Right. She indicated to the girls
to go through hearsay from the girls that
she wanted to testify, that she wanted to, you know,
and hide till the trial was over. So, I guess
it was suggested that they go to Hawaii. They bought
tickets.

PROVIDING MEMBER ROOS: On a stolen credit card
or something?

INMATE GROGAN: I don't know how they got it.
I think the friend bought it on a credit card, his personal
credit card. I think. I'm not sure.

Always, they secured the means of going to
Hawaii. And the girl went with her. When she went to
Hawaii, the girl gave her some hallucinogenic drugs and
food and left her and flew back to the States. And
she stayed and she went to, I think, YMCA or something
and she hid authorities and then went back to the
States. She thought that she thought everyone was trying
to keep her from testifying. Consequently,
she was involved with at the ranch that
was mentioned in the indictment.
Was it a conspiracy?

Yes.

add something to that?

PRESIDING MEMBER ROOS: Yes.

INMATE GROGAN: We were planning to take the case to trial because the evidence was really shaky on it. There was no evidence, as far as my participation was concerned, but due to the fact I was already in for murder trial, I thought it in the best interest to go in with Ruth Moorehouse. Ruth Moorehouse, she was pregnant at the time.

So we all agreed those were charged with conspiracy *in* *re* *delicto* to a misdemeanor, if they would let her out on her own recognizance to have her child in the streets. Because we didn't want her to have her child in the county jail and have it taken from her at the early part of delivery. So the District Attorney agreed that would be acceptable to him, and that's how the disposition was handled.

PRESIDING MEMBER ROOS: And then later on you were convicted of the murder?

GROGAN: Right.

PRESIDING MEMBER ROOS: Right. I'd like to thank you very much for providing that information. I know it's covered in the pages I mentioned, pages 32 to 33 of the transcript.

for the transcript.

CANTON RECORDS
010 1-1-52

... last year, pages
... -- this information
... various places in the file, but I'm
... of the more recent and more coherent
... statements of the facts and priors.
... I'd like to incorporate pages 32 to 41 of the 1979
transcript.

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Okay with you, Counsel?

MR. ROBINSON: That's fine.

PRESIDING MEMBER ROOS: District Attorney?

MR. DELANEY: No objection.

PRESIDING MEMBER ROOS: Okay, fine. Any other
comments that you would like to make with reference to the
priors? I think they've been adequately discussed. I mean,
we don't need to go through them again, but if there's any
highlight you want to make.

MR. ROBINSON: I would simply want to comment,
number one, none of the crimes involved violence. The
charge of child molestation, apparently, the story is quite
believable story and doesn't involve any -- really is
a case of molestation.

PRESIDING MEMBER ROOS: No overt --

There was no exposure and that
other types of crimes; you know,
that aren't prosecuted, there

...evidences but,
...no evidence to go forward. So you
...that you want

10 PRESIDING MEMBER ROOS: Obviously the life crime
11 of a very different nature than the other.

12 Mr. District Attorney, is there anything you want
13 to say?

14 MR. DELANEY: I have no comment.

15 PRESIDING MEMBER ROOS: Mr. Epperly?

16 HEARING REPRESENTATIVE EPPERLY: No comment.

17 BOARD MEMBER TONG: I don't have any comment.

18 PRESIDING MEMBER ROOS: Okay. At this point,
19 then, we will move to the post-conviction or the in-prison
20 factors. I'll turn the hearing over to Mr. Epperly.

21 HEARING REPRESENTATIVE EPPERLY: First of all,
22 I want to make sure everyone has had a chance to look at
23 the Board report submitted by Mr. Jones, Correctional
24 Counselor II. I'd like to use that as my main reference
25 point during this next period. So, I'm going to be
26 referring to that report. It's dated August the 12th, 1981
27 during the subsequent hearing.

28 I would like to incorporate by reference
29 the report of the Board of Prisoners, dated August 17th, 1979, starting with
30 page 27, line 9. That portion
31 of the report deals with the post-conviction

... an in depth
... psychological evaluations
... that have been completed by Drs. Wither,
... and Macomber.

... if that meets with your approval to
... incorporate by reference?

MR. ROBINSON: It does.

HEARING REPRESENTATIVE EPPERLY: District Attorney

MR. DELANEY: No objection.

HEARING REPRESENTATIVE EPPERLY: No objection,
okay.

There is a summation of these psychiatric reports
that were also presented or prepared by Mr. R. C. Schaufel,
S-c-h-a-u-f-e-l, dated September 16th, 1980. That was
prepared for the Board's perusal at the 1980 hearing, which
is underneath -- it's the second report underneath Section
35 "Psychiatric Reports." Titled, "Summary of Psychiatric
and Psychological Evaluations for Permanent Addenda of
Prisoners." That report which is of page 2, 3, 4 -- four
pages -- goes into some detail as to the psychiatric
evaluations that I indicated that were
unidentified.

... through the Board report,
... at any point you want to
... relative subject.

... discuss further,
... of subjects and then
... think it's more important
... with a specific subject in its entirety at that
... if that's okay with you.

MR. ROBINSON: That's all right with me. That's
usually not the way it's done in these hearings. I prefer
it this way, actually.

HEARING REPRESENTATIVE EPPERLY: Okay, fine.
We've reviewed your transcripts and the files in depth and,
believe me, this is a considerable amount of information
that has been accumulated over the years and duplicated.
And we're aware of your having been received by the
department and having been at DVI, Deuel Vocational
Institution, and having been seen by the Board on several
prior dates Mr. Roos has already indicated for the record.
Those commencing, I believe, in '77, '78 and going
through last year. And that at prior sessions, the Board
had recommended your transfer to an institution which
provided a Category D evaluation.

You were transferred from DVI to CMF and underwent
... and subsequently you were involved
... You have been here now

10-10-77

54
May of '79, okay.

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INMATE GROGAN: That's correct.

HEARING REPRESENTATIVE EPPERLY: All right. Okay,
then you basically have been at three locations, CIM, DVI
and CM; is that correct?

INMATE GROGAN: That's correct.

HEARING REPRESENTATIVE EPPERLY: As already
indicated, you were received by the department in December
of 1971?

Okay. So the Board report indicates that you
had completed six units, semester units, Delta Aerodynamics,
No. 24, and tools and measurements and six hour college
courses in conjunction with the vocational airframe
mechanics. Also, elsewhere in your file indicates you are
a qualified aircraft welder; is that correct?

INMATE GROGAN: That's correct.

HEARING REPRESENTATIVE EPPERLY: And you completed

at DVI?

INMATE GROGAN: That's correct.

HEARING REPRESENTATIVE EPPERLY: I believe the

records that were amassed

that about right?

That's approximately right.

HEARING REPRESENTATIVE EPPERLY: Okay. Did you
 take any other classes that related to airframe or air
 mechanics in conjunction with the welding besides what's
 already been recited?

INMATE GROGAN: I took -- I don't know if it's
 in my file, I took two semesters of ground school for a
 private pilot license.

HEARING REPRESENTATIVE EPPERLY: Pre-air kind
 of --

INMATE GROGAN: Well, it's just a ground school
 for FAA rules. And I took some FAA test, but I missed.
 Fell short of accepted quarter of entrance needed to get
 in.

HEARING REPRESENTATIVE EPPERLY: Excuse me, I
 didn't hear that.

INMATE GROGAN: I took an FAA test, ground school
 test, and I didn't pass it.

HEARING REPRESENTATIVE EPPERLY: You said
 you fell short of something.

INMATE GROGAN: I fell short of acceptable range

HEARING REPRESENTATIVE EPPERLY: Let me ask you
 one more question. Do you know that

1 some years ago the students at DVI had built a small
2 aircraft that was at one point on display in Sacramento,
3 a small red and white -- it would fit in this room quite
4 easily or half of this room.

5 Is that utilized by the students in that class
6 at DVI?

7 INMATE GROGAN: No. Instructor Wayne Kerr and
8 his students assembled that inside an airport, and I think
9 it belongs -- I think put it in his name. I don't know.
10 I'm not -- don't quote me on that. He might be down here
11 to get me.

12 What it is, it's a pit special. It's an aerobatic
13 plane.

14 HEARING REPRESENTATIVE EPPERLY: Right. It's
15 a real small airplane. I was just curious, as long as
16 you're on that.

17 What level of academic education have you
18 completed? It doesn't indicate that you have taken any
19 additional college classes except those that you were
20 involved in at DVI. Have you taken any here?

21 INMATE GROGAN: No.

22 HEARING REPRESENTATIVE EPPERLY: Okay. And what
23 is your highest level, GED in high school with postgraduate?

24 INMATE GROGAN: Let me see. I got a GED, and
25 I think the grade level placement was 13.4 average.

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INMATE GROGAN: I think the first test when I first came to Tracy, California Center.

HEARING REPRESENTATIVE EPPERLY: And we've already discussed the vocational instruction. Really the academic and vocational pretty much went hand in hand because of the nature of the course you studied.

You have had various work assignments while you've been incarcerated. That's involved everything from working in the library, and this is above any culinary assignment that's always immediate and temporary upon new arrivals. You worked in the hobby room, hospital tool room orderly and you were mostly your work record indicates involved in the hobby program while here at CMF. I want to get into that a little bit more, but I wanted to hold off on that because there has been some area that I want to talk about on that.

What is your current work assignment?

INMATE GROGAN: Current work assignment is graphics artist and sign painter and silk screener in central arts.

HEARING REPRESENTATIVE EPPERLY: So that hasn't changed from the board report information on that, and the

1 report reflects that your work reports are above average
2 and exceptional. It also indicates that you previously
3 have been involved in CPR and you have updated that. I'm
4 aware that CPR, your certification only lasts for one year,
5 and you have to go through it again.

6 INMATE GROGAN: Expires this year, this year,
7 November.

8 HEARING REPRESENTATIVE EPPERLY: Okay. Under
9 the self-help program participation, and I think it also
10 relates to the work, you were given a grant and this was
11 done for you to do certain teaching. Could you explain
12 to the panel how this came about and why you?

13 INMATE GROGAN: Well, the grant came about that
14 I found that they were giving grants to inmates. When I
15 came here and involved in the hobby program, because couple
16 of the inmates had grants previous years for art work,
17 teaching art classes, water color and writing workshop,
18 and there was also one that was done in music. So, being
19 the musician I was and liking to show people, I thought
20 I'd apply for a grant. I don't know, have you seen a copy
21 of the grant?

22 HEARING REPRESENTATIVE EPPERLY: It's in your
23 file.

24 MR. ROBINSON: There's a new grant?

25 INMATE GROGAN: No. Since then they've slacked.

1 off, as far as institutional grants. Anyway, I applied
2 for the grant to teach guitar, basic guitar and its
3 maintenance, instruction, history, cultural significance
4 for the California Arts Council. And I prepared my brief
5 and I sent it to him. And when it came back they had
6 granted me a \$4,000 grant for a six-month period.

7 HEARING REPRESENTATIVE EPPERLY: And you're
8 involved in it three nights a week; is that correct?

9 INMATE GROGAN: That's correct. That expired
10 in April, '81. I kept it up.

11 HEARING REPRESENTATIVE EPPERLY: The report
12 indicates that after you were no longer paid, you continued
13 to do it. Are you continuing at the present time?

14 INMATE GROGAN: Because of the art's show, it's
15 next month, I've canceled all classes for this month.

16 HEARING REPRESENTATIVE EPPERLY: I see. But up
17 until last month, you were still involved in it. And how
18 long ago did the grant expire?

19 INMATE GROGAN: April of '81.

20 HEARING REPRESENTATIVE EPPERLY: April, okay.

21 What's your involvement at the present time in
22 project Last Chance -- excuse me?

23 INMATE GROGAN: I'm involved as a contributing
24 member. We're just getting back on our feet. For a while
25 chairman had paroled and he took a lot of documents with

1 him that made it hard.

2 BOARD MEMBER TONG: He took a lot of what?

3 INMATE GROGAN: Documents and papers relating
4 to the project and procedures for getting clearance for
5 juveniles to come into the institution and go through our
6 project. And at this point now we're getting the project
7 back on its feet. We're going to have a meeting this
8 Saturday with our new sponsor. And we're developing
9 relationships with the sheriff at Vacaville to set up
10 appointments for first offender juveniles or juveniles that
11 have been offending regularly, but not really seriously,
12 but enough they'll go to an institution, and we're -- we're
13 negotiating with them right now as far as who's going to
14 be brought in and under what conditions.

15 HEARING REPRESENTATIVE EPPERLY: I see. And a
16 layperson can identify this with Scared Straight; that
17 have developed elsewhere?

18 INMATE GROGAN: It's similar in nature, but it's
19 less dramatic than all that bulldogging the kids or
20 anything like that. As a matter of fact, demonstrating
21 to them prison life by way of, you know, just take them,
22 tour through the hole, dress them in greens, blues and
23 fingerprint them, take them down to basement and each one
24 is involved with a group explains his certain involvement
25 in the crime area that he's involved with, his experience

1 with the prison life, how it's affected him, how it will
2 affect ~~me~~ and their families, and ways to alternatives
3 to go rather than being involved with the law. And each
4 person is unique because each person has his own experience
5 under different circumstances. And we show them pictures
6 of some inmates that have been killed here and let them
7 know that when you do come here, there is a chance you could
8 be taken out, be killed.

9 So it's not that we're playing soft reality.
10 We give it to them, but without all the dramatic.

11 HEARING REPRESENTATIVE EPPERLY: And no
12 intimidation,

13 INMATE GROGAN: They sit in the room down in the
14 basement and each one, each member gives his experience
15 in his format and there's a monitor that monitors each one
16 so it doesn't become redundant and we move right along.

17 We take the sessions and we edit them for reflection so
18 when we go back over them we can tell them -- we can, like,
19 more or less edit ourselves in presentation to be more
20 effective later on. The success rate we have enjoyed has
21 been very high, I guess, 90's.

22 HEARING REPRESENTATIVE EPPERLY: 90's, and at
23 this point would you be dealing just with Solano County?

24 INMATE GROGAN: Yeah.

25 HEARING REPRESENTATIVE EPPERLY: We've read and

1 referred to the various psychiatric reports. One of the
2 more recent ones that is in here I would like to, at this
3 time, refer to. There's one dated August 12, 1981. That
4 is signed by Arthur L. Mattocks, M-a-t-t-o-c-k-s, Ph.D.,
5 Senior Psychologist and concurred by the Psychiatric Council
6 and also endorsed by David W. Rodgin, R-o-d-g-i-n, M.D.,
7 Senior Psychiatrist, which indicates this is the eighth
8 evaluation that has been prepared by clinical staff for
9 the Board and that during the past year there have been
10 weekly group therapy sessions and has that been on a one
11 to one with Dr. Mattocks?

12 INMATE GROGAN: That's been on a group basis.

13 HEARING REPRESENTATIVE EPPERLY: Group basis.

14 INMATE GROGAN: 12 members.

15 HEARING REPRESENTATIVE EPPERLY: You had a one
16 to one with Mackenberg at DVI and one to one with Witner
17 at DVI; is that correct?

18 INMATE GROGAN: Well, Witner was more real cursory
19 visit, maybe 15, 20 minutes.

20 HEARING REPRESENTATIVE EPPERLY: I see.

21 INMATE GROGAN: It wasn't in depth at all.

22 MR. ROBINSON: Excuse me. When you said
23 Dr. Witner, was that, to your knowledge, in preparation
24 for a written report or was that a regular thing?

25 INMATE GROGAN: This was an annual. You go to

1 the psychiatrist for 15 minutes and he writes an evaluation
2 for the doctor.

3 And I might add, at that time when I did go before
4 him, I think there's some discrepancies in his report, as
5 far as my mental condition. I was, at that point, I was
6 still hiding my involvement in the crime. And I think that
7 my screening those areas and keeping that back might have
8 added to his prognosis as a schizophrenic.

9 HEARING REPRESENTATIVE EPPERLY: I think this
10 has been brought out in subsequent psychiatric evaluations.
11 That alludes to what you just said.

12 INMATE GROGAN: Might have been.

13 HEARING REPRESENTATIVE EPPERLY: Indicating that
14 at that point, because of your not dealing with it and
15 helping to find the body, that you were preventing them
16 from really getting to understand you and at the same time
17 were sitting on top of what you had inside and were not
18 cooperative. They had labeled you as schizophrenic
19 undifferentiated and all the legal psychiatric terms they
20 had used in multiple reports.

21 The report goes on to indicate that the diagnostic
22 impression, at this point there is no diagnosable problem
23 in evidence at this time and that they recommend a
24 continuation of your present program if other priorities
25 were not pressing.

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There's been an addition to that by Dr. Mattocks that indicates the former diagnosis of immature personality is sufficiently improved as to no longer be considered of diagnostic significance. And the Psychiatric Council comments:

"His overall immaturity at the time of the offense is considered to have been of large significance. During observation in this institution, inmate has improved greatly and demonstrates appropriate and mature thinking. He is considered likely to hold present gains."

Dr. Mattocks had written on -- let's see -- 4-26-81 on a CDC 128C chrono that you had been on his therapy case load for some 20 months at that time and now we could add another five or six months to that. And indicates that you initially had been seen for several months in individual therapy prior to the time that you were involved in the group therapy, and that you were utilizing the program acceptably and that at that time they recommended, or he recommended that you continue in the Category E.

I don't see anything that is contrary to that. At the present time I'd like to ask you at what rate are you or how often are you meeting with clinical staff at this point?

1 INMATE GROGAN: I'm meeting every week for two
2 weeks every week.

3 HEARING REPRESENTATIVE EPPERLY: And this is group

4 INMATE GROGAN: Right. We have a group session,
5 group therapy, talking about each other's problems. It's
6 good because we get a feedback of many more minds, more
7 experience. So it's a good sounding board.

8 HEARING REPRESENTATIVE EPPERLY: When you say,
9 "many more minds or experience," are you referring to the
10 other inmates?

11 INMATE GROGAN: Right.

12 HEARING REPRESENTATIVE EPPERLY: How many staff
13 members are there?

14 INMATE GROGAN: Sometimes he brings in a resident
15 psychiatrist who is working for certification. The sessions
16 sometimes are video taped too and they play those back so
17 we get the knowledge to see how we really looked to
18 ourselves; which is of great help. I like it. It's a good
19 program.

20 HEARING REPRESENTATIVE EPPERLY: Pardon?

21 INMATE GROGAN: It's a good program.

22 HEARING REPRESENTATIVE EPPERLY: Because of this
23 area and because the many prior reports from '72 on, I'd
24 like to break the pattern and ask you, Mr. Grogan, and
25 Counselor, if you have anything you'd like to bring out

1 regarding any of the psychiatric or psychological reports
2 before we go on. Give you a chance to speak to that right
3 now more specifically.

4 INMATE GROGAN: I'd like to add, if I may, when
5 we talk about Dr. Witner, I did go on one to one sessions
6 with Macomber and Mackenberg over, you know, prolonged
7 period. And I don't think this was mentioned in our
8 discussion.

9 HEARING REPRESENTATIVE EPPERLY: I might have
10 mixed Witner and Macomber. I do recall you did participate
11 with Dr. Macomber.

12 MR. ROBINSON: My only comments would be sort
13 of in a summary form.

14 The psychiatric reports that there are of Steve
15 before the period where he opened up to his offense, I think
16 there's two things working against him at that time, which
17 I think led to the diagnoses he got. One of them is a
18 tremendous state of confusion within him due to the fact
19 of not being able to deal with this offense, not being able
20 to work that out through himself. So that was one of the
21 things that was observed.

22 I think the other element that Steve was trying
23 to bring up was simply the fact of not being candid to
24 others. You're sitting here having an interview with a
25 psychiatrist. The main thing that's obviously on that

1 psychiatrist's mind is the committing offense: Somebody
2 that didn't want to admit to them that you did it. So what
3 Steve tended to do, I think, is range into these
4 philosophical sorts of comments when asked questions. The
5 question is asked about you, you give a philosophical
6 answer.

7 This is not to minimize the fact that Steve had
8 some very serious problems he had to work out. I think
9 he's made tremendous gains since then. The key being,
10 you know, being able to admit to himself and to the rest
11 of the world his responsibility for the act that he did
12 and taking some responsibility towards helping finding the
13 body and then really trying to work on, you know, realizing
14 the enormity of what he had done, bringing himself back
15 into the world with everybody else.

16 It was difficult for Steve, at first, to -- you
17 could see some of the initial reports in group therapy that
18 he was very reticent to join in, shy about the whole
19 process. I think that's improved dramatically over the
20 last two years, especially in the last year there's no
21 problems diagnosed at all by Dr. Mattocks.

22 I think this is a very important thing. Naturally
23 Steve, after his experience, has one big group experience
24 of his life being in the Manson family. He's very shy of
25 groups and he's now learning that being involved in a group,

1 opening himself up doesn't have the type of
 2 consequences that it did at that time. I think this has
 3 been a major experience of Steve's in the last year.
 4 I think the progress in that regard has been very, very
 5 good.

6 PRESIDING MEMBER ROOS: Steve's indication we're
 7 taking an official recess. It's five minutes for you.

8 (A recess was taken.)

9 PRESIDING MEMBER ROOS: Okay. Two minutes after
 10 four o'clock. We're back in the hearing. All parties
 11 previously mentioned as being in the hearing room have again
 12 returned. Of course, I'll again turn it over to Mr. Epperly
 13 who has been conducting the post-conviction phase of the
 14 hearing:

15 HEARING REPRESENTATIVE EPPERLY: Okay. I want
 16 to mention briefly the disciplinary record. We note that
 17 you have, over a period of time, received some
 18 disciplinaries. They have been discussed before, and I
 19 do not feel it's necessary to go into any great depth,
 20 noting that none of those were considered serious, physical,
 21 violent or aggressive. The last one you received, I
 22 believe, was June 1st of '79, was as a result of your not
 23 responding to a ducat; is that correct?

24 INMATE GROGAN: Yes. I was on a visit.

25 HEARING REPRESENTATIVE EPPERLY: Okay. It

1 indicates you were in the visiting room and as such.

2 Along the same line, there was a laudatory chrono
3 that was submitted since your last Board report -- excuse
4 me. There's been a couple of them submitted since your
5 last Board report. One by F. D. Powell, Associate
6 Superintendent, Central Services, October 16th of '80.
7 It indicates about your involvement in the prison arts
8 project, musicians and performing arts association and
9 indicates, quote:

10 "Not only has he performed skillfully and
11 enthusiastically, but he has played an important role
12 in the coordination and management necessary for
13 the continuation and success of these projects.
14 Steve relates well to staff and peers alike.
15 His job assignment in Central Arts has been
16 faultless. His talents and creativity is
17 apparent in his completed task which enhances
18 the reputation of our Central Arts unit."

19 End of quote.

20 One other laudatory chrono was submitted October the
21 2nd, 1980, by K. C. -- is it K. C. Meritian, M-e-r-i-t-i-a-n?

22 INMATE GROGAN: That's correct.

23 HEARING REPRESENTATIVE EPPERLY: Supervisor of
24 Central Arts and he indicates that he has supervised you
25 for some 15 months; that you have been involved in various

1 activity, including evening activities and special
2 assignments, and that you had been the principal sign
3 painter for all the banquets and evening functions; that
4 you had related well and so on; and that you had actually
5 received an \$18 per month bonus as a result of this.

6 INMATE GROGAN: That's correct.

7 MR. ROBINSON: Was it a bonus?

8 INMATE GROGAN: Yes.

9 HEARING REPRESENTATIVE EPPERLY: It states bonus
10 here, and I wanted to clarify.

11 MR. ROBINSON: I have a chrono dated yesterday,
12 which Steve handed me this morning, and I wanted to submit
13 as an exhibit. This is from Lieutenant E. V. Rose of the
14 visiting room, and if I could read it into the record?

15 HEARING REPRESENTATIVE EPPERLY: Please do.

16 MR. ROBINSON: It says:

17 "During the past several months, the CMF
18 visiting room has experienced an outstanding amount of
19 praise from visitors and the local press. This
20 praise is directed toward the new child care
21 center. I wish to extend my appreciation for
22 Grogan's outstanding contribution of time and
23 art talent which has helped beautify and make
24 a total success of the child care center. I
25 sincerely hope you will continue the good work

1 and it's helpful in this area."

2 It's signed by Lieutenant E. V. Rose of the
3 visiting room and it's dated 19th of October, 1981.

4 HEARING REPRESENTATIVE EPPERLY: Is it R-o-s-e?

5 MR. ROBINSON: R-o-s-e, right. I'll give you
6 this original for the record.

7 HEARING REPRESENTATIVE EPPERLY: Okay, thank you.

8 Okay. This brings us to the area in which you
9 have indicated you'd like to discuss somewhat -- we are
10 aware of the entries and the copies of awards that Steve
11 has received during the art shows and rather than reiterate
12 what is in here, we'll allow you to indicate in your own
13 words, as well as indicate for the record that during the
14 recess there were six -- water colors, are they?

15 INMATE GROGAN: Correct.

16 HEARING REPRESENTATIVE EPPERLY: Water colors
17 that were presented or put up around the room and they're
18 all double matted and all appear to be originals. I'll
19 let you take it from their, Counselor, Mr. Grogan.

20 MR. ROBINSON: I would like a couple of letters
21 from various individuals to be put into the record here.
22 The first is from Mr. Jerry Meek, the Prison Arts
23 Facilitator at CMC. It's dated October 17th, 1981. It's
24 rather long. I won't read it into the record, but I would
25 like to submit it for consideration.

1 And I would just simply like to ask Steve to talk
2 a little bit about the work that he's doing and some of
3 the prospects that he sees for the future.

4 INMATE GROGAN: What you see has just been a
5 growing process in my art since I started around five, six
6 years ago in Tracy doing water colors. And with the money
7 I make from these water colors, I send home to my wife and
8 I buy materials to do more water colors. Which reminds
9 me, I think in each of your briefs I gave you there's a
10 flier that shows this next month.

11 I think it would be kind of belabor the point
12 to talk technique. It's just, you know, there it is. It's
13 in front of you.

14 HEARING REPRESENTATIVE EPPERLY: Excuse me. I
15 was going to ask, in relationship of those presented to
16 us, which is the first one you did of those six and which
17 is the most recent one?

18 INMATE GROGAN: The first one I did of those six
19 was the mallard.

20 HEARING REPRESENTATIVE EPPERLY: The one that's
21 got the light green double mat. And the most recent one?

22 INMATE GROGAN: Is the snowscape.

23 HEARING REPRESENTATIVE EPPERLY: Do you do your
24 own matting?

25 INMATE GROGAN: Yeah. We have to buy our own.

1 materials, frames, paints, brushes, paper, mat, double gray
2 mat board, and I do my own framing and matting.

3 HEARING REPRESENTATIVE EPPERLY: I can't tell
4 from here, is that a double or straight mat?

5 INMATE GROGAN: Straight cut.

6 Been doing, you know, fairly well. I sent a lot
7 of money to my wife, but it helps her as far as gas money.
8 And she can buy clothes for my son. And it's better than
9 doing nothing. I enjoy it. Keeps me out of the halls and
10 corridors.

11 PRESIDING MEMBER ROOS: Keeps you off the streets?

12 INMATE GROGAN: I don't know, man. Something
13 going on around here?

14 HEARING REPRESENTATIVE EPPERLY: Is there anything
15 else that we haven't covered sufficiently, Counsel, you'd
16 like to regarding post-conviction areas or information
17 regarding since he's been received by the department and
18 incarcerated?

19 INMATE GROGAN: Just the facts that I mentioned
20 in my brief. There's some different achievements I have
21 done. There's one area that hasn't been really -- I haven't
22 talked to or didn't have time to address in my brief, was
23 that of music. I've been really active in music, playing
24 in various groups, recording a sound track. I'm in the
25 process now of recording an original sound track of country

Western musical with another group here.

I order all the institutions for various
equipment for the mainline, as well
as mix and record sound for groups that come off the streets.
And I order all the equipment for all the music program
here. I've ordered the last three years, since I've been
here. The equipment's been about \$20,000 worth. And what
I've done is upgrade my music abilities so that I can use
this as an alternative for a supplemental income on the
streets when I do eventually release, as opposed to my
stable job as a sign painter.

The same with my art. I can -- I look at it more
as supplemental income because of the -- ours is hit,
sometimes you miss. Ours is not a stable means of income
as far as I could see at this point.

HEARING REPRESENTATIVE EPPERLY: Let me ask you
one question. You indicated you send some of the profits
to your wife and this is somewhat related to that. How
long ago did you meet your wife and how?

INMATE GROGAN: I think it's been seven years
this month.

HEARING REPRESENTATIVE EPPERLY: What were the
circumstances of your meeting her?

INMATE GROGAN: She wrote me a letter. She had
heard from me from some friends that had worked in the same

1 community center that she did in Sacramento. So she wrote
2 eventually out of curiosity. I guess she was still a minor
3 at the time.

4 BOARD MEMBER TONG: She was still what?

5 INMATE GROGAN: She was 17. So we wrote,
6 corresponded for a while. And then when she turned 18,
7 she came up to visit. And we visited, as I explained
8 before, for about a year and a half, and we decided to get
9 married.

10 HEARING REPRESENTATIVE EPPERLY: How long have
11 you known her? A year and a half before you got married?

12 INMATE GROGAN: Uh-huh.

13 HEARING REPRESENTATIVE EPPERLY: And how long
14 ago were you married?

15 INMATE GROGAN: Six years ago.

16 HEARING REPRESENTATIVE EPPERLY: Six years.

17 INMATE GROGAN: December 1st.

18 HEARING REPRESENTATIVE EPPERLY: At this time
19 let me ask panel members if they have any questions or
20 comments regarding post-conviction.

21 PRESIDING MEMBER ROOS: I don't have any.

22 HEARING REPRESENTATIVE EPPERLY: Mr. Tong?

23 BOARD MEMBER TONG: Just a couple.

24 Mr. Grogan, you've been involved in group and
25 individual therapy. What have you gained from it?

1 INMATE GROGAN: I gained several things. Good
2 insight to myself from a biased and clear standpoint about
3 the use of psychotherapy and use of input of others in the
4 group. It's given me -- it's hard to explain the many
5 avenues that's been available to me through the group
6 process, as far as looking at myself and evaluating myself,
7 my responses, my mentation as viewed through the use of
8 video equipment. It's helped me mature a lot. You know,
9 I could talk all day on it.

10 Is there any specific?

11 BOARD MEMBER TONG: Well, I guess it's just kind
12 of free association, hypothetical situation. Let's say
13 you're on the outside and your wife wants a divorce. How
14 do you begin to cope with that from what you've learned?

15 INMATE GROGAN: Well, it's not a new happening
16 to me. We have had this relationship without any trials,
17 due to prison environment. And it has, you know, I've dealt
18 with the problem in my mind. I handled it pretty
19 successfully. I think if she wanted a divorce, I would
20 try my best to reconcile, to change anything lacking in
21 myself, seek marriage counseling, seek to rectify through
22 a third party that's unbiased and not involved, if there
23 was a so-called conflict.

24 And I'd try everything I could to keep the
25 marriage together. And if it didn't stay together, you

1 know, it hurts, you know, but I could live with that hurt.
2
3
4

5 INMATE GROGAN: Uh-huh. Want to see a picture
6 of him?

7 BOARD MEMBER TONG: Sure. He's about five and
8 a half now?

9 INMATE GROGAN: Yeah. There's a picture of her
10 at my folks and here's one by himself.

11 PRESIDING MEMBER ROOS: Steve, why don't you just
12 hand them to Mr. Tong?

13 INMATE GROGAN: And here's another picture of
14 him and some of my wife.

15 BOARD MEMBER TONG: Does your son ask you about
16 why you're here and why you can't come home?

17 INMATE GROGAN: Yeah. It breaks my heart, man.

18 BOARD MEMBER TONG: How do you explain that?

19 INMATE GROGAN: Well, very gently and my wife
20 has been really good with him. And she explained to him
21 that I hurt somebody and because I hurt them, that I have
22 to stay here for a while. And he understands it, but it
23 doesn't stop him from always wanting me to come home and
24 take him fishing. And it's a heartbreak to see, though,
25 when he does that, you know.

BOARD MEMBER TONG: When you were married

1 initially, your wife was -- did her parents object?

2 ~~INMATE GROGAN:~~ No. In fact there's a letter
3 in the files from her mother in 1968. My father and
4 mother are separated, and I talked to both her mother and
5 father over the period before we got married, and they had
6 really no objection.

7 They were concerned because of my past record
8 and who I was involved with and the fact that I'll be in
9 prison for quite a while, number of years. They all
10 considered that, but she was determined to stick with me,
11 so naturally they gave her their blessings. I can't conceive
12 of any parent really wanting their daughter to be married
13 to a convict, I mean, really, if they want their daughter
14 to have a good future.

15 BOARD MEMBER TONG: That's not the reason I asked.
16 I asked from the standpoint of how they dealt with their
17 feelings.

18 INMATE GROGAN: We talked about it. I visited
19 with my father-in-law. He came and visited me with her
20 brother. We saw each other quite a few times, talked about
21 it.

22 BOARD MEMBER TONG: I believe this is the part
23 of your MEEI. It was from the report by Dr. Auerback in
24 last year, 1980. In it there's some -- there are opening
25 sentences and you fill in the blanks, so to speak. I wanted

1 to ask you to elaborate on two, because they're both
2 comparable because they're asking questions in a similar
3 area and the response is similar.

4 No. 13, it had to do with my greatest fear is
5 to be untrue to myself, and No. 39, my greatest worry is
6 self-betrayal.

7 What are you referring to?

8 INMATE GROGAN: Well, it's the fact I was
9 thinking, at the time, about the fact of how much I've lied.
10 The charade, farce I've portrayed. I've deviated from
11 telling the truth to people and being real to myself and
12 to me that cost me -- cost me my life, you know. And
13 because of that, I think it's very important to always be
14 true to myself. It's kind of a general statement. I think
15 doesn't really nail down any one thing.

16 BOARD MEMBER TONG: I understand what you're saying.

17 I don't have any questions.

18 INMATE GROGAN: You can't be true to yourself,
19 who can you be true?

20 HEARING REPRESENTATIVE EPPERLY: Mr. Delaney,
21 have any comments you wish to make?

22 MR. DELANEY: I have no comments.

23 HEARING REPRESENTATIVE EPPERLY: All right. At
24 this time then, I'm going to turn it back to the Chair.

25 PRESIDING MEMBER ROOS: Thank you, Mr. Epperly.

1 I'll turn the hearing over to Mr. Tong to discuss the parole
2 plans.

3 BOARD MEMBER TONG: Okay, Mr. Grogan, we've gone
4 over bits and pieces and, if I can, I'll try to pull them
5 together, because, you know, in part they've been touched
6 on in other questions and other areas.

7 You've been married to your wife, Kathy, for
8 approximately six years now.

9 INMATE GROGAN: That's correct.

10 BOARD MEMBER TONG: And you have a son Adam, and
11 in terms of job skills, you do have training and
12 certification as an aircraft welder and also accomplished
13 as a painter and musician, although these would be a side-
14 line. They wouldn't be your primary source. You have
15 offers of employment and, if you could elaborate on that,
16 from your father and brother.

17 INMATE GROGAN: And Jack Earl from Modesto,
18 E-a-r-l.

19 The employment with my dad is at his shop and
20 it would be as a foreman. And I had one from my brother,
21 who is a house painter. He works on contracts, and he's
22 offered to employ me to help with him. But I think the
23 most viable and practical one is this one with Jack Earl,
24 who lives in the same community as my wife. And he's a
25 sign painter, and he's offered me a job in his own business

1 as a sign painter and graphic artist.

2 I know Jack pretty well. I've watched him hold
3 several demonstration workshops up here. There was a grant
4 for sign painting shop and he came in, did several
5 workshops. I visited him in the visiting room off and on
6 and we discussed some plans.

7 And I like where I used to live in the Valley.
8 I have no regrets going back there, except I kind of --
9 I feel hesitant at my return to that area would cause my
10 parents more embarrassment and I've inflicted enough pain
11 on them as it is. And I think if I'm in another community,
12 I could start off on the foot much better.

13 BOARD MEMBER TONG: Earl mentions in his letter
14 he's a pastor. Is he a pastor part time?

15 INMATE GROGAN: Full time.

16 BOARD MEMBER TONG: So he's a full time pastor
17 and he has a business?

18 INMATE GROGAN: It's not a pastor in the sense
19 that he has office hours. He's like an elder of a community
20 church. I guess, same as pastor. He has house meetings
21 and group encounters with his church. They have regular
22 schedule for when they have their meetings and going to
23 church and goings on, but it's all around his work schedule
24 and within it if need be. It's his own business so he can
25 more or less dictate his own hours.

1 BOARD MEMBER TONG: He has just one shop?

2 INMATE GROGAN: Uh-huh.

3 BOARD MEMBER TONG: And the church, is that the
4 same church that Diane Krezman goes to?

5 INMATE GROGAN: Right.

6 BOARD MEMBER TONG: So that your wife is also
7 a member of that church?

8 INMATE GROGAN: That's correct.

9 BOARD MEMBER TONG: What denomination is that?

10 INMATE GROGAN: It's not really denomination.
11 It's not Protestant or Catholic or -- just believe in the
12 doctrine you can't get on without Jesus Christ, the
13 testaments and teachings.

14 BOARD MEMBER TONG: How far would you be from
15 where your parents lived, if you were to reside where your
16 wife resides?

17 MR. ROBINSON: 400.

18 INMATE GROGAN: 400 some miles.

19 BOARD MEMBER TONG: I know it's difficult in your
20 position to talk about something like that. You
21 don't have a date but, again, reiterated, we touched
22 on different areas. To pull together, you know,
23 where you have some of the things you would be
24 any things that I left out that you care
25 to or elaborate on for the record?

1 I've come to question, maybe not in depth,
2 but parole plan, on that brief I gave you. Basically, if
3 I was to be released, whenever that would be, I would secure
4 a job with Jack Earl as a sign painting apprentice and be
5 graphic artist. And in my spare time, I'd be doing art
6 work and possibly be playing music.

7 I've come to question my music scene because the
8 music scene is kind of shaky, as far as the people that
9 gather. I'd be more or less prone to play music for the
10 church more or less, but I also plan to work for a stable
11 group therapy group so I can be continually reality
12 orientated until I make my final transition into society.

13 It's going to be a while to get over this
14 experience here and reintegrate back into society. So I
15 think a group like that would lend me that support and
16 feedback and keep me -- have a good, you know, hand on
17 reality.

18 Plus I mentioned something about, in my brief,
19 about setting out an encounter group or juvenile prevention
20 crime program in that area. ~~_____~~
21 of my experience in the Last Chance project here; that I
22 had something to offer juveniles in the way of my experience
23 and hopefully dissuade from leading a life of crime.

24 So, basically I'd be working with Jack, maybe
25 painting on the weekends and going to church and these

1 groups that I mentioned.

2 BOARD MEMBER TONG: Okay.

3 INMATE GROGAN: That would take most of my time
4 up.

5 BOARD MEMBER TONG: You mentioned your in-law's
6 wrote. However, I was confused as to some of the
7 relationship of some of the people to you. You clarified
8 the relationship of Jack Earl to yourself. Bill Easley?

9 INMATE GROGAN: He's a friend from that same
10 community.

11 BOARD MEMBER TONG: And Jim and Janet Muncy?

12 INMATE GROGAN: They're a family out of the same
13 community.

14 PRESIDING MEMBER ROOS: Family what?

15 INMATE GROGAN: Family out of the same community.

16 BOARD MEMBER TONG: All right. Let me ask other
17 panel members if they have questions in this area.

18 Mr. Roos?

19 PRESIDING MEMBER ROOS: No, sir.

21 HEARING REPRESENTATIVE EPPERLY: Yes. What do
22 you feel the greatest problem is going to be and what do
23 you fear the most after your release?

24 INMATE GROGAN: Well, I don't know, if it's any
25 one thing. The thing I'm kind of having a little bit of

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1 I've been in this environment
 2 for 12 years. If anybody else out there has been
 3 living and working at their lives, you know, I'll feel out
 4 of place for a while. That's kind of anxiety that I think
 5 about, you know. I think about that, how that might affect
 6 me, but I can overcome that.

7 And just the fact that I kind of worry about what
 8 the prices of things are. That they're just really hard
 9 to make the money and that, you know, concerns me and it
 10 makes me try harder in every area that I'm comparable in
 11 to upgrade what I can do to be ready for it.

12 HEARING REPRESENTATIVE EPPERLY: Do you anticipate
 13 any action or reaction in the future from any of the former
 14 or current followers of Manson?

15 INMATE GROGAN: I don't anticipate it. I have
 16 mentioned before that I've considered measures in preventing
 17 their associating me by changing my name possibly, if it's
 18 still within the bounds of the court, and kind of going
 19 to onanymity (sic).

21 INMATE GROGAN: There you go.

22 HEARING REPRESENTATIVE EPPERLY: I understand
 23 what you mean. Okay. I don't have anything else.

24 BOARD MEMBER TONG: Okay. Mr. Delaney, do you
 25 have any questions in this area?

1 MR. DELANEY: No comment on this phase, no.

2 BOARD MEMBER TONG: Mr. Robinson, is there
3 anything you care to add in this area on parole plans?

4 MR. ROBINSON: Well, just in summation, that it
5 seems like Steve has some very realistic plans, has a
6 specific community he can go to, a family waiting for him
7 there, a job, obviously some means of supplementing his
8 income and providing the environment that he'll be living
9 in in other sorts of ways. I think the plans are very
10 realistic considering, of course, he doesn't have a date.
11 He has no certain knowledge of when these such plans will
12 take place.

13 I think it's a rather positive sign that he really
14 does care enough about youth at this time to want to commit
15 himself to continue to do that sort of work on the outside
16 as well.

17 That's all I have to say in this matter.

18 BOARD MEMBER TONG: Mr. Roos?

19 PRESIDING MEMBER ROOS: Yes. Steve, you've been
20 here about what, isn't it 10 years? Didn't you come in
21 [REDACTED] of '71 and this is '81, so that
22 would be --

23 INMATE GROGAN: Right. I was counting county
24 jail --

25 PRESIDING MEMBER ROOS: County jail time?

1 INMATE GROGAN: Right.

2 PRESIDING MEMBER ROOS: I was reading over a
3 summary in the psychiatric evaluations and there's some
4 apparent fear on the part of the various psychiatric or
5 psychological personnel that have reviewed your case,
6 although that fear does appear to be diminishing over the
7 years, but some fear that you may again link up with some
8 so-called powerful figure, quote, unquote. I hate to
9 categorize the person that you were formerly associated
10 with as a powerful figure, but you might get hooked up with
11 somebody who's charismatic. There's a possibility that
12 you could decompensate. In other words, that you could
13 slip back into a pattern of distorted thinking, distorted
14 values.

15 What do you feel about that likelihood?

16 INMATE GROGAN: I don't have any fears in that
17 area at all.

18 PRESIDING MEMBER ROOS: Why not?

19 INMATE GROGAN: Well, mainly because in this
20 prison experience I've seen Manson for what he really is.
21 The romanticism is out of the game. I'm not 16 years old
22 anymore, and I can see what -- I've seen the whole scope
23 of all the charismatic people that have and I -- that's not
24 going to happen again.

25 PRESIDING MEMBER ROOS: They don't seem that

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1 characteristic anymore?

2 INMATE GROGAN: No, not at all.

3 PRESIDING MEMBER ROOS: Are you familiar with
4 the matrix that the Board generally uses in setting parole
5 dates for life prisoners?

6 INMATE GROGAN: I familiarized myself with several
7 matrixes. It's changed over the years.

8 PRESIDING MEMBER ROOS: This is not -- the matrix
9 is not anything that's hard and fast, but it's a guideline.
10 Are you familiar with it?

11 INMATE GROGAN: Uh-huh.

12 PRESIDING MEMBER ROOS: Do you know about what
13 the average time that a person or a projected time, a
14 possibility that a person might have to serve for the crime
15 that you committed?

16 INMATE GROGAN: I'm pretty aware, yes.

17 PRESIDING MEMBER ROOS: What would you guess that
18 would be?

19 INMATE GROGAN: The bracket that I looked at the
20 last time I looked at the matrix system, was 13, 15 and
21 17. And then it changed to 15, 17 and 19. So, a person
22 can do anywhere between 13 and 20 years, I imagine.

23 PRESIDING MEMBER ROOS: Well, there's two that
24 looked like they could fit. I don't know. There's 13,
25 15, 17; 14, 16 and 18, so you're right. Somewhere between

1 15 or 18 years or more or less. I mean, it's just a guide-
 2 ~~line~~ that in terms of what you
 3 did? Let's just say with a mid-range. Just say 15 years,
 4 15 years or 18 years or more, how do you feel about that
 5 in terms of the act that you did?

6 INMATE GROGAN: There's no way I could pay for
 7 what I did.

8 PRESIDING MEMBER ROOS: Do you feel that that's
 9 a reasonable amount of time for what you did?

10 INMATE GROGAN: I don't think I'm in that position
 11 to know what's reasonable. It's something that can't be
 12 balanced by years.

13 PRESIDING MEMBER ROOS: I'm not trying to give
 14 you a signal as to what the Board's going to do, because
 15 I frankly don't know. I'm just asking, you know, if you
 16 thought about that.

17 INMATE GROGAN: If I get out while I'm still
 18 alive, I think that's reasonable.

19 PRESIDING MEMBER ROOS: Let's say they don't give
 20 you a parole date. I don't know what the Board's going
 21 to do, but let's say they don't give you a parole date.
 22 How is that going to affect your attitude over the next
 23 year until you come before the Board again?

24 INMATE GROGAN: Well, the way I've always looked
 25 at it since I came to myself is just another year for me

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1 to try that much harder.

2 PRESIDING MEMBER ROOS: Okay. You'd continue
3 in your same programs basically?

4 INMATE GROGAN: Sure.

5 PRESIDING MEMBER ROOS: Let's say you do get a
6 date and let's say it's again the same range, whether you
7 get one now or you get one a year from now, assume it's
8 the same range, what would you do if you got one? How would
9 that affect you in terms of your programming for the next
10 year?

11 INMATE GROGAN: I think in the same way, even
12 more so, knowing that I do have tentative plans to look -
13 foward and go to.

14 PRESIDING MEMBER ROOS: But you realize whether
15 your date is set today or date is set next year or a date
16 is set at some time in the future, and I don't know, that
17 you're still dealing pretty much with the same range, unless
18 there should be some change in that?

19 INMATE GROGAN: Well, I mean, according to the
20 way it's laid out, yes. I don't -- these are just
21 guidelines, like you said.

22 PRESIDING MEMBER ROOS: Okay. How does your
23 wife -- have you discussed this with her about how long
24 you might be in prison? Have you discussed that with her?

25 INMATE GROGAN: Yeah.

1 PRESIDING MEMBER ROOS: You know that you can
2 get time off. You can get some time off for good time too.
3 I assume you discussed that. How does she feel about that?

4 INMATE GROGAN: The way she feels is that -- well,
5 she's felt different -- she's traveled the whole range of,
6 you know, spectrum of emotions. You know, one from, you
7 know, hope to no hope, despair, resentment toward me because
8 I'm in this position and this has happened to her life,
9 to where it's just have to do what you have to do, pay your
10 dues, what they are. The Lord willing his will will be
11 done. That's where she's presently at. I can't say she's
12 not waiting and longing like my child just to have me home,
13 but she has hung herself that, you know, the propensity
14 of this matter and the reality of it. She's not, you know,
15 under any delusion of what might happen.

16 PRESIDING MEMBER ROOS: Okay. The reason I'm
17 asking this, I'm not trying to torture you, I'm just trying
18 to look at the guidelines and see how, you know, how you
19 respond to those and the amount of time and how much that's
20 been the thought by you and her. And so, that's the reason
21 for my inquiring.

22 I don't have anything else, Mr. Tong. Thank you.

23 BOARD MEMBER TONG: This would conclude the parole
24 phase of the hearing. We'll turn the discussion to the
25 Chair.

26 PRESIDING MEMBER ROOS: Thank you.

1 If there are no other comments, then we'll have
2 the final closing statements by first the District Attorney,
3 who is represented by Mr. Delaney, and then secondly, by
4 counsel for the prisoner, Mr. Robinson, and then Mr. Grogan,
5 if you, after your attorney has spoken for you, if you want
6 to add something to what he said, then that would be your
7 chance to do so. So, you might think about it while the
8 District Attorney is speaking. Does anybody have any
9 questions or any other comments before we get into that
10 area?

11 Okay. Seeing none, in that case, we'll ask
12 Mr. Delaney for his comment.

13 MR. DELANEY: In terms of the circumstances that
14 are considered in determining suitability or lack of
15 suitability, I'm of course aware of them and I've looked
16 at the criteria the panel considers. I'd like to focus
17 the attention of the panel, first of all, on the commitment
18 offense.

19 I recognize in doing that that it's been discussed
20 at great lengths. I do so, I think, to bring home the
21 position of the County of Los Angeles, jurisdiction where
22 this offense occurred, for what is, I think, truly the
23 heinousness and the callousness of the crime that occurred.
24 I think there's no question from all of the available
25 evidence that the Board is aware of that this was, first

1 of all, it was not a premeditated offense. It was not
2 one that was planned, or out of some kind of a
3 dispute.

4 In addition to that, it involved a victim who
5 was known to Mr. Grogan. He was at least a social
6 acquaintance over a period of at least a year and a half
7 to two years previously. He was taken advantage of in a
8 position of vulnerability, as Mr. Grogan has conceded in
9 his narrative description of the event.

10 Mr. Grogan acted in concert with others in taking
11 advantage of Mr. Shea and his role was an active one.

12 Again, I'd like to reiterate, as I mentioned
13 earlier, there's a thread here which I sense from
14 Mr. Grogan's discussion, that to a degree he was a pawn;
15 that he was used by others; that he was acting at the urging
16 of others, Manson, Tex, whoever it might be. I realize
17 he's come a long ways in terms of his initial denial of
18 committing the offense, but I wonder if we're not seeing
19 some remnant, some vestiges of that denial when he sits
20 here, as he does today, and tells you that he was acting
21 out of pure fear. He was acting out of the domination or
22 under the domination of others.

23 I think when Mr. Grogan was Crazy Clem of the
24 Manson family back in 1969, he had far more enthusiasm.
25 He had a far more active role in this crime than he's

1 willing to concede now. I think it's fair to say that his
 2 acts of participating in what he spread about, supposedly
 3 at the urging of others again, the gruesomeness of the killing
 4 and the decapitation, mutilation and so on, were acts that
 5 were calculated to induce terror. They were calculated
 6 to spread fear; and I don't think I have to review the
 7 atmosphere that existed in Los Angeles in 1969.

8 But I think he was an active participant in
 9 spreading, at least in the little community in which he
 10 operated, he acted to terrorize and frighten others and
 11 to exploit this vicious killing.

12 As you gentlemen know, there are all kinds of
 13 first degree murders. This was a first degree murder and
 14 punishments vary according to the circumstances of a given
 15 offense and someone's record.

16 As Mr. Grogan has acknowledged, his actions are
 17 really inexplicable in terms of his background. He did
 18 not come from a classic broken home. He was not abused,
 19 but he committed this act. And 12 of his peers, upon
 20 hearing the evidence, voted for the death penalty for
 21 Mr. Grogan. Now, legally that's a moot point. Of course,
 22 death penalty is no longer an issue, but I think that fact
 23 is something the Board can consider.

24 But, say, as you gentlemen know, there are all
 25 kinds of murder, all kinds of penalties imposed for murder.

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1 I don't need to belabor that point. The fact is, a jury
2 of his peers decided Mr. Grogan should die. I think that
3 is a measure of the revulsion of the heinousness of this
4 crime. I would ask you to consider that for whatever weight
5 you think it deserves in considering whether a decade later
6 we're prepared to say that Mr. Grogan is suitable for parole

7 I think there's no question that he's made a
8 great deal of progress. I would be the first to acknowledge
9 he's made progress. Apparently, at least on psychiatric
10 front, he's made progress socially and in terms of his
11 social interactions. He has a considerable support network
12 in terms of a wife and child, job offers he's discussed.
13 That probably distinguishes him from many inmates.

14 But I think the Board has to consider to what
15 extent the changes that we've seen, first of all, are
16 genuine. And you gentlemen see this far more often than I
17 do and perhaps it's presumptuous for me to even mention
18 it, but it's clear that inmates know why they're here.
19 They know that their behavior affects the decision of this
20 Board to one degree or another. I think the very delicate
21 task the Board has to complete is to determine to what
22 extent these gains in the institutional setting, first of
23 all, are genuine, whether they are calculated to encourage
24 a finding of suitability and, secondly, assuming they're
25 genuine, to what extent they can be translated into the

1 outside world. To what extent someone who is
2 institutionally adjusted, Mr. Grogan concededly a large
3 degree has, and has said to someone, we can take a chance
4 on, take a risk that he can carry that over into society.

5 And for my part, on behalf of the County of Los
6 Angeles, I simply cannot share the confidence that some
7 of the psychologists and some of the correctional counselors
8 appear, in their most recent evaluations, to have expressed.

9 I recognize yours is a very difficult, a very
10 delicate decision, but I wonder if we can really say at
11 this point Mr. Grogan does not represent that kind of a
12 risk to the public, given his background, given his history
13 and given this very heinous commitment offense, that we're
14 going to determine that he's suitable for parole.

15 In regard to his recovery or assistance in the
16 recovery of Mr. Shea's body, I think unquestionably that
17 was a laudable act on his part, but I have to note as well
18 to a certain extent it was a self-serving act. It was an
19 act that refuted the claim of mutilation and decapitation
20 that had been made regarding the death of Mr. Shea. I
21 think, more than that, it's rather cold comfort. As I say,
22 I think it's commendable and I think it's a laudable act.
23 But the fact that eight years later he was prepared to point
24 out the skeletal remains of Mr. Shea represents, I think,
25 very cold comfort. I recognize in saying that, reasonable

1 people may differ on that point. I gather that Burton Katz,
2 the presenter in this case, was sufficiently impressed
3 by that act that he wrote a supportive letter in regard
4 to Mr. Grogan.

5 But I find that however praiseworthy that action
6 might have been, I think it's a case of a little too late
7 in terms of his atoning, if you can call it that, for his
8 actions.

9 Finally, I'd like to address the issue of
10 creativity. I think there's no question, as you look at
11 the water colors that are displayed here, if you look at
12 the favorable reviews and prices that Mr. Grogan has
13 received, that he has genuine creative talent. But I think
14 it's fair to ask, how certain we can be. How much
15 confidence we can have of that creativity carrying over
16 into a successful adjustment into society.

17 Perhaps I'm not fair to Mr. Grogan, but I feel
18 obliged to mention it. It occurred to me really only as
19 we were reviewing his creative accomplishments. Perhaps
20 you gentlemen are aware of the case of Mr. Jack Henry Abbott
21 in the State of New York. Now, Mr. Abbott's case obviously
22 has nothing to do with Mr. Grogan. It's entirely separate
23 and apart, but you will recall Mr. Abbott became a protege
24 of Norman Mailer. He had or has a book on the best seller
25 lists, "In the Belly of the Beasts," an account of prison

1 life; A book that was a fantastic best seller, received
2 enormous critical acclaim. But a few months out of prison,
3 Mr. Abbott, as I understand it, is under indictment in the
4 State of New York, for a murder he is alleged, and it is
5 an allegation at this point, to have committed very shortly
6 after getting out of prison and very shortly after and at
7 the same time, indeed, as the enormous success of his book.
8 As I say, I recognize that in itself has nothing to do with
9 Mr. Grogan, but I think it illustrates the danger of
10 attempting to equate creative talent, which I think
11 unquestionably Mr. Grogan has, with an ability to function
12 in society.

13 And I simply say, gentlemen, there's been genuine
14 progress. I recognize and acknowledge that, but I don't
15 think we're at a stage where the Board should say Steven
16 Grogan is suitable for parole.

17 Thank you.

18 PRESIDING MEMBER ROOS: Okay. Thank you, Mr.
19 Delaney.

20 Mr. Robinson?

21 MR. ROBINSON: Well, the one thing that was said
22 that I agree with is John Henry Abbott has nothing to do
23 with Steve Grogan. I'm agreeing with that entirely.

24 I have a couple comments just in response to
25 briefly what was said today by the District Attorney. On

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of times when
 comments that are made
 the sense that when an individual does something that is
 excellent or extraordinary or for self-gain, well, as
 they say, it's self-serving. and help retrieve this
 body truly was self-serving in the sense. He knew his
 parole date was coming up.

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To make remarkable gains in terms of psychiatric
 progress is also something that is self-serving. Perhaps
 to give an account of the killing that places you in a
 certain light, not as a planner or something, would be self-
 serving. Just about everything we do in this world is
 self-serving or tries to be.

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I think what Steve Logan has showed us today
 is that self-servingness is his primary motive involved
 in these things. I think that his description of the act,
 as he described it, I don't know, it came from the heart,
 as far as I could see.

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Comments made by District Attorney in terms
 of this offense, be one where the death penalty was found,
 yes, there was a death penalty finding. But I think that
 death penalty finding was based on a killing where there
 was a mutilation of the corpse, cutting off of the head,
 describing it was groovy and all this sort of thing.
 I think Steve has given the account of this matter.

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1 I think that his statements discussing the offense
2 itself were not to the effect that, well, I only did it
3 out of fear. There's more in it than that, and he realizes
4 that -- he realizes that there's something very evil about
5 what he did. I think in a sense that's what the District
6 Attorney was getting at. Yes, it isn't all just being a
7 pawn. There is such a thing as bad and there is such a
8 thing that it deserves punishment. I think Steve has
9 recognized that, and I think he has been punished. I think
10 that whatever the determination of this Board today, his
11 punishment is not yet over.

12 I think if Steve were let out tomorrow, the
13 punishment would go on for the rest of his life. I think
14 that's abundantly clear in the way he talks about it and
15 the way he relates to the whole thing.

16 I was particularly moved by the account he gave
17 about his son and how he relates to his son in terms of
18 this offense. It's something his son is going to have to
19 live with regardless of what happens for the rest of his
20 life. It's a serious matter.

21 I think that the task the Board faces today, first
22 of all, address the issue of suitability. Suitability's
23 determination is based on the question of whether this man
24 right here is going to be a threat to the public if he's
25 released. That is the sole basis for suitability. It isn't

1 because of who his crime partners were. It isn't because
2 of what they may have done. It's what he did, what's
3 happened to him; what kind of person he is. That's what
4 suitability should be based on.

5 In terms of psychiatric factors, there have been
6 reports in the past by psychiatrists which would indicate
7 violence potential, which would indicate he may relapse.
8 I think the most intensive work that he's ever done or
9 therapy that he's ever done has been with Dr. Mattocks,
10 both individually and in group.

11 I think Dr. Mattocks's latest report, which is
12 a culmination of a series of reports, he could not be more
13 clear. Now, Dr. Mattocks is not the type of person -- he
14 certainly could have written a longer evaluation if he
15 really wanted to help Steve out, get him a parole. He
16 could have written a much longer evaluation. He writes
17 simple short evaluations. He writes from -- I believe he
18 was asked to testify last year. He wouldn't do it. He
19 doesn't want to become involved in a Board hearing. He
20 thinks it interferes with the therapy that he's going on.
21 I think his recommendation for this year is absolutely clear
22 of any of the personality problems, let alone diagnoses
23 of schizophrenia are no longer -- no longer present. It
24 is his belief, psychiatrically, and I think he's in a better
25 position than most of us, or any of us here certainly, due

1 to the long tabulations with Steve, is that he will not
2 slip back. He will not revert to any problems.

3 Steve has stayed out of groups and gangs while
4 he's been in prison. He's stayed away from drugs while
5 he's been in prison. You are all aware that there are drugs
6 in prison. He can get them if he wants them. There's never
7 been any involvement in drugs. I don't think that those
8 are things that are going to come back in his life. I think
9 he has a realistic view about the world, somewhat afraid,
10 legitimately so, about how strange it's going to be out
11 there for him. I think he's very realistic about it. I
12 think he can deal with it in that sense.

13 Looking at your circumstances that are listed
14 in the rules of the Board of Prison Terms, Steve, on his
15 own, without me even discussing it, in the brief he wrote,
16 talks about some of those terms. I refer you to that in
17 making your determination.

18 In terms of the circumstances that tend to show
19 unsuitability, basically the one that we're really talking
20 about here, the others simply do not apply, social relations
21 with his wife stable now; there are no sadistic sexual
22 offenses; he's got healthy psychological reports; no
23 serious misconduct while in prison.

24 What we're really talking about is this
25 particular offense, the seriousness of it, the brutality

1 of it. No one is denying that here. This was a very
2 serious offense. It was, as the District Attorney pointed
3 out, it was not the kind of a murder where someone reacts
4 to a fight or a disturbance and that sort of killing where
5 you see some kind of justification or motive.

6 As was pointed out previously, there was some
7 motive for this killing. It was not without motive. It's
8 difficult for us to look into that warped perspective of
9 being a part of that Manson family. That's the way we've
10 got to look at Steve to understand why he did what he did.
11 The climate of that all encompassing family structure where
12 he took care of everything in your life, coupled with the
13 fear that he discussed of any act that would go outside
14 of that, led him to do something that he never should have
15 done, never would have done otherwise.

16 He was a kid who had, like a lot of kids at that
17 time, like even myself at that time, though I was a little
18 bit younger than Steve, had a kind of a wandering impulse,
19 wanted to get away, wasn't willing to accept things as they
20 traditionally were. There were lots of kids like that in
21 the 60's. Who knows what might have happened to Steve
22 Grogan if he hadn't been on the Spahn Ranch when the Manson
23 family showed up. This is not a typical cult. This was
24 not a typical guru, Charles Manson. There have been other
25 situations in our recent history where these cults have

1 led to this kind of behavior, but with the exception of the
2 John Hinckley, Jr. shooting incident, I can't think of
3 anything else like the Manson situation.

4 Steve will regret this for the rest of his life,
5 and there's nothing he can ever do about that. But, I
6 think, that's the background we have to understand to
7 understand his being involved in the commitment offense.
8 I think that when we look at all the factors involved in
9 that offense and balance them against the factors which,
10 according to the Board rules, tend to show suitability,
11 the factors tending to show suitability are much stronger.
12 There's no prior juvenile record. Excuse me. There is
13 a prior juvenile record, but in the sense that the rules
14 speak of crimes that involve assaulting others, committing
15 crimes with potential for personal harm. I don't think
16 we have any of those other than the charge of child
17 molestation, which has been satisfactorily explained, not
18 involving molestation.

19 In terms of his social history, with the exception
20 of the Manson period, I think it's very stable. The way
21 he has managed the difficulties of a prison environment
22 to create a family, to have some continuity, I think if
23 you look at the accounts of his family, of his relationship
24 with his wife that are in some of the various -- particularly
25 letters from different correctional officers and lieutenants,

1 judging the strength of that. The letter from the
2 [redacted] [redacted] the fact at DVI, that Steve has
3 [redacted] [redacted] [redacted] [redacted] of that, of
4 the bonds. I think Steve's attitude [redacted] really is
5 [redacted] realistic.

6 Another category in Section 2252, circumstances
7 tending to show suitability, is signs of remorse. I really
8 don't think I have to say anything about that. I think
9 it's been shown. His feelings are realistic. The remorse
10 is very real. He's really come to grips with this thing.
11 And the acts that he did demonstrate that, helping to find
12 the body, everything else since that. The fact that he's
13 now trying to become involved in helping juvenile offenders
14 is also another sign of remorse on his part.

15 Motivation for the offense, it's been discussed.
16 From the warped point of view, I hate to call somebody
17 warped, but the point of view he was in at that time, there
18 was motivation. This was somebody he was afraid of. As
19 I was speaking to Steve before the hearing we were
20 discussing this point, he says, well, as I look at it now
21 it doesn't seem motivation to me now, but at the time he
22 felt it.

23 Lack of criminal history. There was not a history
24 of violent crime on his part.

25 Understandings and plans for the future is

1 No. 7 under 2282. I think these are very realistic ones on
2 his part. And institutional behavior, aside from a single
3 115 where I think he swore at an officer, we don't have
4 any misconduct within the institution other than this
5 failing to respond to ducats on a number of occasions.
6 I think these are extremely minor points, which can be
7 looked over.

8 I think that, just to sum up the two factors that
9 have gone against Steve in the past, have been the nature
10 of the offense itself, and some of the earlier psychiatric
11 reports. I think the psychiatrics come to the point now
12 where the psychiatric factors can be looked at as a part
13 of his past, as a part of the struggle he had with himself
14 through those years to come to grips with it and finally
15 coming to grips with it. And now, through a lot of hard
16 work, he's finally gotten to the point where the
17 psychologist who is most familiar with him can say there
18 is no problem.

19 I think in terms of the offense itself, we cannot
20 deny its seriousness. I think that in terms of the gravity
21 of it and how much punishment is due for it, that comes
22 into the factor of what term is set, assuming suitability
23 is found.

24 I think all of these factors together show he
25 is no longer a threat to the public and should be found

1 suitable.

2 I read last year's document thoroughly, the
3 transcript of the hearing, and discussed with Miss Samuelson
4 and Steve the whole nature of that situation. My reading
5 of that, of course, I'm somewhat biased, was that the
6 factors presented at that time would have tended to show
7 that Steve was suitable for parole. But I appreciate the
8 caution of the Board at that time. It had not been a long
9 period of time since positive psychiatric reports had been
10 received. I think another year has taken place and the
11 gains have really progressed since then.

12 He's still working as hard as he has been. I
13 think the comments he made to Mr. Roos's questions in terms
14 of, what are you going to do if you get a date, what are
15 you going to do if you don't get a date, illustrates that
16 he is really seriously motivated towards continuing on
17 working in the same areas he's been working in. I think
18 that when you put all this together, that it's very clear
19 that he's suitable for parole.

20 I think the panel does have a very difficult task
21 in front of them, if it wants to find Steve Grogan suitable
22 for parole. I think we cannot ignore the fact that there
23 are political implications involved here. This is a Manson
24 killing. This is not a first degree murder that nobody
25 knows about. This was a killing that involved Charles

1 Manson, as the District Attorney pointed out. One of the
2 most heinous ways of crime that ever has hit this state
3 and certainly that ever hit Los Angeles County.

4 But the panel's job is to evaluate this
5 individually. Is he suitable for parole? Is he a threat
6 to society? Not should we let possibly the first Manson
7 murderer out on parole. I think that's something that the
8 panel has to deal with in its way.

9 But I believe the way the rules are written, are
10 absolutely proper in the sense that the determination for
11 suitability is based on appraisal of what the threat to
12 the public is and not on the public's fears or perceptions
13 based on all kinds of incredible newspaper stories and press
14 and the hysteria that was built up around that case. Not
15 that the fear and the hysteria weren't very real and based
16 on real things, but today we are only looking at Steve
17 Grogan and not looking at Charles Manson. We are not
18 looking at Tate LaBianca. We are not looking at any of
19 these other killings.

20 Assuming that a finding of suitability is made,
21 I would like to make a couple of brief comments in terms
22 of where I would see this finding taking place. I would
23 see that under the Board's rules currently that it would
24 fit under Category II-C. That involves a prior relation
25 with the victim which contributed to the motivation of the

1 act. I think that's pretty clear from the facts, although
2 we may not have felt that the motivation was sufficient
3 to really matter of anything. It certainly was perceived
4 that way at the time.

5 I would say that the description of the killing,
6 as Steve described it, would be a severe trauma as opposed
7 to direct or a victim of contribution in terms of your
8 matrix. That's a range of 13, 15, 17 years. There's no
9 gun. There's no offenses that are involved, you know, other
10 offenses like another murder or another crime that's
11 involved with this. So, we're talking about that term.

12 In terms of whether we look at the aggravating
13 and mitigating circumstances, it could be said that one
14 aggravating circumstance applies. That's 2283(b)(3), going
15 to great lengths to hide the body. Pretty clearly Steve
16 has admitted that he did bury the body. For years it was
17 kept away, but I think that ought to be considered in the
18 light of the fact that he did eventually help to find it.

19 Mitigating circumstances. Steve's account of
20 the killing would show that he was not predisposed to
21 commit, but was induced to do it by others. That's
22 22893 -- 84 -- excuse me -- can't read my writing.

23 Now, this is open to conjecture on our part.
24 Of course, as the District Attorney commented, there is
25 some self-serving element to that. We don't really know

1 what happened. The man was convicted on statements that
 2 he allegedly made to other people. We don't have any direct
 3 accounts on this matter, so we'll have to think about that
 4 as we will. Another mitigating circumstance is minimal
 5 or no history of criminal behavior. That certainly applies.
 6 An unusual situation unlikely to occur, I think that goes
 7 without saying.

8 And, again, assuming that there's a date given,
 9 I think Steve has, in his work in the prison, especially
 10 since after the first few years in which he was here, his
 11 post-conviction behavior has been excellent. I think he's
 12 entitled to, not only the normal amount of credit given,
 13 but also to extra credit for the last few years for the
 14 work that he's done.

15 Just to conclude, I would point the Board to the
 16 vast support that Steve has, not only from his friends and
 17 his family, but from a lot of people within the institutions
 18 who see criminals all the time and know the height that
 19 criminals can put out and have trusted this man as a human
 20 being and have really gone out of their ways.

21 As I recall, Representative Vineyard, in one of
 22 the hearings previously, he was shocked. I can't remember
 23 which lieutenant it was, but one of the lieutenants had
 24 written a report. He was surprised. He said this guy
 25 doesn't write these reports. Apparently, there are some

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1 people who, if they were to write that a
 2 favorable report on this lieutenant didn't do it.
 3 I think there's a lot of that in Steve's record. He's
 4 really an exceptional human being. To me and I'm sure to
 5 members of the public as well, it's incredible how someone
 6 can take a period of incarceration like this and use it
 7 to tremendously evoke the tremendous amount of change that
 8 he's brought forward in himself to grow, to really mature
 9 into a grown up human being, to come to grips with this
 10 whole offense.

11 I know the Legislature has in fact abandoned
 12 rehabilitation as a model, but I don't think any of us,
 13 or the people in your position should ever abandon
 14 rehabilitation. I think Steve has gone through a
 15 tremendous change. I think that if Steve Grogan gets a
 16 date today, we're really going to give him something to live
 17 for. It's really going to give him something to work for,
 18 not that he hasn't had that already because he seems to
 19 be really working towards that right now.

20 Whatever the date is going to be, he has
 21 a time in which he can make real plans with the real people
 22 that are involved with his life. I think that's very
 23 important. I think all of the factors which I mentioned
 24 have shown he no longer a threat to the public, if he's
 25 released. I don't think there's any real danger of him

1 regressing to my prior states. Certainly, he's not only
2 willing to, but he stated he wants to be involved in therapy
3 on the outside. I think that can be a condition of parole.
4 If he's given parole, it probably ought to be a condition
5 of parole.

6 With that, I'll conclude my remarks.

7 PRESIDING MEMBER ROOS: Thank you, Mr. Robinson.

8 Mr. Grogan, anything you want to say? You want
9 to add to your counsel's lengthy statement on your behalf?

10 INMATE GROGAN: If I could talk like that all
11 the time, I would.

12 You've seen what I've presented to you today,
13 ladies and gentlemen. That's all I can do to be a better
14 person, not that I'll ever make up or balance the scales
15 on what I've done, that maybe, as I stated in my statement,
16 maybe I can do some of the good that Jerome might have done
17 if he was still alive.

18 I have addressed almost all the areas -- in fact,
19 I think I addressed all the areas that I think the Board
20 would consider as being found suitable for parole. I feel
21 within myself that I have built the safeguards up to never
22 ever regress to a state where I could be involved in a
23 situation like that to where I kill another human being.
24 The pain that I endured and that I will endure till I die,
25 you know, it reminds me everyday. And I'm driven on to

1 try and strive harder and work harder than most people in

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3 So much I can say that it's already been said

4 today.

5 This is my life so far. I feel that I am suitable
6 to be paroled and getting a date. I realize that given

7 a date, I'm not going home tomorrow or maybe in a few --

8 several years, but I feel I've met all the guidelines set

9 forth in your matrix system in the way that your procedures

10 have carried them out. And, again, it's up to you guys.

11 You're the ultimate decision. You decide.

12 PRESIDING MEMBER ROGS: Okay, thank you.

13 The time now is ten minutes after five. We're
14 going to declare a recess for deliberation purposes. We'll
15 call everyone back in as soon as we've reached a decision.

16 I would suggest, Mr. Grogan, as you go out, you
17 know, pick up materials that you want to keep, the
18 photographs and the nice art work here.

19 We'll go off the record at this time.

20 (Thereupon the room was cleared and the
21 hearing of the Board of Prison Terms
22 recessed for deliberation.)

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RECEPTION OF PROCEEDINGS

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3 PRESIDING MEMBER ROOS: Okay. The time is now
4 9:32. The panel -- that's 9:32 p.m. The panel has
5 reconvened. We have reached a decision. This is a
6 unanimous decision of the Board, and I'm going to ask
7 Mr. Tong to read that decision.

8 BOARD-MEMBER TONG: Mr. Grogan, it's the unanimous
9 decision of the panel that we find you suitable for parole
10 at this time for the following reasons:

11 1. The prisoner has a relatively minor prior
12 criminal history.

13 2. While the prisoner actively participated in
14 the commitment offense, his role and culpability was
15 mitigated because of his age (18 at the time), the act being
16 committed in concert with three others, and the fact that
17 one of the other crime partners was the first to stab the
18 victim.

19 Panel also notes that after his incarceration,
20 prisoner lead authorities to the victim's body, where it
21 was determined that the victim had not been mutilated.

22 3. The prisoner's institutional adjustment since
23 his reception in CDC custody on 12-29-71 has been generally
24 positive.

25 (A) He has received only four CDC 115's over

1 the past approximately 10 years, all of a minor
2 administrative nature, and none in the last two years.

3 (B) Prisoner has completed his high school
4 requirements and attained his GED in -- what year did you
5 obtain your GED?

6 INMATE GROGAN: '76.

7 BOARD MEMBER TONG: In 1976 and has also completed
8 additional college class work.

9 (C) Prisoner is certified as an aircraft welder,
10 having completed 2,355 hours of vocational airframe
11 mechanics in 1977 while at DVI.

12 (D) Prisoner has actively participated in project
13 Last Chance, and has also volunteered his time as a music
14 instructor.

15 (E) Prisoner has also volunteered his skills
16 as a painter in helping to beautify the new child care
17 center at CMF and is to be commended for this.

18 4. Prisoner's psychiatric evaluations of 1980
19 and '81 by Arthur Mattocks, with concurrence by Psychiatric
20 Council, are supportive of a finding of parole suitability.

21 Prisoner's 1980 Psychiatric Council of G. Halberg,
22 M.D., Senior Psychiatrist; T. Aller, Program Administrator;
23 R. J. Braun, Correctional Counselor II; D. L. Fickens, Ph.D.,
24 Staff Psychologist; and R. L. West, Program Sergeant, agreed
25 with the diagnostic impression and conclusions of

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1 Arthur Mattocks, Ph.D., Senior Psychologist, which stated
2 in part:

3 "Free of past pseudo-philosophical rationales
4 and chaotic logic, he now faces the enormity of
5 the offense with real and appropriate feelings.
6 His violence potential is considered to be minimal,
7 considerably improved by his own personal and more
8 realistic appraisal of values. Continued
9 exposure to more conventional and disciplined
10 thinking and life styles can be expected to
11 further strengthen these gains."

12 The psychiatric evaluation of 8-13-79 by Bruce
13 Sanders, Ph.D., Clinical Psychologist, and concurred by
14 the Psychiatric Council, signed by T. M. Doody, Staff
15 Psychiatrist, gave the diagnostic impression of immature
16 personality and concluded:

17 "The diagnosed psychopathology has been
18 related to criminal behavior indirectly. During
19 observation in the institution he has
20 psychiatrically improved moderately. In a less
21 controlled setting such as return to the
22 community this inmate is considered likely to
23 hold present gains.

24 "Violence potential outside a controlled
25 setting in the past is considered to have been

1 greater than average and at present is estimated
2 to be decreased. Conditions of parole should
3 include parole outpatient clinic for a time
4 after parole.

5 The prisoner has been able to sustain
6 psychiatrically. Opinions made and recognized by Melvin
7 Macomber, in his report of 8-1-78, Ph.D., Senior
8 Psychologist at DVI, Tracy, where he indicated:

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

19 This evaluation was also consistent with the
20 report of 12-5-77 by Edmund Mackenberg, Ph.D., Senior
21 Psychologist at DVI, Tracy, who diagnosed schizoid
22 personality, associated with dyssocial behavior and
23 recommended:

24 "It would not appear that Mr. Grogan is
25 an imminent menace to anyone at this point in

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1 his life. His ability to function on parole
 2 would appear to be quite within the bounds of
 3 a good probability. His likelihood of regressing
 4 into a schizophrenic condition would not appear
 5 to be high at this point. His violence potential
 6 within the institutions would appear to be quite
 7 low, and is not seen as more than low to moderate
 8 in the community."

9 5. The prisoner has supportive social
 10 relationships through his wife Kathryn and his father and
 11 mother and has three offers of employment from both family
 12 and friends in the community.

13 With regards to the term of confinement:

14 The base offense is murder, first degree, Section
 15 187 of the Penal Code, Case No. A-267861, Count No. III.

16 The term is derived from use of CRB Section 2282(b), Section
 17 3(c), wherein -- I'm sorry. Section 2(c), wherein there
 18 was a prior relationship by the victim with the prisoner,
 19 and death resulted from severe trauma inflicted with deadly
 20 intensity. The time within that matrix is 13, 15 and 17.
 21 The time chosen by the panel is outside of that range and
 22 reasons for aggravation, the selection of an aggravated
 23 term are:

24 1. The prisoner initiated the crime by striking
 25 the first blow to the victim.

1 2. The prisoner had opportunity to cease but
2 continued to attack the victim.

3 3. The prisoner went to extensive efforts to
4 hide the victim's body.

5 4. The prisoner bragged about mutilating the
6 victim's body, even though this was not true, for the
7 purpose of instilling fear in other members of the group.

8 The panel assessed 228 months for the base offense
9 and noted that this was beyond the aggravated term suggested
10 by the matrix. There was a total of 26 months post-
11 conviction credit given from the time of 12-29-71 to
12 10-20-81. So the total period of confinement is 228 months
13 for the base term, less 26 months for post-conviction
14 credit. Total period of confinement is 202 months.

15 Special conditions of parole include anti-narcotic
16 testing and parole outpatient clinic.

17 Let me return it to the chair and ask -- well,
18 before returning it to the chair, ask other panels members
19 if they have other comments or are there any points of
20 omission or addition that they would care to comment to.

21 Mr. Roos?

22 PRESIDING MEMBER ROOS: The panel took a long
23 time to deliberate in your case. I'm sure you realize that
24 if you have some negative contact or conduct in here, that
25 your date can be taken away. You realize that?

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1 INSIDE GROOM: Understand that.

2 HEARING REPRESENTATIVE ROOS: You have a rescission.
3 hearing and then you have no date. You're back with a life
4 sentence. Also you'll get periodic reviews for good time.
5 Based on the total length of confinement that you have to
6 do, you might be seen every year or two years or three
7 years, and at that time it will be considered year by year
8 whether or not you've earned good time.

9 I think you've gotten more than the standard
10 guideline calls for because of the reasons Mr. Tong
11 elaborated.

12 I don't think I have anything else to say.

13 Mr. Epperly?

14 HEARING REPRESENTATIVE EPPERLY: I'd like to
15 ask -- I'm not sure if it was read into the record at all,
16 one of the reasons and that was wherein he had assisted
17 in the location of the body and it was determined that the
18 body had not been mutilated.

19 BOARD MEMBER TONG: That was included.

20 HEARING REPRESENTATIVE EPPERLY: Okay. I wasn't
21 sure if I recalled hearing that or not.

22 I have no other comments.

23 BOARD MEMBER TONG: All right. The time is now
24 9:45 p.m. and the hearing is concluded.

25 (Thereupon the hearing before the Board of
Prison Terms was adjourned at 9:45 p.m.)

CERTIFICATE OF SHORTHAND REPORTER

I, JULIEANN HAMILL, a Shorthand Reporter of the State of California, do hereby certify;

That I am a disinterested person herein, that the foregoing Board of Prison Terms hearing was reported in shorthand by me, Julieann Hamill, 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 the said hearing.

IN WITNESS WHEREOF, I have hereunto set my hand this 18th day of November, 1981.

Julieann Hamill
JULIEANN HAMILL
CSR No. 5151

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