

ANATOMY OF A MURDER (1959). James Stewart, George C. Scott, Lee Remick, Ben Gazzara.

The defendant, Lt. Frederick Manion is charged with murdering Barney Quill after Quill raped Manion’s wife, Laura. There is no dispute about the killing. Manion plugged Quill in front of witnesses. The defense will be “temporary insanity.”

The transcript follows. It has 63 places where you are asked if there are any objections or responses. I recommend going through as many as you can stand, using the issue spotting guide, and writing down in summary form what potential objections and responses you can see. Try to find 2 or 3 possible objections at each point rather than just one. A link to a list of potential objections can be found on the syllabus.

1 ***** [Direct of pathologist] *****
2 Dr. Rison: The body of Quill had sustained 5 gunshot wounds. One of the bullets had
3 passed through the heart. Death, in my opinion, was almost instantaneous, and was directly
4 caused by this wound.
5 Prosecution: Dr. Rison, may I have your detailed report?
6 A: Certainly.
7 Q: I ask that this report be marked People’s Exhibit One for identification.
8 Judge: So received and marked.
9 Q: People hand the defense a copy of the report. Counsel may cross-examine.
10 **[1: Any objections to the exhibit?]**
11 ***** [Cross] *****
12 Defense: Dr. Rison, your primary purpose was to ascertain the cause of death, was it not?
13 A: Yes.
14 Q: And yet I read in your report here that you checked to determine see whether
15 spermatogenesis was occurring in the body of the deceased at the time of death.
16 Prosecution: Objection, your Honor. The People called this witness only to show the cause
17 of death.
18 **[2. Any other objections?]**
19 Defense: Your honor, the entire report was offered as evidence and the report contains this
20 information about spermatogenesis.
21 Judge: Overruled, Mr. Lodwick. The witness may answer.
22 Defense: Now will you tell the court your finding?
23 A: Spermatogenesis was occurring at the time of death.

24 Q: In other words, the deceased in life, was not sterile? He could produce children?

25 A: That is correct.

26 Q: Now, Doctor, if a woman says that she has had intercourse with a certain man, and the
27 man is proved fertile -- if no evidence of sperm is found in the woman's body, could a
28 lawyer, say a prosecuting attorney, could he use this as evidence that the woman is lying?

29 Prosecution: Your Honor, I object to this line of questioning. We're not concerned here
30 with whether or not there have been relations between a man and a woman.

31 **[3. Any other objections?]**

32 Defense: Your honor, as long as an examination for spermatogenesis has been made, at least
33 we're entitled to know why?

34 J: Overruled. You may answer.

35 A: Yes, Prosecution could use that, though it certainly would not be conclusive that she was
36 lying.

37 Defense: Why not?

38 A: There could be several reasons why the test on her was negative. The use of a
39 contraceptive, or possibly there was no completion on the part of the man.

40 Q: Now in this postmortem were you also asked to determine if the deceased had reached a
41 sexual climax shortly before his death?

42 A: No sir.

43 Q: Could you have made such a determination?

44 A: Oh yes.

45 Q: So you were only asked to make such examination as would be useful to the prosecution
46 and none that might help the defense?

47 Dancer: I object your honor. Question is argumentative. Counsel for the Defense is trying
48 to impugn the integrity of the representative of the people.

49 **[4. What response?]**

50 Judge: Mr. Bieghler, you must be aware that the question is improper.

51 Defense: I withdraw the question and apologize.

52 Judge: The question and answer will be stricken, and the jury will disregard both the
53 question and the answer.

54 Defense: That's all the questions I have.

55 Prosecution: No redirect. The people now call Lloyd Burke.

56 ***** [Direct of police photographer] *****

57 Bailiff: Will the witness step forward please?

58 Defendant (Aside): How can the jury disregard what it already heard?

59 Defense: It can't.

60 Bailiff: You do solemnly swear that the testimony you shall give in this trial shall be the
61 truth, the whole truth, and nothing but the truth so help you God?

62 Burke: I do.

63 Bailiff: Sit down, please.

64 Prosecution: Will you state your profession, please, Mr. Burke?

65 A: I 'm a commercial photographer.

66 Q: Were you called upon by the Police to take photographs of the body of the deceased
67 Bernard Quill before and after he was removed from the scene?

68 A: Yes sir, I was.

69 Q: Were these photographs of the deceased made by you?

70 A: They were.

71 Q: The Reporter will please mark these photographs People's Exhibit 282D for
72 identification. Photographs are tendered to the Defense for examination and the people
73 move their admission as evidence. Your witness.

74 **[5. Any objections?]**

75 Defense: No Questions, no objections.

76 Mrs. Manion (aside): Paul, he took pictures of me that night, too

77 ***** [cross] *****

78 D: Just a minute Mr. Burke. These photographs offered as evidence, are they the only
79 photographs you took that night?

80 A: No.

81 D: I suppose the others didn't turn out, is that it?

82 A: All my pictures turn out.

83 D: Well, of course. I beg your pardon. Did you give the other pictures to the police?

84 A: Yes sir, I did.

85 D: Well, Mr. Burke, what were they? Were they side shots, or a shot of the moon perhaps,
86 or a black bear scavenging the Thunder Bay dump?

87 Prosecution: Your honor, I object. The photographs in evidence were introduced to show
88 that the deceased met with a violent death.

89 D: Your Honor, I should think any photograph pertaining to the case would be relevant

90 Judge: The point is good, Mr. Bieghler. You may continue.

91 Defense: What were the photographs of, Mr. Burke?

92 A: Lieutenant Manion's wife.

93 Q: You mean these photographs show how she looked that night after Barney quill was
94 killed.

95 **[6. If the photos are offered, any objections?]**

96 Judge: Sustained.

97 D: I'm sorry, your Honor, I wanted to make sure that the prosecution wasn't withholding
98 evidence
99 Prosecution: Now look here! I protest to the Defense Attorney's persistent attack on the
100 motives of the Prosecution!
101 Judge: The Jury will disregard the remark made by the Attorney for the Defense. There's no
102 reason to believe that the prosecution has not acted in good faith.
103 D: My apologies to the Prosecution and to the Court. But your Honor, as long as protests
104 are being made, I'd like to make a protest myself. Now, I'm perfectly willing to take on
105 these two legal giants anytime, anyplace, but in all fairness, it ought to be one at a time. I
106 don't want these two fellows pitching knuckleballs to me at the same time.
107 J: It seems to me that you're batting close to 1.000, Mr. Bieghler, but your point is well
108 taken. Whichever attorney opens with the witness, he alone shall continue with that witness
109 until that witness is excused.
110 D: Thank you, your Honor, no more questions.
111 Prosecution: No questions
112 *****
113 Judge: Good morning, ladies and gentlemen. You may proceed.
114 Bieghler: Your Honor, the defense notices a third person at the prosecution's table. We
115 were wondering if the court shares our curiosity as to just who he is.
116 Prosecution: I was about to introduce him. Your Honor, this man is Dr. W. Gregory
117 Harcourt. Dr. Harcourt is the People's psychiatrist in this case. We ask that Dr. Harcourt be
118 allowed to sit at our table as an observer.
119 D: What are you gonna have him observe? The constellation of Taurus or the life and times
120 of a bumblebee?
121 P: To observe the Defendant, of course.
122 D: Oh, oh, that's fine. The Defense has no objections, your Honor. I just wish to express
123 my relief that the new recruit is not additional legal reinforcements from Lansing.
124 ***** [direct of bartender] *****
125 Prosecution: Call Alphonse Paquet.
126 Bailiff: Raise your right hand please. You do solemnly swear that the testimony you are
127 about to give in this cause will be the truth, the whole truth, and nothing but the truth, so help
128 you God?
129 Paquet: I do.
130 Bailiff: Take your seat, please.
131 Prosecution: Would you state your name, please?
132 A: Alphonse Paquet.
133 Q: You work at the Thunder Bay Inn, don't you Mr. Paquet?

134 A: I'm a bartender there.
135 Q: Were you working on the night that Barney Quill was shot by Frederick Manion?
136 A: I was.
137 Q: Were you witness to the shooting?
138 A: I was.
139 Q: Will you tell is in your own words, please, what happened?
140 A: I was at a table by the door when Lieutenant Manion came in.
141 Q: Did you know Lieutenant Manion by sight and by name?
142 A: Yes sir.
143 Q: Go ahead.
144 A: Well, he came in, walked over to the bar, and began to shoot. He shot Barney when he
145 came up to the bar and when Barney fell, he kept on shooting down at Barney behind the bar.
146 Then he turned around and walked out.
147 Q: When Lieutenant Manion entered the bar, how did he appear to you?
148 A: Well, he walked slow, kind of deliberate, I guess you could say.
149 Q: Did he speak to Barney Quill?
150 A: Not a word. Just walked over and pulled out his gun, and bang.
151 Q: And then he walked out?
152 A: Yes.
153 Q: When he walked out, how did he appear to you?
154 A: Seemed just like he did when he walked in, like he was a mailman, delivering the mail.
155 Q: When Lieutenant Manion walked out of the bar, what did you do?
156 A: Well, it happened so fast, I guess I was stunned. Then I ran out after him.
157 Q: Did you find him outside?
158 A: Yes sir, he was walking away.
159 Q: Did you speak to him?
160 A: Yes sir, I said, "Lieutenant, you better not run away from this."
161 Q: Did he reply to you?
162 A: He said, "Do you want some too buster?"
163 **[7. Any objections?]**
164 Q: Was he pointing the gun at you?
165 A: Well, he was holding the gun in my direction, but the muzzle was low.
166 Q: When he said, "Do you want some too, buster," how was that expressed? Did he shout
167 it? Was it hysterical? Was he hoarse? Did his voice tremble?
168 A: No sir, he just said it cool and hard, and looked right at me.
169 Q: Did he look to you, as far as you could tell, to be in complete possession of his faculties?
170 **[8. Any objections?]**

171 A: As far as I could tell.
172 ***** [cross] *****
173 Defense: Mr. Paquet, did you see Laura Manion, the wife of Lieutenant Manion, in the bar
174 that night
175 Prosecution: Your Honor, there he goes again. This is immaterial and irrelevant.
176 D: Your Honor, I don't see what the prosecution's so jumpy about. I haven't gone anyplace
177 yet.
178 J: Let's see where he's going before we start objecting, Mr. Lodwick. You may proceed,
179 Mr. Bieghler.
180 A: She was there
181 Q: Did Barney Quill leave the bar that night?
182 **[9. Any objections?]**
183 A: Yes.
184 Q: Do you remember when he returned?
185 A: I think he came back around midnight.
186 Q: From which entrance did he come? Did he come from the lobby entrance, or come from
187 that outside entrance?
188 A: It was from the lobby.
189 Q: And how did he appear to you at that time?
190 A: How do you mean?
191 Q: Well, you understood the Prosecuting Attorney very well when he asked you that
192 question about Lieutenant Manion's appearance.
193 A: Well, he was just ole Barney, like--
194 Q: Sober, reliable, gentle, salt-of-the-earth, friend-to-man Barney?
195 Prosecution: You honor, your honor, what kind of question is that?
196 D: I withdraw the question, Your Honor. Mr. Paquet, had Barney changed his clothes since
197 he left the bar?
198 A: I don't remember.
199 Q: Might his clothing have been different when he returned? That is, might he have
200 changed his clothes?
201 A: I couldn't say, I didn't notice.
202 Q: Was Barney drinking that night?
203 A: Well, he always had a few shots while he was talking to the customers. He was friendly.
204 Q: Oh, sure he was. He was good old Barney. Now how many shots would you say good
205 old Barney usually had?
206 **[10. Any objections?]**
207 A: I don't know exactly.

208 Q: Wasn't he in fact pretty loaded that night, Mr. Paquet?
209 Prosecution: Objection, even if the deceased was dead drunk, it's no defense to this charge.
210 J: Sustained. I suggest you get off this, Mr. Bieghler.
211 Q: Mr. Paquet, what would you call a man with an insatiable penchant for women?
212 A: A what?
213 Q: A penchant, a desire, a taste, passion.
214 **[11. Any objections?]**
215 A: A ladies man, I guess or maybe just a damn fool.
216 (laughter in court)
217 Judge: Just answer the questions, Mr. Paquet. The attorneys will provide the wisecracks.
218 Q: Well, what else would you all a man like that?
219 Prosecution: We can't see the drift of this, your Honor.
220 D: You mean you do see, Mr. Lodwick. Mr. Paquet?
221 J: You may answer.
222 Q: Can you think of another name, Mr. Paquet?
223 A: Woman chaser?
224 Q: Try again.
225 A: Masher?
226 Q: Oh, now, come now, Mr. Paquet, mashers went out with whale-bone corsets and hairnets.
227 Did you ever hear the expression wolf?
228 A: Sure, I heard that. It just slipped my mind.
229 Q: It slipped your mind. Well, naturally it would, clanking around in there with all those
230 rusty old mashers. Have you ever known a man whom you could call a wolf, Mr. Paquet?
231 A: I'm not sure.
232 Q: Was Barney Quill a wolf, Mr. Paquet?
233 **[12. Any objections?]**
234 A: I couldn't say.
235 Q: Or wouldn't?
236 Prosecution: Objection.
237 J: Sustained. The question was answered. He said he couldn't say.
238 Q: Mr. Paquet, when Barney returned from wherever he had gone, did he relieve you at the
239 bar?
240 A: Yes sir.
241 Q: And what did he say to you when he relieved you?
242 A: He said, "I'll take over."
243 Q: And when you came out from behind the bar, where did you go?
244 A: I went over to the table where the Patterson's were sitting.

245 Q: Now you testified that you were by the door when Lieutenant Manion came in. Is that
246 the reason you were by the door, because the Pattersons' table was there?
247 A: Yes.

248 Q: Uh-huh. And how long was it before Lieutenant Manion came in?
249 A: I don't know, exactly, maybe thirty minutes.

250 Q: And you remained at the Pattersons' table all that time?
251 A: Yes, they're friends of mine.

252 Q: Is there also a window beside that table?
253 A: I think so.

254 Q: You think so. How long have you worked at the Thunder Bay Inn, Mr. Paquet?
255 A: Six or seven years.

256 Q: Well now, does this window by the table, does it suddenly vanish and reappear and come
257 and go in a ghostly fashion?
258 A: It's there all the time.

259 Q: And while you were talking to your friends there, did you happen to look out of the
260 window?
261 A: I might have.

262 Q: And when you looked out of the window were you looking for something special?
263 A: No, I wasn't looking for anything.

264 Q: Didn't Barney Quill tell you to go over to that window and look out for Lieutenant
265 Manion? Did he tell you to look out for Lieutenant Manion?
266 **[13. Any objections?]**

267 A: He did not.

268 Q: Mr. Paquet, Barney was quite a marksman, wasn't he? With guns? He'd won a lot of
269 prizes for shooting, hadn't he?
270 **[14. Any objections?]**

271 A: Yes.

272 Q: Did he keep any guns behind the bar?
273 A: He might have.

274 Q: Isn't it a fact that there are three concealed pistol racks behind the bar, Mr. Paquet?
275 Prosecution: Your honor, the Defendant's plea is one of insanity, not self-defense.
276 Judge: I'm sure Mr. Bieghler hasn't forgotten that fact, Mr. Lodwick. You may answer.
277 Q: Are there concealed gun racks behind the bar?
278 A: Yes.

279 Q: And how many people know about these gun racks?
280 **[15. Any objections?]**
281 A: I couldn't say.

282 Q: Now, isn't it a fact that once in a while Barney would take the guns out of these racks and
283 twirling them on his finger, he'd demonstrate his skill to the patrons, isn't that...
284 A: I don't remember.
285 Q: Oh, now come on. Try and remember. Didn't you ever see him do that yourself?
286 A: Once or twice he did.
287 Q: That's all, Mr. Paquet. No further questions.
288 Judge: Witness may step down.
289 ***** [caretaker at Trailer Park] *****
290 Prosecution: Will you state your name, please?
291 A: George Lemon.
292 Q: What kind of work do you do, Mr. Lemon?
293 A: I'm caretaker of the tourist park at Thunder Bay. I see the place is clean and orderly. I
294 check people in, check 'em out, and lock the gate at night.
295 Q: And what is your authority for these duties?
296 A: I'm paid by Masselin Township, and I'm also a deputy sheriff, just courtesy, sort of.
297 Q: Did you see Lieutenant Manion on the night of the 15th, the night Barney Quill was
298 killed?
299 A: Yes sir.
300 Q: Will you tell the court about how and when you saw Lieutenant Manion?
301 A: About 1 a.m., a knock on my door wakes me up. I went to the door and Lieutenant
302 Manion was standing there. He said, "You better take me, Mr. Lemon, because I just shot
303 Barney Quill." I told him to go back to his trailer and that I would call the State Police.
304 Q: How did Lieutenant Manion appear to you when he asked you to take him?
305 A: He said what he had to say and did what I told him. There wasn't any fuss.
306 Q: Did he appear to be, as far as you could tell, in complete possession of his faculties?
307 A: As far as I could tell, yes sir.
308 ***** [cross] *****
309 Defense: Mr. Lemon, did you go to the Manion's trailer?
310 A: Yes sir.
311 Q: Did you see Mrs. Manion at the trailer?
312 A: Yes sir.
313 Q: What was her appearance?
314 A: She was a mess.
315 Prosecution: Objection, no evidence has been introduced to make Mrs. Manion's appearance
316 relevant to this case

317 Defense: Well, no evidence has been introduced to make Barney Quill's appearance
318 relevant, but you didn't object to the question then. Is that because you know that Barney
319 Quill bathed and changed and cooled off after he raped and beat hell out of this poor woman?
320 Prosecution: Your Honor, everybody in this court is being tried except Frederick Manion I
321 must protest--
322 Defense: Now listen, this is a cross examination in a murder case, not a high-school debate.
323 What are you and Dancer trying to do, railroad this soldier into the klink?
324 Judge: Mr. Bieghler, you are an experienced attorney, and you know better than to make
325 such an outburst. I will not tolerate intemperance of this sort. If you once again try the
326 patience of this court, I shall hold you in contempt.
327 Defense: Your Honor, I apologize, it won't happen again.
328 Judge: The witness' answer will be stricken and the jury will disregard the answer. Now
329 you may proceed, Mr. Bieghler.
330 Defense: Mr. Lemon, on the night when Lieutenant Manion awakened you and turned
331 himself in, had you been awakened before, had anything else disturbed your slumbers?
332 A: No sir.
333 Q: There were no soldiers singing?
334 **[16. Any objections?]**
335 A: No sir, not in my park after 10 o'clock.
336 Q: There were no women screaming?
337 A: Well, those screams were down by the gate.
338 Prosecution: Objection, objection—
339 J: I see no reason for objecting yet, Mr. Lodwick.
340 Defense: Tell us about those screams, Mr. Lemon.
341 A: I didn't hear 'em myself. There were some tourists in the park from Ohio, and they told
342 me about them the next day.
343 **[17. Any objections?]**
344 J: Now, Mr. Lodwick.
345 Prosecution: This testimony is incompetent hearsay, irrelevant, immaterial, inconclusive-
346 Defense: Well, that's too much for me. The witness is yours.
347 Prosecution: Uh, no questions.
348 ***** [direct of detective] *****
349 Prosecution: State your name and occupation please
350 A: Detective Sergeant James Dirgo, State Police.
351 Q: Were you called to Thunder Bay by Deputy Sheriff Lemon of Thunder Bay on the night
352 that Barney Quill was shot and killed?
353 A: Yes sir, I was. My companion officer and I were the first to be called in on the case.

354 **[18. Any objections?]**

355 Q: Sergeant Dirgo, when you arrived at the Manion trailer, who was there?

356 A: Lieutenant Manion and his wife were there.

357 Q: What did Lieutenant Manion say to you?

358 A: He said that his wife had had some trouble with Barney Quill; that he had gone to the
359 tavern and shot Quill. He asked us whether Quill was dead or not. We told him he was.

360 Q: How did Lieutenant Manion take this information?

361 A: He didn't seem surprised.

362 **[19. Any objections?]**

363 Q: What did you do then, Sergeant Dirgo?

364 A: I asked for the gun he'd used.

365 Q: Did you take Lieutenant Manion down to the county Jail here in Iron City that same
366 night?

367 A: Yes sir, we drove the Lieutenant down with his wife.

368 Q: On the drive to Iron City, did the Lieutenant talk further about the shooting?

369 A: He remarked that if he had the whole thing to do over again, he'd still do it.

370 Q: During all this at the trailer, the drive to Iron City, how did Lieutenant Manion appear to
371 you?

372 A: He was very quiet, most of the time, seemed clearheaded.

373 Q: As far as you could tell, would you say that he was in complete possession of his
374 faculties?

375 A: Seemed so to me.

376 ***** [cross] *****

377 Defense: Sergeant Dirgo, you testified that Lieutenant Manion told you that he shot Barney
378 Quill after he learned that his wife had had "some trouble" with Quill. Now were these the
379 words Lt. Manion used, "Some trouble?"

380 A: No sir, those were my words, not his.

381 Q: And was it your notion to come here and use your own words?

382 A: No sir, it was not.

383 Q: And was the suggestion to call it "some trouble" made by somebody here in this
384 courtroom?

385 A: Yes sir, it was.

386 **[20. If objected to as irrelevant, what response?]**

387 Q: All right Sergeant, now would you tell the court what words Lieutenant Manion actually
388 used to describe the trouble his wife had had?

389 Prosecution: Objection, your Honor. We've been over this before. This information would
390 not be relevant to any issues before the court.

391 Defense: Now this statement concerning some trouble was brought out during the direct
392 examination of Sergeant Dirgo. Up to now, you've adroitly restricted all testimony as far as
393 Laura Manion's concerned, all right the cat's out of the bag, it's fair game for me to chase it.
394 Judge: This is a sore point, Mr. Bieghler, and it's getting sorer. I'd like to hear from the
395 Prosecution.

396 Prosecution: The burden is on the defense to prove temporary insanity at the time of the
397 shooting. Now if the reason for the alleged insanity is important to this case, then that is a
398 matter for a competent witness, an expert on the subject of the human mind. What the
399 defense is trying to do is introduce some sensational material for the purposes of obscuring
400 the real issues.

401 Defense: Your honor, how can the jury accurately estimate the testimony being given here
402 unless they first know the reason behind this whole trial--why Lieutenant Manion shot
403 Barney Quill. Now the Prosecution would like to separate the motive from the act. Well,
404 that's like trying to take the core from an apple without breaking the skin. The core of our
405 defense is that the defendant's temporary insanity was triggered by this so-called trouble
406 with Quill, and I beg the court, I beg the court to let me cut into the apple.

407 P: Our objection still stands, your Honor.

408 J: Objection overruled.

409 Defense: Sergeant Dirgo, tell the court how Lieutenant Manion described the trouble his
410 wife had with Barney Quill.

411 A: He told us that Quill had raped his wife.

412 Q: Now can you recall generally what Lieutenant Manion told you about this rape?

413 A: Yes sir. He said he'd been asleep since right after dinner. He was waked up by some
414 noise--screams, he thought, he got up, opened the trailer door, and went outside. His wife
415 came running out of the dark and fell into his arms.

416 Q: You saw his wife in the trailer. How'd she look?

417 A: She was a little hysterical. She'd been pretty badly beaten up. She had big black bruises
418 over her face and her arms.

419 **[21. Any objections?]**

420 Q: Did Mrs. Manion tell you about this rape and beating?

421 A: She did.

422 **[22. Any objections?]**

423 Q: And did she take you to the place where it happened?

424 A: Yes sir, the next morning.

425 Q: And did you find anything there--any kind of evidence pertaining to the story Mrs.
426 Manion had told you?

427 A: On the lane in the woods, we found some tire tracks and some dog tracks, and a leather
428 case with some horn rim glasses inside. We also looked for a certain undergarment of Mrs.
429 Manion's, but we didn't find it.

430 Judge: Will the attorneys for both sides approach the bench, please? Mr. Bieghler, you
431 finally got your rape into the case. And I think all of the details should now be made clear to
432 the jury. Do you agree, Mr. Lodwick?

433 Prosecutor: Absolutely.

434 Judge: What exactly was the undergarment just referred to?

435 Defense: Panties, your honor.

436 J: Do you expect this subject to come up again?

437 D: Yes sir.

438 J: There's a certain light connotation attached to the word panties. Can we find another
439 name for them?

440 Prosecution: I never heard my wife call them anything else.

441 J: Mr. Bieghler?

442 D: I'm a bachelor, your Honor.

443 J: That's a great help. Mr. Dancer?

444 Dancer: I was overseas during the war, your Honor. I learned a French word. I'm afraid it
445 might be slightly suggestive.

446 J: Most French words are. All right gentlemen, back to your places. (to the rest of the
447 court) For the benefit of the jury, but more especially for the spectators, the undergarment
448 referred to in the testimony was, to be exact, Mrs. Manion's panties. (laughter in the court) I
449 wanted you to get your snickering over and done with. This pair of panties will be
450 mentioned again in the course of this trial, and when it happens, there will not be one laugh,
451 one snicker, one giggle, or even one smirk in my courtroom. There isn't anything comic
452 about a pair of panties which figure in the violent death of one man and the possible
453 incarceration of another. Proceed, Mr. Bieghler.

454 Q: Did you give Mrs. Manion a lie-detector test?

455 **[23. Any objections?]**

456 Prosecution: Objection. A polygraph test is inadmissible in our courts.

457 D: I only asked if he gave the test, I didn't ask for the results.

458 J: He may answer that.

459 A: I gave her a lie detector test at her request.

460 Q: Now after all this investigation, did you believe Mrs. Manion?

461 A: I did.

462 **[24. Any objections?]**

463 Q: Even after the lie detector test?

464 Prosecution: Your Honor, I object to that question. It constitutes flagrant sneaking
465 subterfuge on the part of the Defense counsel.

466 Judge: Objection sustained. Ladies and gentlemen of the jury, a polygraph or lie detector
467 test is not admissible into evidence, because nobody has ever been quite sure if some people
468 couldn't lie to a lie detector and get away with it. Go ahead, Mr. Bieghler.

469 Q: In any case, Sergeant Dirgo, you yourself in your own heart and mind are quite
470 convinced of Mrs. Manion's honesty?

471 **[25. Any objections?]**

472 A: Yes sir.

473 Q: That's all.

474 ***** (redirect) *****

475 Prosecution: Just a moment. Sergeant Dirgo, did you look for the panties elsewhere than the
476 lane in the woods?

477 A: We looked in Barney Quill's car, and his room at the hotel. We didn't find the panties.

478 Q: Do you know why Mrs. Mannion requested a lie detector test?

479 A: I know what she said.

480 Q: What was that?

481 A: She said she wanted everybody to believe her story, because she knew it would help her
482 husband.

483 **[26. Any objections?]**

484 Q: Was that the only reason she gave?

485 A: She said she'd already sworn to her husband, she wanted everybody else to believe her
486 too.

487 Dancer: One moment please, your Honor. (aside to Prosecutor) Ask him in what manner
488 she swore.

489 Q: Did Mrs. Manion say how she'd sworn to your husband?

490 A: Yes sir, she said she'd sworn on a rosary.

491 **[27. Any objections?]**

492 Q: Sergeant, this lane in the woods, what's it used for? Where does it go?

493 A: It used to be a logging road. It doesn't go anyplace. It just stops.

494 Q: Who uses it now?

495 A: It's a road kids drive down to park.

496 Q: You mean, it's a lover's lane?

497 A: I think so, yes sir.

498 **[27. Any objections?]**

499 Q: The witness is yours, Mr. Bieghler.

500 Dancer: In view of the evidence concerning rape, which your Honor has ruled admissible,
501 the prosecution asks for a thirty minute recess in order that we may bring in a witness whom
502 we had not anticipated using.
503 J: All right, we'll take a thirty minute recess.
504 ***** [direct of doctor] *****
505 Dancer: Doctor Dompierree, did you have occasion to come to the county jail on the night of
506 August the 15th of this year?
507 A: I did.
508 Q: Who called you to the jail?
509 A: The police authorities.
510 Q: What did they want you to do?
511 A: They wanted me to make a test for the presence of sperm on the person of a Mrs.
512 Frederick Manion. I made the test.
513 Q: In making this test, what was your conclusion?
514 A: Negative, there was none.
515 ***** [cross] *****
516 Defense: Doctor, in making these tests, did you notice any bruises or marks on Mrs. Manion
517 at that time?
518 A: I did.
519 Q: Were you asked to determine the reasons for these bruises?
520 A: I was not.
521 Q: Where did you do the laboratory work in your test for sperm?
522 A: St. Margaret's Hospital in this city.
523 Q: Who worked up the slides for you?
524 A: Technicians at the hospital.
525 Q: Well, wouldn't it have been better to have the slides worked up by a pathologist or an
526 expert in this field?
527 A: Yes, but the police were in a hurry, and I happened to know that this young fellow came
528 on at 7 in the morning.
529 Q: Wouldn't it have been especially better to wait for the expert if the possible question of
530 rape hung on the result?
531 A: It would have been.
532 Q: Now Doctor, in the newspaper on the evening of August the 16th it was stated that you
533 found no evidence of rape. Is that true?
534 **[28. Any objections?]**
535 A: It is not true. I made no such statement.
536 Q: But did you form an opinion as to whether Mrs. Manion had been raped?

537 A: No.

538 Q: Why didn't you form an opinion?

539 A: It's impossible to tell if a mature, married woman has been raped.

540 ***** [redirect] *****

541 Dancer: Doctor, did you have an opinion about whether or not she'd had any recent relations
542 with a man?

543 A: In so far as no sperm was present it didn't appear that she had had recent relations with a
544 man.

545 ***** [recross] *****

546 Defense: Just one more question Doctor. The fact that no evidence was present in her body
547 does not mean that she was not raped, does it?

548 A: No.

549 Q: Do you know what constitutes rape under the law?

550 **[29. Any objections?]**

551 A: Yes sir. Violation is sufficient for rape. There need not be a completion.

552 ***** [direct of bartender, re-called]

553 Dancer: The people recall Alphonse Paquet to the stand. Your Honor, since Counsel for the
554 Defense has forced the question of rape, it becomes necessary to take this additional
555 testimony from Mr. Paquet.

556 J: You're still under oath, Mr. Paquet.

557 Q: Mr. Paquet, would you take a look at Mrs. Manion seated there behind the defense table?
558 Was she dressed in this manner on the night of the shooting?

559 A: No.

560 Q: How was she dressed?

561 A: She had on a real tight skirt and sweater kind of thing, sort of glued on. She was wearing
562 a pair of red shoes with high heels.

563 **[30. Any objections?]**

564 Q: Was she wearing hose?

565 A: No, she was bare-legged.

566 Q: Was she wearing a hat?

567 A: No.

568 Q: Mr. Paquet, what kind of hair does Mrs. Manion have under that hat?

569 Defense: Well, we'd be very happy to show the court Mrs. Manion's hair. Mrs. Manion
570 would you take off your hat please?

571 Q: Thank you, Mr. Bieghler. Mr. Paquet, was she wearing glasses that night?

572 A: I think she was when she played pinball.

573 Q: Considering the tight skirt and the tight sweater and the bare legs, what was the result in
574 her appearance?

575 A: Well....

576 Q: Would you say Mrs. Manion's was deliberately enticing and voluptuous?

577 **[31. Any objections?]**

578 Defense: Your Honor, the Defense will concede that Mrs. Manion, when dressed informally,
579 Mrs. Manion is an astonishingly beautiful woman. Well, Mrs. Manion, stand up please, as a
580 matter of fact--take off your glasses--as a matter of fact, it's pretty easy to understand why
581 her husband became temporarily deranged when he saw such beauty bruised and torn by a
582 beast.

583 Dancer: Your Honor, I protest. Mr. Bieghler is perhaps the least disciplined and most
584 completely out of order attorney I have ever seen in a courtroom.

585 A: The jury will ignore Mr. Bieghler's oration

586 Q: Was Mrs. Manion drinking heavily that night?

587 **[32. Any objections?]**

588 A: I sold her six drinks myself, and then Barney came over and got some more for her. I
589 don't remember how many.

590 Q: Would you say that she was tight?

591 A: Oh, she was high, all right.

592 Q: What did she do to make you think she was high?

593 A: Well, she took off her shoes and went barefooted, and when she played pinball she'd
594 kind of swish around to give the machine English.

595 Q: You mean, she was flipping her hips around?

596 A: Yeah.

597 Q: Anything else?

598 A: When she made a good score, she jumped up and down and squealed like women do.

599 Q: She was playing pinball with Barney Quill that night, wasn't she?

600 A: Yes sir.

601 Q: What was her attitude towards Barney Quill?

602 A: Friendly, I guess you could call it.

603 Q: More than friendly, would you say?

604 A: I thought so.

605 Q: Why did you think so?

606 A: She'd kind of lean on him, and a couple of times she bumped him with her hip.

607 Q: Would you say that Mrs. Manion was making a play for Barney Quill?

608 **[32. Any objections?]**

609 Defense: Objection. That calls for an assumption on the part of the witness, your Honor.

610 Q: I withdraw the question. Would you say that Mrs. Manion was free and easy with
611 Barney Quill?
612 A: I would.
613 ***** [cross] *****
614 Defense: Mr. Paquet, the Attorney for the People asked you if Mrs. Manion was tight, and
615 you said that she was high. Now, speaking as a bartender, what's the distinction between the
616 two?
617 A: I don't think I understand.
618 Q: Well, I mean, when we say that a person's tight, we usually mean that they're a little
619 stupid with drink, isn't that so?
620 A: I guess that's about it, yes.
621 Q: And if they're high they're gay and enjoying themselves?
622 A: Yes.
623 Q: In other words, Mrs. Manion was happy. Well, now, is there anything wrong with being
624 happy in Thunder Bay Inn?
625 A: No.
626 Q: Thunder Bay itself is a resort isn't it? Swimming, fishing, that sort of thing?
627 A: Yes.
628 Q: Is there anything unusual about seeing a barefooted woman in Thunder Bay?
629 **[33. Any objections?]**
630 A: No.
631 Q: So Mrs. Manion's taking her shoes off in Thunder Bay doesn't necessarily mean that she
632 was being unladylike, does it?
633 A: I guess not.
634 Q: Yes or no?
635 A: No.
636 Q: Now you testified that Mrs. Manion was squealing and jumping up and down. And
637 swishing—I think that was the expression you used—swishing her hips around the pinball
638 machine. Now was she creating a disturbance, was she attracting a crowd?
639 A: No.
640 Q: Were all the men at the bar, were they all standing around watching Mrs. Manion?
641 A: No.
642 Q: But you were very conscious of Mrs. Manion. You were conscious enough so that you
643 could tell us all about her actions.
644 A: Yes.
645 Q: And certainly Barney Quill, he was conscious of Mrs. Manion, because he was playing
646 pinball with Mrs. Manion, wouldn't you say so?

647 A: Yes.

648 Q: So it seems that only you and Barney Quill were acutely aware of Mrs. Manion and her
649 actions and her appearance maybe good old Barney he when he came up to get a couple of
650 drinks from you, maybe he winked and said, “Alphonse, I’m going to take this babe out and
651 rape her” and maybe you said, “Do it once for me, boss!”

652 Prosecution: Objection! Objection!

653 Defense: No more questions!

654 Judge: The court has had about enough of this dogfight it can take for the day. And I’m sure
655 the jury is equally tired and hungry. And with expedition, prayer, and a little self-discipline
656 on the part of Counsel, perhaps we can reach an end by Saturday night. Will you adjourn
657 court?

658 Bailiff: Hear ye, hear ye, hear ye, this court stands adjourned until tomorrow morning, 9
659 o’clock.

660 ***** [direct of Manion] *****

661 Defense: All right, now let’s get at this Rosary thing. Now, it has been testified that your
662 wife swore to you on a rosary that she’d been raped by Barney Quill. Now did you ask your
663 wife to swear on a Rosary?

664 Lieutenant Manion: My wife was hysterical she wasn’t making much sense. I thought that if
665 I asked her to swear an oath on a rosary, it might serve to calm her, make her think more
666 clearly

667 Q: Did the Rosary help

668 A: She was able to tell me in detail what had happened.

669 **[34. If wife's statements objected to as hearsay, what response?]**

670 Q: All right, go on from there. What did you do then, Lieutenant?

671 A: Well I had her lie on the bed, and I got some cold cloths for her head. And, oh yes, I
672 gave her a drink of brandy. After a while, she became calm, and seemed to go to sleep. And
673 I went to the closet. I got my gun and I loaded it.

674 Q: Was it in your mind to kill Barney Quill?

675 A: No.

676 Q: Well, then why’d you go to your closet, and get your gun and load it?

677 A: Well, I knew I had to go to Quill’s place, I thought I might need it.

678 Q: Why?

679 A: I knew Mr. Quill kept guns behind the bar. I was afraid he might shoot me.

680 Q: Might shoot you if you did what? What were you going to do?

681 A: I’m not sure. I remember having some idea of finding him and holding him while I
682 called the police.

683 Q: Well, that, that, Mr. What's his name Mr. Lemon right at the tourist court there, he was a
684 deputy sheriff, why didn't you get him to go with you?
685 A: He just seemed to be the old caretaker of the park. Maybe because I wasn't thinking
686 about anything too clearly excepting finding Barney Quill.
687 Q: Why didn't you go to a telephone, call the State Police before you went to the bar?
688 A: I don't know. I was in sort of a daze. It was a horrible thing to see what had been done to
689 my wife.
690 Q: Now, you say that you were in sort of a daze. When you got to the bar, did you see that
691 the bar was crowded.
692 A: I didn't see anybody at the bar except Barney Quill. He was the only person I saw.
693 Q: What was he doing?
694 A: I think he was just standing there behind the bar.
695 Q: Did he make a threatening move to get a gun.
696 A: I don't know. He may have. I don't know.
697 Q: All right. Now, you say you went there to find him, hold him. Why did you shoot him?
698 A: I don't remember shooting him.
699 Q: Now when you left the bar, do you remember Alphonse Paquet coming up to you and
700 stopping you and saying, "You better not run away from this," and your reply, "Do you want
701 some too buster." Remember that?
702 A: I seem to have a vague recollection of somebody speaking to me, but I don't remember
703 what I said or what was said to me.
704 Q: When did you realize that you'd shot Quill?
705 A: I was getting a drink of water, I remember my throat was so dry it hurt. When I put the
706 glass down, I saw the gun on the kitchen sink beside the tap. I noticed the gun was empty.
707 Q: Now, I'd like you to show the court and jury just how you knew this gun was empty.
708 A: Well, this gadget here, when it sticks up, you know the last round's been fired.
709 Q: Lieutenant Manion, on the night of the shooting, did you love your wife?
710 A: Yes sir.
711 Q: Do you still love her?
712 A: Very much.
713 ***** [cross of Manion] *****
714 Dancer: How many men have you killed?
715 **[35. Any objections?]**
716 Defense: Now wait a minute. Your Honor. a man's war record, in Lieutenant Manion's
717 case, a great one, certainly shouldn't be used against him.

718 Dancer: Your Honor, I'm as patriotic as the next man, but the simple truth is war can
719 condition a man to killing other men. I simply want to determine how conditioned the
720 Lieutenant may be to the use of firearms on other human beings

721 Judge: I don't quite like the question, Mr. Bieghler, but I don't see how I can exclude it. Let
722 him answer.

723 A: I know I killed at least four men in Korea, three with a hand grenade, and one with my
724 service automatic. I may have killed others. A soldier doesn't always know.

725 Q: Now, Lieutenant, in these acts of killing, did you ever have a lapse of memory such as
726 you had when you killed Barney Quill?

727 **[36. Any objections?]**

728 A: No sir.

729 Q: Did you ever have a lapse of memory during battle?

730 A: No sir.

731 Q: Were you ever submitted to a constant barrage, constantly in a sweat for many hours,
732 constantly under attack or attacking?

733 A: Many times.

734 Q: Were you ever treated for shellshock, battle fatigue, or any war neuroses or psychoses?

735 A: No sir.

736 Q: Did you ever experience any unusual mental state during the war?

737 A: I do remember having one great urge.

738 Q: What was that?

739 A: To get the hell out and go home.

740 Judge: You would do well to consider the seriousness of the situation you are in.

741 A: I'm sorry, your Honor.

742 Q: I sympathize with the lieutenant. I suspect he has the same feeling about getting out of
743 jail. But the main point here, Lieutenant, is that at no time during your war service did you
744 have a record of mental disturbance. You were always in complete possession of your
745 faculties

746 A: Yes sir, that's right.

747 ***** [direct of Laura] *****

748 Defense: No redirect. We call Laura Manion to the stand.

749 Defense: Now how long after you told your husband what had happened did he leave the
750 trailer?

751 A: I don't know exactly. Everything was kind of fuzzy. I was faint, and I lay down on the
752 bed. He sat beside me. I vaguely remember his getting up and going out. I remember
753 wondering if he was going for a doctor, and then he came back in. It seemed like just a few
754 seconds, but it must have been longer. I must have gone to sleep. When he came back in he

755 sat on the bed and he had a gun in his hand and I said, "What are you going to do?" and he
756 said, "I think I've already done it. I think I've killed Barney Quill."
757 Q: Are you sure he didn't say, I killed Bamey Quill?
758 A: No, I remember distinctly. "I think I killed Barney Quill."
759 Q: Then what did you do?
760 A: I put my arms around him, and began to cry and I said, "You'd better go to Mr. Lemon."
761 And my husband said, "I'd forgot about that."
762 Q: Now, what did he mean? Forgot about what?
763 **[37. Any objections?]**
764 A: Well, he meant that he'd forgotten that Mr. Lemon was a deputy Sheriff, and he said,
765 "Yes, I'll go turn myself in to Mr. Lemon."
766 Defense:: Yes, I see. Your Honor, I have no other direct questions at this time. But since
767 I'm sure it's difficult to visualize the part a little dog played on this night, I should like a few
768 minutes to show the court this remarkable little animal.
769 Judge: Any objections?
770 Dancer: I'm sure if we raise an objection, Your Honor, Mr. Bieghler will declare that we are
771 haters of all small furry animals.
772 Judge: A creature that cannot talk will be a welcome relief. Bring in the dog.
773 Defense: Will the deputy bring in the dog, please? You can put him right there. C'mon,
774 c'mon, c'mon, c'mon, c'mon. That's a boy. Now, I'll ask Mrs. Manion to bring a
775 flashlight for the dog. Now I'll ask the court to notice that the dog turned on the light.
776 (Dog jumps into Dancer's lap -- laughter)
777 Defense: Well it's easy to see that the mutt doesn't know who his enemies are.
778 Judge: That's enough. Remove the dog please. Witness will resume the stand.
779 ***** [cross] *****
780 Dancer: Mrs. Manion, may I congratulate you on your well-trained pet? May I also say that
781 I'm pleased to see you're not today hiding your lovely hair under a hat?
782 Defense: Your Honor, is the assistant Attorney General from Lansing pitching woo, or is he
783 going to cross-examine?
784 Judge: Let's get on with it.
785 Dancer: What was your occupation before you were married?
786 A: Housewife.
787 Q: Oh then you've been married before?
788 A: Yes, once.
789 Q: I suppose your first husband died?
790 A: No.
791 Q: Did you divorce your first husband to marry Lieutenant Manion?

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[38. Any objections?]

Obj: Your Honor, if Counsel wants to know the grounds for Mrs. Manion's divorce, then let him ask that question.

Q: What were the grounds for divorce, Mrs. Manion?

A: Mental cruelty.

Q: Naturally. And how long after your divorce was it that you married Lieutenant Manion?

A: I'm not sure.

Defense: May I refresh the witness's memory for Mr. Dancer?

Judge: By all means.

Defense: I believe she told me they were married three days after the divorce.

Q: Thank you, Mr. Bieghler. Is that correct, Mrs. Manion?

A: Yes.

[39. Any objections?]

Q: Then unless yours was a whirlwind courtship, you must have known Lieutenant Manion before your divorce? Did you?

A: Yes

Q: Mrs. Manion, what is your religious affiliation?

A: I'm a Catholic.

Q: Catholic in good standing?

A: Well, no, the divorce, you know.

Q: You mean you were excommunicated because of the divorce and the remarriage?

A: Yes.

[40. Any objections?]

Q: Mrs. Manion, wouldn't you say that a Catholic who can blithely ignore one of the cardinal rules of her church, could also easily ignore an oath taken on one of its artifacts? Say, an oath taken on a rosary?

A: I don't think that's true

Q: Wouldn't you think that there would be some doubt about the in integrity of such a person?

[41. Any objections?]

A: I don't know. All I know is that the rosary mean something to me.

Q: I see. Well, I'll pass on to something else. Mrs. Manion, you testified that your husband came home late form his work on the night of the shooting. Were you a little angry about his being late?

A: I guess I was a little put out

Q: Did you have an argument?

A: Not much. A little.

829 Q: When you left the trailer to go to the inn, did your husband know you were going?
830 **[42. Any objections?]**
831 A: He was asleep.
832 Q: Was part of your reason for going without his knowledge because you were vexed?
833 A: Well, I'd been ironing all day, and I--Yes, I guess that's true.
834 Defense: Your Honor, the Counsellor is deliberately cut off my view of the witness.
835 Q: I'm sorry, Mr. Bieghler. I wouldn't want to interfere with your signals to Mrs. Manion.
836 Defense: Well, I object to the implication I was signaling the witness. This is the shabbiest
837 courtroom trick I've ever seen.
838 Dancer: You haven't lived, Mr. Bieghler
839 Defense: Your Honor, I ask the court to rule on my objection.
840 Judge: Mr. Dancer will be careful not to place yourself between Mr. Bieghler and his
841 witness.
842 Dancer: Of course, your Honor. Anything else, Mr. Bieghler?
843 Defense: You do it once more, and I'll punch you all the way out into the middle of Lake
844 Superior.
845 Judge: Gentlemen, gentlemen, this rowing has got to stop. The next one of you who speaks
846 out of turn will have me to deal with. Now, get on with your cross-examination.
847 Q: Prosecution: Would you have gone to the inn if your husband had been awake?
848 A: He probably would have gone with me.
849 Q: But would you have gone alone?
850 A: Not if he didn't want me to.
851 Q: Would he have not wanted you to?
852 **[43. Any objections?]**
853 A: I'm not sure. I don't know how to answer that.
854 Q: Have you ever gone Thunder Bay Inn or elsewhere in Thunder Bay alone at night?
855 A: Yes, sometimes.
856 Q: Did your husband know you were going?
857 A: Not always. He goes to sleep early and sometimes I'm restless.
858 Q: Where did you go on these occasions?
859 A: Oh, I'd take a walk by the lake or went to the bingo place, maybe to the Inn.
860 Q: Ever go to meet another man?
861 **[44. Any objections?]**
862 A: No I didn't, I never did that.
863 Q: You mean to say Mrs. Manion, a lovely woman like yourself, attracted to men, lonely,
864 restless, that you never once—

865 Defense: Objection, your Honor. Witness has answered the question about other men.
866 Counsel is now making a veiled suggestion to the jury.
867 Q: I withdraw the question. Now, Mrs. Manion, on these occasional excursions into the
868 night did you always go and return home alone?
869 **[45. If objected to as character evidence, what response?]**
870 A: Of course.
871 Q: Mrs. Manion, you testified that the reason you got into Barney Quill's car was because
872 you were afraid to go home alone. Why were you so frightened on this particular night?
873 A: I said that it was because he told me bears had been seen around.
874 Q: Was this the first time you'd heard that bears came around Thunder Bay to pick up scraps
875 A: No.
876 Q: Had you seen the bears before?
877 A: Yes.
878 Q: Oh, this was just the first time you were afraid of them?
879 A: No, I was always afraid of them.
880 Q: Oh, this was just the first time you were not afraid to allow a man to take you home from
881 one of your evening prowls?
882 Defense: Objection. Use of the word prowls meant to mislead the jury.
883 Judge: Sustained.
884 Q: I apologize, Mrs. Manion. I didn't mean to imply that you were a huntress. Was this the
885 first time that you were not afraid to allow a man to take you home from one of your evening
886 walks?
887 A: Well, it wasn't just that, it was--
888 Q: Oh, come now, Mrs. Manion, you should be able to answer that straight off. That's a
889 simple enough question.
890 Defense: Your Honor, how can the witness answer straight off if the Counsel keeps
891 interrupting the answer?
892 Judge: The witness seemed a little slow to me, Mr. Bieghler. However, let her complete her
893 answers before you interrupt.
894 Q: Of course, your Honor. In any case, Mr. Bieghler's objection has given Mrs. Manion
895 sufficient time to think of an answer to my question You've thought of one, haven't you Mrs.
896 Manion?
897 A: What I was going to say was, I didn't want to offend Mr. Quill by making him think that
898 I was afraid of him or didn't like him. He'd been very pleasant to my husband and me when
899 we'd been in his bar.
900 Q: That's very good, Mrs. Manion, very good indeed.
901 Defense: Your Honor, please.

902 Judge: The Attorney for the People will reserve his comments for the arguments.
903 Q: I will ask you this question, Mrs. Manion. Was this the first time you had been in Barney
904 Quill's car at night?

905 **[46. Any objections?]**

906 Judge: Mrs. Manion, did you hear the question?

907 A: Yes, I heard. Yes, it was the first time.

908 Q: Would you raise your voice a little, Mrs. Manion?

909 A: I said it was the first time.

910 Q: Now, Mrs. Manion, I'm quite concerned about the lost panties. Would you describe this
911 article of clothing to the court, please?

912 A: They were nylon and had lace up the sides and there was a label in them of the place I got
913 them. The Smart Shop in Pheonix Arizona

914 Q: What was the color of the panties?

915 A: I believe white.

916 Q: You believe?

917 A: I have white and pink. They may have been pink.

918 Q: You're not sure. Haven't you checked your lingerie to see which pair of panties is
919 missing?

920 A: No.

921 Q: When your husband came home late for work and you had this little spat, were you
922 already dressed to go out?

923 A: No.

924 Q: When did you dress?

925 A: After dinner when he was asleep.

926 Q: It's been stated here that you were bare-legged in the bar. Is that true?

927 A: Yes.

928 Q: In your anger at your husband and your haste to get out of the trailer, perhaps you didn't
929 put on any panties either.

930 Defense: Objection. Witness has already testified as to what she was wearing.

931 Judge: Sustained.

932 Q: You always wear panties, Mrs. Manion?

933 **[47. Any objections?]**

934 Defense: Now, your Honor, I object to this line of questioning. It's immaterial what Ms.
935 Manion does all the time. On the night she was attacked she was wearing panties, and that's
936 all we're concerned about.

937 Q: Your Honor, Mrs. Manion seems a little bit uncertain about what kind of panties she was
938 wearing and since these panties have not been found, I submit that it's possible she wasn't
939 wearing any and has forgotten about it, that's all I'm trying to get at.

940 Judge: You may answer, Mrs. Manion.

941 Q: Do you always wear panties?

942 A: No.

943 Q: On what occasions don't you wear them? When you go out alone at night?

944 Defense: Oh no no, objection. He says he's going after one thing, and then he goes after
945 another.

946 Judge: I'll sustain the objection. Strike out the last two questions and Mrs. Manion's
947 answers. Now, Mr Dancer, get off the panties. You've done enough damage.

948 Q: Yes, your Honor. Mrs. Manion, is your husband a jealous man?

949 **[48. Any objections?]**

950 A: He loves me.

951 Q: I'm sure of that, but is your husband excessively jealous?

952 Defense: Your Honor, how can the witness answer that question? What's the norm of
953 jealousy?

954 Judge: Can you put your question a little differently, Mr. Dancer?

955 Q: Has your husband ever struck you in a jealous rage?

956 Defense: No, your Honor, I think Mr. dancer is fishing now. What's the relevancy of this
957 question?

958 Dancer: Your Honor, the shoe is squeezing Mr. Bieghler's foot. In his own words, this is
959 not a high school debate, this a cross-examination in a murder trial.

960 Judge: Proceed, Mr. Dancer.

961 Q: Mrs. Manion, did you ever go out socially in Thunder Bay?

962 A: Yes, a few times.

963 Q: When your husband's outfit moved to Thunder Bay, didn't Barney Quill throw a cocktail
964 party for the officers and their wives?

965 A: Yes.

966 Q: Didn't your husband strike a young second lieutenant at this party?

967 A: There was a little scuffle. It wasn't much

968 Q: What was it about?

969 A: I'm not sure I remember.

970 Q: Were you too drunk to remember?

971 A: No, I was not. I think it was because the Lieutenant was cutting in too much when I was
972 dancing with my husband.

973 **[49. Any objections?]**

974 Q: And shortly afterwards, on the veranda of the Inn, didn't your husband slap you hard
975 enough so that you fell against the wall?

976 **[50. Any objections?]**

977 A: Well, he was drinking.

978 Q: Wasn't this a jealous rage?

979 A: I don't know.

980 Q: Do you remember why he struck you?

981 A: Yes.

982 Q: Wasn't he enraged at you because he thought that you had encouraged this young
983 lieutenant?

984 A: He might have thought so.

985 Q: Mrs. Manion, there are witnesses to this whole affair. I'll ask you again, wasn't this a
986 jealous rage?

987 A: I guess you could call it that.

988 Q: Now I'll ask you. On the night of the shooting, what did you swear? What oath did you
989 take on the rosary?

990 A: It was about Barney Quill raping me.

991 Q: Why did you swear on a rosary that he'd raped you?

992 A: For the reason that my husband said, because I was hysterical.

993 Q: That was the reason he gave for asking you to swear. What was your reason for
994 swearing?

995 A: So he'd believe me.

996 Q: Why shouldn't he believe you?

997 Defense: The reason for the use of the Rosary has been established. These questions are
998 immaterial.

999 Judge: No, I think I'll take the answer, Mr. Bieghler

1000 Q: I'll ask you again, Mrs. Manion, why shouldn't he believe you

1001 A: Because I wasn't making much sense

1002 Q: Did he think you'd lie about a thing like that?

1003 **[51. Any objections?]**

1004 Defense: Objection your Honor, Lieutenant Manion has already testified as to what he
1005 thought.

1006 Judge: Sustained.

1007 Q: Did your husband strike you that night? Did he hit you that night?

1008 A: Why, he may have slapped me, because I was hysterical.

1009 Q: And didn't you swear to a lie to keep him from hitting you again?

1010 A: No, no, I didn't. I did not.

1011 Q: And hadn't he already beaten you up at the gate when he caught you coming home from
1012 a trip down lover's lane with Barney Quill?
1013 Defense: Objection, objection, the witness has already testified that she was beaten by
1014 Barney Quill
1015 Judge: Quiet, quiet.
1016 ***** [direct, psychiatrist] *****
1017 The next witness is a psychiatrist at the VA Hospital. His qualifications have been
1018 stipulated.
1019 Defense: Doctor, did you examine Lieutenant Manion?
1020 A: Yes, I did.
1021 Q: And have you formed an opinion as to Frederick Manion's mental and emotional state at
1022 the time he killed Barney Quill?
1023 A: I have.
1024 Q: And what is that opinion?
1025 **[52. Any objections?]**
1026 A: He was temporarily insane at the time of the shooting.
1027 Q: At the time of the shooting, do you believe he was able to distinguish between right and
1028 wrong?
1029 A: He may or may not have been, it doesn't make too much difference.
1030 Q: Now doctor, as clearly as you can, will you explain Frederick Manion's temporary
1031 insanity?
1032 A: It as known as Disassociative Reaction. A psychic shock which creates an almost
1033 overwhelming tension which the person in shock must alleviate. In Lieutenant Manion's
1034 case, a soldier, it is only natural that he would turn to action. Only direct simple action
1035 against Barney Quill would relieve the unbearable tension. This is not too uncommon, for
1036 example, in combat, some of the more remarkable heroics take place in this state of mind
1037 Q: Is there another name for Disassociative Reaction, one we might be more likely to
1038 recognize?
1039 A: Yes, it has been known as irresistible impulse.
1040 Q: Now, Doctor, a man in the grip of irresistible impulse, would he be likely to go to his
1041 neighbor for advice, or call up the police to come to his aid?
1042 A: Completely incompatible.
1043 Q: Yes, but our man was able to think of going and taking out a gun and loading it before
1044 setting out to find Quill?
1045 A: Well, that was his conscious mind working, but if no gun had been available, he would
1046 have gone anyway.
1047 Q: How would a man look in the grip of Disassociative Reaction?

1048 A: He might appear to be deadly calm, fiercely deliberate.

1049 Q: Uh-hmm. Would you describe his behavior as being like a mailman, delivering the mail?

1050 A: That's not bad. Like a mailman, he would have a job to do, and he would do it.

1051 ***** [cross] *****

1052 Dancer: Doctor, did you find any psychosis in Frederick Manion?

1053 A: I did not.

1054 Q: Any neuroses?

1055 A: I found no history of neuroses.

1056 Q: Any history of delusion?

1057 A: None.

1058 Q: Loss of memory?

1059 A: Not before this instance.

1060 Q: Doctor you stated that the defendant might or might not have been able to distinguish the

1061 difference between right and wrong, but that it wouldn't have made much difference Am I

1062 right, is that what you said

1063 A: Approximately, yes

1064 Q: Do you mean that at the time of the shooting he could have known the difference

1065 between right and wrong?

1066 A: He might have, yes.

1067 Q: Dr. Smith, if the Defendant could have known what he was doing, and could have known

1068 that it was wrong, how can you come here and testify that he was legally insane?

1069 **[53. Any objections?]**

1070 A: I'm not saying he was legally insane. I'm saying that in his mental condition, it would

1071 not have made any difference whether he knew right from wrong. He would still have shot

1072 Quill.

1073 Q: Doctor Smith, are you willing to rest your testimony in this case on this opinion?

1074 A: Yes, I am.

1075 Q: Your Honor, I'd like to ask for a short recess. The Attorneys for the People would like to

1076 meet with Mr. Bieghler and the Court in chambers.

1077 ***** [rebuttal witness: direct of psychiatrist] *****

1078 Dancer: Dr. Harcourt, where did you receive your University training?

1079 A: Johns Hopkins in Baltimore Maryland

1080 Q: And where do you practice now?

1081 A: I'm medical Superintendent of the Bonder State Hospital for the Insane

1082 Q: It's been stated here that Disassociative Reaction or irresistible impulse is not uncommon

1083 among soldiers in combat. Do you agree with that statement, Dr. Harcourt?

1084 A: I do, but not as it was put by Doctor Smith.

1085 Q: Where would you depart from Doctor Smith?
1086 A: Well, Disassociative Reaction is not something that comes out of the blue, and disappears
1087 as quickly. It can only occur, even among soldier in combat, if the individual has a
1088 psychoneurotic condition of long standing.
1089 Q: It's been testified here that a psychiatric examination of the defendant showed no
1090 evidence of neuroses and no history of Disassociative Reaction. You further heard it
1091 testified that the Defendants behavior on the night of the shooting was cool and direct.
1092 As an observer, do you remember this testimony?
1093 A: Yes.
1094 Q: From this, have you formed an opinion about the Defendant's sanity on the night of the
1095 shooting?
1096 **[54. Any objections?]**
1097 A: I am of the opinion that he was in sufficient possession of his faculties, so that he was not
1098 dominated by his unconscious mind.
1099 Q: In other words, he was not in the grip of irresistible impulse.
1100 A: In my opinion he was not.
1101 ***** [cross] *****
1102 Defense: Dr. Harcourt, psychiatry is an effort to probe into the dark , undiscovered world of
1103 the mind, and in there the world might be round, it could be square. Your opinion could be
1104 wrong, Dr. Smith's opinion could be right, isn't that true?
1105 A: I'd be a poor doctor if I didn't agree with that, but I believe my opinion to be right.
1106 Q: Now do you think you might change your opinion if you would examine the defendant as
1107 Dr. Smith did?
1108 A: I don't believe so.
1109 Q: But Dr. Smith's was made under better circumstances, wasn't it
1110 A: If you mean that he was able to examine the man, yes
1111 Q: Yeah. Thank you Doctor.
1112 ***** [direct of jailhouse snitch] *****
1113 Dancer: We call Dwayne Miller to the stand. Will the Sheriff please bring in the witness?
1114 Bailiff: Raise your right hand. Do you solemnly swear that the testimony you shall give in
1115 this cause shall be the truth, the whole truth, and nothing but the truth so help you God?
1116 Miller: I do.
1117 Dancer: State your name, please.
1118 A: Dwayne Miller, but most folks calls me Duke.
1119 Q: Where do you presently reside, Mr. Miller?
1120 A: Across the alley in the jail.
1121 Q: Do you know the Defendant Frederick Manion?

1122 A: I got to know him in the past few weeks. His cell's right next to mine.
1123 Q: When was the last conversation you had with the Lieutenant
1124 A: Except for hello, this morning
1125 Q: Did you discuss his trial last night?
1126 A: Yeah, some.
1127 Q: Will you tell the court what Lt Manion had to say about the trial?
1128 A: Well, I said, "Thing's looking up, Lieutenant?" And he said, "I've got it made, buster."
1129 He said, "I fooled my lawyer, I fooled that head-shrinker, and I'm going to fool that bunch of
1130 corncobbers on the jury."
1131 Q: Mr. Miller, are you certain that Lieutenant Manion said, "I've got it made, buster?"
1132 A: That's what he said
1133 Q: Mr. Miller, did Lieutenant Miller say anything else?
1134 A: When he got out, the first thing he'd do was to kick that bitch from here to kingdom
1135 come.
1136 Q: To whom was he referring?
1137 **[55. Any objections?]**
1138 A: To his wife.
1139 ***** [cross] *****
1140 Defense: What are you in jail for?
1141 A: Arson. I copped out and I'm waiting for a sentence.
1142 Q: And how many other offenses have you committed?
1143 A: Well, I was in reform school when I was a kid, but that's all.
1144 Q: Your Honor, I'd like to see this man's criminal record.
1145 Judge: Do you have his record, Mr. Lodwick?
1146 Prosecutor: Yes, sir. Here it is.
1147 Q: Well, your record here shows that you've been in prison five times for felonies in three
1148 different states. Three times for arson, and twice for assault with a deadly weapon.
1149 **[56. Any objections?]**
1150 A: Yeah.
1151 Q: It also shows you've done time for larceny, indecent exposure, window peeping, and
1152 disorderly conduct. Is this your true record?
1153 **[57. If objected to as improper impeachment under Rule 609, what**
1154 **response?]**
1155 A: Them things are never right.
1156 Q: How did you get the ear of the prosecution in order to tell them about this conversation
1157 you had with Lieutenant Manion?
1158 A: The DA was taking us to his office.

1159 Q: Taking who to his office?
1160 A: Us prisoners in the jail.
1161 Q: Did he take you all at once, or one at a time?
1162 A: One at a time, him and that other lawyer took us to his office and asked us questions
1163 about Lieutenant Manion.
1164 Q: Were you promised a lighter sentence if you came over here and went on the witness
1165 stand
1166 Dancer: Your Honor, the people object that this is irrelevant and unfounded.
1167 **[58. What response?]**
1168 Judge: Overruled.
1169 A: I wasn't promised anything
1170 Q: You just thought it would help your own troubles if you dreamed up this story to please
1171 the DA.
1172 A: I didn't dream up nothing.
1173 Q: You're sure that's what Lieutenant Manion said?
1174 A: Yeah, I'm sure.
1175 Q: Just as sure as you were about your criminal record?
1176 A: Well, I guess I kind of goofed on that one.
1177 Q: Your Honor, I don't feel that I can dignify this creature with any more questions.
1178 ***** [recalling Manion, direct] *****
1179 Q: No, your Honor, we don't need a conference. I'll recall Lieutenant Manion to the stand
1180 right now. Now, you've heard the testimony of this Miller. Is any part of it true?
1181 Lt. Manion: None.
1182 Q: Lieutenant, do you have any idea why he might come here with a tale like that?
1183 A: No sir.
1184 Q: Have you ever talked with this man?
1185 A: Yes.
1186 Q: And what did you talk about?
1187 A: Nothing important. Certainly nothing about my personal life or my feelings.
1188 ***** [cross] *****
1189 Dancer: Lieutenant Manion, have you ever had any sort of trouble with Miller?
1190 A: I don't know, what do you mean, an argument, something like that?
1191 Q: Well did you ever attack Miller? Physically attack him? Your lawyer can't answer the
1192 question for you, Lieutenant. Did you ever physically attack Miller?
1193 A: Well, I wouldn't exactly call it an attack. I pushed his head against the bars, one day.
1194 Q: Why?
1195 A: He said something ugly about my wife.

1196 Q: Do you remember pushing or bumping his head against the bars?
1197 A: Well, sure, I just told you.
1198 Q: Then this was not Disassociative Reaction?
1199 **[59. Any objections?]**
1200 Q: Lieutenant Manion, wasn't your action against Barney Quill much the same as your
1201 action against Miller and against the Lieutenant that you struck at the cocktail party? All in
1202 the heat of anger, with the conscious desire to hurt or kill?
1203 A: I don't remember my action against Quill.
1204 Q: How long had you known your wife was running around with Barney Quill?
1205 A: I never knew anything like that. I trust my wife.
1206 Q: I suppose you just beat her up occasionally just for the fun of it.
1207 Defense: Nothing has been established to permit a question like that. He keeps implying
1208 things without ever getting to the point. Let him ask the Lieutenant, "Did he ever beat his
1209 wife?"
1210 Judge: I'll sustain the objection. Would you like to rephrase your question, Mr. Dancer?
1211 ***** [redirect] *****
1212 Defense: Then I'll ask. Did you, Lieutenant Manion, ever beat your wife, on the night of the
1213 shooting or at any other time?
1214 A: No, sir.
1215 Q: Is there any doubt in your mind that Barney Quill raped Mrs. Manion?
1216 A: No, sir.
1217 ***** [surrebuttal] *****
1218 Defense: We now have another rebuttal witness. The Defense calls Mary Polan to the stand.
1219 Dancer: Your Honor, we must protest this whole affair. The noble defense attorney rushes
1220 out to a secret conference, and now the last minute witness is being brought dramatically
1221 down the aisle. The whole thing has obviously been rigged to unduly excite the jury. It's
1222 just another of Mr. Bieghler's cornball tricks
1223 Defense: Your Honor, I don't blame Mr. Dancer for feeling put upon. I'm just a humble
1224 country lawyer trying to do the best I can against this brilliant prosecutor from the big city of
1225 Lansing.
1226 Q: Where do you live, Miss Polan?
1227 A: At the Thunder Bay Inn in Thunder Bay.
1228 Q: And how long have you lived there?
1229 A: For two years.
1230 Q: And what's your profession?
1231 A: I manage the Inn.
1232 Q: Now, Miss Polan, how is the laundry handled at the Thunder Bay Inn?

1233 A: It's chuted down to the laundry room.

1234 Q: And where is the location of that chute on the second floor?

1235 A: Between room 42 and 43.

1236 Q: Who lives in those rooms?

1237 A: I live in 42. Mr. Quill lived in 43.

1238 Q: Now, would Mr. Quill, coming up from the lobby, have to pass by the mouth of that

1239 chute on the way to his room?

1240 A: Yes.

1241 Q: Would it be very easy for him to drop something into that chute as he passed by?

1242 **[60. If objected to as an improper opinion, what response?]**

1243 A: Yes.

1244 Q: Have you ever had occasion to go down into the laundry at any time?

1245 A: Yes, part of my job is to sort various pieces of laundry as they come out of the wash and

1246 dry machines.

1247 Q: Would you tell the court what you found among those pieces of laundry the day after Mr.

1248 Quill was killed?

1249 A: I found a pair of women's panties.

1250 Q: And what did you do with them?

1251 A: I threw them into the rag bin.

1252 Q: When did you learn the significance of these panties?

1253 A: Here, this morning, in the courtroom.

1254 Q: And then you went home and got them out of the rag bin?

1255 A: Yes.

1256 Q: Did you bring them with you?

1257 A: Yes.

1258 Q: I offer this article of lingerie as Exhibit #1 for the Defense. They're white, they have lace

1259 up the side and they're badly torn as if they've been ripped apart by powerful hands. The

1260 label reads, "Smart Shop, Phoenix Arizona."

1261 **[61. Any objections?]**

1262 Judge: If there's no objection, the exhibit will be received into evidence.

1263 ***** [cross] *****

1264 Dancer: Did you ever talk to Mr. Lodwick, the Prosecuting Attorney, about the death of

1265 Barney Quill?

1266 A: Yes, he came to the hotel several times after Mr. Quill was killed.

1267 Q: Did you tell Mr. Lodwick that you didn't believe Barney Quill had raped Mrs. Manion?

1268 A: Yes, I told him that.

1269 **[62. Any objections?]**

1270 Q: Now, Miss Polan, did you ever talk to Mr. Bieghler, the Defense Attorney?
1271 A: Yes.
1272 Q: Was this also in connection with the shooting of Quill?
1273 A: Yes.
1274 Q: Did you tell him that you didn't believe Barney Quill had raped Mrs. Manion?
1275 A: Yes.
1276 Q: How many times did you talk to Mr. Bieghler?
1277 A: Twice.
1278 Q: When was the last time?
1279 A: Last night.
1280 Q: And have you changed your mind? Do you now believe Barney Quill raped Mrs.
1281 Manion?
1282 A: I don't know now. I think he might have.
1283 Q: When did you change your mind, last night?
1284 A: No, no, it was here this morning.
1285 Q: When were you given the panties, was that last night?
1286 Defense: Now wait a minute, just wait a minute--
1287 Judge: Use the proper form of objection, Mr. Bieghler.
1288 Defense: No, on second thought, I don't object, your Honor. I want the jury to hear her
1289 answer.
1290 Judge: The witness may answer.
1291 A: No, I was not given the panties, last night or at any other time. I found them exactly as I
1292 said.
1293 Q: Do you know for a fact that Barney Quill dropped the panties down the chute or did you
1294 just assume it?
1295 A: I assumed it.
1296 Q: Had you thought that perhaps someone else might have put the panties there, someone
1297 who wanted them found in the laundry?
1298 **[63. Any objections?]**
1299 A: I hadn't thought of that.
1300 Q: And in the grip of what Mr. Bieghler might call irresistible impulse you rushed in here
1301 with the panties because you wanted to crucify the character of a dead Barney Quill, isn't
1302 that true?
1303 A: Oh no, I thought it was my duty.
1304 Q: Your pride was hurt, wasn't it?
1305 A: I don't know what you mean.

1306 Defense: Your Honor, he's trying to confuse the witness. Let him ask her a question she can
1307 understand.
1308 Judge: Yes, Mr. Dancer, I myself would like to know what you're driving at.
1309 Dancer: Miss Polan, when you found the panties, was your first thought that Barney Quill
1310 might have raped Mrs. Manion, or was it that he might have been stepping out with Mrs.
1311 Manion?
1312 A: What does he mean? I don't know what he means.
1313 Judge: Once again, Mr. Dancer, I must ask you to put straight questions to the witness.
1314 Dancer: Here's a straight question, your Honor. Miss Polan, were you Barney Quill's
1315 mistress?
1316 A: No, I was not.
1317 Q: Do you know it's common knowledge in Thunder Bay that you were living with Quill?
1318 A: He was--
1319 Q: Was what, Miss Polan? Barney Quill was what, Miss Polan?
1320 A: Barney Quill was my father.
1321 (Much noise in courtroom)
1322 Q: That's all for me.
1323 END