

**DECLARATION OF
DOUGLAS DALTON**

DECLARATION OF DOUGLAS DALTON

I, DOUGLAS DALTON, declare as follows:

1. I am an attorney duly licensed to practice law in the State of California. I have personal, first-hand knowledge of the facts set forth in this Declaration. If called as a witness, I could and would competently testify to these facts under oath.

2. I have been a member of the State Bar of California since 1956. I was the attorney for Roman Polanski during the court proceedings entitled *People of the State of California v. Roman Raymond Polanski*, Case No. A 334 139.

3. On August 8, 1977, Mr. Polanski entered a plea of guilty to a single count of unlawful sexual intercourse with a minor, a violation of section 161.5 of the Penal Code, an alternative felony/misdemeanor. The count was one of several in a multi-count indictment. Before entering his plea, he was read the following condition of the plea agreement:

MR. GUNSON: Further, do you realize that this Court will not make any decision regarding probation and sentence until after it has read and considered the report and recommendation that will be prepared and submitted to it by the Probation Department? And after it has heard the argument of your attorney and the argument of the prosecutor; --

[MR. POLANSKI]: Yes.

Attached hereto as Exhibit "A" is a true and correct transcript of the court proceedings on August 8, 1977.

4. Several days before September 19, 1978, the date scheduled for the Probation Hearing and Sentencing, Judge Lawrence Rittenband told Deputy District Attorney Roger Gunson, Deputy Probation Officer Irwin Gold, and me that he had already decided to send Mr. Polanski to prison for a "diagnostic study" under section 1203.03 of the Penal Code as his complete punishment under the plea if the prison returned a favorable report and the press were not told of the agreement.

5. Judge Rittenband neither sought nor listened to any opinions or recommendations of the parties present. Not only had the minor's family urged that Mr. Polanski not serve any time in prison, but the probation report also recommended a sentence of probation only. Attached

1 hereto as Exhibit "B" is a true and correct copy of Mr. Polanski's probation report. It is my
2 understanding that the court file for this case has been lost, so this copy of Mr. Polanski's
3 probation report is being filed as a courtesy to the Court.

4 6. Deputy District Attorney Gunson and Deputy Probation Officer Gold both
5 objected to the use of Penal Code section 1203.03 as punishment, stating that it was an improper
6 and illegal use of the provision. Judge Rittenband disregarded their objections. Notwithstanding
7 the fact that he had already made up his mind and pre-determined the result, Judge Rittenband
8 directed Deputy District Attorney Gunson and me to engage in the charade of arguing our
9 respective positions at the Probation and Sentencing Hearing on September 19, 1978.

10 7. I did not know until 30 years later after viewing the documentary film, ROMAN
11 POLANSKI: WANTED AND DESIRED, which was released earlier this year, that Deputy District
12 Attorney David Wells, in a private meeting, had advised Judge Rittenband to impose the 1203.03
13 sentence.

14 Rittenband had asked me about it. And I said, "Judge," I said, "you know you're
15 going to give this guy probation."

16 He said, "No, no, I wanna send him to jail."

17
18 I said, "you'll never do it because the first thing that's gonna happen when you
19 sentence him, he's going to appeal it. And it's gonna go all the way up to the state
20 Supreme Court – he has the money – and he'll take it to the U.S. Supreme Court, if
21 he thinks he can."

22 And he's all, "well, what am I gonna do" -- or "what should I do?"

23 And I said, "you know what you should do is send him up for a 90-day
24 observation because that's probably more time you're gonna give him anyway
25 because you're a softy on sentencing."

26 And he says, "Well, what will that do?"

27 And I said, "It's not a final sentence. You can't appeal it. He has to go." And so
28 that's what Rittenband did."

(Transcript of Interview of David Wells for the film ROMAN POLANSKI: WANTED AND DESIRED,

1 pp. 23:17–24:9, attached as Exh. C to Declaration of Chad Hummel.

2 8. On or about September 29, 1977, a picture of Mr. Polanski appeared in the Santa
3 Monica Evening Outlook Newspaper carrying a false caption that Mr. Polanski had “popped over
4 to Munich for rest and relaxation.” Judge Rittenband, without hearing an explanation, advised
5 Deputy District Attorney Gunson and me that he intended to dissolve the remainder of the first of
6 a series of 90-day stays he had granted for Mr. Polanski to direct the motion picture “Hurricane”
7 and place him in custody for the diagnostic study. Judge Rittenband had earlier promised
8 successive 90-day stays to permit the film’s completion. In an interview with Marilyn Beck of
9 the Herald Examiner, Judge Rittenband stated that Mr. Polanski “could be on his way to prison by
10 the weekend.”

11 9. Prior to viewing the film ROMAN POLANSKI: WANTED AND DESIRED, I was
12 unaware that Deputy District Attorney David Wells had admitted the following *ex parte*
13 communication with Judge Rittenband:

14 And in the meantime, [Polanski] goes to Oktoberfest. And I got a picture — I
15 don’t know where I got it. Somebody sent it to me — of him at Oktoberfest with
16 his arms around a couple of — of juveniles.

17 And so I took the picture into Judge Rittenband. I said, “Judge,” I said, “look here.
18 He’s flipping you off.”

19 He said, “what, what ?” This is the way he talked. He’s very quick like that and
20 sharp. And he had a real bark to him, Rittenband, but he’s a softy. “He’s not
21 getting’ away with that.”

22 INTERVIEWER: When — did you really take that picture from Germany into his
23 courtroom —

24 WELLS: Oh, yeah.

25 INTERVIEWER — And say —

26 WELLS: And took it into chambers.

27 INTERVIEWER: It was the first time he saw it?
28

1 WELLS: Yeah.

2 INTERVIEWER: Why did you do that?

3
4 WELLS: Oh, you know, I was the calendar deputy and, you know, this was part
5 of the case, I mean, you know, it's —

6 INTERVIEWER: Can you say that in a complete sentence?

7
8 WELLS: Yeah. Why did I take a picture of Roman Polanski —?

9 INTERVIEWER: Instead of saying "Why," can you say "I took the picture."

10
11 WELLS: Okay. The picture that — of Roman Polanski that was taken at
12 Oktoberfest with these young girls, I took it to Rittenband because I figured it was
something he ought to see.

13 (Transcript of Interview of David Wells for the film ROMAN POLANSKI: WANTED AND DESIRED,
14 pp. 24:25 to 25:7 and 34:13 to 35:6, attached as Exh. C to Declaration of Chad Hummel).

15 10. In hearings conducted on October 21 and October 24, 1977, Judge Rittenband
16 found that Mr. Polanski's presence in Munich was for a business purpose. Indeed, the picture that
17 David Wells showed to Judge Rittenband was taken while Mr. Polanski was in Munich trying to
18 obtain financing for the film. However, contrary to his earlier promise, Judge Rittenband
19 declared that he would not grant any additional stays. This ruling resulted in Mr. Polanski being
20 discharged as the director of the film "Hurricane." The only reason Judge Rittenband gave for his
21 decision was that he had been criticized in the press and by others for granting the stay in the first
22 place.

23 11. I did not know until viewing the film ROMAN POLANSKI: WANTED AND DESIRED
24 that Deputy District Attorney David Wells was one of the sources of criticism. As Wells
25 describes:

26 And what I told him was, I said, "you know, judge, you've made so many
27 mistakes, I think, in this case. Look. He's giving you the finger. He's flipping
28 you off. And here's the way he's doing it." And I said, "haven't you had enough
of this?" And then, of course, then he exploded, and what happened, happened.

1 (Transcript of Interview of David Wells for the film ROMAN POLANSKI: WANTED AND DESIRED,
2 p. 35:7-13, attached as Exh. C to Declaration of Chad Hummel).

3 12. Mr. Polanski served 42 days in maximum security at Chino State Prison. He was
4 released with a report from the prison indicating that the results of the diagnostic study were
5 favorable and recommending probation. The conditions that Judge Rittenband imposed upon
6 Mr. Polanski had been satisfied and neither Deputy District Attorney Gunson nor I had revealed
7 the agreement by the Judge that there would be no further time in custody.

8 13. Nonetheless, Judge Rittenband reneged on his promise that Mr. Polanski would
9 serve no further time in custody, giving as his sole reason that he had been the subject of
10 "criticism." The Judge never identified the source or nature of the "criticism," and no such
11 "criticism" appeared in the probation report or diagnostic study, which both recommended
12 probation for Mr. Polanski.

13 14. I was unaware that Deputy District Attorney Wells was privy to almost everything
14 that occurred in the *Polanski* matter. Wells admitted in the film:

15 I can only talk about my involvement in the case. And, um, I was privy to almost
16 everything that went on in that case being assigned to that court as the calendar
deputy. I was in the court every day.

17 (Transcript of Interview of David Wells for the film ROMAN POLANSKI: WANTED AND DESIRED,
18 p. 22:11-14, attached as Exh. C to Declaration of Chad Hummel).

19 15. I was further unaware that Deputy District Attorney Wells was dissatisfied with
20 the plea agreement and was vocal about his feeling that Mr. Polanski belonged in state prison:

21 The plea had been worked out in this case. I didn't work it out. I didn't have
22 anything to do with it. I know I was very miffed the way it turned out because my
feeling was [Polanski] belonged in state prison. And I was pretty vocal about that,
23 and eventually I was told by the office, "it's not your case anymore."

24 (Transcript of Interview of David Wells for the film ROMAN POLANSKI: WANTED AND DESIRED,
25 p. 23:11-16, attached as Exh. C to Declaration of Chad Hummel).

26 16. Judge Rittenband announced to counsel that he now intended to send Mr. Polanski
27 to prison for the second time under the following conditions: (1) that he serve 48 additional days
28 in prison; (2) that he would not be permitted to have a hearing on this additional sentence; (3) that

1 he agree to waive his rights to a deportation hearing and agree to “voluntarily deport himself;”
2 and (4) that no hearing would be permitted until after the imposition of the prison sentence and
3 that even more serious consequences could be expected if a hearing were held.

4 17. At no time did the assigned prosecutor, Deputy District Attorney Gunson, request
5 any of the above conditions. Both Deputy District Attorney Gunson and I objected to Judge
6 Rittenband’s denial of Mr. Polanski’s right to a hearing prior to sentencing. However, Judge
7 Rittenband summarily rejected our arguments without any suggestion of legal authority to support
8 the sentence and conditions that he intended to impose. The Judge also instructed Mr. Gunson
9 and me to argue as though we were unaware of his intentions, and not to expose this information
10 to the press.

11 18. I informed Mr. Polanski that Judge Rittenband intended to impose a second
12 sentence upon him and require his deportation thereafter. Mr. Polanski left the United States the
13 next day and has not returned since.

14 19. At the time, I was unaware that Deputy District Attorney Wells was providing
15 legal advice to Judge Rittenband:

16 So Rittenband would ask me questions about the thing because he counted on me,
17 or whoever was his favorite D.A. at the time, to advise him on what the — what
18 the law was, criminal law. He was very good at civil law, but criminally, he left
19 that to his D.A.’s to — to do. And so in that respect, I can — I can comment on a
20 — some — a few things, yeah.

21 (Transcript of Interview of David Wells for the film ROMAN POLANSKI: WANTED AND DESIRED,
22 p. 22:15-21, attached as Exh. C to Declaration of Chad Hummel).

23 20. I was also unaware that Deputy District Attorney Wells’ relationship with Judge
24 Rittenband was such that they exchanged intimate details about their personal lives:

25 Yeah, he’s . . . Remember I was younger, too, at the time and Rittenband says,
26 “Well, I got two girlfriends.” And I said, “Judge Rittenband,” I said, “What would
27 you at your age do with a girlfriend.” He said, “I’ll do the same thing that you did
28 and probably better!” [LAUGHS] Then I said, “Well, tell me about it.” He said,
29 “Well, I’ve got one that cooks and one that does the other things.” And that was it.
30 He said, “And I don’t want to talk any more about it.”

(*Id.* at 33:14-25).

1 21. I have no personal knowledge of any other legal advice Deputy District Attorney
2 Wells may have given to Judge Rittenband. However, Judge Rittenband consistently rejected the
3 legal arguments proffered by both Deputy District Attorney Gunson and me.

4 22. Almost 20 years after these events, sometime in 1997, I requested that Mr. Gunson
5 appear in Department 100, the presiding criminal department, so I could request assignment of
6 the *Polanski* case to a new judge to discuss a potential resolution of the matter. The case was
7 assigned to Superior Court Judge Larry Fidler. Mr. Gunson and I were given the court file which
8 we took to Judge Fidler's courtroom. Nothing was said to us that any part of the court file, was
9 missing. Judge Fidler recognized both of us and invited us into his chambers. No court reporter
10 or stenographer was present at the ensuing meetings between Judge Fidler, Mr. Gunson, and me
11 that followed over the next several weeks. I explained to Judge Fidler my purpose in requesting
12 the meeting, and he stated that he had some recollection of the case from 1977 and the problems
13 regarding Judge Rittenband. Judge Fidler agreed to take the case, even though he could easily
14 have declined to accept handling what he knew to be a controversial matter in which he could
15 expect criticism.

16 23. All subsequent meetings with Judge Fidler occurred in his chambers without a
17 court reporter. The only persons attending these meetings were Mr. Gunson, Judge Fidler and
18 me. There should be some notation in the court clerk's record which reflects that Mr. Gunson and
19 I were having these meetings with Judge Fidler.

20 24. As part of my efforts at that time to resolve the case, I obtained a letter from
21 Samantha Geimer's attorney, Lawrence Silver, which was submitted to Judge Fidler and should
22 have become part of the case file. I also presented Judge Fidler with a voluminous notebook of
23 written materials that I had assembled regarding the case and Mr. Polanski's personal and
24 professional life, including his life since having left the United States. This notebook should have
25 become part of the file.

26 25. Judge Fidler made no representation of what he would have done had he handled
27 the case originally, but only that he believed that a commitment made by a Judge of the Court
28 should be fulfilled. Thus, after several meetings and a full review of the factual material, Judge

1 Fidler stated that he would honor the agreement made by Judge Rittenband that the period of
2 incarceration for Mr. Polanski while undergoing the diagnostic study would constitute the full and
3 complete punishment.

4 26. After considering the materials we submitted and after discussions with Mr.
5 Gunson and me, Judge Fidler advised us that, if Mr. Polanski returned to Los Angeles, he would
6 allow Mr. Polanski to be booked and immediately released on bail, require Mr. Polanski to meet
7 with the probation department, order a probation report, conduct a hearing, and terminate
8 probation without Mr. Polanski having to serve any additional time in custody.

9 27. Judge Fidler stated that due to the widespread public interest in the case and the
10 lack of awareness regarding what had occurred in 1978, the sentencing proceedings should be
11 televised in order that wide public coverage could be afforded for the benefit of the public
12 understanding.

13 28. After the final meeting involving Judge Fidler in 1997, I discussed the possible
14 resolution with Mr. Polanski and his agent, Jeff Berg. Shortly thereafter, however, the possible
15 resolution of the case was leaked to the press, which resulted in numerous press inquiries and
16 phone calls to my office.

17 29. Detective Vannatter was the former investigating officer on the case, and Mr.
18 Gunson had told him of the pending resolution. Mr. Gunson had earlier informed me that
19 Detective Vannatter requested to be able to personally arrest Mr. Polanski upon his return. I
20 refused because of the publicity that would result. I had already made arrangements with the
21 Sheriff's Fugitive Detail, which was the proper agency under the circumstances.

22 30. Given the prospect of another huge media event and the changed personal
23 circumstances of Mr. Polanski, which included a stable marriage and two young children, it was
24 Mr. Polanski's decision not to resurrect this 20-year old case at that time for another worldwide
25 televised media event. This decision should in no way be considered a denial of the validity of
26 Judge Fidler's reasons for favoring the televised hearings.

27 31. During the making of the documentary film, ROMAN POLANSKI: WANTED AND
28 DESIRED, I was interviewed by filmmaker Marina Zenovich. In those interviews, I accurately

1 relayed these events, as well as the account of the meetings with Judge Fidler.

2 32. When the Superior Court spokesperson described the 1997 events as a “complete
3 fabrication,” Roger Gunson and I spoke for the first time since 1997, to see what we could do to
4 refute the inaccurate and false claims being made by the Superior Court. Our conversations were
5 spurred by the concern that the Court was again making misrepresentations, as Judge Rittenband
6 had done thirty years ago. Mr. Gunson ultimately drafted a joint statement regarding the 1997
7 meetings, which we both signed and submitted to the press. A true and correct copy of that joint
8 statement is attached hereto as Exhibit “C.”

9 33. Despite the joint statement of Roger Gunson and me, the Superior Court indicated
10 in a public statement that it continued to “stand by” its original position. Because of this and the
11 fact that official representatives of the District Attorney’s office, in a letter to the editor of the Los
12 Angeles Times, described our assertions as untrue, unfair and unprofessional, I believe that my
13 credibility has been put in issue. I am therefore, forced into the role of a witness in this
14 proceeding because I have been compromised as an advocate for Mr. Polanski.

15 34. Representatives of the Los Angeles Superior Court and the District Attorney’s
16 Office have said in their public statement to the press that I “sullied” the reputation of one of
17 California’s most respected judges by informing Ms. Zenovich about Judge Fidler’s desire to
18 have Mr. Polanski’s proceedings televised. Such a claim is simply false. Judge Fidler’s good
19 faith belief in the desirability of cameras in the courtroom has often been publicly expressed by
20 him and is well-known by the Superior Court and the DA’s office. Rather than “sully” the
21 representation of Judge Fidler, I respect him for having the courage and independence to handle a
22 very difficult and controversial case in a way that he could expect public criticism. The failure to
23 resolve the case was not his, even though his view that the proceedings be televised resulted in
24 the case not being resolved at that time.

25 35. The victim in this matter, Ms. Samantha Geimer, wishes for this case to be
26 concluded with no further period of incarceration to be imposed upon Mr. Polanski. Even in
27 1977, Ms. Geimer’s attorney, Mr. Larry Silver, wrote a letter to Judge Rittenband, in which he
28 expressed that Ms. Geimer’s family did not wish for Mr. Polanski to be incarcerated, but only that

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
26
27
28

he admit wrongdoing and commence a program of rehabilitation. A true and correct copy of Mr. Silver's letter is attached hereto as Exhibit "D."

36. In 1997, Ms. Geimer personally wrote a letter to Judge Fidler, in which she expressed her continuing desire that the matter be concluded, and that she believed the 42 days Mr. Polanski had already served in prison was "excessive." A true and correct copy of Ms. Geimer's letter to Judge Fidler is attached hereto as Exhibit "E."

37. Ms. Geimer also wrote a letter to former District Attorney Gilbert Garcetti asking that "Mr. Polanski be allowed to come back to the United States, that the charges regarding his being a fugitive be dismissed, that the original plea bargain agreement be honored, and that he be allowed to remain in the United States upon the time served of his sentence." A true and correct copy of Ms. Geimer's letter to former District Attorney Garcetti is attached hereto as Exhibit "F."

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed this 2 day of December, 2008.


DOUGLAS DALTON

EXHIBIT A

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
26
27
28

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES

DEPARTMENT NO. WEST D

HON. LAURENCE J. RITTENBAND, JUDGE

THE PEOPLE OF THE STATE OF CALIFORNIA,)

Plaintiff,)

vs.)

No. A-334139)

ROMAN RAYMOND POLANSKI,)

Defendant.)

SANTA MONICA, CALIFORNIA, MONDAY, AUGUST 8, 1977, 9:25 A.M..

Upon the above date, the defendant being present in court and represented by counsel, DOUGLAS DALTON; ROGER GUNSON, Deputy District Attorney of Los Angeles County representing the People of the State of California, the following proceedings were held:

(Roger K. Williams, Official Reporter.)

THE COURT: People versus Polanski?

MR. DALTON: Mr. Polanski is present in court with counsel, Douglas Dalton, your Honor.

THE COURT: Why don't you put a seat for him and let him

1 sit next to you?

2 The People are ready?

3 MR. GUNSON: The People are ready.

4 THE COURT: I understand that there is to be a change of
5 plea in this case?

6 MR. DALTON: Yes, your Honor.

7 THE COURT: All right. The District Attorney then will
8 proceed to take the necessary waivers.

9 MR. GUNSON: Roman Raymond Polanski, is that your true
10 name?

11 THE DEFENDANT: Yes.

12 MR. GUNSON: Mr. Polanski, you are charged in Information
13 A-334139 with the crimes of Furnishing Drugs to a Minor, Lewd or
14 Lascivious Acts upon a Child under 14 Years of Age, Unlawful
15 Sexual Intercourse, Rape by Use of Drugs, Perversion, and Sodomy,
16 all felonies committed on or about March 10th, 1977.

17 Counsel, do you waive further reading of the indict-
18 ment?

19 MR. DALTON: Yes, we do.

20 MR. GUNSON: Is the defendant ready to plead at this time?

21 MR. DALTON: He is.

22 MR. GUNSON: Mr. Polanski, your attorney has indicated
23 you wish to withdraw your previously entered plea of not guilty
24 to Count III and enter a new and different plea, that of guilty
25 to Count III, Unlawful Sexual Intercourse.

26 Is that what you want to do?

27 THE DEFENDANT: Yes.

28 MR. GUNSON: Your Honor, the People would accept a plea

1 of guilty to Count III of the indictment, because of the request
2 of the victim and her family, which was made to our office, and
3 which will be made to the Court by their representative, Mr.
4 Lawrence Silver, attorney at law.

5 Mr. Silver?

6 THE COURT: The Court will hear from Mr. Silver, on behalf
7 of -- you do represent the family, do you not?

8 MR. SILVER: I do, your Honor.

9 THE COURT: All right. Go ahead.

10 MR. SILVER: Your Honor, I wish to tender to the Court a
11 letter which I prepared, if I may.

12 THE COURT: Yes, you may.

13 (Whereupon a document was handed to the Court
14 through the clerk.)

15 THE COURT: All right. You may proceed.

16 MR. SILVER: May it please the Court, I represent the
17 family of the thirteen year old girl involved in this case. I
18 understand that Mr. Polanski will plead guilty to 261.5 of the
19 Penal Code in exchange for the dropping of the remaining charges.
20 I strongly urge the District Attorney to accept this plea bargain,
21 and I in turn urge your Honor to accept it. It is fitting that
22 I set forth all of my reasons for this recommendation.

23 My primary concern is the present and future well
24 being of this girl and her family. Up to this point, the identity
25 of my clients has been protected from public disclosure, evincing
26 a laudable exercise of restraint by the press. Your Honor has
27 been sensitive to my clients' right to privacy and has protected
28 and will protect those rights, consistent with Article I, Section

1 of California's Constitution, and the public policy expressed
2 by the Legislature in its various enactments in the protection
3 of juveniles. Of course, if there were to be a trial in this
4 case, the anonymity of my clients would be at an end.

5 In all cases, your Honor, balances have to be struck.
6 In this case, the balance that has to be effected is between the
7 interests of society, as represented by the District Attorney,
8 the defendant, and my clients.

9 In evaluating my clients' interests, I am mindful
10 that they -- and more particularly she --

11 THE COURT: I think some of the reporters are taking notes.
12 You might read a little slower, so that they will be able to get
13 this.

14 MR. SILVER: All right. Surely, your Honor.

15 MR. GUNSON: Excuse me, your Honor. I believe, if I may
16 interrupt, this letter will be made available to the press after
17 this hearing.

18 THE COURT: All right. You may proceed.

19 MR. SILVER: I am mindful that they -- and more particularly
20 she -- have been harmed by -- as the victim of the unlawful acts
21 committed by the defendant. By a trial, the integrity of the
22 charges preferred would have been vindicated, even though the
23 personal cost to them would have been substantial.

24 My view, based upon advice from experts, and the
25 view of the girl's parents, is that such a trial may cause serious
26 damage to her. Long before I had met any other attorney in this
27 case, my clients informed me that their goal in pressing the
28 charges did not include seeking the incarceration of the defendant,

1 but rather, the admission by him of wrong doing, and commencement
2 by him, under the supervision of the Court, of a program to
3 insure complete rehabilitation.

4 The plea of guilty by the defendant is contrition
5 sufficient for my clients to believe that that goal may be
6 achievable. The plea in this case has not changed those original
7 goals, and I commend them to your Honor for consideration.

8 The question first before the District Attorney,
9 and now before your Honor, is whether, in balance, the plea to
10 the serious charge of Unlawful Sexual Intercourse should be
11 accepted in light of the other serious charges which would be
12 dropped. Only a callous person would make such a balance without
13 considering what effect that decision would have on this girl.

14 Whatever harm has come to her as a victim would be
15 exacerbated in the extreme if this case went to trial. The
16 reliving of the sorry events, with their delicate content, through
17 the vehicle of direct and cross examination in this courtroom
18 packed with strangers, would be a challenge to the emotional
19 well being of any person. The potential for harm is even greater
20 with one of tender years.

21 In the ordinary case, this consideration should
22 cause concern. However, this is not the ordinary case. Although
23 your Honor has and would diligently protect the decorum of the
24 courtroom, the intense national and international attention
25 generated by this case has packed the corridors leading to the
26 courtroom with mass media technicians, flashing and prodding
27 their equipment to feed an unseemly curiosity.

28 A member of the media, last Friday, in anticipation,

1 said this case "promised to be one of the most sensational
2 'Hollywood' trials" This is not the place for a recover-
3 ing young girl.

4 The public disclosure of her identity in such a
5 charged atmosphere can only harm -- and seriously harm -- her.
6 Relationships with friends, and indeed her family, would never
7 be the same. A stigma would attach to her for a lifetime.
8 Justice is not made of such stuff.

9 The plea in this case is a departure from the
10 general policy of the District Attorney and was accepted by Mr.
11 Van De Kamp in part at my urging, after I learned that such a
12 plea might be tendered. That general policy has specific pro-
13 visions applicable "when unusual or extraordinary circumstances
14 demand a departure in the interests of justice."

15 Justice in this case is served by such a departure.
16 Sensitivity to the harm which may be done to this girl, together
17 with a faithful fulfilment of the public policy of protecting
18 the privacy of women victims of certain sexual offenses, as
19 recently advanced by our Legislature, lead any caring person
20 ineluctably to the conclusion that this plea should be accepted.

21 Thank you, your Honor.

22 THE COURT: All right. You may proceed with the plea.

23 MR. GUNSON: Your Honor, the People request that this plea
24 be given under oath, and that Mr. Polanski be sworn by the Court.

25 THE COURT: Very well. The clerk will swear the defendant,
26 please.

27 THE CLERK: Would you raise your right hand, please?

28 You do solemnly swear that the testimony you may

1 give in the cause now pending before this Court shall be the
2 truth, the whole truth and nothing but the truth, so help you
3 God?

4 THE DEFENDANT: Yes.

5 THE CLERK: Please state your name.

6 THE DEFENDANT: Roman Raymond Polanski.

7 THE CLERK: Thank you.

8 MR. GUNSON: Mr. Polanski, before you can plead guilty,
9 you have to know and understand your constitutional rights, and
10 you have to give up those rights.

11 Do you understand that you have an absolute right
12 to a speedy and public trial by jury?

13 THE DEFENDANT: Yes.

14 MR. GUNSON: The assistance of a lawyer at all stages of
15 the proceedings?

16 THE DEFENDANT: Yes.

17 MR. GUNSON: Be confronted by the witnesses against you --
18 that is, to see, hear and have your attorney question all witnesses
19 called to testify against you?

20 THE DEFENDANT: Yes.

21 MR. GUNSON: The process of the Court to compel the
22 attendance of witnesses on your behalf?

23 THE DEFENDANT: Yes.

24 MR. GUNSON: To present evidence on your behalf in defense
25 of this charge, --

26 THE DEFENDANT: Yes.

27 MR. GUNSON: -- do you understand that?

28 And the privilege against self incrimination; do

1 you understand that?

2 THE DEFENDANT: Yes.

3 MR. GUNSON: Do you know what a jury trial is?

4 THE DEFENDANT: Yes, I do.

5 MR. GUNSON: A jury trial means that you and your attorney
6 and myself would pick twelve persons, and those twelve persons
7 would hear the evidence of this case, and each would have to
8 agree that you were guilty before you could be found guilty.

9 Do you understand?

10 THE DEFENDANT: Yes.

11 MR. GUNSON: The elements of the crime of unlawful sexual
12 intercourse are: One, that on March 10th, 1977, you committed
13 an act of sexual intercourse; two, that the act of sexual
14 intercourse was with the complaining witness in this case; three,
15 that she was under the age of 18; and four, that she was not your
16 wife.

17 Do you understand that to be convicted of unlawful
18 sexual intercourse by a jury, all twelve jurors would have to
19 believe beyond a reasonable doubt that each and every element of
20 the crime occurred?

21 Do you understand that?

22 THE DEFENDANT: Yes.

23 MR. GUNSON: Do you realize that by pleading guilty, you
24 give up your right to a jury trial?

25 THE DEFENDANT: Yes.

26 MR. GUNSON: Do you have any questions about your right to
27 a jury trial?

28 THE DEFENDANT: No.

1 MR. GUNSON: Do you then give up your right to a jury
2 trial?

3 THE DEFENDANT: Yes.

4 MR. GUNSON: Do you realize that by pleading guilty, you
5 give up your right to be confronted by the witnesses against you?

6 THE DEFENDANT: Yes.

7 MR. GUNSON: Do you realize that by pleading guilty, you
8 give up your right of cross examination, to have your attorney
9 ask those witnesses questions?

10 THE DEFENDANT: Yes.

11 MR. GUNSON: Do you give up your right to confrontation
12 and your right to cross examination of the witnesses?

13 THE DEFENDANT: Yes.

14 MR. GUNSON: Do you know that you have a right against
15 self incrimination? That is, the right to remain silent, and to
16 require the prosecution to prove a case against you beyond a
17 reasonable doubt?

18 THE DEFENDANT: Yes.

19 MR. GUNSON: Do you realize that by pleading guilty, you
20 give up this right and admit the commission of the crime charged?

21 THE DEFENDANT: Yes.

22 MR. GUNSON: Do you have any questions about your right
23 to remain silent?

24 THE DEFENDANT: No.

25 MR. GUNSON: Do you give up your privilege against self
26 incrimination?

27 THE DEFENDANT: Yes.

28 MR. GUNSON: Counsel, do you join in those waivers?

1 MR. DALTON: Yes.

2 MR. GUNSON: Mr. Polanski, before you can plead guilty, you
3 have to understand the charges against you, and there must be a
4 factual basis for your plea.

5 Do you know what the charges are against you?

6 THE DEFENDANT: Yes.

7 MR. GUNSON: And what is the nature of the charge to which
8 you want to plead guilty?

9 THE DEFENDANT: Unlawful Sexual Intercourse.

10 MR. GUNSON: What does the person have to do to be guilty
11 of that charge?

12 THE DEFENDANT: He has to -- the person has to have sexual
13 intercourse with the female person not his wife, under the age of
14 18.

15 MR. GUNSON: Are you in fact guilty of this charge?

16 THE DEFENDANT: Yes.

17 MR. GUNSON: What did you do in this case?

18 THE DEFENDANT: I had sexual intercourse with a female
19 person not my wife, under the age of 18.

20 MR. GUNSON: And was this female person the complaining
21 witness in this case?

22 THE DEFENDANT: She was the complaining witness.

23 MR. GUNSON: And did this occur on March 10th, 1977?

24 THE DEFENDANT: That's correct.

25 MR. GUNSON: And was it in the evening at 12850 Mulholland
26 Drive?

27 THE DEFENDANT: Mulholland Drive, yes.

28 MR. GUNSON: And that was in Los Angeles County?

1 THE DEFENDANT: Yes.

2 MR. GUNSON: Mr. Polanski, before you can plead guilty,
3 you must understand the possible direct consequences of your
4 plea. Do you understand you are pleading guilty to a felony?

5 THE DEFENDANT: Yes.

6 MR. GUNSON: What is the maximum sentence for unlawful
7 sexual intercourse?

8 THE DEFENDANT: It's one to fifteen -- twenty years in
9 State Prison.

10 MR. GUNSON: Do you understand it is also possible that
11 you could be placed on probation, with or without being required
12 to serve up to one year in the County Jail?

13 THE DEFENDANT: Yes.

14 MR. GUNSON: Mr. Polanski, because this offense involved
15 a girl under the age of 14, it is mandatory that MDSO proceedings
16 be instituted. MDSO means Mentally Disordered Sex Offender.

17 If you are found to be a MDSO and amenable to treat-
18 ment, you could be sent to a State Hospital for an indeterminate
19 period of time.

20 If you are found to be an MDSO, you would have to
21 register that fact with the law enforcement officer of the
22 community in which you resided.

23 Mr. Polanski, who do you believe will decide what
24 your sentence will be in this matter?

25 THE DEFENDANT: The Judge.

26 MR. GUNSON: Who do you think will decide whether or not
27 you will get probation?

28 THE DEFENDANT: The Judge.

1 MR. GUNSON: Who do you think will determine whether the
2 sentence will be a felony or a misdemeanor?

3 THE DEFENDANT: The Judge.

4 MR. GUNSON: Do you understand that at this time, the
5 Court has not made any decision as to what sentence you will
6 receive?

7 THE DEFENDANT: (No response.)

8 MR. GUNSON: Do you understand that the Judge has not
9 made any decision?

10 THE DEFENDANT: Yes.

11 MR. GUNSON: Further, do you realize that this Court will
12 not make any decision regarding probation and sentence until
13 after it has read and considered the report and recommendation
14 that will be prepared and submitted to it by the Probation
15 Department? And after it has heard the argument of your attorney
16 and the argument of the prosecutor; --

17 THE DEFENDANT: Yes.

18 MR. GUNSON: -- do you understand that?

19 Mr. Polanski, do you understand that at the time of
20 probation and sentencing, the prosecutor may argue that you
21 should be sentenced to State Prison, or be incarcerated in the
22 County Jail?

23 THE DEFENDANT: Yes.

24 MR. GUNSON: Since you are not a citizen of the United
25 States, a possible consequence of your plea of guilty today may
26 be that you would be deported and excluded from this country.

27 Do you understand that the decision to deport and
28 exclude you from the United States is made by the Federal

1 Government? That is, the Immigration and Naturalization Service?

2 THE DEFENDANT: Yes.

3 MR. GUNSON: Do you understand that although Judge
4 Rittenband may recommend to the INS that you not be deported,
5 the Judge has not made that decision, and will not make that
6 decision until the probation and sentence hearing?

7 THE DEFENDANT: Yes.

8 MR. GUNSON: Do you understand that Judge Rittenband may
9 not make such a recommendation?

10 THE DEFENDANT: Yes.

11 MR. GUNSON: Mr. Polanski, before the Court can accept
12 your plea of guilty, it must decide that you pleaded guilty
13 freely and voluntarily. Have you talked about this case with
14 your lawyers?

15 THE DEFENDANT: Yes.

16 MR. GUNSON: And do you believe that you have had enough
17 time to talk with him about your case?

18 THE DEFENDANT: Yes.

19 MR. GUNSON: Have you told him all the facts and circum-
20 stances that are known to you about this case?

21 THE DEFENDANT: Yes.

22 MR. GUNSON: Have you discussed fully with your attorney
23 your rights?

24 THE DEFENDANT: Yes.

25 MR. GUNSON: Have you discussed with your attorney fully
26 the possible defenses?

27 THE DEFENDANT: Yes.

28 MR. GUNSON: And have you discussed with him the possible

1 consequences to your plea of guilty?

2 THE DEFENDANT: Yes.

3 MR. GUNSON: Have you discussed with him the possible
4 sentences, the possible MDSO procedures, and the possible
5 deportation?

6 THE DEFENDANT: Yes.

7 MR. GUNSON: Do you understand that a legal defense to
8 this crime of Unlawful Sexual Intercourse is that the perpetrator
9 believed the female to be 18 years of age or older? Do you
10 understand that?

11 THE DEFENDANT: Yes.

12 MR. GUNSON: On March 10th, 1977, the day you had sexual
13 intercourse with the complaining witness, how old did you believe
14 her to be?

15 (Pause in the proceedings while a discussion
16 off the record ensued at the counsel table between
17 the defendant and his counsel.)

18 THE DEFENDANT: She was 13.

19 MR. GUNSON: Did you understand that she was 13 on March
20 10th, 1977, when you had sexual intercourse with her?

21 (Pause in the proceedings while a discussion
22 off the record ensued at the counsel table between
23 the defendant and his counsel.)

24 THE DEFENDANT: Yes.

25 MR. GUNSON: Has anyone threatened you or threatened any-
26 one near and dear to you, in order to get you to plead guilty?

27 THE DEFENDANT: No.

28 MR. GUNSON: The District Attorney will make a motion to

1 dismiss the remaining pending charges after sentencing.

2 Other than that promise, has anyone made any
3 promises to you, such as a lesser sentence or probation, or any
4 reward? Immunity? A Court recommendation to the Immigration
5 and Naturalization Service, or anything else, in order to get
6 you to plead guilty?

7 THE DEFENDANT: No.

8 MR. GUNSON: Do you have any questions about your plea?

9 THE DEFENDANT: No.

10 MR. GUNSON: Are you pleading guilty freely and voluntarily?

11 THE DEFENDANT: Yes.

12 MR. GUNSON: Mr. Dalton, do you believe that you have had
13 sufficient time to discuss this case and all of its ramifications
14 with your client?

15 MR. DALTON: Yes.

16 MR. GUNSON: Have you fully discussed with him his rights,
17 his defenses, and the possible consequences to him of his plea
18 of guilty?

19 MR. DALTON: Yes.

20 MR. GUNSON: Are you aware of any promises that have been
21 made to your client, that have not been stated on the record and
22 in open court today?

23 MR. DALTON: No.

24 MR. GUNSON: Do you consent to the plea?

25 MR. DALTON: Yes.

26 MR. GUNSON: Your Honor, may I take the plea?

27 THE COURT: Yes. Before you do so, however, I must advise
28 the defendant, under Section 1192.5 of the Penal Code, that the

1 approval of the Court to the plea is not binding on the Court;
2 that the Court may, at the time set for hearing on the applica-
3 tion for probation or pronouncement of judgment, withdraw its
4 approval, in light of further consideration of the matter; and
5 three, in such case, the defendant shall be permitted to withdraw
6 his plea, if he desires to do so.

7 Now, Mr. Polanski -- and the Court will also make
8 a finding at this time that the plea was freely and voluntarily
9 made, and that there is a factual basis for it.

10 You may now proceed to take the plea.

11 MR. GUNSON: Mr. Polanski, to Count III of indictment
12 number A-334139, which charges you with the commission of
13 Unlawful Sexual Intercourse on March 10th, 1977, a felony, how
14 do you plead?

15 THE DEFENDANT: Guilty.

16 MR. GUNSON: Your Honor, does the Court make a finding
17 that Mr. Polanski knew and understood his constitutional rights?

18 THE COURT: Yes, the Court's made such a finding.

19 MR. GUNSON: And that he knowingly and intelligently
20 waived those rights?

21 THE COURT: I have made such a finding.

22 MR. GUNSON: And does the Court also make a finding that
23 Mr. Polanski knows of the consequences of his plea?

24 THE DEFENDANT: Yes.

25 THE COURT: Yes.

26 MR. GUNSON: Will the Court order that the plea and these
27 findings be accepted and entered into the minutes of this Court?

28 THE COURT: It will be so ordered.

1 It's been indicated to you, Mr. Polanski, that by
2 reason of the plea that you had made, that it becomes necessary
3 and mandatory for the Court to institute -- necessary for the
4 Court to institute what is known as Mentally Disordered Sex
5 Offender proceedings.

6 Now, I will proceed now with that.

7 This Court is now going to institute Mentally
8 Disordered Sex Offender proceedings in the case of People versus
9 Roman Raymond Polanski, case Number A-334139.

10 Inasmuch as the defendant has been convicted of a
11 felony sex offense involving a child under the age of 14 years --
12 namely, Unlawful Sexual Intercourse in violation of Section 261.5
13 of the Penal Code, by a plea of guilty on this date, August the
14 18th, 1977 -- it is therefore the order of the Court that criminal
15 proceedings be adjourned.

16 The defendant is certified to the Department of
17 the Superior Court for hearing and examination to determine
18 whether, beyond a reasonable doubt, he is a Mentally Disordered
19 Sex Offender.

20 Is Roman Raymond Polanski your true name?

21 THE DEFENDANT: Yes.

22 THE COURT: Mr. Polanski, as I have previously advised
23 you, you have been certified to this Court as a Mentally Disordered
24 Sex Offender. I am now going to inform you of your rights in
25 these proceedings. And listen carefully as I do so.

26 You are alleged to be a Mentally Disordered Sex
27 Offender, in that you are a person who, by reason of mental
28 defect, disease or disorder, are predisposed to the commission

1 of sexual offenses to such a degree that you are dangerous to
2 the health and safety of others.

3 The Court is going to appoint two psychiatrists
4 to conduct a psychiatric examination of you. And I am going to
5 fix a date for a court hearing.

6 You have a right to appear in person and with legal
7 counsel at that hearing. Your attorney, Mr. Douglas Dalton,
8 who represented you in the criminal proceedings, will continue
9 to represent you during the Mentally Disordered Sex Offender
10 proceedings.

11 You have a right to subpoena and produce witnesses
12 and make a reply at the hearing. You have the right to utilize
13 the process of the Court in subpoenaing any witness or any
14 records that you may need at the hearing.

15 You have a right to confront and cross examine
16 witnesses whose testimony is to be considered by the Court on
17 the question of whether or not you are a Mentally Disordered
18 Sex Offender. You have the right to have each psychiatrist
19 present at that hearing listen to the testimony of all witnesses
20 who testify; and after having heard all of the pertinent testi-
21 mony, to have testified as a result of his examination.

22 The Court will decide beyond a reasonable doubt
23 whether you are ^a Mentally Disordered Sex Offender, and whether you
24 would benefit from treatment at a State Hospital.

25 Do you have any questions about these rights as I
26 have explained them to you?

27 THE DEFENDANT: No.

28 THE COURT: Counsel, is there any problem about your

1 continuing to represent the defendant during these proceedings?

2 MR. GUNSON: No, your Honor.

3 THE COURT: All right. Do you, Mr. Polanski, waive the
4 preparation of a written certification of the Superior Court,
5 and a written statement of probable cause as to why you are a
6 Mentally Disordered Sex Offender?

7 THE DEFENDANT: Yes.

8 THE COURT: And does the defendant also waive the delivery
9 to him of a copy of these documents, and will waive receipt
10 thereof?

11 THE DEFENDANT: Yes, your Honor.

12 THE COURT: All right. Pursuant to Section 6307 of the
13 Welfare and Institutions Code, this Court will now appoint
14 Doctor Alvin Davis and Doctor Ronald Markman to conduct a
15 psychiatric examination of the defendant.

16 I further order that each doctor, after an exami-
17 nation of the defendant, report to the Court in writing his
18 opinion and conclusion and recommendation as to the following
19 questions:

20 One, is he a Mentally Disordered Sex Offender?

21 Two, is he a danger to the health and safety of
22 others?

23 Three, in your opinion, would he benefit from care
24 and treatment in a State Hospital or other Mental Health facility?

25 Four, in your opinion, should the defendant be
26 committed to a State Hospital? Or to another Mental Health
27 facility?

28 And if your answer is to another Mental Health

1 facility, where? And under what financial arrangements?

2 This matter is referred to the Probation Department,
3 and the probation officer is ordered to investigate and file his
4 written report with the Court on or before the 29th day of --
5 or, the 30th day of, rather, August, upon the circumstances
6 surrounding the crime, the prior record and history of the
7 defendant, as required by Section 6306 of the Welfare and Insti-
8 tutions Code.

9 The probation officer is further ordered to furnish
10 a copy of his report to each of the psychiatrists appointed by
11 this Court; namely, Doctor Alvin Davis and Doctor Ronald Markman.

12 I now order that the initial Mentally Disordered
13 Sex Offender hearing be set in this Department on -- what date
14 did we select, gentlemen?

15 MR. GUNSON: September 20th.

16 MR. DALTON: September 20th, your Honor.

17 THE COURT: On September -- we will make it the 19th.
18 That will be a Monday. On September 19th, 1977.

19 The proceedings have now been concluded.
20
21
22
23
24
25
26
27
28

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
26
27
28

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES

DEPARTMENT NO. WEST D HON. LAURENCE J. RITTENBAND, JUDGE

THE PEOPLE OF THE STATE OF CALIFORNIA,)
)
) Plaintiff,)
)
) vs.) No. A-334139
)
ROMAN RAYMOND POLANSKI,)
)) REPORTER'S CERTIFICATE
) Defendant.)

STATE OF CALIFORNIA)
)) ss.
COUNTY OF LOS ANGELES)

I, ROGER K. WILLIAMS, Official Reporter of the Superior Court of the State of California, for the County of Los Angeles, do hereby certify that the foregoing is a true and correct transcript of all of the admonitions given and waivers and admissions taken at the time of the taking of the plea in the above-entitled cause.

Dated this 25th day of August, 1977.

s/s ROGER K. WILLIAMS , CSR
Official Reporter
Number C601

EXHIBIT B

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES
PROBATION OFFICER'S REPORT**

THE PEOPLE OF THE STATE OF CALIFORNIA, <p style="text-align: center;">Plaintiff</p> <p style="text-align: center;">vs.</p> ROMAN RAYMOND POLANSKI <p style="text-align: center;">Defendant</p>	DEPT. WEST "D" HEARING 9-19-77 C.I.I. NO. DPO GOLD	ATTY. DALTON D.A. NO. AREA OFFICE S.M.	JUDGE RITTENBAND COURT CASE NO. A334139 PROB. NO. X- 734992	
TRUE NAME SAME.	ADDRESS PERMANENT: 43 AVE. MONTAIGNE, PARIS, FRANCE LOCAL: CHATEAU MARMONT HOLLYWOOD, CALIFORNIA			
CHARGED WITH THE CRIME(S) OF CT. I, 11300(A) HRS (FURNISHING QUALUDES TO MINOR); CT. II, 288 P.C. (CHILD MOLESTING); CT. III, 261.5 P.C. (UNLAWFUL SEXUAL INTERCOURSE); CT. IV, 261.3 P.C. (RAPE BY USE OF DRUGS); CT. V, 288(A) P.C. ORAL COPULATION; CT. VI, 266 P.C. (SODOMY)				
CONVICTED OF THE CRIME(S) OF			BY (PLEA, CT. JURY)	DAYS IN JAIL THIS CASE
COUNT III, 261.5 P.C. (UNLAWFUL SEXUAL INTERCOURSE)			PLUA	0
COMPANION CASES NONE.		DISPOSITIONS		
PERSONAL HISTORY				
AGE 44	BIRTHDATE 5-18-33	RACE CAUCASIAN	FORMAL EDUCATION FILM SCHOOL GRADUATE	AGE LEFT SCHOOL 26
MARITAL STATUS WIDOWED	HOME INCLUDES SELF		NO. OF DEPENDENT 0	
OCCUPATION FILM DIRECTOR		INCOME PER MONTH VARIES	WHERE EMPLOYED VARIES	
HEALTH GOOD	CAME TO STATE 1967	CAME TO COUNTY 1967	BRANCH MILITARY SERVICE NONE.	KIND OF DISCHARGE
AS SUPPLIED BY				

1 (AS SUPPLIED BY THE DEFENDANT AND SUBSTANTIATED
2 IN PART BY INTERESTED PARTIES.)
3
4 DEFENDANT, THE ONLY CHILD FROM THE MARRIAGE OF
5 POLISH NATIONAL RISZARD POLANSKI AND RUSSIAN NATIONAL DULA KATZ,
6 WAS BORN IN PARIS, FRANCE, MOVING WITH HIS PARENTS FROM FRANCE
7 TO KRAKOV, POLAND WHEN DEFENDANT WAS THREE YEARS OLD. DEFENDANT'S
8 FATHER, A RETIRED ARTISAN, LIVES WITH HIS SECOND WIFE, WALCY
9 ZAJCEZKOWKA, IN KRAKOV; DEFENDANT'S MOTHER WAS KILLED IN
10 AUSCHWITZ CONCENTRATION CAMP SOME TIME BETWEEN 1941 AND 1945.
11 DEFENDANT'S OLDER HALF-SISTER FROM HIS MOTHER'S FIRST MARRIAGE
12 IS A HOUSEWIFE LIVING IN PARIS. DEFENDANT MAINTAINS PERMANENT
RESIDENCE IN A PARIS APARTMENT BUT ALSO MAINTAINS RESIDENCE AT

1 A HOME HE IS PURCHASING IN LONDON. PENDING THE CURRENT COURT
2 APPEARANCE DEFENDANT IS LIVING, ON A TEMPORARY BASIS, AT THE
3 CHATEAU MARMONT IN HOLLYWOOD.

4 DEFENDANT COMPLETED ONLY ONE WEEK OF FORMAL
5 EDUCATION IN KRAKOW WITH THE ONSET OF WORLD WAR 2. OF JEWISH
6 DESCENT, DEFENDANT AND HIS FAMILY WERE INTERNED IN THE KRAKOW
7 GHETTO. THE GHETTO AREA WAS SECURED BY BARBED WIRE AND DEFENDANT
8 TELLS OF HIS MANY TEMPORARY ESCAPES TO ROAM THE CITY AND SEEK
9 OCCASIONAL EMPLOYMENT SUCH AS SELLING NEWSPAPERS. DURING ONE
10 OF HIS BRIEF ABSENCES FROM THE GHETTO IN 1941, THE MOTHER WAS
11 TAKEN TO AUSCHWITZ, DEFENDANT NEVER SEEING HER AGAIN.

12 THE BOUNDARIES OF THE GHETTO BECAME PROGRESSIVELY
13 SMALLER AS THE POPULATION WAS DEPLETED. ON THE NIGHT PRIOR TO
14 THE FINAL EVACUATION OF THE GHETTO POPULATION TO AUSCHWITZ AND
15 OTHER CONCENTRATION CAMPS, THE DEFENDANT'S FATHER CUT THE WIRES
16 PERMITTING THE DEFENDANT TO ESCAPE, DEFENDANT GOING BY
17 PRE-ARRANGEMENT TO A POLISH FAMILY TO WHICH THE FATHER HAD EARLIER
18 SUPPLIED MONEY FOR THE DEFENDANT'S CARE. HE THEN WENT TO A
19 SECOND FAMILY WHERE THE ALCOHOLIC WIFE SPENT MONEY THAT HAD BEEN
20 LEFT FOR DEFENDANT'S CARE, DEFENDANT THEN GOING TO LIVE WITH A
21 POLISH PEASANT FAMILY IN THE COUNTRYSIDE AN HOUR'S DRIVE FROM
22 KRAKOW.

23 RETURNING TO THE CITY AFTER THE WAR, DEFENDANT
24 WAS WALKING DOWN A KRAKOW STREET WHEN HE MET HIS UNCLE WHO HAD
25 JUST BEEN RELEASED FROM A CONCENTRATION CAMP. A FAMILY REUNION
26 FOLLOWED, THE FATHER HAVING BEEN RELEASED FROM MATHAUSEN CONCENTRATION
27 CAMP IN AUSTRIA. INITIALLY, THE DEFENDANT, HIS UNCLE, AND OTHER
28 FRIENDS AND RELATIVES LIVED TWENTY TO A ROOM IN KRAKOW. DEFENDANT'S
29

1 FATHER THEN RE-MARRIED. AS DEFENDANT AND HIS NEW STEPMOTHER
2 DID NOT GET ALONG WITH EACH OTHER, DEFENDANT WAS BOARDED WITH
3 ANOTHER POLISH FAMILY IN KRAKOW.

4 DEFENDANT'S UNCLE PROVIDED A TUTOR FOR THE
5 DEFENDANT WHOSE EDUCATION PROGRESSED TO THE FIFTH GRADE LEVEL,
6 DEFENDANT THEN ENTERING A TECHNICAL SCHOOL ON THE FATHER'S
7 INSISTANCE. "I WAS ALREADY INTERESTED IN CINEMA. BUT MY FATHER
8 BELIEVED I SHOULD HAVE A SOUND EDUCATION. I WENT TO A MINING
9 LYCEE. I STUDIED MOSTLY ELECTRONICS EXCEPT FOR DRAWING. I WAS
10 RELEASED WITH THE HELP OF A TEACHER. I WENT TO AN ART SCHOOL."
11 HOWEVER, DEFENDANT COULD NOT CONTINUE IN ADVANCED ART STUDIES
12 BECAUSE OF HIS JEWISH ORIGINS.

13 EMPLOYMENT BEGAN WHILE DEFENDANT WAS IN THE
14 ELECTRONICS SCHOOL WITH OCCASIONAL JOBS IN KRAKOW RADIO AND
15 THEATER AS A CHILD ACTOR.

16 THE PERIOD THAT FOLLOVED WAS DESCRIBED BY
17 DEFENDANT AS ONE OF THE DARKEST PERIODS OF HIS LIFE. HE WANTED
18 TO PURSUE A CAREER IN ART OR IN CINEMA, AND, AT THE SAME TIME,
19 AVOID CONSCRIPTION. HE WAS REPEATEDLY REJECTED FROM ADVANCED
20 STUDIES BECAUSE OF HIS RELIGIOUS ORIGINS AND, AT ONE TIME, DECIDED
21 TO ENTER A CIRCUS SCHOOL WHICH, HOWEVER, WAS REJECTED BY THE
22 CONSCRIPTION BOARD AS INADEQUATE FOR MILITARY EXEMPTION.

23 THE FATHER BECAME FURIOUS WITH THE DEFENDANT AT
24 THIS PERIOD IN HIS LIFE, REFUSING HIM FINANCIAL ASSISTANCE WHEN
25 DEFENDANT INDICATED THAT HE COULD OBTAIN A JOB IN A MOVIE BEING
26 FILMED IN WARSAW, TELLING THE DEFENDANT THAT HE WAS LYING REGARDING
27 THE PROSPECTIVE EMPLOYMENT. HOWEVER, DEFENDANT MANAGED TO GET
28 TO WARSAW, COMPLETE THE ROLE IN THE FILM, THEN BEING RECOMMENDED
29

1 BY A FORMER PROFESSOR TO THE POLISH NATIONAL FILM SCHOOL IN
2 LODZ. HE ATTENDED THE FILM SCHOOL FOR FIVE YEARS, HIS GRADUATION
3 PROJECT BEING "KNIFE IN THE WATER," WHICH ATTAINED INTERNATIONAL
4 RECOGNITION FOR THE DEFENDANT.

5 DEFENDANT, WITH HIS NEW INTERNATIONAL ACCLAIM,
6 THEN LEFT POLAND ESTABLISHING RESIDENCE IN BOTH PARIS AND IN
7 LONDON, EVENTUALLY COMING TO THIS COUNTRY IN 1967 TO DIRECT
8 "ROSEMARY'S BABY."

9 THE FIRST OF DEFENDANT'S TWO MARRIAGES WAS TO
10 BARBARA KWIATOWSKA IN LODZ IN 1959. THEY SEPARATED IN 1961,
11 DIVORCE FINAL IN 1962. THERE WERE NO CHILDREN FROM THE MARRIAGE.
12 REGARDING THE SEPARATION DEFENDANT STATED, "SHE LEFT ME." HIS
13 EX-WIFE, AN ACTRESS, IS NOW LIVING IN GERMANY. DEFENDANT'S SECOND
14 MARRIAGE WAS TO ACTRESS SHARON TATE IN LONDON IN 1967, HIS WIFE,
15 PREGNANT WITH THE DEFENDANT'S CHILD, KILLED BY MEMBERS OF THE
16 MANSION GANG IN LOS ANGELES IN THE WELL-DOCUMENTED CASE IN 1968.

17 DEFENDANT'S INCOME VARIES FROM YEAR TO YEAR.
18 HE ESTIMATES HIS 1976 GROSS AS \$60,000. ASSETS, OTHER THAN HIS
19 PERSONAL EFFECTS, INCLUDE HIS LONDON HOME VALUED AT \$70,000 WITH
20 A \$10,000 MORTGAGE AND PAYMENTS INCLUDING TAXES OF \$5,000 PER
21 YEAR.

22 DEFENDANT, OF ABOVE-AVERAGE INTELLIGENCE, IS
23 IN GOOD HEALTH. MAJOR HEALTH DIFFICULTIES IN THE PAST HAVE
24 INCLUDED AN ASSAULT AND AN AUTOMOBILE ACCIDENT BOTH REQUIRING
25 EXTENSIVE HOSPITALIZATION AFTER FRACTURING OF THE SKULL. REGARDING
26 THE FORMER, WHEN DEFENDANT WAS 16 YEARS OLD, HE ARRANGED TO MEET
27 A 21 YEAR OLD KRAKOW MAN IN A BUNKER REGARDING THE PURCHASE OF
28 BICYCLE PARTS. WHILE IN THE BUNKER THE MAN STRUCK DEFENDANT
29 REPEATEDLY ON THE HEAD, THEN STEALING HIS MONEY AND HIS WATCH,

1 FLEEING FROM THE BUNKER HE WAS CAPTURED NEARBY. THE MAN WAS
2 SUBSEQUENTLY CONVICTED OF THREE PRIOR MURDERS AND EXECUTED.
3 REGARDING THE LATTER, WHILE DEFENDANT WAS IN FILM SCHOOL AT LODZ,
4 HE WAS A PASSENGER IN A CAR THAT CRASHED IN A FOREST, DEFENDANT'S
5 SKULL AGAIN BEING FRACTURED AND DEFENDANT HOSPITALIZED FOR AN
6 EXTENDED PERIOD. ALTHOUGH DEFENDANT HAS BEEN UNDER ABNORMAL
7 PERIODS OF STRESS THROUGHOUT HIS LIFE, HE HAS NEVER SOUGHT
8 PSYCHIATRIC OR OTHER PROFESSIONAL ASSISTANCE, IMPLYING THAT ANY
9 PSYCHIATRIC CARE COULD, CONCEIVABLY, INTERFERE WITH THE CREATIVE
10 PROCESS.

11 THERE IS NO CURRENT RELIGIOUS AFFILIATION.

12 - DEFENDANT, BORN IN THE JEWISH FAITH, WAS RAISED IN THE ROMAN
13 CATHOLIC FAITH, SUBSEQUENTLY EMBRACING AND THEN RENOUNCING
14 COISUNISM AS A SUBSTITUTE FAITH - AS A TEENAGER IN POSTWAR
15 KRAKOW HE HAD BEEN "OVERWHELMED BY SOVIETS WHO BROUGHT ME FREEDOM."
16 SIGNIFICANTLY, DEFENDANT DISILLUSIONED BY THE EASTERN POLITICAL
17 SYSTEM, RETURNED TO KRAKOW ONLY IN 1976 AFTER 15 YEARS ABSENCE
18 TO VISIT HIS ELDERLY FATHER.

19
20 LEISURE TIME ACTIVITIES INCLUDES SKIING, FENCING,
21 AND "ALL KINDS OF SPORTS."

22 NARCOTICS AND INTOXICANTS:

23 DEFENDANT ADMITS USE OF MARIJUANA SINCE 1967,
24 INDICATING THAT HE AVERAGED, AT THE MOST, ONE MARIJUANA CIGARETTE
25 PER WEEK. HE ALSO STATES THAT HE EXPERIMENTED ON ONE OCCASION
26 WITH COCAINE. HE HAS HAD 150 MILLIGRAM QUAALUDES LEGALLY PRESCRIBED
27 FOR HIM BY HIS PHYSICIAN BECAUSE OF EXCESSIVE FATIGUE FROM JET
28 TRAVEL. HE DENIES THE USE OF ALL OTHER DRUGS AND NARCOTICS AND
29 DESCRIBES HIMSELF AS A SOCIAL DRINKER.

1 ARREST RECORD:

2 SOURCE OF INFORMATION:

3 LAPD, LACO.

4 THERE IS NO RECORD OF LOCAL ARREST PRIOR TO
5 THAT FOR THE PRESENT OFFENSE. CII CLEARANCE HAS NOT BEEN
6 RECEIVED BY THE DATE OF THIS DICTATION; HOWEVER, THE ARRESTING
7 LOS ANGELES POLICE DEPARTMENT OFFICER HAS INDICATED TO THE
8 PROBATION OFFICER THAT INITIAL CII CHECK INDICATED NO PRIOR
9 ARREST RECORD.

10 ON AUGUST 10, 1977 THE DISTRICT ATTORNEY'S
11 OFFICE REJECTED A COMPLAINT ALLEGING GRAND THEFT PROPERTY,
12 MISDEMEANOR ASSAULT AND BATTERY. DEFENDANT HAD VISITED THE
13 GRAVE OF HIS WIFE, SHARON TATE, IN CULVER CITY ON THE ANNIVERSARY
14 OF HER DEATH. WHILE AT THE GRAVE SITE, DEFENDANT WAS AWARE THAT
15 MOTION PICTURES WERE BEING TAKEN, SUBSEQUENTLY DISCOVERING A
16 GERMAN PHOTOGRAPHER BEHIND THE NEARBY BUSHES. APPARENTLY ANGERED,
17 DEFENDANT TOOK THE CAMERA FROM THE COMPLAINANT, MAKING AN EFFORT
18 TO REMOVE THE FILM; UNABLE TO DO SO, HE TOOK THE CAMERA TO THE
19 CEMETARY OFFICE. THE CULVER CITY POLICE DEPARTMENT WAS NOTIFIED,
20 AND THE CAMERA, VALUED AT \$1500, WAS RETURNED TO THE COMPLAINANT
21 THAT NIGHT. THE DISTRICT ATTORNEY'S REJECTION INDICATED THAT
22 DEFENDANT HAD TAKEN THE CAMERA TO PROTECT HIS RIGHT OF PRIVACY
23 WITHOUT ANY INTENT TO PERMANENTLY DEPRIVE THE OWNER OF HIS PROPERTY;
24 THE MISDEMEANOR CHARGES OF ASSAULT AND BATTERY WERE ALSO REJECTED
25 IN THAT THERE WAS NO EVIDENCE THAT THE ALLEGED VICTIM SUFFERED
26 ANY INJURIES AND THAT THE TOUCHING OF THE ALLEGED VICTIM WAS
27 INCIDENTAL TO THE DEFENDANT'S EFFORTS TO PROTECT HIS RIGHT OF
28 PRIVACY.
29

1 PRESENT OFFENSE:

2 DEFENDANT WAS ARRESTED AT 9500 WILSHIRE, BEVERLY
3 HILLS, ON MARCH 11, 1977 AT 8:00 P.M. BY MEMBERS OF THE LOS
4 ANGELES POLICE DEPARTMENT AND BOOKED ON SUSPICION OF 261.5 P.C.
5 (UNLAWFUL SEXUAL INTERCOURSE). AS A RESULT OF A GRAND JURY
6 INDICTMENT DEFENDANT WAS HELD TO ANSWER TO CHARGES OF COUNT I,
7 11380(A) P.S. (FURNISHING QUAAALUDES TO MINOR), COUNT II, 268 P.C.
8 (CHILD MOLESTING), CT. III, 261.5 P.C. (UNLAWFUL SEXUAL INTERCOURSE),
9 COUNT IV, 261.3 P.C. (RAPE BY USE OF DRUGS), COUNT V, 288(R) P.C.
10 (ORAL COPULATION), AND COUNT VI, 286 P.C. (SODOMY). ON AUGUST 8,
11 1977, DEPARTMENT WEST "D" DEFENDANT WAS CONVICTED BY PLEA OF
12 COURT III, 261.5 P.C. (UNLAWFUL SEXUAL INTERCOURSE), CRIMINAL
13 PROCEEDINGS ADJOURNED, MENTALLY DISORDERED SEX OFFENDER PROCEEDINGS
14 INITIATED, MATTER BEING CONTINUED TO THE PRESENT DATE FOR PROBATION
15 AND SENTENCE HEARING.

16 THE MATERIAL FACTS OF THE PRESENT OFFENSE APPEAR
17 TO BE AS FOLLOWS:

18 IN THE LATE AFTERNOON HOURS OF MARCH 10, 1977,
19 ACCORDING TO THE 13 YERR OLD FEMALE VICTIM, THE DEFENDANT TOOK
20 HER TO THE HOME OF ACTOR JACK NICHOLSON, 12350 NULHOLLAND DRIVE,
21 TO TAKE PICTURES OF THE MINOR FOR THE FRENCH EDITION OF VOGUE
22 MAGAZINE. WHILE AT THE RESIDENCE THE DEFENDANT FURNISHED
23 CHAMPAGNE AND, AS ALLEGED IN COUNT I, QUAAALUDES TO THE MINOR,
24 AND, AS ALLEGED IN COUNT V, PERFORMED CUNNILINGUS ON HER, ACCOMPLISHED
25 AN ACT OF SEXUAL INTERCOURSE, AND, AS ALLEGED IN COUNT VI, PERFORMED
26 AN ACT OF ANAL INTERCOURSE.

27 THE MINOR, WHOSE 14TH BIRTHDAY WAS NOT TO OCCUR
28 UNTIL TWO WEEKS AFTER THE COMMISSION OF THE PRESENT OFFENSE, HAD
29

1 BEEN RECOMMENDED TO THE DEFENDANT AS A POSSIBLE PHOTOGRAPHIC
2 MODEL BY DEFENDANT'S FRIEND, HENRI SERA (WHO WAS ALSO THE
3 BOYFRIEND OF DEFENDANT'S OLDER SISTER), WHEN THE DEFENDANT
4 INQUIRED OF HIM REGARDING A MODEL FOR A PROPOSED SERIES OF
5 PHOTOGRAPHIC ARTICLES DEFENDANT HAD BEEN SCHEDULED TO DO FOR
6 THE FRENCH EDITION OF VOGUE. DEFENDANT THEN WENT TO THE VICTIM'S
7 HOME AND SHOWED HER AND HER MOTHER AN EDITION OF FRENCH VOGUE
8 WHICH INCLUDED PICTURES THAT HE HAD TAKEN FOR THAT ISSUE AND
9 PREVIOUSLY. THE MOTHER SUBSEQUENTLY TESTIFIED AT THE GRAND
10 JURY HEARING THAT SHE INDICATED TO THE DEFENDANT THE AGE OF HER
11 DAUGHTER. "I REMEMBER BECAUSE I THOUGHT SHE WAS TOO OLD. I
12 THOUGHT HE MIGHT WANT YOUNGER GIRL."

13 IN THE LATE AFTERNOON OF FEBRUARY 20, 1977,
14 DEFENDANT RETURNED TO THE VICTIM'S HOME WHERE, WITH THE ASSISTANCE
15 OF HER MOTHER, HE CHOSE CLOTHES FOR A MODELING SESSION WHICH
16 SUBSEQUENTLY OCCURRED IN THE HILLS IN BACK OF THEIR WOODLAND
17 HILLS RESIDENCE. DEFENDANT THEN TOOK PICTURES OF THE VICTIM
18 WITH AND WITHOUT A TOP IN THE MODELING SESSION. THE VICTIM'S
19 MOTHER DID NOT ACCOMPANY THE DEFENDANT AND THE VICTIM TO THE
20 PHOTOGRAPHIC SESSION.

21 ON MARCH 10, 1977, THE DATE OF THE PRESENT
22 OFFENSE, THE DEFENDANT RETURNED TO THE VICTIM'S HOME TO PICK
23 HER UP FOR A SECOND MODELING SESSION, ONCE AGAIN THE MOTHER
24 REMAINING AT HOME, THE VICTIM GOING WITH THE DEFENDANT TO A
25 BENEDICT CANYON RESIDENCE. THERE WERE SEVERAL PEOPLE AT THE
26 RESIDENCE AS DEFENDANT TOOK PICTURES OF THE VICTIM UNTIL THE
27 LIGHT BEGAN TO DIM. THEY THEN PROCEEDED TO THE NEARBY MULHOLLAND
28 DRIVE RESIDENCE OF JACK NICHOLSON.
29

1 AT THE NICHOLSON RESIDENCE THEY WERE MET BY
2 A NEIGHBOR, HELENA KALLINIAOTES, WHO SERVES AS A CARETAKER FOR
3 THE NICHOLSON RESIDENCE AND FOR THE RESIDENCE OF MARLON BRANDO,
4 ALL THREE HOUSES SHARING A COMPOUND ON MULHOLLAND DRIVE. WITH
5 THE PERMISSION OF MRS. KALLINIAOTES DEFENDANT THEN OPENED A
6 BOTTLE OF CHAMPAGNE WHICH HE, THE VICTIM, AND MRS. KALLINIAOTES
7 SHARED. MRS. KALLINIAOTES LEFT THE HOME SHORTLY THEREAFTER
8 WHEN DEFENDANT BEGAN TAKING PICTURES OF THE VICTIM.

9 AGAIN, PICTURES WITH AND WITHOUT TOP WERE TAKEN.
10 THE VICTIM THEN CALLED HER MOTHER, TELLING HER THAT THEY WERE AT
11 THE NICHOLSON RESIDENCE. THE VICTIM TESTIFIED AT THE GRAND JURY
12 HEARING, "SHE GOES, 'ARE YOU ALL RIGHT?' I WENT, 'UP-HUH.' AND
13 SHE SAYS, 'YOU WANT ME TO COME PICK YOU UP?' AND I WENT, 'NO.'"

14 THEN, ACCORDING TO THE VICTIM, DEFENDANT AND
15 VICTIM ENTERED THE BATHROOM. ". . . HE WALKED IN BEFORE ME.
16 WHEN I WALKED IN HE HAD THE CONTAINER. AND HE HAD A PILL BROKEN
17 INTO THREE PARTS. AND HE SAID, 'IS THIS A QUAAJUDE?' AND I WENT,
18 'YES.' AND HE SAYS, 'OH, DO YOU THINK I WILL BE ABLE TO DRIVE
19 IF I TAKE IT?'. . . HE GOES, 'WELL, I GUESS I WILL,' AND HE TOOK
20 IT. AND HE SAYS, 'DO YOU WANT PART?' AND I WENT 'NO.'. . . OH,
21 AT THAT TIME I WENT, 'O.K.' BECAUSE - I DON'T KNOW."

22 VICTIM DEFENDANT WAS QUESTIONED AT THE GRAND JURY
23 HEARING AS TO THE AMOUNT OF CHAMPAGNE. SHE STATED, "I TOLD YOU
24 I DON'T KNOW HOW MUCH BECAUSE I WAS DRINKING SOME OF HIS, TOO.
25 I JUST KEPT - I JUST KEPT DRINKING IT FOR PICTURES AND, YOU KNOW."
26 SHE ALSO TESTIFIED THAT AT THE AGE OF TEN OR ELEVEN SHE HAD ONCE
27 EXPERIMENTED WITH A QUAAJUDE.

28 SUBSEQUENTLY, THE VICTIM ENTERED THE JACUZZI
29

1 WHERE DEFENDANT TOOK NUDE PHOTOGRAPHS OF HER. APPARENTLY
2 APPREHENSIVE AT THIS TIME, THE VICTIM INDICATED TO THE DEFENDANT
3 THAT SHE WISHED TO GET OUT OF THE JACUZZI AS SHE HAD ASTHMA.
4 SUBSEQUENTLY, DEFENDANT INDICATED TO THE DEFENDANT THAT SHE
5 WISHED TO RETURN HOME TO TAKE HER ASTHMA MEDICINE. "HE TOLD
6 ME TO GO IN THE OTHER ROOM AND LIE DOWN."

7 DEFENDANT THEN ENTERED THE BEDROOM WHERE THE
8 VICTIM WAS RESTING AND BEGAN TO KISS HER. HE THEN, ALLEGEDLY,
9 ACCOMPLISHED AN ACT OF CUNILINGUS. ^{Victim} ~~DEFENDANT~~ TESTIFIED, "I
10 CAN BARELY REMEMBER ANYTHING THAT HAPPENED. . . I WAS KIND OF
11 DIZZY, YOU KNOW, LIKE THINGS WERE KIND OF BLURRY SOMETIMES. . ."

12 DEFENDANT THEN ACCOMPLISHED AN ACT OF SEXUAL
13 INTERCOURSE WITH THE VICTIM. DURING THE ACT, HE QUESTIONED HER
14 AS TO WHETHER SHE WAS USING BIRTH CONTROL PILLS AND, ADDITIONALLY,
15 QUESTIONED HER AS TO THE TIME OF HER LAST MENSTRUAL PERIOD.
16 DEFENDANT WAS QUESTIONED AT THE GRAND JURY HEARING AS TO HOW
17 LONG DEFENDANT'S PENIS WAS IN HER VAGINA. SHE ANSWERED, "I CAN'T
18 REMEMBER HOW LONG, BUT NOT A VERY LONG TIME." SHE THEN INDICATED
19 THAT, ON TWO PREVIOUS OCCASIONS SHE HAD HAD ACTS OF SEXUAL
20 INTERCOURSE. DEFENDANT THEN WITHDREW, APPARENTLY BEFORE
21 EJACULATION.

22 DEFENDANT THEN, ALLEGEDLY, PERFORMED AN ACT OF
23 ANAL INTERCOURSE.

24 SHORTLY THEREAFTER, NICHOLSON'S FRIEND, ANJELICA
25 HUSTON, ENTERED THE RESIDENCE, KNOCKING ON THE BEDROOM DOOR,
26 STATING, "ROMAN, ARE YOU IN THERE?"

27 THE DEFENDANT WENT TO THE DOOR, TALKED BRIEFLY
28 WITH MISS HUSTON, THEN RETURNED TO THE VICTIM AND THEN AGAIN
29

1 ATTEMPTED AN ACT OF INTERCOURSE.

2 THE TWO EXITED THE BEDROOM, TALKED WITH MISS
3 HUSTON FOR A WHILE, THEN RETURNING TO THE VICTIM'S HOME, THE
4 VICTIM INDICATING ONLY TO THE MOTHER, "IF HE SAYS ANYTHING
5 ABOUT ASTHMA, I TOLD HIM I HAD ASTHMA."

6 THE MOTHER THEN EXAMINED THE PHOTOGRAPHS THAT
7 HAD BEEN AT THE FIRST SESSION, AND, FOR THE FIRST TIME, DISCOVERED
8 THE TOPLESS PHOTOGRAPHS OF HER DAUGHTER HAD BEEN TAKEN. AS A
9 RESULT, SHE REFUSED TO SIGN A RELEASE FOR THEM.

10 LATER THAT NIGHT, THE VICTIM'S 17 YEAR-OLD
11 ~~BOYFRIEND ARRIVED AT THE HOME, AND A CONVERSATION BETWEEN THE~~
12 VICTIM AND THE BOYFRIEND WAS OVERHEARD BY THE FAMILY, THE VICTIM
13 TELLING THE BOYFRIEND THE DETAILS OF THE PRESENT OFFENSE.

14 THE MOTHER TESTIFIED AT THE GRAND JURY HEARING,
15 "I DON'T REMEMBER IF SHE SAID ANYTHING TO ME THEN, BECAUSE I
16 CALLED MY ACCOUNTANT - BECAUSE I DON'T HAVE A LAWYER - TO SUGGEST
17 A LAWYER BECAUSE I WANTED TO CALL A LAWYER FIRST. . . I CALLED
18 THE LAWYER. HE WASN'T HOME. SO THEN I CALLED THE POLICE BECAUSE
19 THE ACCOUNTANT SAID, 'YOU HAVE TO CALL THE POLICE RIGHT AWAY.'"

20 THE POLICE THEN ARRIVED AT THE VICTIM'S RESIDENCE,
21 TRANSPORTING HER TO PARKWOOD HOSPITAL FOR MEDICAL EXAMINATION.
22 THE MEDICAL REPORT INDICATED IN PART, ". . . PATIENT HAS HAD
23 TWO PRIOR SEXUAL EXPERIENCES. THE LAST ONE TWO WEEKS AGO.
24 STATES THAT ORAL SEX WAS PERFORMED ON HER FOLLOWED BY VAGINAL
25 PENETRATION AND THEN HER MALE ASSAILANT PENETRATED HER RECTALLY
26 AND CLIMAXED IN HER RECTUM. . . NO BLOOD ON CLOTHING, PANTIES
27 OR PERINEUM. . . FULL SPECULUM EXAMINATION DONE WITH EASE,
28 EXAMINED HER WITHOUT PROBLEMS - ADULT FEMALE. . . ANAL EXAMINATION:
29

1 THERE ARE NO PERI ANAL HEMATOMA LACERATIONS OR BLOOD. . . NO
2 TRAUMATIC ACUTE FISSURES SEEN. . . NO SPHINCTER TEAR. . . NO
3 EVIDENCE OF FORCE ENTRY AND THE EXAMINATION WAS NORMAL. VAGINAL
4 AND ANAL SLIDES WERE TAKEN WHICH, ACCORDING TO THE LOS ANGELES
5 POLICE DEPARTMENT CRIMINALIST WERE NEGATIVE, WER TESTED NEGATIVE
6 FOR SEMEN. THE GIRL'S PANTIES WERE CHEMICALLY ANALYZED AND WERE
7 POSITIVE FOR ACID PHOSPHATASE AND, AS CRIMINALIST SUBSEQUENTLY
8 TESTIFIED, "TEST STRONGLY INDICATES SEMEN."

9 AFTER A SEARCH WARRANT WAS OBTAINED, DEFENDANT
10 WAS ARRESTED IN THE LOBBY OF THE BEVERLY WILSHIRE HOTEL ON
11 MARCH 11, 1977, FILM CONFISCATED, THE OFFICERS FINDING PRESCRIBED
12 QUAALUDES OF 150 MILLIGRAMS STRENGTH IN DEFENDANT'S ROOM. EN
13 ROUTE TO THE ROOM, DEFENDANT WAS APPARENTLY ATTEMPTING TO DISPOSE
14 OF A 500 MILLIGRAM QUAALUDE TABLET WHICH WAS THEN RECOVERED BY
15 THE ARRESTING OFFICER. IT IS TO BE NOTED THAT THE PORTION OF
16 THE QUAALUDE THAT THE VICTIM TOOK AT THE NICHOLSON RESIDENCE
17 WAS ALSO 500 MILLIGRAM STRENGTH.

18 THE POLICE INTERVIEWED WITNESS, HELEN KALLINIOTES,
19 WHO VERIFIED THAT SHE HAD BEEN PRESENT AT THE NICHOLSON RESIDENCE
20 WHEN THE DEFENDANT AND THE VICTIM ARRIVED. THE POLICE REPORT
21 INDICATES IN PART, ". . . ROMAN, THE GIRL AND HERSELF THEN
22 WENT INTO THE KITCHEN AREA OF THE HOUSE WHERE MR. POLANSKI ASKED
23 FOR SOMETHING TO DRINK. HE WAS DIRECTED TO A REFRIGERATOR WHERE
24 HE FOUND A BOTTLE OF CHAMPAGNE AND ASKED IF HE COULD OPEN THIS
25 BOTTLE. . . KALLINIOTES STATED SHE THEN REMOVED SOME LONG STEMMED
26 WINE GLASSES FOR THE CHAMPAGNE. MR. POLANSKI AND WITNESS
27 KALLINIOTES Poured SOME CHAMPAGNE FOR THEMSELVES, BUT THE WITNESS
28 DID NOT SEE THE VICTIM TAKE OR DRINK ANY OF THE CHAMPAGNE. THE
29

1 WITNESS STATED THAT SHE ONLY LOOKED AT THE GIRL ONE TIME AND
2 THOUGHT THAT SHE WAS APPROXIMATELY 10 YEARS OLD AND FELT SHE
3 WAS A GIRL TRYING TO GET INTO THE MOVIES. SHE ALSO STATED
4 THAT MR. POLANSKI AND THE GIRL ACTED AS IF THEY WERE LOVERS. . ."

5 WITNESS ANGELICA HUSTON INDICATED IN A
6 DEPOSITION THAT SHE RETURNED HOME TO THE NICHOLSON RESIDENCE,
7 REALIZED THAT SOMEONE ELSE WAS IN THE HOME, CALLING MISS KALLINIOTES
8 WHO VERIFIED THAT THE DEFENDANT AND THE VICTIM WERE IN THE HOME.
9 "I WASN'T THRILLED ABOUT IT. HE WASN'T IN THE HABIT OF, YOU KNOW,
10 COMING OVER WITHOUT, YOU KNOW, PEOPLE AREN'T IN THE HABIT OF
11 COMING OVER WITHOUT MY KNOWING. . ." REGARDING THE APPEARANCE
12 OF THE VICTIM MISS HUSTON STATED, "SHE DIDN'T APPEAR TO BE —
13 DISTRESSED. SHE WAS BREATHING HIGH IN HER THROAT WHEN SHE CAME
14 OUT. . . SHE SEEMED SULLEN, WHICH I THOUGHT WAS A LITTLE RUDE."
15 REGARDING HER LAST PRIOR CONTACT WITH THE DEFENDANT, THE PREVIOUS
16 DAY, SHE STATED, "JACK HAD GONE TO COLORADO. AND ROMAN WANTED
17 TO GIVE JACK SOME MAGAZINES THAT HE THOUGHT WERE FUNNY, MARIJUANA
18 MONTHLY MAGAZINE, OR SOMETHING LIKE THAT. . ." (AS INDICATED
19 BELOW, THESE WERE MAGAZINES THAT HAD BEEN GIVEN TO THE DEFENDANT
20 FOR NICHOLSON BY THE BOYFRIEND OF THE VICTIM'S MOTHER.) UPON
21 QUESTIONING, MISS HUSTON INDICATED THAT SHE WAS NEVER AWARE THAT
22 THE DEFENDANT HAD GONE OUT WITH OTHER GIRLS "13 OR 14 OR YOUNGER
23 THAN 13." QUESTIONED AS TO HOW OLD THE VICTIM APPEARED TO HER,
24 MISS HUSTON STATED, "SHE APPEARED TO BE ONE OF THOSE KIND OF
25 LITTLE CHICKS BETWEEN — COULD BE BETWEEN ANY AGE UP TO 25. . .
26 YOU KNOW, SHE DID NOT LOOK LIKE A 13 YEAR-OLD LITTLE SCARED THING,
27 YOU KNOW. SHE SEEMED QUITE TALL TO ME. . . SHE SEEMED PRETTY
28 WELL DEVELOPED GIRL. I WOULD HAVE NOT THOUGHT THAT SHE WAS 13.
29

1 . . . I WOULD SAY ANYWHERE, YOU KNOW, BETWEEN 18, AROUND THAT
2 AGE, UP, LATE TEENS SHE LOOKED TO ME." QUESTIONED AS TO WHETHER
3 SHE HAD AN OPINION ON "WHAT HAPPENED THERE," MISS HUSTON
4 ANSWERED, "I FEEL THAT ROMAN BASICALLY - I DON'T FEEL BASICALLY
5 THAT HE WOULD SODOMIZE, FORCIBLY SODOMIZE AND RAPE AN UNWILLING
6 GIRL. I DON'T FEEL THAT ABOUT HIM. . . I HAVE SEEN HIM AS A
7 MAN WITH COMPASSION, NOT A MAN WHO WOULD FORCIBLY HURT ANOTHER
8 PERSON. I REALLY DON'T. . . HE IS VERY OPINIONATED. AND HE
9 HAS A LOT OF - HE HAS A STRONG CHARACTER, BUT I DON'T THINK HE'S
10 A BAD MAN. . . I THINK HE'S AN UNHAPPY MAN. . ."

11 A REQUEST FOR A GRAND JURY HEARING WAS MADE
12 TO "AVOID A CIRCUS-LIKE ATMOSPHERE AND ALLOW THE CASE TO BE
13 PRESENTED WITH APPROPRIATE DIGNITY AND CONCERN FOR THE WITNESSES."

14 ATTORNEY FOR THE VICTIM AND HER MOTHER HAS
15 WRITTEN TO THE COURT INDICATING IN PART, ". . . I UNDERSTAND
16 THAT MR. POLANSKI WILL PLEAD GUILTY TO SECTION 261.5 OF THE
17 PENAL CODE IN EXCHANGE FOR THE DROPPING OF THE REMAINING CHARGES.
18 I STRONGLY URGED THE DISTRICT ATTORNEY TO AGREE TO THIS PLEA
19 BARGAIN, AND IN TURN I URGE YOUR HONOR TO ACCEPT IT. . . MY
20 PRIMARY CONCERN IS THE PRESENT AND FUTURE WELL-BEING OF THIS
21 GIRL AND HER FAMILY. UP TO THIS POINT THE IDENTITY OF MY CLIENTS
22 HAS BEEN PROTECTED FROM PUBLIC DISCLOSURE EVINCING A LAUDABLE
23 EXERCISE OF RESTRAINT BY THE PRESS. YOUR HONOR HAS BEEN SENSITIVE
24 TO MY CLIENTS' RIGHT TO PRIVACY AND HAS PROTECTED AND WILL PROTECT
25 THOSE RIGHTS CONSISTENT WITH ARTICLE I, SECTION 1 OF CALIFORNIA'S
26 CONSTITUTION, AND THE PUBLIC POLICY EXPRESSED BY THE LEGISLATURE
27 IN ITS VARIOUS ENACTMENTS IN PROTECTION OF JUVENILES. OF COURSE,
28 IF THERE WERE A TRIAL IN THIS CASE, THE ANONYMITY OF MY CLIENTS
29

1 WOULD BE AT AN END. . . IN ALL CASES, BALANCES HAVE TO BE
2 STRUCK. IN THIS CASE, THE BALANCE THAT HAS TO BE EFFECTED
3 IS BETWEEN THE INTERESTS OF SOCIETY AS REPRESENTED BY THE
4 DISTRICT ATTORNEY, THE DEFENDANT, AND MY CLIENTS. . . MY VIEW,
5 BASED UPON ADVICE FROM EXPERTS, AND THE VIEW OF THE GIRLS' PARENTS
6 IS THAT SUCH A TRIAL MAY CAUSE SERIOUS DAMAGE TO HER. LONG
7 BEFORE I HAD MET ANY OTHER ATTORNEY IN THIS CASE, MY CLIENTS
8 INFORMED ME THAT THEIR GOAL IN PRESSING THE CHARGES DID NOT
9 INCLUDE SEEKING THE INCARCERATION OF THE DEFENDANT, BUT RATHER,
10 THE ADMISSION BY HIM OF WRONGDOING AND COMMENCEMENT BY HIM,
11 UNDER THE SUPERVISION OF THE COURT, OF A PROGRAM TO ENSURE
12 COMPLETE REHABILITATION. THE PLEA OF GUILTY BY THE DEFENDANT
13 IS CONTRITION SUFFICIENT FOR MY CLIENTS TO BELIEVE THAT GOAL
14 MAY BE ACHIEVABLE . . . A STICKA WOULD ATTACH TO HER FOR A
15 LIFE TIME. JUSTICE IS NOT MADE OF SUCH STUFF. . . THE PLEA IN
16 THIS CASE IS A DEPARTURE FROM THE GENERAL POLICY OF THE DISTRICT
17 ATTORNEY AND WAS ACCEPTED BY MR. VAN DE KAMP IN PART AT MY URGING
18 AFTER I LEARNED THAT SUCH A PLEA MIGHT BE TENDERED. THAT GENERAL
19 POLICY HAS SPECIFIC PROVISIONS APPLICABLE 'WHEN UNUSUAL OR
20 EXTRAORDINARY CIRCUMSTANCES DEMAND A DEPARTURE IN THE INTEREST
21 OF JUSTICE.' JUSTICE IN THIS CASE IS SERVED BY SUCH A DEPARTURE.
22 SENSITIVITY TO THE HARM WHICH MAY BE DONE TO THIS GIRL, TOGETHER
23 WITH A FAITHFUL FULFILLMENT OF THE PUBLIC POLICY OF PROTECTING
24 THE PRIVACY OF WOMEN VICTIMS OF CERTAIN SEXUAL OFFENSES, AS
25 RECENTLY ADVANCED BY OUR LEGISLATURE, LEAD ANY CARING PERSON
26 INELUCTABLY TO THE CONCLUSION THAT THIS PLEA SHOULD BE ACCEPTED."

27 DEFENDANT'S STATEMENT:

28 DEFENDANT'S WRITTEN STATEMENT HAS NOT BEEN
29 RECEIVED BY THE DATE OF THIS DICTATION.

1 DEFENDANT'S ATTORNEY WAS PRESENT WITH HIM IN
2 THE DISCUSSION OF THE PRESENT OFFENSE, THE SECOND OF THREE
3 INTERVIEWS HELD BY THE PROBATION OFFICER WITH THE DEFENDANT.
4 REGARDING THE PRESENT OFFENSE, DEFENDANT STATED, "I MET THE
5 GIRL THROUGH HER MOTHER. I FIRST MET THE MOTHER A YEAR BEFORE
6 AT A BAR -- "ON THE ROCKS" -- THROUGH A FRIEND, HENRI SERA. THE
7 MOTHER, WHO WAS AN ACTRESS, WAS TRYING TO GET ANOTHER AGENT.
8 SUBSEQUENTLY, I WAS TALKING TO HENRI REGARDING A PROJECT OF
9 PHOTOGRAPHING YOUNG GIRLS FOR VOGUE HOMME, A MEN'S MAGAZINE,
10 NOT THE FRENCH EDITION OF VOGUE. HENRI TOLD ME ABOUT THIS
11 GIRL, THAT I SHOULD PHOTOGRAPH THIS SISTER OF HIS GIRL FRIEND,
12 AND THEN HE TOLD THEM. WHEN I CAME HERE, I CALLED THE MOTHER
13 WHO WAS EXCITED. SHE KNEW ABOUT IT. I SAID I'D COME OVER TO
14 SEE THE GIRL. A FEW DAYS LATER I WENT THERE. I MET THE MOTHER,
15 HER BOYFRIEND, AND THE GIRL. WE TALKED ABOUT THIS. I SHOWED
16 THEM THE VOGUE IN WHICH I WAS FEATURED. I SAID I'D COME BACK
17 TO PHOTOGRAPH. THERE WERE SEVERAL TELEPHONE CALLS. I CAME TO
18 PHOTOGRAPH HER LATE IN THE AFTERNOON. I TOOK SOME PICTURES OF
19 HER. EARLIER WE SELECTED SOME GARMENTS. I ASKED HER TO CHANGE.
20 SHE TOOK OFF HER BLOUSE. THERE WAS NO EMBARRASSMENT. SO NEXT
21 TIME, I ASKED IF SHE WOULD POSE WITHOUT HER TOP. THERE WERE
22 MOTORCYCLISTS WATCHING, SO I ASKED HER TO PUT HER TOP ON. TOPLESS
23 PHOTOGRAPH IS ACCEPTABLE IN EUROPE. I DIDN'T REALIZE IT WAS
24 OBJECTIONABLE HERE. THE MOTHER WAS EXCEEDINGLY CORDIAL EACH
25 TIME I WAS IN THE HOUSE. HER BOYFRIEND WAS ALWAYS THERE WATCHING
26 THE TUBE. THEY ALL ASKED ME ABOUT JACK NICHOLSON. THE BOYFRIEND
27 WORKS FOR MARIJUANA MONTHLY. HE BROUGHT ME MAGAZINES FOR
28 NICHOLSON. HE SHOWED ME A HUSTLER MAGAZINE WHICH I HAD NEVER
29

1 SEEN BEFORE. THE GIRL NEVER SPOKE IN FRONT OF HER FAMILY.
2 SHE LATER SHOWED ME A WET SUIT COVER FROM PLAYBOY. WE
3 DISCUSSED HER POSSIBLE CAREER AS A MODEL. I DEVELOPED THE
4 PHOTOGRAPHS - THEY WEREN'T VERY GOOD. I LEFT FOR NEW YORK. A
5 FEW WEEKS LATER WE SET UP A NEW APPOINTMENT.

6 "I WAS TRYING TO FIND A NEW LOCATION. I FOUND
7 A PRETTY GOOD HOUSE THAT BELONGED TO VICTOR DREY. I WENT TO
8 THE GIRL'S HOUSE. I REMEMBER SEEING A PILE OF PILLOWS WITH
9 THE GURU'S PICTURE ALL SET UP AS AN ALTAR. WE WENT TO SUCH
10 GARMENTS. THE GIRL SAID SHE DIDN'T WANT HER MOTHER TO SEE THE
11 PHOTOGRAPHS. WE WENT TO VICTOR'S PLACE ON MULHOLLAND. HE WAS
12 THERE WITH SOME WRITERS. I REALIZED THE SUN WAS ALMOST GONE.
13 WE HURRIED WITH THE PICTURES. OTHERS ARRIVED. I REALIZED
14 JACK'S HOUSE WAS NEAR. I CALLED ANGELICA. SHE WASN'T THERE.
15 I TALKED TO HELENA AND TOLD HER I WANTED TO TAKE PICTURES AT
16 THE PLACE. IN THE CAR SHE MENTIONED SHE LIKED CHAMPAGNE. SHE
17 SAID SHE ONCE GOT DRUNK AT HER FATHER'S HOUSE. SHE WAS ALWAYS
18 EXTREMELY TALKATIVE WHEN HER MOTHER WAS NOT THERE. WE TALKED
19 AGAIN ABOUT HER MODELING. WE TALKED ABOUT THE USE OF DRUGS,
20 AND SHE SAID SHE HAD USED QUAALUDES WHICH SHE STOLE FROM HER
21 MOTHER. SHE TALKED ABOUT SEX AND SAID SHE FIRST HAD SEX AT
22 EIGHT WITH A KID DOWN THE STREET AND LATER HER BOYFRIEND.

23 "WE WENT TO THE HOUSE. THE GIRL WAS THIRSTY.
24 I WENT TO THE FRIDGE. THERE WAS A BOTTLE OF CHAMPAGNE. HELENA
25 SAID O.K. WE FILLED THREE GLASSES. ALTOGETHER THE GIRL HAD
26 ABOUT TWO GLASSES WHILE WE WERE THERE. WHILE I WAS PHOTOGRAPHING
27 HER ON THE DECK SHE SAW THE STEAM FROM THE JACUZZI. WE WENT
28 INSIDE. SHE CHANGED. SHE TOOK HER BLOUSE OFF, AND I TOOK HER
29

1 PICTURES. IT WAS DUSKY. I SAID WE SHOULD CALL HER MOTHER.
2 SHE TALKED, AND I TALKED. THERE WOULD BE NO INTERFERENCE WITH
3 THEIR DINNER. SHE TOLD HER MOTHER ABOUT THE JACUZZI AND THAT
4 SHE WAS GOING IN.

5 "I FOUND A LITTLE BOX IN THE BATHROOM WITH
6 QUAALUDE PIECES MARKED RORER. SHE TOOK ONE PIECE. THERE WAS
7 CONVERSATION ABOUT IT [BUT THERE WAS NO ACTUAL OFFER BY ME.] I
8 SAID, 'I WAS DRINKING AND SHOULDN'T TAKE ONE.' I TOOK SOME
9 PICTURES. THERE WAS NOTHING BY NOW ON THE LIGHT METER. I
10 JUMPED IN THE POOL AND SWAM. I ASKED HER INTO THE POOL. SHE
11 SAID SHE HAD ASTHMA. I HEARD A CAR COMING. I WAS APPREHENSIVE.
12 SOME MANIACS USED TO COME TO THE COMPOUND.

13 "I TOLD HER TO REST IN THE BEDROOM. I WENT
14 TO THE BEDROOM. SHE NEVER OBJECTED. NO, WE DIDN'T DISCUSS
15 BIRTH CONTROL PILLS THERE. WE DISCUSSED THEM IN THE CAR. THERE
16 WAS NO DISCUSSION ABOUT HER PERIOD. I WITHDREW BEFORE CLIMAX.
17 NO, THERE WAS NO DISCUSSION ABOUT WHAT TO TELL HER MOTHER. THE
18 WHOLE THING WAS VERY SPONTANEOUS. IT WAS NOT PLANNED." UPON
19 THE ADVICE OF HIS ATTORNEY, DEFENDANT DID NOT DISCUSS THE
20 ALLEGATIONS OF EITHER ORAL OR ANAL INTERCOURSE, THE ATTORNEY
21 INDICATING THAT HE WOULD PREFER THAT THE DEFENDANT NOT DISCUSS
22 THE COUNTS THAT WERE STILL PENDING.

23 DURING THE SUBSEQUENT INTERVIEW WITH THE DEFENDANT
24 HE EXPRESSED GREAT REMORSE REGARDING ANY POSSIBLE EFFECT THE
25 PRESENT OFFENSE MIGHT HAVE HAD UPON THE VICTIM. HE EXPRESSED
26 GREAT PITY AND COMPASSION FOR HER, STATING THAT HE KNEW THAT
27 THE LEGAL PROCEEDINGS HAVE BEEN EXTREMELY DIFFICULT FOR HER.
28 HE STATED THAT BECAUSE OF THE MANY TRAGEDIES THAT HE, HIMSELF,
29

1 HAS KNOWN IN HIS OWN LIFE HE FEELS GREAT EMPATHY FOR A YOUNG
2 PERSON IN DISTRESS. HE ADMITTED, HOWEVER, THAT HIS SYMPATHY
3 DOES NOT EXTEND TO THE VICTIM'S MOTHER OR TOWARD THE MOTHER'S
4 BOYFRIEND.

5 DEFENDANT FURTHER INDICATED THAT HE IS APPREHENSIVE
6 REGARDING THE EFFECT OF THE ARREST AND CONVICTION ON HIS PROFESSIONAL
7 CAREER. COLUMBIA PICTURES ALREADY HAS RELIEVED HIM OF HIS
8 RESPONSIBILITIES ON "THE FIRST DEADLY SIN." HE IS NOW IN
9 PRE-PRODUCTION WITH DINO DI LAURENTIS IN A RE-MAKE OF THE HURRICANE
10 TO BE FILMED IN TAHITI. DEFENDANT, (LIKE MEMBERS OF BOTH THE
11 DEFENDANT AND PROSECUTION), HAS RECEIVED VICIOUS HATE-MAIL,
12 PARTICULARLY FROM GERMANY, AS THE PRESENT MATTER HAS RECEIVED
13 WORLD-WIDE PUBLICITY. A SMALL BUT SIGNIFICANT PORTION OF THE
14 PRESS HAS BEEN EXTREMELY IRRESPONSIBLE, EG., THE GERMAN WEEKLY
15 THAT SUPERIMPOSED JAIL BARS OVER THE DEFENDANT'S PICTURE ON
16 THEIR COVER WITH THE HEADLINE GUILTY! WHILE TRIAL WAS PENDING.

17 INTERESTED PARTIES:

18 PROBATION OFFICER INTERVIEWED THE VICTIM'S
19 MOTHER IN HER HOME. SHE WAS ACCOMPANIED BY HER ATTORNEY. SHE
20 INDICATED THAT SHE WAS NOT VINDICTIVE. "I DON'T WANT TO SEE
21 HIM IN JAIL. I WANT AN ASSURANCE OF REMORSE. I WANT NO
22 UNREASONABLE PUBLICITY. I WANT TO KEEP OUR ANONYMITY." SPEAKING
23 REGARDING HER DAUGHTER SHE STATED, "SHE IS PRECOCIOUS AND IN
24 THE MIDST OF GROWING UP." SHE INDICATED THAT HER DAUGHTER HAD
25 JUST RETURNED FROM A SUMMER WITH HER ADOPTIVE FATHER IN THE
26 EAST. THE MOTHER HAD DIVORCED THE GIRL'S FATHER WHEN THE GIRL
27 WAS SEVEN YEARS OLD, THE GIRL SUBSEQUENTLY ADOPTED BY THE MOTHER'S
28 NEXT HUSBAND FROM WHOM THE MOTHER WAS DIVORCED WHEN THE GIRL WAS
29

1 ELEVEN YEARS OLD. SHE FURTHER INDICATED THAT HER DAUGHTER
2 GOT ALONG WELL WITH THE MOTHER'S BOYFRIEND AS WELL AS OTHER
3 MEMBERS OF THE FAMILY. QUESTIONED AS TO WHETHER HER DAUGHTER
4 MIGHT NEED THERAPY AS A RESULT OF THE PRESENT OFFENSE, SHE
5 STATED THAT SHE BELIEVED HER DAUGHTER WOULD OPPOSE THIS BECAUSE
6 OF POSSIBLE EXPENSE TO THE FAMILY. WHEN QUESTIONED AS TO WHY
7 SHE PERMITTED HER DAUGHTER TO ACCOMPANY THE DEFENDANT TO THE
8 TWO PHOTOGRAPHIC SESSIONS WITHOUT PARENTAL SUPERVISION, SHE
9 STATED THAT SHE HAS BLAMED HERSELF FOR LISTENING TO THE DEFENDANT
10 WHEN HE REQUESTED THAT SHE NOT ACCOMPANY THEM AS THE PHOTOGRAPHIC
11 SESSIONS WOULD BE LESS INHIBITED.

12 THE VICTIM WAS ALSO INTERVIEWED IN HER HOME IN
13 THE PRESENCE OF HER ATTORNEY. LIKE THE MOTHER, SHE DID NOT
14 APPEAR TO BE VINDICTIVE. A SIMPLY DRESSED AND QUIET 14 YEAR-OLD
15 GIRL, APPEARED SOMEWHAT TENSE DURING THE INTERVIEW AND WAS
16 OBSERVED BITING HER NAILS. SHE OBJECTED TO ANY SUGGESTION THAT,
17 AS A RESULT OF THE PRESENT OFFENSE, SHE MIGHT CONSIDER THERAPY
18 OR AT LEAST A PROGRAM OF SUPPORTIVE COUNSELING.

19 SUBSEQUENT TO THE HOME INTERVIEWS, THE VICTIM'S
20 ATTORNEY CONTACTED THE PROBATION OFFICER AND INDICATED THAT THEY
21 WERE ARRANGING FOR A PSYCHIATRIC EVALUATION FOR THE VICTIM TO
22 DETERMINE WHETHER A PROGRAM OF THERAPY WAS INDICATED.

23 PROBATION OFFICER HAS SPOKEN WITH THE ARRESTING
24 OFFICER, SERGEANT VANATTER, WEST LOS ANGELES DIVISION OF THE LOS
25 ANGELES POLICE DEPARTMENT. SERGEANT VANATTER STATED, "I HAVE NO
26 DOUBT THE ACTS OCCURRED." HE DESCRIBED THE DEFENDANT AS "EXTREMELY
27 HYPERACTIVE." HE DESCRIBED THE VICTIM AS LOOKING BETWEEN 16 AND
28 18 YEARS OLD BUT ACTING ONLY AS IF SHE WERE 13 OR 14 YEARS OLD.
29

1 AND, "NOT REALLY KNOWLEDGEABLE."

2 ATTACHED ARE NUMEROUS LETTERS OF RECOMMENDATION
3 FROM DEFENDANT'S COWORKERS IN THE MOTION PICTURE INDUSTRY.
4 RICHARD SYLBERT, PARAMOUNT PICTURES, 5451 MARATHON STREET,
5 HOLLYWOOD, INDICATES IN PART, "...ONE OF THE FEW SPECIFIC
6 SENSIBILITIES WORKING IN FILMS TODAY ON AN INTERNATIONAL SCALE.
7 HE IS EXTREMELY INTELLIGENT AND CREATIVE, RANKING AMONG THE FINEST
8 DIRECTORS OF THIS DECADE...AFTER THE DEATH OF WIFE, SHARON, WE
9 LIVED TOGETHER FOR SIX MONTHS IN MALIBU. HE HAS ALWAYS BEEN A
10 GENEROUS AND LOYAL FRIEND, AND A VERY SENSITIVE HUMAN BEING WHO
11 HAS HAD MORE THAN HIS SHARE OF TRAGEDY DURING HIS LIFE..."
12 PRODUCER, HOWARD W. KOCH, PARAMOUNT PICTURES, WRITES, "A MAN OF
13 TREMENDOUS INTEGRITY...I'M SURE THE SITUATION HE FINDS HIMSELF IN
14 NOW IS ONE OF THOSE THINGS THAT COULD HAPPEN TO ANYONE OF US.
15 IT CERTAINLY WAS NOT PREMEDITATED, I'M SURE THAT GIVEN THE
16 CHANCE TO REDEEM HIMSELF HE WILL LIVE AN EXEMPLARY LIFE IN
17 THE FUTURE...A WONDERFUL MAN AND A CREDIT TO THE MOTION PICTURE
18 INDUSTRY..." ACTRESS, MIA FARROW PREVIN, R.F.D. VINEYARD HAVEN,
19 MASSACHUSETTS, 02568, WRITES, "...ROMAN POLANSKI AND HIS WIFE
20 TO BE, SHARON TATE, BECAME IMPORTANT TO ME AS FRIENDS. DURING
21 THIS PERIOD, WHEN MY OWN LIFE WAS ON SHAKY GROUND, I TURNED TO
22 THEM BECAUSE THEY WERE STRONG AND KIND. I WILL ALWAYS BE
23 GRATEFUL TO THEM BOTH FOR THEIR GENEROSITY TO ME DURING THIS TIME...
24 A LOYAL FRIEND IMPORTANT TO ME, A DISTINGUISHED DIRECTOR,
25 IMPORTANT TO THE MOTION PICTURE INDUSTRY, AND A BRAVE AND BRILLIANT
26 MAN, IMPORTANT TO ALL PEOPLE..."

27 GENE GUTOWSKI, 80 EATON PLACE, LONDON, ENGLAND,
28 WRITES, "...I FEEL COMPELLED TO RESPOND TO A MOUNTING WAVE OF
29 SENSATIONAL PRESS REPORTING AND THE INEVITABLE SOCIAL RUMORS

1 SPECULATING ON THE DARK AND SINISTER SIDE OF ROMAN POLANSKI...THERE
2 IS, IN FACT, VERY LITTLE THAT IS DARK OR SINISTER ABOUT ROMAN...
3 HE HAS REMAINED AMAZINGLY NORMAL AND WELL-ADJUSTED...GENEROUS TO
4 A FAULT, UNINTERESTED IN MATERIAL GAINS OF POSSESSION, HE IS A LOYAL
5 AND KIND FRIEND, THOUGHTFUL AND COMPLETELY TRUSTING, POSSIBLY
6 EXCESSIVELY SO. AS A RESULT, HE HAS BEEN USED FROM TIME TO
7 TIME BY YOUNG AND AMBITIOUS FEMALES WHO FELT THAT BEING SEEN WITH
8 ROMAN IN PUBLIC OR HAVING THEIR NAMES LINKED WITH HIS IN THE GOSSIP
9 COLUMNS WOULD LEAD TO THEIR ADVANCEMENT OR GAIN THEM PUBLICITY.
10 UNFORTUNATELY, THIS SOMETIMES ALSO RESULTED IN AN AURA OF
11 NOTORIETY BEING ATTACHED TO ROMAN...A NON-SMOKER AND VIRTUALLY
12 A TEETOTALER HE, I BELIEVE, SECRETLY ENJOYS THE REPUTATION OF A
13 SWINGING, DRUG-ORIENTED LIBERTINE, WHEN IN TRUTH, AS I HAD MANY
14 OPPORTUNITIES TO OBSERVE, A COUPLE OF ASPIRINS ARE JUST ABOUT HIS
15 LIMIT...HIS CODE IS STRICT AND IS BASED ON INTEGRITY AND HONOR..."

16 PRODUCER ROBERT EVANS, PARAMOUNT PICTURES, WRITES,
17 "...PROBABLY THE MOST PROUD AND DETERMINED PERSON I HAVE EVER
18 KNOWN OR WORKED WITH...I KNOW THE SUFFERING THAT HAS GONE INTO
19 HIS LIFE, ESPECIALLY THESE LAST TEN YEARS, AND I FEEL THAT THE
20 PRESS AND MALIGNED HIM TERRIBLY. HE MAY MAKE FOR PROVOCATIVE
21 HEADLINES, BUT WITH RARE EXCEPTION, THE PRESS HAS NEVER
22 CAPTURED THE BEAUTY OF ROMAN'S SOUL...IF EVER A PERSON IS DESERVING
23 OF COMPASSION, I THINK IT IS ROMAN. I ONLY HOPE IT IS AFFORDED HIM..."

24 DEFENDANT'S CURRENT EMPLOYER, DINO DE. LAURENTIIS
25 INDICATES IN THE ATTACHED LETTER, "...I'VE ENGAGED HIM TO DIRECT
26 IN MY FORTHCOMING PRODUCTION OF THE HURRICANE. THIS MOVIE WILL
27 COST OVER \$15,000,000 AND WILL INVOLVE THE SERVICES OF HUNDREDS
28 OF WORKERS, ALL OF WHOSE EMPLOYMENT WILL BE UNDER ROMAN'S DIRECT
29

1 SUPERVISION. MANY OF THESE ARE ALREADY WORKING WITH HIM DURING
2 THE LAST THREE MONTHS, MAKING PREPARATIONS FOR THIS EXTREMELY
3 DIFFICULT PRODUCTION WHICH WILL INVOLVE ROMAN AND HIS COLLABORATORS
4 FOR AT LEAST THE NEXT 12 MONTHS..."

5 ALSO ATTACHED ARE FAVORABLE LETTERS OF REFERENCE
6 FROM DEFENDANT'S FORMER SECRETARY, THELMA G. ROBERTS, P.O. BOX 1373,
7 LAGUNA BEACH; WRITER AND DIRECTOR ROBERT TOWNE; ROMAN I. HARTE,
8 AMERICAN FILM INSTITUTE, 501 DOHENY ROAD, BEVERLY HILLS, THE
9 LATTER INDICATING, "...HE DEVOTED A GREAT AMOUNT OF HIS OWN TIME
10 AND MONEY IN HELPING OTHER POLISH JEWS WHO HAD BEEN FORCED TO LEAVE
11 POLAND BECAUSE OF AN ANTI-SEMITIC CAMPAIGN WHICH THE COMMUNIST
12 REGIME MOUNTED THIS PERIOD..."

13 FILM COMPOSER BRONISLAW KAPER WRITES, "...I OBSERVED
14 WITH GREAT SATISFACTION HOW MUCH RESPECT AND FRIENDSHIP HE WAS
15 GIVEN BY THOSE WHO WORKED FOR OR WITH HIM: ACTORS, EXTRAS, STAGEHANDS,
16 WRITERS, PRODUCERS, OR HIGH EXECUTIVES, INCLUDING HEADS OF STUDIOS.
17 HIS TALENT IS OVERWHELMING..." ACTRESS RUTH GORDON WRITES, "...ROMAN
18 POLANSKI IS A GREAT TALENT, ROMAN HAS LIVED THROUGH AWFUL DAYS...
19 I'M GLAD HE THINKS OF ME AS HIS FRIEND. I COUNT HIM AS ONE OF MINE."

20 DEFENDANT WAS ORDERED EXAMINED PER 6307 WELFARE AND
21 INSTITUTIONS CODE BY PSYCHIATRIST ALVIN E. DAVIS WHOSE REPORT
22 INDICATES IN PART, "...DEFENDANT IS NOT MENTALLY ILL OR DISORDERED,
23 DOES NOT HAVE A CLINICALLY OBSERVABLE PERSONALITY OR CHARACTER
24 DEVIATION, IS NOT A SEXUAL DEVIATE. HE IS OF SUPERIOR INTELLIGENCE,
25 HAS GOOD JUDGEMENT AND STRONG MORAL AND ETHICAL VALUES, AND HAS
26 NORMAL REMORSE FOR HIS OFFENSE AND NORMAL REGRET FOR HIS CONSEQUENCES...
27 HE IS NOT A PEDOPHILE (ONE WHOSE PRIMARY OR PREFERRED SEXUAL OBJECTS
28 ARE CHILDREN). THE OFFENSE OCCURRED AS AN ISOLATED INSTANCE OF
29

1 TRANSIENT POOR JUDGEMENT AND LOSS OF NORMAL INHIBITIONS IN CIRCUMSTANCES
2 OF INTIMACY AND COLLABORATION IN CREATIVE WORK, AND WITH SOME
3 COINCIDENTAL ALCOHOL AND DRUG INTOXICATION. THE PROVOCATIVE
4 CIRCUMSTANCES, PERMISSIVENESS AND KNOWLEDGE OF CIRCUMSTANCES BY
5 MOTHER, PHYSICAL MATURITY AND WILLINGNESS AND PROVOCATIVENESS OF
6 VICTIM, AND THE LACK OF COERCION BY DEFENDANT AND HIS SOLICITUDE
7 CONCERNING PREGNANCY, ALL CONTRIBUTE TO THE ABOVE IMPRESSION...
8 DEFENDANT HAS ADEQUATE INTELLIGENCE, JUDGEMENT, ACCESS TO ADULT
9 SEXUAL PARTNERS, REMORSE, REGRET, AND MOTIVATION - SUCH
10 THAT HE IS MOST UNLIKELY TO REOFFEND OF HIS OWN VOLITION AND
11 WITHOUT SUPERVISION OR TREATMENT. PSYCHOTHERAPY OR COUNSELLING
12 ARE NOT NECESSARY TO PREVENT REOFFENDING. HE IS WELL ABLE TO SATISFY
13 PROBATION CONDITIONS, IF IMPOSED, WITH THE EXCEPTION THAT THE
14 REQUIREMENTS OF HIS WORK REQUIRE HIM MOVE ABOUT WIDELY, AND
15 FREEDOM TO CONTINUE WORKING IS VITAL TO HIS WELL BEING...
16 INCARCERATION WOULD SERVE NO NECESSARY OR USEFUL PURPOSE BUT
17 WOULD IMPOSE AN UNUSUAL DEGREE OF STRESS AND HARDSHIP BECAUSE OF
18 HIS HIGHLY SENSITIVE PERSONALITY AND DEVOTION TO HIS WORK. FROM
19 THE PUBLICITY, LOSS OF TIME FROM WORK, AND FINANCIAL LOSS, HE
20 HAS ALREADY SUFFERED SEVERE PUNISHMENT...EVEN WITH THE MANY
21 MITIGATING CIRCUMSTANCES, DEFENDANT FREELY ADMITTED HIS POOR
22 JUDGEMENT IN THE OFFENSE; AND HE EXPRESSED SINCERE REMORSE FOR
23 ANY INJURY TO THE PERSONALITY OR REPUTATION OF THE VICTIM, AND
24 REGRET FOR THE CONSEQUENCES TO HIMSELF. HE IS ESPECIALLY FEARFUL
25 OF INTERFERENCE WITH HIS OCCUPATION, BECAUSE OF THE OTHER PERSONS AND
26 LARGE AMOUNTS OF MONEY INVOLVED, AND BECAUSE HIS WORK HAS BEEN HIS
27 DEFENSE AGAINST DEPRESSION AND DESPAIR SINCE THE DEATH OF HIS WIFE..."

28 BY THE DATE OF DICTATION THE LETTER FROM DR. RONALD
29 MARKMAN HAS NOT BEEN RECEIVED, HOWEVER, PROBATION OFFICER HAS SPOKEN

1 WITH DR. MARKMAN WHO INDICATED THAT HIS EXAMINATION REVEALED THAT
2 DEFENDANT IS NOT A MENTALLY DISORDERED SEX OFFENDER, AND THEREFORE,
3 NOT IN NEED OF HOSPITALIZATION. FURTHER, DR. MARKMAN INDICATED
4 THAT HE BELIEVED DEFENDANT WOULD PROFIT FROM THERAPY.

5 EVALUATION:

6 THE COURT HAS FOR ITS CONSIDERATION A 44-YEAR-OLD
7 DEFENDANT, WITHOUT PRIOR ARREST RECORD, WHO, IN THE PRESENT OFFENSE,
8 HAS BEEN CONVICTED BY PLEA OF UNLAWFUL SEXUAL INTERCOURSE, HAVING
9 HAD SEXUAL RELATIONS WITH A FEMALE NOT YET 14 YEARS OLD.

10 REGARDING THE PRESENT OFFENSE, DEFENDANT INDICATED
11 THAT THE ACT WAS NOT PREMEDITATED, THAT IT WAS SPONTANEOUS. HE
12 EXPRESSED SINCERE REMORSE AT ANY HARM THAT HAD BEEN DONE TO THE
13 FEMALE VICTIM BY HIS UNTHINKING ACT, HIS FAILURE TO EXERCISE THE
14 MATURE JUDGEMENT OF AN ADULT IN HAVING SEXUAL RELATIONS WITH THE
15 YOUNG VICTIM.

16 ALTHOUGH NOT ATTEMPTING TO BID FOR SYMPATHY, DEFENDANT
17 HAS TOLD HIS LIFE STORY THAT RANGES FROM THE TERROR OF HIS CHILDHOOD
18 IN THE KRAKOW GHETTO, THE DEPORTATION OF HIS PARENTS TO CONCENTRATION
19 CAMPS AND SUBSEQUENT DEATH OF THE MOTHER AT AUSCHWITZ, THE
20 DEFENDANT'S HIDING FROM THE NAZIS DURING THE WAR YEARS, THE REJECTION
21 FROM STATE SCHOOLS BECAUSE OF HIS RELIGIOUS HERITAGE, TO THE HORRORS
22 OF THE MURDER OF HIS WIFE AND UNBORN CHILD AT THE HANDS OF THE MANSON
23 GANG. AS HAS BEEN SAID IN ANOTHER CONTEXT, THE DEFENDANT HAS NOT
24 ONLY SURVIVED, HE HAS PREVAILED - SURMOUNTING THE UNCOUNTED
25 ADVERSITIES, HE HAS RISEN TO THE HEIGHTS OF HIS CHOSEN
26 PROFESSION AND HAS BECOME ONE OF THE LEADING CREATIVE FORCES OF
27 THE PAST TWO DECADES.

28 POSSIBLY NOT SINCE RENAISSANCE ITALY HAS THERE BEEN
29

1 SUCH A GATHERING OF CREATIVE MINDS IN ONE LOCALE AS THERE HAS BEEN
2 IN LOS ANGELES COUNTY DURING THE PAST HALF CENTURY. THE MOTION
3 PICTURE INDUSTRY HAS PROVED MAGNET TO MANY OF THEM; WORLD WAR II
4 AND THE LOWERING OF THE IRON CURTAIN HAVE PROVIDED AN ADDITIONAL
5 INFUX OF THE GREAT ARTISTS OF OUR TIME. WHILE ENRICHING THE
6 COMMUNITY WITH THEIR PRESENCE, THEY HAVE BROUGHT WITH THEM THE
7 MANNERS AND MORES OF THEIR NATIVE LANDS WHICH IN RARE INSTANCES
8 HAVE BEEN AT VARIANCE WITH THOSE OF THEIR ADOPTIVE LAND. IN
9 THESE FEW INSTANCES, THERE HAS BEEN ENORMOUS PUBLICITY - NATIONAL
10 AND INTERNATIONAL INTEREST HAS BEEN FOCUSED ON THE COMMUNITY,
11 OFTEN FAIRLY, OFTEN NOT, OFTEN TO THE ADVANTAGE OF THE FEW AND
12 FREQUENTLY TO THEIR DISADVANTAGE.

13 THE DEFENDANT, A FRENCH CITIZEN OF POLISH EXTRACTION
14 WAS SURELY WELL AWARE THAT THE LAWS OF CALIFORNIA PROHIBITED SEXUAL
15 RELATIONS WITH THE YOUNG VICTIM WHO WAS NOT YET 14 YEARS OF AGE,
16 EXERCISING POOR JUDGEMENT, BUT APPARENTLY ACTING SPONTANEOUSLY,
17 ENGAGED IN AN ACT OF SEXUAL INTERCOURSE WITH A GIRL WHO HAD BEEN
18 PLACED IN HIS CARE BY HER MOTHER FOR A PHOTOGRAPHIC SESSION.

19 NEITHER THE MOTHER NOR THE VICTIM ARE IN ANY WAY
20 VINDICTIVE. THEY HAVE ASKED FOR A DEMONSTRATION OF REMORSE AND
21 HAVE REQUESTED THE DEFENDANT NOT BE INCARCERATED. THE MOTHER'S
22 PRIMARY CONCERN IS, OF COURSE, FOR THE WELL BEING OF HER DAUGHTER
23 AND THE CONTINUED OF PRESERVATION OF HER ANONYMITY IN THE CURRENT
24 COURT PROCEEDINGS.

25 NEITHER DOCTOR HAS FOUND THE DEFENDANT TO BE A
26 MENTALLY DISORDERED SEX OFFENDER. DR. MARKMAN HAS INDICATED
27 THAT THE PRESENT OFFENSE WAS NEITHER A FORCEFUL NOR AGGRESSIVE
28 SEXUAL ACT. HE RECOMMENDS THERAPY FOR THE DEFENDANT NOT FOR A
29 SEXUAL PROBLEM BUT FOR UNRESOLVED DEPRESSION. DR. DAVIS, ALTHOUGH

1 NOT RECOMMENDING THERAPY, HAS STATED THAT AN UNUSUAL DEGREE OF
2 STRESS AND HARDSHIP WOULD RESULT FROM INCARCERATION.

3 PROBATION IS RECOMMENDED FOR THE DEFENDANT WHO
4 HAS BEEN THOROUGHLY IMPRESSED BY COURT AND PROBATION PROCEEDINGS
5 AND WHO HAS DEMONSTRATED GENUINE REMORSE AT HAVING COMMITTED THE
6 PRESENT OFFENSE. NCI

7 CAREFUL CONSIDERATION HAS BEEN GIVEN TO THE
8 POSSIBLE RECOMMENDATION FOR A PERIOD IN CUSTODY AS A CONDITION
9 OF PROBATION. THE DEFENDANT, IN HAVING AN ACT OF SEXUAL RELATIONS
10 WITH THE VICTIM, BETRAYED A POSITION OF TRUST THAT HAD BEEN PLACED
11 IN HIM. ALTHOUGH THE VICTIM APPEARS TO HAVE HAD A PRIOR ALTHOUGH
12 APPARENTLY LIMITED SEXUAL HISTORY, THERE WAS A 30 YEAR DIFFERENCE
13 IN THE AGES OF VICTIM AND DEFENDANT.

14 HOWEVER, JAIL IS NOT BEING RECOMMENDED AT THE
15 PRESENT TIME. THE PRESENT OFFENSE APPEARS TO HAVE BEEN
16 SPONTANEOUS AND AN EXERCISE OF POOR JUDGEMENT BY THE DEFENDANT.
17 BOTH PARENT AND VICTIM AS WELL AS EXAMINING PSYCHIATRIST HAVE
18 RECOMMENDED THAT THE DEFENDANT NOT BE INCARCERATED, THE OTHER
19 PSYCHIATRIST INDICATING THAT THE PRESENT OFFENSE WAS NEITHER AN
20 AGGRESSIVE NOR FORCEFUL SEXUAL ACT. THERE WAS SOME INDICATION
21 THAT CIRCUMSTANCES WERE PROVOCATIVE, THAT THERE WAS SOME PERMISSIVENESS
22 BY THE MOTHER, THAT THE VICTIM WAS NOT ONLY PHYSICALLY MATURE, BUT
23 WILLING; AS ONE DOCTOR HAS ADDITIONALLY SUGGESTED THERE WAS THE
24 LACK OF COERCION BY THE DEFENDANT WHO WAS, ADDITIONALLY, SOLICITOUS
25 REGARDING THE POSSIBILITY OF PREGNANCY. IT IS BELIEVED THAT
26 INCALCULABLE EMOTIONAL DAMAGE COULD RESULT FROM INCARCERATING THE
27 DEFENDANT WHOSE OWN LIFE HAS BEEN A SEEMINGLY UNENDING SERIES OF
28 PUNISHMENTS.

1 THE PROBATION OFFICER HAS EXAMINED MANY OF THE
2 LETTERS THAT HAVE BEEN RECEIVED FROM THROUGHOUT THE WORLD SINCE
3 DEFENDANT'S CONVICTION IN AUGUST. IN ADDITION TO THE INEVITABLE
4 HATE MAIL, THERE HAVE BEEN NUMEROUS LETTERS, SOME FROM BOTH
5 CHRISTIAN AND JEWISH THEOLOGIANs, URGING UNDERSTANDING AND
6 COMPASSION. ONE LETTER CONCLUDED, "...WE SHOULD ALL HELP HIM GET
7 WELL FOR WE ARE IN HIS DEBT DUE TO HIS ARTISTRY...WE SHOULD NOT
8 CAST HIM OUT OF OUR SOCIETY."

9 RECOMMENDATION:

10 IT IS, THEREFORE, RESPECTFULLY RECOMMENDED THAT
11 PROBATION BE GRANTED UNDER THE FOLLOWING TERMS AND CONDITIONS:

- 12 2. PAY A SUBSTANTIAL FINE PLUS PENALTY ASSESSMENT
13 TO PROBATION OFFICER IN SUCH MANNER AS HE SHALL
14 PRESCRIBE.
- 15 11. NOT ASSOCIATE WITH CHILDREN UNDER THE AGE OF 18
16 EXCEPT IN THE PRESENCE OF RESPONSIBLE ADULTS.
- 17 12. COOPERATE WITH PROBATION OFFICER IN PLAN FOR
18 PSYCHIATRIC TREATMENT.
- 19 14. SEEK AND MAINTAIN EMPLOYMENT AS APPROVED BY
20 THE PROBATION OFFICER.
- 21 15. MAINTAIN RESIDENCE AS APPROVED BY THE PROBATION
22 OFFICER.
- 23 20. OBEY ALL LAWS, ORDERS, RULES AND REGULATIONS
24 OF THE PROBATION DEPARTMENT AND OF THE COURT.
25
26
27
28
29

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
26
27
28
29

BE PERMITTED TO LEAVE THE STATE FOR BUSINESS PURPOSES.

RESPECTFULLY SUBMITTED,

KENNETH F. FARE, ACTING PROBATION OFFICER

BY Irwin Gold
IRWIN GOLD, DEPUTY
SANTA MONICA AREA OFFICE
TELEPHONE: 451-5911 EXT. 368

READ AND APPROVED George Tigner
GEORGE TIGNER, SCPO

(DICTATED 8-25-77
AND 9-14 77)
IG:HW (9)

I HAVE READ AND CONSIDERED THE FOREGOING REPORT OF THE PROBATION OFFICER

JUDGE OF THE SUPERIOR COURT

EXHIBIT C

JUN-11-2008 09:11 FROM: ROGER GUNSON

310 394 4605

TO: 13235250387

P. 1/1

Peter Bart, Variety

VIA FAX (323) 965-2476

June 11, 2008

JOINT STATEMENT OF DOUGLAS DALTON AND ROGER GUNSON:

In light of Monday's statement by the Superior Court of Los Angeles and a Tuesday Los Angeles Times article about the documentary film Roman Polanski: Wanted and Desired, former Deputy District Attorney Roger Gunson and Attorney Douglas Dalton issue the following statement to correct the court's erroneous report.

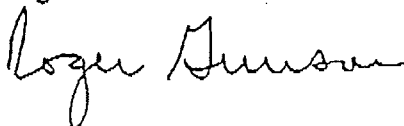
In 1997, Douglas Dalton, attorney for Roman Polanski, and Roger Gunson, prosecutor on the Polanski case, met with Judge Larry Paul Fidler in his chambers to discuss the Polanski case. Mr. Gunson and Mr. Dalton advised Judge Fidler of Judge Rittenband's conduct in handling the case that is accurately captured in the documentary, Roman Polanski: Wanted and Desired.

At the meeting, Judge Fidler advised Mr. Dalton that if Mr. Polanski returned to Los Angeles, that he, Judge Fidler, would allow Mr. Polanski to be booked and immediately released on bail, require Mr. Polanski to meet with the probation department, order a probation report, conduct a hearing, and terminate probation without Mr. Polanski having to serve any additional time in custody. That there was a deal worked out between Judge Fidler and Mr. Dalton was reported in the New York Daily News as early as October 1, 1997.

One of the issues raised by Mr. Dalton during the meeting was the question of media coverage. All understood that any proceedings would be open to the public as required by law. During the meeting, Mr. Dalton pressed Judge Fidler for a resolution of the case that would allow for minimal news media. Mr. Dalton recalled that Judge Fidler would require television coverage at the proposed hearing due to the controversy. Mr. Gunson recalls television coverage discussed at the meeting. Mr. Dalton told documentary director Marina Zenovich of this requirement.

It is our shared view that Monday's false and reprehensible statement by the Los Angeles Superior Court continues their inappropriate handling of the Polanski case.

Roger Gunson



Douglas Dalton



EXHIBIT D

JOSEPH P. LOEB (1883-1974)
EDWIN J. LOEB (1886-1970)

WRITER'S DIRECT DIAL NUMBER:

(213) 629-0393

LAW OFFICES OF

LOEB AND LOEB

ONE WILSHIRE BUILDING

SIXTEENTH FLOOR

WILSHIRE BOULEVARD AT GRAND AVENUE

LOS ANGELES, CALIFORNIA 90017

213 629-0200

(213) 278-7351

CABLE ADDRESS "LOBAND"

Document Hosted at JDSUPRA[®]
http://www.jdsupra.com/post/documentViewer.aspx?fid=3eedd9e1-f687-4429-a21e-b9ca225ad3ac

10100 SANTA MONICA BOULEVARD
LOS ANGELES, CALIFORNIA 90067
(213) 592-7700

August 8, 1977

Laurence J. Rittenband, Judge
Superior Court of Los Angeles
1725 Main Street
Santa Monica, California 90401

Re: People v. Polanski
L.A.S.C. Case No. A-334139

Dear Judge Rittenband:

I represent the family of the thirteen-year old girl involved in the Roman Polanski case. I understand that Mr. Polanski will plead guilty to Section 261.5 of the Penal Code in exchange for the dropping of the remaining charges. I strongly urged the District Attorney to agree to this plea bargain, and in turn I urge Your Honor to accept it. It is fitting that I set forth all of the reasons for my recommendation.

My primary concern is the present and future well-being of this girl and her family. Up to this point the identity of my clients has been protected from public disclosure evincing a laudable exercise of restraint by the press. Your Honor has been sensitive to my clients right to privacy and has protected and will protect those rights consistent with Article I, section 1 of California's Constitution, and the public policy expressed by the Legislature in its various enactments in protection of juveniles. Of course, if there were a trial in this case, the anonymity of my clients would be at an end.

In all cases, balances have to be struck. In this case, the balance that has to be effected is between the interests of society as represented by the District Attorney, the defendant, and my clients.

In evaluating my clients interests, I am mindful that they, and more particularly she, have been harmed as

Laurence J. Rittenband, Judge
August 8, 1977
Page Two

8 the victim of unlawful acts committed by the defendant. By a trial, the integrity of the charges they preferred would have been vindicated, even though the personal cost to them would be substantial. My view, based upon advice from experts, and the view of the girl's parents is that such a trial may cause serious damage to her. Long before I had met any other attorney in this case, my clients informed me that their goal in pressing the charges did not include seeking the incarceration of the defendant, but rather, the admission by him of wrongdoing and commencement by him, under the supervision of the court, of a program to ensure complete rehabilitation. The plea of guilty by the defendant is contrition sufficient for my clients to believe that goal may be achievable. The plea in this case has not changed the original goals and I commend them to Your Honor for consideration.

The question first before the District Attorney and now before Your Honor, is whether, in balance, the plea to the serious charge of unlawful sexual intercourse should be accepted in light of the other serious charges which would be dropped. Only a callous person would make such a balance without considering what effect that decision would have on this girl. Whatever harm has come to her as a victim would be exacerbated in the extreme if this case went to trial. The reliving of the sorry events with their delicate content, though the vehicle of direct and cross-examination in this courtroom packed with strangers would be a challenge to the emotional well-being of any person. The potential for harm is even greater to one of tender years. In the ordinary case, this consideration should cause concern; however, this is not the ordinary case. Although Your Honor, has and would dilligently protect the decorum of the courtroom, the intense national and international attention generated by this case has packed the corridors leading to and from the courtroom with a mass of media technicians flashing and prodding their equipment to feed an unseemly curiosity. A member of the media, last Friday in anticipation said this case "promised to be one of the most sensational 'Hollywood' trials. . . ." This is not the place for a recovering young girl.

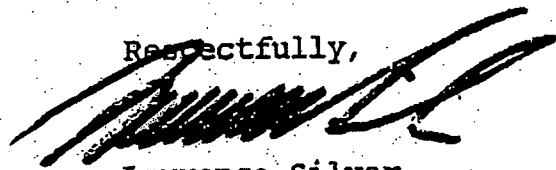
The public disclosure of her identity in such a charged atmosphere can only harm, and seriously harm her. Relationships with friends and indeed her family would never

Laurence J. Rittenband, Judge
August 8, 1977
Page Three

be the same. A stigma would attach to her for a lifetime.
Justice is not made of such stuff.

The plea in this case is a departure from the general policy of the District Attorney and was accepted by Mr. Van de Kamp in part at my urging after I learned that such a plea might be tendered. That general policy has specific provisions applicable "when unusual or extraordinary circumstances demand a departure in the interest of justice." Justice in this case is served by such a departure. Sensitivity to the harm which may be done to this girl, together with a faithful fulfilment of the public policy of protecting the privacy of women victims of certain sexual offenses, as recently advanced by our Legislature, lead any caring person ineluctably to the conclusion that this plea should be accepted.

Respectfully,



Lawrence Silver
for Loeb and Loeb

LS/ln

cc: Roger J. Gunson, Esq.
Douglas Dalton, Esq.

EXHIBIT E

May 28, 1997

Samantha Geimer
P.O. Box 689
Kilauea, HI 96754

The Honorable Larry P. Fidler
Department 122
Los Angeles Superior Court
111 North Hill Street
Los Angeles, CA 90012

Dear Honorable Judge Fidler:

I am writing you this letter as the victim of "unlawful sexual intercourse with a minor" for which Roman Polanski was convicted in 1977. It is my wish that you will include my opinions and feelings in your consideration of Mr. Polanski's request to resolve his status as a fugitive and return to the United States without fear of arrest or incarceration. It has long been my personal opinion that he be allowed to do so. I think simply listing the reasons why might be the most clear and direct way to convey my feelings to you. First, let me say that I mean no disrespect to Judge Rittenband, however, I have always been very disappointed in the way he chose to handle this case.

Judge Rittenband was not acting on my behalf or in my best interest when he refused to allow the agreed upon plea bargain and settlement of this case, which did not involve additional jail time for Mr. Polanski. It is also my opinion as the victim of this crime that the 42 days he has already served is excessive.

I believe if you review the facts, it is apparent that he was not being treated fairly, and you may understand why Mr. Polanski was frightened enough to flee the U.S. at that time. I do not believe he was fleeing justice, but fleeing the lack of it in this particular case. I urge you to use leniency when considering this aspect of his case.

The continued publicity surrounding this case has been so intense at times that it has changed my life forever from what it might have been. The fact that Mr. Polanski has not been allowed to resolve his legal problems perpetuates the interest in his situation and in me personally. Last month a well known publication, with whom I refused to speak, published a lengthy article on Polanski. While I have suffered many an unkind word over the last 20 years, this article contained so many untruths about myself and my family that I have decided to give up my anonymity in order to respond in my own

defense. The resolution of this case can finally bring to an end this unwanted interest in me.

I do not believe that it was Mr. Polanski's intention to frighten me or cause me harm. I am sure that he now understands why his actions were in fact inappropriate and damaging to me. I do not think that he is any danger or threat to the American public.

I have recovered from the events of March 10, 1977. I have moved on and am very happy with my life. I feel I can also recover from the traumatic effect of the continued publicity, if this situation could only finally be resolved. I have long awaited the day that this issue is put to rest once and for all, and I am hopeful that this time may be at hand.

If you have any questions as to my views on this matter, please do not hesitate to contact me.

Thank you.

Samantha Geimer

Samantha Geimer

EXHIBIT F

Mr. Gilbert Garcetti
District Attorney
210 W. Temple Street
Room 18-709
Los Angeles, CA 90012

Re: People of the State of California v. Roman Polanski

Dear Mr. Garcetti:

My name is Samantha Geimer. When I was 13 years old, I was the victim of unlawful intercourse by Roman Polanski for which he was indicted and pled guilty. I am writing to you about this and to comment upon Mr. Polanski's post-arrest conduct about which you may not know.

Had I been forced in 1977 to go through a trial which would have included the glare of T.V. lights and cameras, the crush of media in the hallways and the nationwide discussion of the events - it would have exacerbated, in the extreme, the harm which was caused to me by Mr. Polanski. Mr. Polanski, at that time, plead guilty preventing the additional harm which the publicity of a trial would have caused.

At the time of his arrest, my family and I consented and encouraged the then District Attorney, John Van de Kamp, to enter into a plea bargain with Mr. Polanski upon three conditions. That Mr. Polanski admit the conduct, show contrition, and seek assistance in changing his life. I believe that Mr. Polanski has done each of these. He has admitted the facts underlying the crime for which he has pled guilty. He has publicly expressed contrition, and Mr. Polanski has had a significant life change which merits consideration in connection with his attempted return to the United States. He is married and is a parent, as am I. He would like to put the events of March 10, 1977 behind us, as would I. His contrition is sincere and the years have seemed to change his view toward the events and me. The events are almost a generation old. You will serve my interests by agreeing to allow Mr. Polanski to return to the United States on terms and conditions which are appropriate and consistent with the original plea agreement.

Although Mr. Polanski cannot undo the harm that was caused, it may yet be possible to limit the continuing intrusion this matter still brings to my life. Each time Mr. Polanski is involved in a new movie, others wonder if he might come back to the United States. Those events and other curiosity about Mr. Polanski's possible return causes a public "re-opening" of the case. That public re-opening of the case causes media reporters and photographers to engage in surveillance of myself and my family and causes me a great deal of distress. I believe with certainty that if Mr. Polanski is allowed to return and this case can be officially marked "closed", the degree of public scrutiny of myself and my family, although initially magnified, will begin to be diminished.

I have substantially recovered from the harm that Mr. Polanski caused me, and I have always felt that Mr. Polansky should be allowed to return to the U.S. and resolve his legal problems without the threat of more time spent in jail. I hope that this can now finally occur. For nearly 20 years this matter has clouded my future rather than been an isolated event in my past. At this point in my life I am prepared to face any initial publicity surrounding this matter. I ask you to begin the process by which the periodic surveillance and the threat of exposure I suffer may begin to be substantially diminished.

I request in the strongest possible terms that Mr. Polanski be allowed to come back to the United States, that the charges regarding his being a fugitive be dismissed, that the original plea bargain agreement be honored, and that he be allowed to remain in the United States upon the time served of his sentence.

Thank you,



Samantha Geimer

**DECLARATION OF
CHAD HUMMEL**