

SUBSEQUENT PAROLE CONSIDERATION HEARING
STATE OF CALIFORNIA
BOARD OF PRISON TERMS

In the matter of the Life)
Term Parole Consideration) CDC Number B-41079
Hearing of:)
)
BRUCE DAVIS)
_____)

CALIFORNIA MEN'S COLONY
SAN LUIS OBISPO, CALIFORNIA

JANUARY 29, 2003

3:00 P.M.

PANEL PRESENT:

JONES MOORE, Presiding Commissioner
KEN RISEN, Commissioner
ROBERT HARMON, Deputy Commissioner

OTHERS PRESENT:

BRUCE DAVIS, Inmate
GEORGE DENNY, Attorney for Inmate
ANTHONY MANZELLA, Deputy District Attorney
RUTH CURRY, Legal Assistant, DA's Office
PATRICK PEMBERTON, Reporter, San Luis Obispo Tribune

CORRECTIONS TO THE DECISION HAVE BEEN MADE

_____	No	See Review of Hearing
<u> X </u>	Yes	Transcript Memorandum

Debra S. Bradfute

Capitol Electronic Reporting

INDEX

	<u>Page</u>
Proceedings	1
Case Factors	7
Pre-Commitment Factors	18
Post-Commitment Factors	25
Parole Plans	43
Closing Statements	56
Recess	71
Decision	72
Adjournment	80
Transcriber Certification	81

--o0o--

P R O C E E D I N G S

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

DEPUTY COMMISSIONER HARMON: You're on record.

PRESIDING COMMISSIONER MOORE: All right, thank you. This is a Subsequent Parole Consideration Hearing for Bruce McGregor Davis, D-A-V-I-S, CDC number would be B as in boy 41079. The date of the hearing would be January the 29th, 2003 and the time is approximately 1500 hours.

The location would be the California Men's Colony. The legal status of the prisoner, the date the prisoner was received would be April the 21st of 1972, the date the life term started would be the same date, from the County of Los Angeles. The offense would be murder first and the case number would be A as in Alpha 267861, counts one and two, Penal Code Section violated would be 187, the term would be life and the minimum eligible parole date would be December 1st of 1977. I have two additional offenses, one is stayed and that would be a conspiracy to commit murder, Code Section 182 from the same County, case number would be the same and that would be count two; and then there is an additional murder count, 187, same County, case number would be A267861, and that is the same as well and that would be count three. Mr. Davis, this hearing will be tape-recorded, sir, and for

1 voice recognition purposes, we will state our full
2 name, spelling our last name, stating the purpose
3 of our business. And when it's your turn, if you
4 would, add your CDC number, please. We'll go
5 around the room to my right. My name is Jones
6 Moore, M-O-O-R-E, Commissioner, Board of Prison
7 Terms.

8 **DEPUTY COMMISSIONER HARMON:** Robert Harmon,
9 H-A-R-M-O-N, Deputy Commissioner.

10 **PRESIDING COMMISSIONER MOORE:** Mr. Davis.

11 **INMATE DAVIS:** Bruce Davis, D-A-V-I-S, B,
12 Baker, 41079.

13 **PRESIDING COMMISSIONER MOORE:** Thank you,
14 sir.

15 **ATTORNEY DENNY:** George Denny, Attorney.

16 **PRESIDING COMMISSIONER MOORE:** For the
17 prisoner. Thank you.

18 **MR. PEMBERTON:** It's Patrick Pemberton,
19 P-E-M-B-E-R-T-O-N, I'm a reporter --

20 **PRESIDING COMMISSIONER MOORE:** Can you speak
21 louder, Sir, because we can't pick this up.

22 **MR. PEMBERTON:** Patrick Pemberton, that's
23 P-E-M-B-E-R-T-O-N, I'm a reporter for the Tribune
24 in San Luis Obispo.

25 **PRESIDING COMMISSIONER MOORE:** And he's an
26 observer.

27 **MS. CURRY:** Ruth Curry, Los Angeles District

1 Attorney's Office, Legal Assistant.

2 **PRESIDING COMMISSIONER MOORE:** Would you
3 spell your last name, please.

4 **MS. CURRY:** C-U-R-R-Y.

5 **PRESIDING COMMISSIONER MOORE:** Thank you.

6 **DEPUTY DISTRICT ATTORNEY MANZELLA:** Anthony
7 Manzella, Deputy District Attorney, last name is
8 spelled M-A-N-Z-E-L-L-A.

9 **COMMISSIONER RISEN:** Ken Risen, R-I-S-E-N,
10 Commissioner with the Board of Prison Terms.

11 **PRESIDING COMMISSIONER MOORE:** Thank you.

12 And let the record show that there is a
13 correctional peace officer in the room, Mr. Davis,
14 and she's here strictly for safety and security
15 measures and she'll play no role in today's
16 proceedings. The purpose of today's hearing is to
17 again consider your suitability for parole. We
18 will consider the crime, your prior criminal and
19 social history and your behavior and programming
20 since your commitment. We've reviewed your
21 Central File and your prior transcripts and you
22 will have an opportunity to correct or clarify
23 them for the record. We will consider your
24 progress since your last hearing, any new
25 psychiatric reports and any other information that
26 may have a bearing on your suitability for parole.
27 Any change in your parole plans should be brought

1 to our attention. Before we recess for
2 deliberations, the District Attorney, your
3 Attorney and you will have an opportunity to make
4 a final statement regarding parole suitability and
5 the length of confinement. After this is done, we
6 will recess, clear the room and deliberate. Once
7 we've completed our deliberations, sir, we will
8 resume the hearing and announce our decision. The
9 Board of Prison Terms' rules and the laws state
10 that a parole date should be denied if your
11 release would pose an unreasonable risk of danger
12 to others. The prisoner has certain rights.
13 Counsel, have those rights been met thus far?

14 **ATTORNEY DENNY:** As far as I am aware, they
15 have.

16 **PRESIDING COMMISSIONER MOORE:** Thank you,
17 Sir. Are there any objections to the Panel
18 members today?

19 **ATTORNEY DENNY:** There are none.

20 **PRESIDING COMMISSIONER MOORE:** Thank you. I
21 note that the prisoner signed BPT Form 1073.
22 Mr. Davis, that's the ADA Form, you signed that on
23 October 3rd of last year, 2002 saying you had no
24 disabilities as defined by the Americans With
25 Disabilities Act. Is that accurate, sir?

26 **INMATE DAVIS:** Yes, it is.

27 **PRESIDING COMMISSIONER MOORE:** All right.

1 As well, I note that there were no supporting
2 documents to that that you had any kind of mental
3 or medical problems, too, that would hinder you
4 from participating in today's proceedings. All
5 right. Now, you will receive a copy of our
6 written tentative decision today, Mr. Davis. The
7 decision becomes effective in 120 days. Copies of
8 the transcript and the decision will be sent to
9 you and you will have 90 days from that effective
10 date to appeal if you so desire. You are not
11 required to discuss your offense, nor are you
12 required to admit your offense. However the Panel
13 does accept as true the findings of the court,
14 meaning that we won't retry the case, we accept
15 those facts as they've been presented to us here
16 today. That clear to you?

17 **INMATE DAVIS:** That's clear.

18 **PRESIDING COMMISSIONER MOORE:** All right.
19 Now, Commissioner, any confidential materials to
20 be used today?

21 **DEPUTY COMMISSIONER HARMON:** Yes. There are
22 a couple letters of opposition to parole that are
23 in the Confidential file.

24 **PRESIDING COMMISSIONER MOORE:** All right,
25 Sir. Let's see, Mr. Denny, are there -- Do you
26 have these documents? Have you reviewed those?
27 Exhibit Number One, let me know if you have those

1 documents, any additional documents to submit at
2 this time or any preliminary objections at this
3 time. You should have been given a packet.

4 **ATTORNEY DENNY:** Yes, I have received all of
5 those.

6 **PRESIDING COMMISSIONER MOORE:** You've seen
7 all those that are on the list? All the -- See,
8 there's a series there that have been checked.
9 You've received all of those? They should have
10 given you a packet something like this. Did they
11 give that to you and you --

12 **ATTORNEY DENNY:** Yes, they did.

13 **PRESIDING COMMISSIONER MOORE:** Okay. And
14 you received it. All right. That's fine. Just
15 making sure we're all on the same page there. All
16 right. I think you can keep the bottom one.
17 There we go. Will you pass that to the District
18 Attorney, please.

19 **DEPUTY DISTRICT ATTORNEY MANZELLA:** Where do
20 we sign it? I don't see it here.

21 **PRESIDING COMMISSIONER MOORE:** You don't
22 have to sign it any place but some people just put
23 their initials on it, some don't, just do --

24 **DEPUTY DISTRICT ATTORNEY MANZELLA:** All
25 right. I have received all those documents in
26 this series.

27 **PRESIDING COMMISSIONER MOORE:** That's what I

1 need to know. Thank you, Sir. So then we're all
2 on the same page. All right. Great. Now,
3 Mr. Davis, will you be speaking with us this
4 afternoon?

5 **INMATE DAVIS:** Yes, I will.

6 **PRESIDING COMMISSIONER MOORE:** All right.
7 If you'll raise your right hand, I'll swear you
8 in. Do you solemnly swear or affirm the testimony
9 you give at this hearing will be the truth, the
10 whole truth and nothing but the truth, sir?

11 **INMATE DAVIS:** Yes.

12 **PRESIDING COMMISSIONER MOORE:** Thank you.
13 You may put your hand down now. Excuse me. What
14 I want to do here is the Statement of Facts, and
15 I'm going to read those from the Board report
16 prepared for us today, December 2002 is what it
17 states here, if there are no objections to that.

18 **ATTORNEY DENNY:** No objection.

19 **PRESIDING COMMISSIONER MOORE:** All right.
20 Says under summary of the crime, count one, and I
21 read: "Victim, Gary Hinman's, body was found in a
22 decomposed state in the living room of his home at
23 964 Topanga Road --" Topanga is spelled
24 T-O-P-A-N-G-A, in Topanga, it says on July 31st of
25 1969.

26 "He had just been seen alive on July
27 25th of 1969 driving a Fiat station

1 wagon. The autopsy revealed that
2 stab wounds of the chest, which
3 penetrated his heart, killed the
4 victim. The autopsy further revealed
5 that he had suffered other wounds,
6 including a stab wound in the area of
7 his chest, a gash on top of his head,
8 a gash behind his right ear and
9 lacerations of the left side of his
10 face, which cut off a part of his ear
11 and cheek. Davis was one of a group
12 of the crime partners involved in the
13 murder of the victim. Victim Hinman
14 was kept a prisoner in his home for
15 two days, during which time he was
16 stabbed and clubbed before finally
17 being put to death."

18 And then under count two:

19 "Victim Donald Shea was reported
20 missing and an investigation revealed
21 that sometime between August the 15th
22 and September 1st of 1969, Davis and
23 his crime partners murdered the
24 victim and buried his body in or near
25 Spahn Ranch."

26 And that's S-P-A-H-N.

27 "The victim worked at Spahn Ranch as

1 a ranch hand while Davis and his
2 crime partners were living there.
3 Intensive investigation failed to
4 produce the body of the victim.

5 However, Steve Grogan, --"
6 spelled G-R-O-G-A-N,
7 "-- one of the crime partners,
8 furnished information to law
9 enforcement as to the location of the
10 victim's body. The victim's body was
11 recovered. Shea was stabbed
12 repeatedly until his death."

13 Mr. Davis, is that accurate so far?

14 **INMATE DAVIS:** Yes, it is.

15 **PRESIDING COMMISSIONER MOORE:** As well, I'll
16 read your version here, if that's accurate. And
17 you can have an opportunity to correct anything on
18 it as you see fit if it's inaccurate.

19 **INMATE DAVIS:** All right.

20 **PRESIDING COMMISSIONER MOORE:** All right.

21 Says:

22 "According to the prisoner, he had
23 been living a life that was geared
24 towards drugs and sex. He was
25 frequently intoxicated with
26 hallucinogenic substances for much of
27 his association with Charles Manson.

1 Manson began preaching about death
2 and destruction. The family began
3 adopting a survivalist lifestyle.
4 Drugs, free sex, poor hygiene,
5 thievery and begging were also
6 promoted. Davis stated that he was
7 unable to make good decisions due to
8 his unmet needs. He stated he was
9 trying anything he could to meet
10 those needs and that he was looking
11 for acceptance and friendship from
12 Charles Manson and others within the
13 group. Davis said he pursued
14 pleasures of flesh and as long as he
15 received those pleasures of flesh, he
16 felt he was doing the right thing."

17 It says:

18 "In June or July of 1969, Charles
19 Manson asked Davis to drive several
20 family members to the Hinman house.
21 Davis delivered Mary Brunner, --"
22 B-R-U-N-N-E-R, "-- Robert Beausoleil
23 and Susan Atkins to the Hinman
24 residence, then he returned to the
25 Spahn Ranch. After a couple of days,
26 Manson received a call from one of
27 the family members at Gary Hinman's

1 house. The family member said, 'Gary
2 isn't cooperating.' Davis claimed he
3 didn't understand what this was
4 about. During the interview, Davis
5 stated, 'What I did understand was
6 that they went there to rob Gary
7 Hinman. They thought he had money
8 but he didn't.' Manson then asked
9 Davis to drive him back to Hinman's
10 residence. When Davis entered the
11 house, Robert Beausoleil was holding
12 Hinman at gunpoint. Davis asked for
13 the gun, which Beausoleil handed to
14 him. Davis stated that he had the
15 gun in his possession but did not
16 have it pointed at Hinman as stated
17 in the 1996 Board of Prison Terms'
18 report. While Davis was standing
19 there with the gun, Manson sliced
20 Hinman's ear. Davis later took one
21 of Hinman's cars back to the ranch
22 but claims, 'Gary was very much alive
23 at that last time I saw him.'
24 Sometime in August of 1969, Manson
25 decided that Donald Shea was an
26 informant in the Tate/LaBianca
27 murders. Davis went along with three

1 members of the Manson family who had
2 asked Mr. Shea to drive them to get
3 some spare car parts. During the
4 interview, Davis stated that he knew
5 that they were going to kill Shea.
6 He said, 'I knew I wouldn't do
7 anything physical, but I wanted it to
8 look like I was going along with
9 Manson so that I could maintain his
10 friendship.' Shea was driving the
11 car when Charles Watson, who was
12 sitting next to Shea, told Shea to
13 pull the car over. At first, Shea
14 wouldn't, then Watson pulled a knife
15 on Shea. When he pulled over, Steve
16 Grogan, who was sitting behind Shea,
17 hit Shea in the back of the head with
18 a pipe wrench. Watson and Grogan got
19 out of the car and dragged Shea down
20 the hillside into a ravine. Davis
21 remained in the car until Charles
22 Manson drove up in another car,
23 stopped and went down the hill to
24 join Watson and Grogan. A few
25 minutes later, Davis went down to
26 where they had the victim. Manson
27 handed Davis a machete and told Davis

1 to cut his head off. Davis dropped
2 the machete, Davis stated that he
3 couldn't do it, so Manson handed him
4 a knife, which Davis used to slash
5 the victim's shoulder. Davis was
6 sure that the victim was dead by the
7 time he cut him. Davis cut the
8 victim because he didn't want to be
9 disapproved of by the family. Davis
10 stated that it had took him years
11 before he was really able to feel
12 remorse for his involvement in his
13 crime. He believes that his
14 inability to feel sadness and empathy
15 was the result of heavy drug usage at
16 the time. He now experiences
17 sadness, as he knows the families of
18 the victims still suffer due to the
19 actions of himself and his co-
20 defendants."

21 Mr. Davis, is that your statement?

22 **INMATE DAVIS:** That's my statement.

23 **PRESIDING COMMISSIONER MOORE:** It's been
24 some time, Mr. Davis, this taking place, your
25 actions. You wish to tell us anything else about
26 it at this point? About your actions, about your
27 inactions.

1 **INMATE DAVIS:** Well, --

2 **PRESIDING COMMISSIONER MOORE:** Now you don't
3 have to. I'm not going to --

4 **INMATE DAVIS:** I --

5 **PRESIDING COMMISSIONER MOORE:** I'm not
6 forcing you to, I just --

7 **INMATE DAVIS:** No, I know that, I know.

8 **PRESIDING COMMISSIONER MOORE:** All right,
9 all right.

10 **INMATE DAVIS:** I did a lot of bad things
11 wrong and stupid, made the worst decisions I could
12 have made under the circumstances. I betrayed
13 Gary, I knew Gary somewhat, not a lot. I didn't
14 defend him, I made no move to help him. I was
15 completely indifferent. Same way with Don. I
16 didn't have what it takes to stand up and do what
17 was right. I was looking out for myself, in my
18 mind, and that didn't include going against what
19 Charlie wanted.

20 **PRESIDING COMMISSIONER MOORE:** So to be
21 accepted into the family, be a full part of the
22 family and not to make Charlie mad.

23 **INMATE DAVIS:** I just wanted --

24 **PRESIDING COMMISSIONER MOORE:** Did you fear
25 for your life somewhat?

26 **INMATE DAVIS:** Yeah. Yeah, in the last
27 part, when we were standing on the boardwalk in

1 front of the Spahn Ranch early one morning, there
2 was -- Charlie came out, I was there with Watson
3 and Grogan, and he said, "We're going to kill
4 Shorty." And I just stood there, I didn't say yes
5 or no, I just went along. And --

6 **PRESIDING COMMISSIONER MOORE:** Didn't make
7 any efforts to get away from them or anything,
8 huh? You just --

9 **INMATE DAVIS:** I just --

10 **PRESIDING COMMISSIONER MOORE:** -- drove the
11 car and did what you was told to do.

12 **INMATE DAVIS:** Well, no, I wasn't driving
13 the car then but I got in the car.

14 **PRESIDING COMMISSIONER MOORE:** Yeah.

15 **INMATE DAVIS:** Yeah. I just didn't, I
16 didn't have what it took to say no. I wanted to
17 say no, but not enough to do it. And --

18 **PRESIDING COMMISSIONER MOORE:** Why do you
19 think that was? That you just didn't have enough?

20 **INMATE DAVIS:** I was scared, insecure,
21 selfish, had a survivor mentality, indifferent to
22 everybody but myself. Was not in touch with what
23 was right or wrong, enough to do right. I knew
24 the difference in right and wrong.

25 **PRESIDING COMMISSIONER MOORE:** Right and
26 wrong, uh-hmm.

27 **INMATE DAVIS:** But I wasn't -- It wasn't

1 important to me to act on it. I guess I knew it
2 but I didn't believe it. And I had always, even
3 with Gary, I wouldn't -- You know, when Charlie
4 says, "Well, you drive the car," it would never
5 cross my mind to say no, so I drove them over.
6 And when I heard what they were going to do, my
7 rationale was, well I'm not going to do it, so I'm
8 going to be all right. I'm not the person that's
9 going to rob him or do anything. And even after
10 he -- Even when Gary was -- I went back the second
11 day and Charlie cut Gary's face, I was still
12 somehow able to rationalize that, well, I didn't
13 do it. So you know, I mean it was completely
14 crazy, but that's how I was -- That was my
15 reaction. And with Shorty, with Donald, Don Shea,
16 --

17 **PRESIDING COMMISSIONER MOORE:** Shea, yes,
18 sir.

19 **INMATE DAVIS:** -- when I got down the hill
20 after they had stabbed him, they gave me a machete
21 and there was -- Now that's when I hit the limit
22 and said no. And I had no rationale for why I
23 did. I did realize that I did have a limit, but I
24 didn't know I had one, I never thought about it.

25 **PRESIDING COMMISSIONER MOORE:** You finally
26 got to a point.

27 **INMATE DAVIS:** But I came to the point I

1 said no. Then they handed me a knife and I cut
2 him on his shoulder, as if I hoped that's enough,
3 and I dropped it and walked away. And you know, I
4 think from the time that I saw Charlie cut Gary's
5 face, I've never, you know, in my life, I've never
6 seen anybody struck in anger to the degree that it
7 brought blood, with any weapon. Right. And it
8 almost went into, like, I was there but I wasn't
9 there, you know. And it's like, I don't know, it
10 was kind of like, I don't know how to describe it,
11 but it was rather surreal. And I just started
12 moving through the scene somewhat.

13 **PRESIDING COMMISSIONER MOORE:** Let me ask
14 you a question. Did you like the lifestyle? You
15 know, this free drugs, sex thing?

16 **INMATE DAVIS:** Absolutely.

17 **PRESIDING COMMISSIONER MOORE:** You think
18 that's what kind of held you into this mess?

19 **INMATE DAVIS:** That was a big part of it.
20 It was quite attractive. And it was what I
21 thought was, well, you know, when I look at what I
22 did, you can see that I haven't put a great value
23 on that, you know. I thought I mistook the sex
24 and whatever else for love and respect. I see now
25 that that was not what was happening, but that's
26 how I took it. And --

27 **PRESIDING COMMISSIONER MOORE:** Why do you

1 think that is? You know, I -- We're going to go
2 to pre-conviction here in a second, but you know,
3 you didn't have a juvenile record, you know. Is
4 that accurate? You weren't in trouble with the
5 law at all as a juvenile.

6 **INMATE DAVIS:** First time I ever got in --
7 The first time I was ever arrested was about, I
8 think it was the Spring of '68 and --

9 **PRESIDING COMMISSIONER MOORE:** For
10 marijuana.

11 **INMATE DAVIS:** Marijuana. Went to county
12 jail. Got busted in Malibu, didn't have any, was
13 not -- Just in the wrong place. I mean, people
14 looked at -- You know, shouldn't have been in
15 Malibu, I shouldn't have. A block from the Malibu
16 Sheriff's Office, right. Okay. Anyway, I wasn't,
17 I didn't have any marijuana, I -- But anyway,
18 that's -- So I went and spent 10 days in the
19 county jail. And I was -- I sat there, I was
20 very, I became very angry. I felt victimized
21 having been put in prison. I mean, I knew that I
22 was out looking to score some drugs. It was only
23 a technicality that I didn't have any because I
24 was trying hard, you know. But I had the
25 technicality of actually not having anything and
26 being arrested. So that was my moral
27 rationalization --

1 **PRESIDING COMMISSIONER MOORE:** That didn't
2 sit well.

3 **INMATE DAVIS:** -- for my outrage.

4 **PRESIDING COMMISSIONER MOORE:** Okay.

5 **INMATE DAVIS:** And I promised myself during
6 that time that I'd never work for this society
7 again. That -- And it was just a, you know, it
8 was a very bad decision.

9 **PRESIDING COMMISSIONER MOORE:** You were
10 arrested again in May, says for possession of
11 marijuana.

12 **INMATE DAVIS:** Yeah, after -- By that time I
13 had met Charlie.

14 **PRESIDING COMMISSIONER MOORE:** Okay. And
15 then, let me see, receiving stolen property in
16 '69, October; grand theft auto; contributing to
17 the delinquency of a minor in October 27th of '69,
18 although those charges were dropped for lack of
19 evidence; and then January '70 you were arrested
20 for receiving stolen property, again there's no
21 disposition noted; March 7th of '70, you were
22 arrested for fraudulently obtaining a firearm by
23 giving false ID. Okay.

24 **INMATE DAVIS:** Yes.

25 **PRESIDING COMMISSIONER MOORE:** So I guess at
26 that point, back in March '68, you started,
27 everything started to focus towards going this

1 negative road.

2 **INMATE DAVIS:** You know, I said, I was in --
3 Now this, I know this sounds crazy and when I look
4 at it I think, how could somebody be so crazy and
5 stupid, but that was me. I'd been taking LSD for
6 about, since '65, but working. I was working on
7 pipelines, construction, blue-collar stuff. I
8 mean, if you'd have seen me driving down the road
9 in my little car, you'd have thought, well that's
10 just (inaudible). But my orientation and whatever
11 values I may have had were slipping fast. And
12 when it came to the point where they got severely
13 brought to the test, that I saw that there was
14 nothing there. And you know, through taking a lot
15 of acid and doing that, the things that, the
16 people and the things that were absolutely foreign
17 in my life became negotiable. And it seemed just
18 so natural and I didn't even notice it. It was
19 just --

20 **PRESIDING COMMISSIONER MOORE:** Just like,
21 that's the way life is supposed to go, huh?

22 **INMATE DAVIS:** Well, it happened slowly.

23 **PRESIDING COMMISSIONER MOORE:** Okay.

24 **INMATE DAVIS:** You know. It happened
25 slowly. I'd begun to be attracted to things that
26 I knew better. The Outlaw motorcycle guys, I knew
27 better than that, I knew better. I had seen -- I

1 wasn't stupid, I knew a lot about that, the drugs,
2 the hippie lifestyle, I knew that -- Man, those
3 dudes didn't even take baths, you know. I was
4 raised different, you know, so I knew better. But
5 the attraction of sex, drugs and motorcycles and
6 young girls and hey, it came to a point in my life
7 where I didn't think I had anything better to do.
8 I mean, I see that now. If you had told me that
9 then, I would have had some rationales, say
10 ut-hmm, I could explain it for myself, I don't
11 know if anybody else would agree. But it just
12 looked so good.

13 **PRESIDING COMMISSIONER MOORE:** And all the
14 time you knew it was wrong.

15 **INMATE DAVIS:** I knew -- Well, you know,
16 yeah, I knew that this was not -- I tell you what,
17 I knew that my dad would not have liked this.

18 **PRESIDING COMMISSIONER MOORE:** Okay.

19 **INMATE DAVIS:** And having quite an agenda
20 with him probably made me think, well, that's
21 maybe more of an excuse to do it. I mean have --

22 **PRESIDING COMMISSIONER MOORE:** Having an
23 agenda with your father?

24 **INMATE DAVIS:** Yeah.

25 **PRESIDING COMMISSIONER MOORE:** Regards to?

26 **INMATE DAVIS:** Well, we didn't have a great
27 relationship.

1 **PRESIDING COMMISSIONER MOORE:** Relationship.
2 Okay. Why was that? Was that because he rode you
3 hard?

4 **INMATE DAVIS:** Yeah, I thought.

5 **PRESIDING COMMISSIONER MOORE:** Okay.

6 **INMATE DAVIS:** I mean, from my point of view
7 it wasn't, --

8 **PRESIDING COMMISSIONER MOORE:** Okay.

9 **INMATE DAVIS:** -- you know, --

10 **PRESIDING COMMISSIONER MOORE:** Okay.

11 **INMATE DAVIS:** -- you know how that goes.

12 **PRESIDING COMMISSIONER MOORE:** All right.

13 When you look back on that, was he trying to tell
14 you the right things? Was he trying to teach you
15 the right way?

16 **INMATE DAVIS:** I suppose. You know, I don't
17 remember enough of it, of specifics. You know, he
18 taught me to work, he taught me to weld, he showed
19 me whatever it was that he could show me. He was
20 pretty -- He didn't have any people skills. He
21 went through the same kind of -- He was the same
22 kind of father as his father, so he was sort of,
23 you know, old-fashioned. And I don't know, I did
24 not -- I found myself -- I didn't want to do what
25 he wanted me to do. But I found that I was just
26 like him and I hated it. But I couldn't, I was
27 hopeless, I couldn't do anything about it. I

1 didn't even realize that I didn't like it for that
2 reason. And so when --

3 **PRESIDING COMMISSIONER MOORE:** When did you
4 come up with that? How long did it take you to
5 find out that you didn't like him for this
6 particular reason?

7 **INMATE DAVIS:** I was probably about 35, 36.
8 Took about -- I'd been in prison for years before
9 I rolled over.

10 **PRESIDING COMMISSIONER MOORE:** So you think
11 that he was trying to give you some good advice?

12 **INMATE DAVIS:** He was giving me the best he
13 had to give.

14 **PRESIDING COMMISSIONER MOORE:** Right.

15 **INMATE DAVIS:** Whatever that was.

16 **PRESIDING COMMISSIONER MOORE:** All right.

17 **INMATE DAVIS:** Right. It wasn't necessarily
18 good, you know. He was --

19 **PRESIDING COMMISSIONER MOORE:** But he stayed
20 out of trouble, he wasn't in jail, --

21 **INMATE DAVIS:** Well, I'll tell you --

22 **PRESIDING COMMISSIONER MOORE:** -- and he was
23 raising you. Right?

24 **INMATE DAVIS:** Well, he --

25 **PRESIDING COMMISSIONER MOORE:** He was trying
26 to raise you the best way he knew how. Right?

27 **INMATE DAVIS:** Hey, I -- That's right.

1 **PRESIDING COMMISSIONER MOORE:** Right.

2 **INMATE DAVIS:** He was able -- I -- The
3 little place we lived, he was able to avoid the
4 law.

5 **PRESIDING COMMISSIONER MOORE:** Okay.

6 **INMATE DAVIS:** And he was up front about it
7 with me. Look, if you're going to do something,
8 don't do nothing stupid.

9 **PRESIDING COMMISSIONER MOORE:** Right.

10 **INMATE DAVIS:** And him and his buddies made
11 whiskey.

12 **PRESIDING COMMISSIONER MOORE:** Moonshine?

13 **INMATE DAVIS:** Yeah.

14 **PRESIDING COMMISSIONER MOORE:** Yeah.

15 **INMATE DAVIS:** And ran from the law.

16 **PRESIDING COMMISSIONER MOORE:** All right.

17 **INMATE DAVIS:** And bragged about it.

18 **PRESIDING COMMISSIONER MOORE:** All right.

19 **INMATE DAVIS:** So the law was always as
20 important as they could get their hands on. It
21 wasn't -- You didn't do right because it was
22 right, you did right to avoid pain. So that was
23 kind of a -- That was the value system --

24 **PRESIDING COMMISSIONER MOORE:** I see.

25 **INMATE DAVIS:** -- from him. Very practical
26 --

27 **PRESIDING COMMISSIONER MOORE:** Okay.

1 **INMATE DAVIS:** -- from his point of view.

2 But you know, he was giving me whatever he had.

3 **PRESIDING COMMISSIONER MOORE:** That's right,
4 that's right. I understand.

5 **INMATE DAVIS:** And that's who I grew up to
6 be.

7 **PRESIDING COMMISSIONER MOORE:** Okay.

8 **INMATE DAVIS:** I guess.

9 **PRESIDING COMMISSIONER MOORE:** All right.
10 Let's look at your personal/social factors. That
11 information would have remained the same.
12 Counsel, I'm going to incorporate that from his
13 September '98 Board report. It's remained the
14 same, hasn't changed. Unless there's something he
15 wants to update about his personal/social history,
16 I'm going to take that from that Board report,
17 pages three and four, Roman Numeral II and that
18 would be Subsection C. If you have no objection
19 to that, Counsel?

20 **ATTORNEY DENNY:** No.

21 **PRESIDING COMMISSIONER MOORE:** All right.
22 All right, Mr. Davis, if you'll give your
23 attention to Commissioner Harmon, he'll give you a
24 rendition of your post-conviction factors, sir.
25 Thank you.

26 **INMATE DAVIS:** Thank you.

27 **DEPUTY COMMISSIONER HARMON:** Yeah, good

1 afternoon there, Mr. Davis.

2 **INMATE DAVIS:** Good afternoon. Thank you,
3 Mr. Moore.

4 **DEPUTY COMMISSIONER HARMON:** Listen care --

5 **PRESIDING COMMISSIONER MOORE:** Mr. who?

6 **INMATE DAVIS:** I said thank you, Mr. Moore.

7 **PRESIDING COMMISSIONER MOORE:** All right,
8 sir.

9 **DEPUTY COMMISSIONER HARMON:** Listen
10 carefully. If the information I'm providing is
11 inaccurate, we need to clear it up in the record.
12 Okay. It shows that your last hearing was
13 December 6th of 2001 at which time you received a
14 one-year denial. That represented Subsequent
15 Hearing number 20. You were received at CMC June
16 11th, 1980 from Folsom Prison. Your current
17 custody level is Medium A with a class score of
18 zero. Does that all sound right so far?

19 **INMATE DAVIS:** Yes, Sir.

20 **DEPUTY COMMISSIONER HARMON:** Okay. I'm
21 going to first of all review your Counselor's, a
22 portion of your Counselor's report and you're more
23 than welcome to add to it.

24 **INMATE DAVIS:** Thank you.

25 **ATTORNEY DENNY:** Yes, Sir.

26 **DEPUTY COMMISSIONER HARMON:** This is a
27 report from J. L. Ruano, R-U-A-N-O, Supervising

1 Correctional Counselor II. I'm going to first of
2 all cover the period of time from June of 2001 to
3 June of 2002 in part here. It says that you've
4 remained at CMC East, Three, general population.
5 You were endorsed, on October 1st, 1996, you were
6 endorsed a level override based on life and noting
7 public interest case. It says continued in
8 assignment to Protestant Chapel clerk receiving
9 exceptional work report ratings based on CDC 101s.
10 It says under academic, "Through independent
11 correspondence studies with Bethany Seminary,
12 Davis continues working towards his PhD in
13 Religion." Group activities: Continued
14 participation in the Yoke Fellows Peer Counseling
15 program per the 128(b) chronos; excuse me,
16 completed the Alternatives to Violence basic
17 workshop May of 2002. Shows no psychiatric
18 treatment, you remained disciplinary free. From
19 June of 2002 until September of 2002, in part
20 here, it says:

21 "Continued in assignment as
22 Protestant Chapel clerk receiving
23 exceptional ratings per the 101s.
24 Unassigned from Protestant Chapel
25 clerk due to longevity in clerical
26 assignment, effective June 11th,
27 2002. Reassigned to Education's

1 Office, teacher's assistant, on July
2 13th, 2002 receiving one above
3 average rating per CDC 101. During
4 June 2002, Davis earned his PhD in
5 Religion through Bethany Seminary."

6 It says no group activities, no negative
7 disciplinary behavior. And that carries us into
8 September of 2002, so there's been a few months
9 that have gone by and I don't have an addendum at
10 this point that brings us up to date. So I'm
11 assuming that you are still working as a clerk at
12 this point. Is that correct, in Education?

13 **INMATE DAVIS:** No. I'm working in the
14 Recreational Shack. I hand out round things. We
15 have balls.

16 **DEPUTY COMMISSIONER HARMON:** Okay. And how
17 long have you been doing that?

18 **INMATE DAVIS:** A couple months. Well, let's
19 think, November I started, probably early
20 November.

21 **DEPUTY COMMISSIONER HARMON:** Okay. And your
22 work record, your work record shows that over the
23 years you've held various assignments. I'm going
24 to touch on a few of those. You've worked as an
25 orderly, you worked in the kitchen, you worked in
26 a multitude of clerical positions, many, many that
27 I was looking over, and in the Protestant Chapel.

1 And of course your work supervisor reports have
2 rated you from satisfactory to exceptional, your
3 work performance. You began vocational Welding
4 and terminated it in 1984. At the time, you had
5 completed sixteen hundred and forty of the 2,000-
6 hour course so that you could learn drafting. And
7 it says at the time of your withdrawal, that you
8 were employable as a combination welder. And then
9 you got into the vocational Drafting program and
10 you completed that in '85. Does that sound right?

11 **INMATE DAVIS:** Yes, Sir.

12 **DEPUTY COMMISSIONER HARMON:** Is there any
13 other vocational programs that you've accomplished
14 that I'm not aware of here?

15 **INMATE DAVIS:** Well, except just the extent,
16 I went back to Drafting later on and did the
17 Computer Drafting course as kind of a follow-up to
18 that. But no, that's it, Welding and Drafting.

19 **DEPUTY COMMISSIONER HARMON:** Welding and
20 Drafting. Okay. And I guess there was another
21 segment or two that you could have completed in
22 the Welding program to receive your certificate of
23 certification.

24 **INMATE DAVIS:** Yeah. Well, once I became
25 certified for the City of Los Angeles, that was
26 enough for me.

27 **DEPUTY COMMISSIONER HARMON:** Okay, okay.

1 High School, 1961, completion. And as of 1978,
2 you completed about 53 units from University of
3 Tennessee. In '77 you were involved in
4 correspondence courses. Now, did you ever obtain
5 that AA? I know you were working toward --

6 **INMATE DAVIS:** I got my BS, I got my BA.

7 **DEPUTY COMMISSIONER HARMON:** You got your
8 BA.

9 **INMATE DAVIS:** Yeah. I didn't think -- When
10 I -- Well, I wasn't even thinking about an AA. I
11 guess I could have gotten it, you know, it's just
12 a matter of in the middle of the degree.

13 **DEPUTY COMMISSIONER HARMON:** Okay. I
14 couldn't, I didn't find the BA in there but then
15 again, you've got five files and thousands of
16 pages of documents. I looked as good as I could.
17 I did note that you got a Master of Arts in
18 Religion in January of '98, and of course your
19 Doctor of Philosophy in Religion with recognition
20 of suma cum laude, got a recognition of scholastic
21 achievement in June of 2002, Bethany Seminary.
22 Does that sound like your educational
23 accomplishments?

24 **INMATE DAVIS:** Yes, Sir.

25 **DEPUTY COMMISSIONER HARMON:** I also found a
26 certificate of Bible Indoctrinate from '76. I
27 guess that's when you started out from the Berean

1 School of the Bible, is it Berean, B-E-R --

2 **INMATE DAVIS:** Berean.

3 **PRESIDING COMMISSIONER MOORE:** Yeah,
4 B-E-R-E-A-N.

5 **INMATE DAVIS:** Yes. I was in Folsom. I took
6 all the classes to be ordained in the
7 interdenominational.

8 **DEPUTY COMMISSIONER HARMON:** Okay.

9 **INMATE DAVIS:** And that's what that's about.

10 **DEPUTY COMMISSIONER HARMON:** Okay. I did
11 find a TABE test from '90, your TABE test from
12 '90, and I'm showing an overall of 12.9. Let's
13 see here, you -- Now, in the area of self-help
14 group programs, you've been a member of the Yoke
15 Fellows Peer Counseling program since August of
16 '81 and you're recognized as a moderator for the
17 group.

18 **INMATE DAVIS:** Yes.

19 **DEPUTY COMMISSIONER HARMON:** Other programs
20 that you've completed, you've completed the Cat X
21 program in '87. Some of the various programs that
22 you've taken include Decision-Making and
23 Introspective Analysis Therapy in '88; Stress
24 Management Relaxation in '83; Individual
25 Psychotherapy in '89. You've also completed
26 Dynamic Psychotherapy with Dr. Orling back in '89;
27 process group in '90; group therapy, '89; you were

1 part of a training group in '89, Rational
2 Behavior, that was part of that Rational Behavior
3 training group; Anger Control, '89; and substance
4 abuse groups, NA specifically, the Square One
5 group; and of course it was mentioned by your
6 Counselor, the Alternatives to Violence project in
7 May of 2002. Now you took the basic program. Did
8 they ever offer you the advanced yet? Because
9 there is an advanced version of that.

10 **INMATE DAVIS:** They do offer that, I haven't
11 taken it.

12 **DEPUTY COMMISSIONER HARMON:** Okay. Is there
13 a reason why you haven't taken the advanced
14 version?

15 **INMATE DAVIS:** Schedule.

16 **DEPUTY COMMISSIONER HARMON:** Okay. Because
17 here's what I'm thinking. Most of your group
18 programs, you know, I mean, let's not take away
19 from the Yoke Fellows and your substance abuse
20 group, but most of it occurred in the late 80s.

21 **INMATE DAVIS:** Well I'm still going to an NA
22 group. I don't know, it should be on there, but
23 there should be some record --

24 **DEPUTY COMMISSIONER HARMON:** Yeah.

25 **INMATE DAVIS:** -- from Dr. Moberg
26 (phonetic).

27 **DEPUTY COMMISSIONER HARMON:** Right.

1 **INMATE DAVIS:** I have a weekly NA group --

2 **DEPUTY COMMISSIONER HARMON:** Okay.

3 **INMATE DAVIS:** -- that's been going on from,
4 I don't know when.

5 **DEPUTY COMMISSIONER HARMON:** You know all
6 the steps?

7 **INMATE DAVIS:** Yeah.

8 **DEPUTY COMMISSIONER HARMON:** Let me ask you
9 an important step, the fourth step.

10 **INMATE DAVIS:** Fourth step, okay. Take an
11 inventory.

12 **DEPUTY COMMISSIONER HARMON:** Well a little
13 more than that. What is --

14 **INMATE DAVIS:** Well it says --

15 **PRESIDING COMMISSIONER MOORE:** Moral,
16 fearless inventory, isn't it?

17 **INMATE DAVIS:** -- an inventory, moral,
18 fearless, pull no punches, --

19 **PRESIDING COMMISSIONER MOORE:** All right.

20 **INMATE DAVIS:** -- tell it like it is.

21 **DEPUTY COMMISSIONER HARMON:** Okay. The
22 reason I ask you that is because I want to know
23 how you apply it to your daily life when you get
24 up every morning.

25 **INMATE DAVIS:** Okay. Well, I'm always
26 living an examined life. I realize that I'm
27 responsible for every thought I think and

1 everything I say and do. And that requires me to
2 constantly judge it, to evaluate it, to keep doing
3 the things that are right and productive, and to
4 repent and stop doing the things that are not good
5 for me, you know, and good for other people. And
6 I'm making some progress on that.

7 **DEPUTY COMMISSIONER HARMON:** Okay. You can
8 understand the importance of that step?

9 **INMATE DAVIS:** That is absolutely important.

10 **DEPUTY COMMISSIONER HARMON:** You've also
11 been recognized during this period of time since
12 your last hearing, your work in Bible Studies as a
13 peer educator.

14 **INMATE DAVIS:** Yes, Sir.

15 **DEPUTY COMMISSIONER HARMON:** And you
16 received a laudatory for that. You also received
17 another one for your participation in the
18 Alternatives to Violence program. Your
19 disciplinary shows that you've had two 115s;
20 January 25th of 1980 was the last 115 and that was
21 for conduct, dealt with obeying orders, or not
22 obeying orders I guess you'd say. And the one
23 prior to that was January 13th of 1975 and that was
24 for a sharpened spoon. And to clarify that a bit,
25 apparently you were using it to take paint off the
26 wall of your cell or something that you felt was
27 needed to be done. You got yourself written up

1 for that.

2 **INMATE DAVIS:** Yes.

3 **DEPUTY COMMISSIONER HARMON:** Five 128s, your
4 last one August 15th, 1992, lying to staff. I want
5 to point out that, you know, you're to be
6 commended. I mean, there has been no violence in
7 all those years of incarceration. I guess if you
8 want to look at the spoon as a weapon, as CDC did,
9 that could be considered a weapon, but generally
10 your behavior has been excellent.

11 **INMATE DAVIS:** That's right. Well they
12 actually didn't consider it as a weapon. When the
13 hearing came down, it was obvious I was scraping
14 paint with it.

15 **DEPUTY COMMISSIONER HARMON:** Right.

16 **INMATE DAVIS:** Nobody in Folsom ever dreamed
17 of making a weapon out of a stainless-steel spoon.

18 **DEPUTY COMMISSIONER HARMON:** But of course
19 you know very well in this day and age that it is
20 done frequently.

21 **INMATE DAVIS:** Well, then we had a hobby
22 shop full of all kinds of knives and tools and
23 turning tools. And you could have woodworking
24 tools in your cell. So for somebody to make a
25 knife, I mean, that's James Cagney stuff.

26 **DEPUTY COMMISSIONER HARMON:** Okay. But as
27 long as you understand the significance of this.

1 **INMATE DAVIS:** I absolutely do. I spent
2 about five days in the hole for that one.

3 **DEPUTY COMMISSIONER HARMON:** Okay.

4 **INMATE DAVIS:** So I kind of woke up --

5 **DEPUTY COMMISSIONER HARMON:** Okay.

6 **INMATE DAVIS:** -- on scraping paint.

7 **DEPUTY COMMISSIONER HARMON:** Okay. I think
8 I've pretty well covered most of your
9 accomplishments, haven't I?

10 **INMATE DAVIS:** Well, no. I got married,
11 1985.

12 **DEPUTY COMMISSIONER HARMON:** That's going to
13 be covered.

14 **INMATE DAVIS:** Had a great daughter.

15 **DEPUTY COMMISSIONER HARMON:** That's going to
16 be covered.

17 **INMATE DAVIS:** That's my main
18 accomplishment. I became a Christian. That's the
19 most important things. All the rest of this stuff
20 is down the line.

21 **DEPUTY COMMISSIONER HARMON:** Okay.

22 **INMATE DAVIS:** But everything you got on
23 paper, I've done. You didn't leave anything out
24 that I've got anything to add.

25 **DEPUTY COMMISSIONER HARMON:** Okay. And it's
26 important to find out that you've stayed busy and
27 out of trouble, you know. You've made good use of

1 your time in terms of --

2 **INMATE DAVIS:** I try to do that.

3 **DEPUTY COMMISSIONER HARMON:** -- programming.

4 What I'll do now is I'm going to go to your
5 psychiatric report and there was no new report
6 generated for this meeting, so what I do is I
7 refer to the prior report, which was completed in
8 August of '99. Once again I'm going to take parts
9 of that report so some of it will be repetitive.
10 And you are familiar with that report?

11 **INMATE DAVIS:** Yes, Sir.

12 **DEPUTY COMMISSIONER HARMON:** Okay. Then
13 what I'm going to do is, I'm going to jump right
14 over to the part here, Dr. Portnoff, Lance,
15 Portnoff, P-O-R-T-N-O-F-F, for the transcriber,
16 Staff Psychologist. And in part -- Counsel, if
17 you're interested, I'm going to go to page five.
18 Under plans if granted release, the doctor writes
19 here in part: "Therefore his prognosis for
20 successful community living is estimated to be
21 good." Under clinical assessment, under current
22 mental status and treatment needs, now the doctor
23 refers to the day of the meeting with you and he
24 says:

25 "Mr. Davis presents as a well-groomed,
26 articulate man who appears his stated
27 age. His speech is prompt and

1 spontaneous of normal tone and tempo.
2 The process of thought is reflected
3 and speech is generally organized or
4 coherent with no indication of frank
5 psychosis. A Hare Psychopathy
6 Checklist was not completed since one
7 had been done by this evaluator in
8 1997. In that evaluation there was no
9 evidence to support a diagnosis of
10 Antisocial or Psychopathic Personality
11 Disorder, --"

12 [Thereupon, the tape was turned over.]

13 **DEPUTY COMMISSIONER HARMON:** Okay. We need
14 to back up.

15 **INMATE DAVIS:** No, I'm familiar with it.

16 **DEPUTY COMMISSIONER HARMON:** Okay. I'll go
17 back to the beginning of the sentence.

18 "In that evaluation, there was no
19 evidence to support a diagnosis of
20 Antisocial or Psychopathic
21 Personality Disorder, although there
22 was evidence to support lifetime
23 personality characteristics relative
24 to Narcissistic Personality Disorder.
25 However, at this time there does not
26 appear to be clinically significant
27 distress or impairment in social,

1 occupational or other important areas
2 of functioning. Therefore, at this
3 time, I would be willing to agree
4 with Dr. Berning that while there is
5 evidence of continuing narcissistic
6 personality traits, they do not at
7 this time rise to the level of
8 Personality Disorder."

9 Under clinical diagnosis, level of functioning,
10 under Axis I -- Polysubstance Abuse Not Otherwise
11 Specified In Full Remission In A Controlled
12 Environment; Axis II -- Narcissistic Personality
13 Traits; Axis V -- Global Assessment Of Functioning
14 Of 81, and then in parentheses, (Absent Or Minimal
15 Symptoms), end of parentheses.

16 "Mr. Davis is currently a general
17 population inmate. His treatment
18 activities consist of NA. He is not
19 receiving any psychotropic
20 medications because he does not have
21 a commitment to and knowledge about
22 relapse prevent -- Because he does
23 have a commitment to and knowledge
24 about relapse prevention strategies.
25 His eventual prognosis for
26 maintaining his present gains is
27 estimated to be good."

1 Under the review of the life crime:

2 "With regard to remorse, his current
3 attitude still does not suggest
4 continued debasement or hostility
5 toward the victims. Therefore I
6 would agree that Mr. Davis' basic
7 insight into the causative factors of
8 the commitment offense, which would
9 include not thinking through any
10 consequences and just proceeding
11 through life in a step-by-step manner
12 primarily concerned with drugs, sex,
13 in a sense, acceptance and approval
14 by the Manson family. As I noted in
15 my previous report in 1997, he
16 apparently was an emotionally vacant
17 individual with a meager self-concept
18 and a lack of internalized values in
19 his desire for --"

20 I think it should say approval, but it says,
21 "-- approval and fellowship. The
22 Manson family was strong enough to
23 make him disregard whatever weak
24 values he possessed."

25 Under assessment of dangerousness, in part: "In
26 the almost 30 years since the commitment offenses
27 he has not perpetuated --" or excuse me,

1 "-- not perpetrated any similar or
2 aggressive or threatening behavior,
3 therefore his violence potential
4 within a controlled setting is nil.
5 He has also made significant strides
6 in his emotional development. He has
7 not continued to have associations
8 with criminally minded individuals
9 that characterize his involvement in
10 the commitment offenses. Likewise,
11 since the mid-1980s, he became more
12 willing to accept responsibility for
13 his role in the murders. From all
14 accounts, he is no longer a dependent
15 individual needing the approval of
16 the criminally minded associates who
17 were addicted to mind-altering
18 substances. The risk factors,
19 precursors to violence, which applied
20 at the time of the controlling
21 offenses, including a lack of
22 internalized values, affiliation with
23 criminally minded associates,
24 inability to think through
25 consequences, inability to reject
26 overtures for criminal behavior from
27 his associates, and immersion in a

1 hedonistic drug-using lifestyle, none
2 of these factors appear to be
3 applicable anymore. He does not have
4 affiliations with criminal
5 associates, no longer appears to be
6 easily persuadable and appears to be
7 committed to a pro-social value
8 system. Therefore, given the history
9 leading up to the commitment offense,
10 his described degree of participation
11 in the two murders, coupled with his
12 institutional programming, all
13 suggest that his violence potential
14 in the community is low in comparison
15 with the average inmate at this
16 time."

17 Clinical observations, comments and
18 recommendations: "There are no recommendations at
19 this time." And it's signed by Lance Portnoff.
20 So what I've done, Mr. Davis, is I've taken parts
21 of the doctor's report, Counselor's report and
22 parts of your institutional adjustment. Now, I
23 may have inadvertently left out areas that are
24 very important to you. Before I move on to your
25 parole plans, is there anything you wish to add?

26 **INMATE DAVIS:** No, Sir.

27 **DEPUTY COMMISSIONER HARMON:** Thank you.

1 I'll return to the Chair.

2 **PRESIDING COMMISSIONER MOORE:** Thank you,
3 Sir. Parole plans, Commissioner Risen.

4 **COMMISSIONER RISEN:** Yeah. I see here that
5 you plan to parole to Grover Beach, California
6 with your wife, Beth, is it?

7 **INMATE DAVIS:** Beth, yes, Sir.

8 **COMMISSIONER RISEN:** And you have a nine-
9 year old daughter. What type of work does your
10 wife do?

11 **INMATE DAVIS:** She works for Delta Airlines,
12 she's a flight attendant.

13 **COMMISSIONER RISEN:** Okay. Also I see that
14 you have a plan to work for Campbell, Taylor
15 Insurance Service, but I didn't notice a letter in
16 the file from them offering employment.

17 **INMATE DAVIS:** I don't think there's
18 probably a current one.

19 **COMMISSIONER RISEN:** Okay. What would you
20 do for them?

21 **INMATE DAVIS:** You know, we've talked about
22 it and I don't know. I mean, I didn't -- They're
23 friends of our family. They said, we'll do
24 something with you, right. I said, well what can
25 I do with insurance, I don't know anything about
26 that. They said, don't worry about it, we'll do
27 something. Okay. So now, I realize it's pretty

1 vague, but I mean, that's as much as it is.

2 **COMMISSIONER RISEN:** Okay. Then you also
3 have an alternative employment with the Marine
4 Exchange in Los Angeles.

5 **INMATE DAVIS:** Right.

6 **COMMISSIONER RISEN:** What would you do
7 there?

8 **INMATE DAVIS:** Well there, I could work at
9 welding, drafting. It's the Longshoremen. I
10 could, you know, I could do tons of that stuff.

11 **COMMISSIONER RISEN:** So the Marine Exchange
12 is like a Union Hall?

13 **INMATE DAVIS:** It's the LA Harbor. The
14 person, Doctor -- Captain Ashmeyer, is the Traffic
15 Control Officer. He's the Marine, the Executive
16 -- Well, he's got a title there. And anyway, he's
17 the Traffic Control Officer of the Long Beach, or
18 Los Angeles Port.

19 **COMMISSIONER RISEN:** Okay. Well, one thing
20 has changed since the last hearing. We now have
21 the authority to parole you to wherever we feel
22 you'll be most successful.

23 **INMATE DAVIS:** Right.

24 **COMMISSIONER RISEN:** So we wouldn't have to
25 necessarily parole you back to Los Angeles County.
26 There's some letters here, there's nine support
27 letters. Barbara Daggett wrote a letter of

1 support dated December 19th, 2002. How do you know
2 Ms. Daggett?

3 **INMATE DAVIS:** She's a friend of my wife's.

4 **COMMISSIONER RISEN:** Okay. And Roger Keech.
5 How do you know Mr. Keech?

6 **INMATE DAVIS:** Well, Mr. Keech was a
7 volunteer out here. He's a Cal Poly Mechanical
8 Engineering professor and he was a volunteer at
9 CMC. That's where I met him.

10 **COMMISSIONER RISEN:** Okay. After his name
11 he's got a PE, do you know what -- Then he's got
12 Roger A. Keech, PE.

13 **INMATE DAVIS:** Something Engineering.

14 **COMMISSIONER RISEN:** Okay. He wrote a
15 letter of support dated January 7th, 2003. And a
16 letter from Judith Davis Ward.

17 **INMATE DAVIS:** My sister.

18 **COMMISSIONER RISEN:** And she writes a letter
19 of support. Where does she live?

20 **INMATE DAVIS:** Raleigh, North Carolina.

21 **COMMISSIONER RISEN:** Okay. Then do you know
22 William P. Clark?

23 **INMATE DAVIS:** Not personally.

24 **COMMISSIONER RISEN:** You know of him,
25 though.

26 **INMATE DAVIS:** I know of him.

27 **COMMISSIONER RISEN:** Yeah. He's a retired

1 California Judge --

2 **INMATE DAVIS:** Supreme Court Justice.

3 **COMMISSIONER RISEN:** -- who has reviewed
4 your case.

5 **INMATE DAVIS:** On appeal.

6 **COMMISSIONER RISEN:** And he supports your
7 release.

8 **INMATE DAVIS:** Yes, he does.

9 **COMMISSIONER RISEN:** This is dated January
10 9th, 2003. He says:

11 "This occasion constitutes the only
12 time I've ever recommended parole for
13 a prisoner. However, I conclude
14 Mr. Davis' further incarceration
15 beyond his over 30 years served would
16 constitute a miscarriage of justice."

17 Robert and Jean Wilson. They're friends?

18 **INMATE DAVIS:** Actually, he's my brother-in-
19 law, my wife's brother.

20 **COMMISSIONER RISEN:** Yeah. They're also
21 writing a letter of support here saying that they
22 support your release on parole.

23 **INMATE DAVIS:** Yeah.

24 **COMMISSIONER RISEN:** And Charles W. Colson,
25 C-O-L-S-O-N. How do you know Mr. Colson?

26 **INMATE DAVIS:** Only by mail.

27 **COMMISSIONER RISEN:** Okay. He's with the

1 Prison Fellowship Ministries.

2 **INMATE DAVIS:** Yes, Sir.

3 **COMMISSIONER RISEN:** He indicates that he's
4 aware that you've been a model prisoner and he
5 personally supports your release on parole. And
6 this is a letter dated January 9th, 2003.

7 **INMATE DAVIS:** I have read some of his
8 books. He was one of Nixon's guys in Watergate
9 and I --

10 **COMMISSIONER RISEN:** That's the Colson, huh?

11 **INMATE DAVIS:** Yeah. And I've read some of
12 his books and I wrote him a letter one time,
13 talked to him.

14 **COMMISSIONER RISEN:** Okay. Then we've got
15 Lemoine, L-E-M-O-I-N-E, is that a sister-in-law?

16 **INMATE DAVIS:** Well that, Lemoine is, yeah,
17 that's my wife's sister's married name.

18 **COMMISSIONER RISEN:** Okay. Lieutenant David
19 Lemoine, he's an Alameda County firefighter,
20 retired.

21 **INMATE DAVIS:** Yes.

22 **COMMISSIONER RISEN:** And then Patricia is
23 your wife's sister.

24 **INMATE DAVIS:** Yes, Sir.

25 **COMMISSIONER RISEN:** And they're writing a
26 letter requesting that you be granted a parole.
27 That's dated January 13th, 2003. Then a letter

1 from your wife indicating that you have a nine-
2 year old daughter that adores her father, her
3 daddy, and is proud of all the men he gets to help
4 while in prison. And she would like your release
5 from prison. How long have you been married now?

6 **INMATE DAVIS:** Since -- Well I got married
7 in '85, that makes it 17 years, 18 years.

8 **COMMISSIONER RISEN:** How has having a nine-
9 year old changed you?

10 **INMATE DAVIS:** It's like looking at the
11 world through a whole different set of glasses.
12 Seeing things, you know, through her eyes and --
13 But mainly, it's really woken -- Let me see my
14 responsibility in the life of another person and
15 what I really owe her. And it's -- Ever since --
16 Well it, from the time she was born, my whole life
17 changed in ways I didn't expect it would.

18 **COMMISSIONER RISEN:** Okay. I also have a
19 four-page letter from George Denny The Third and
20 it's dated December 30th, 2002. He was the
21 attorney that represented you?

22 **INMATE DAVIS:** Yes, Sir.

23 **COMMISSIONER RISEN:** And he's telling us how
24 we should have let you go many years ago.

25 **INMATE DAVIS:** Well he's a wise man.

26 **COMMISSIONER RISEN:** But he's also
27 supporting your release, saying that you're

1 changed and would survive out there in the world.

2 **ATTORNEY DENNY:** He's sitting in front of
3 you, Sir.

4 **COMMISSIONER RISEN:** Is he?

5 **ATTORNEY DENNY:** Yes.

6 **COMMISSIONER RISEN:** Is that you?

7 **ATTORNEY DENNY:** That is I.

8 **COMMISSIONER RISEN:** Okay. Okay. We also
9 send out 3042 notices. Those are notices that go
10 to government agencies that were involved in the
11 investigation and your prosecution. And we sent
12 out about 10 letters, we received two responses.
13 One of the responses was from the Los Angeles
14 County Sheriff's Department, a Frank Merriman,
15 Captain in the Homicide Bureau. They are opposed
16 to your release. We also have a representative
17 from the Los Angeles County District Attorney's
18 Office. In a few moments, he'll be able to ask
19 you questions and make a statement regarding your
20 parole suitability and length of confinement. Is
21 there anything else we need to talk about on your
22 parole plans?

23 **INMATE DAVIS:** No, I don't think so. I have
24 -- This is not written in the parole plans, but
25 through my wife's church, there's a lot of people
26 have, you know, I have a lot of support. I can
27 work at a lot of different jobs, I'm skilled, I

1 can teach. I don't think a job would be -- While
2 it is a very important thing, it wouldn't be
3 highly difficult for me to make a living.

4 **COMMISSIONER RISEN:** Well, before you were
5 incarcerated, did you -- You did have some
6 employment regularly on the outside?

7 **INMATE DAVIS:** I worked in construction, I
8 was a welder, pipelines and in the piping business
9 with -- I helped to do the piping for the Santa
10 (inaudible) Steam Plant there down in --

11 **COMMISSIONER RISEN:** By San Diego.

12 **INMATE DAVIS:** By San Diego. And worked for
13 a subcontractor at (inaudible).

14 **COMMISSIONER RISEN:** Okay. I think we've
15 covered this well enough. We'll go back to the
16 Chair, then.

17 **PRESIDING COMMISSIONER MOORE:** Thank you.
18 Commissioner, any additional questions on the
19 committing offense?

20 **DEPUTY COMMISSIONER HARMON:** Just for some
21 clarification. I saw a notation in here that --
22 This thing about the cutting of the victim on the
23 shoulder, you said?

24 **INMATE DAVIS:** Yes, Sir.

25 **DEPUTY COMMISSIONER HARMON:** You mentioned
26 something about their rationale for killing these
27 men. What is their rationale for killing them?

1 Do you remember?

2 **INMATE DAVIS:** As far as I know, Gary was
3 killed because he wouldn't give the money away
4 that they thought he had. And Donald was killed
5 because he was thought to be an informant.

6 **DEPUTY COMMISSIONER HARMON:** Now, you're
7 claiming in the first incident, you were in the
8 car at the time. Is that correct?

9 **INMATE DAVIS:** In the -- With Gary, I wasn't
10 at the house, I was gone from the premises when he
11 actually was killed. With Shea, I was there when
12 it happened.

13 **DEPUTY COMMISSIONER HARMON:** And you're
14 claiming that the most involvement that you had
15 was cutting him on the shoulder?

16 **INMATE DAVIS:** That's right.

17 **DEPUTY COMMISSIONER HARMON:** Now, was his
18 body ever found?

19 **INMATE DAVIS:** Yes, it was.

20 **DEPUTY COMMISSIONER HARMON:** And was he
21 decapitated?

22 **INMATE DAVIS:** No, he wasn't. In fact,
23 there was, I had a big hearing about that because
24 I had special circumstances because it was --
25 Although his body was never found, we were given
26 special circumstances because somebody said that
27 he was dismembered. And so just on that

1 testimony, we were given, I was given special
2 circumstances. And then when his body was
3 recovered and examined, it came to find out he was
4 not dismembered and so I had another hearing and
5 the special circumstances was taken off.

6 **DEPUTY COMMISSIONER HARMON:** And for the
7 victim that was kept in his home and beaten and
8 stabbed for a couple days before he was murdered,
9 did you have anything to do with that?

10 **INMATE DAVIS:** I drove the people over
11 there, I came back. Yeah, I had something to do
12 with it, I drove them over there. And I came back
13 and I stood there and I watched Charlie cut the
14 man on the face.

15 **DEPUTY COMMISSIONER HARMON:** Did you ever,
16 in any way, touch him?

17 **INMATE DAVIS:** No.

18 **DEPUTY COMMISSIONER HARMON:** Strike him,
19 stab him, hit him?

20 **INMATE DAVIS:** No, no, no, I didn't.

21 **DEPUTY COMMISSIONER HARMON:** I have nothing
22 further.

23 **PRESIDING COMMISSIONER MOORE:** Thank you.
24 Commissioner Risen, questions?

25 **COMMISSIONER RISEN:** Yeah. The second
26 victim, was his body found?

27 **INMATE DAVIS:** Yes, it was.

1 **COMMISSIONER RISEN:** But it was after your
2 trial?

3 **INMATE DAVIS:** It was several years later.

4 **COMMISSIONER RISEN:** Okay. Did you know
5 where he was buried?

6 **INMATE DAVIS:** No, I didn't.

7 **COMMISSIONER RISEN:** I have nothing further.

8 **PRESIDING COMMISSIONER MOORE:** Thank you.
9 District Attorney's Office?

10 **DEPUTY DISTRICT ATTORNEY MANZELLA:** No
11 questions.

12 **PRESIDING COMMISSIONER MOORE:** All right,
13 Sir. Mr. Denny, questions?

14 **ATTORNEY DENNY:** Well, I have one question
15 that I had asked my client earlier, and that is
16 whether he knew at the time he took Bobby
17 Beausoleil and Mary Brunner and Susan Atkins over
18 to the house of Gary Hinman that they were going
19 to kill him.

20 **INMATE DAVIS:** You know, when the whole
21 thing came up, someone said, "Gary Hinman has a
22 lot of money," and Bobby Beausoleil says something
23 to the effect of, "I'll get it from Gary." And
24 Charlie says something like, "That might not be
25 just for the asking," and Bobby says, "I'll do
26 anything it takes." Things to that effect. I
27 didn't think that it would ever come past the

1 threat of violence, knowing Bobby. Well, I
2 thought I knew Bobby but Bobby was, he would
3 advertise a little bit more than he could actually
4 deliver about a lot of things. And so when I --
5 So when we was driving over there, I, it never, I
6 never really thought that Gary would even be,
7 would be killed. But I'm not sitting here and
8 going to tell you, well, I wouldn't have done it
9 if I thought he had. I would have probably drove
10 them over there anyway, knowing where my head was
11 at. So I -- But I didn't, in fact, believe that
12 anything, that they were going to kill Gary. Now
13 Shorty, I did, but with Gary, I didn't. I didn't
14 think it.

15 **ATTORNEY DENNY:** That's all.

16 **PRESIDING COMMISSIONER MOORE:** Thank you,
17 Sir. Commissioner, you had one more question?

18 **DEPUTY COMMISSIONER HARMON:** Yeah, I did. I
19 did have one question written down here that I
20 didn't ask you this and that is, at the time of
21 the arrest, after the arrest, you were asked to
22 testify by the District Attorney's Office, I
23 believe, against Charlie and you refused. And I
24 think it was something to the effect that you
25 loved him too much. So the question is, would you
26 testify against Charlie today if you were asked by
27 the DA's Office?

1 **INMATE DAVIS:** Yes, I would.

2 **DEPUTY COMMISSIONER HARMON:** And what
3 basically changed -- What has changed your mind
4 between then and now?

5 **INMATE DAVIS:** Before, I had a misplaced
6 loyalty that I don't have now. Then, I had a very
7 unrealistic view of myself and the situation and
8 the people involved in it that is diametrically
9 opposed to the way I feel now. So, I've kicked
10 myself many times. Because when I first got
11 arrested, the officers told me -- Remember
12 Whitely, and who was the other one?

13 **ATTORNEY DENNY:** Gunther.

14 **INMATE DAVIS:** Gunther, they told me, we
15 were in the car, man, I'll tell you this, this is
16 on the list of "If I'd have onlys," okay. And
17 they turned around and they said, you know, if you
18 would just tell the truth about what you did, they
19 said, we don't believe that you're involved in
20 Tate/LaBianca, we don't believe you're in this and
21 that and the other, but we know that you had
22 something here and something over here. Like
23 that, right. Said, we know there's something but
24 if you'll tell the truth, we're not going to
25 guarantee you anything, but we will do what we can
26 with the judge. And well, I knew they were
27 telling me the truth. I mean, I believed they

1 would do what they said. But you know, stupid
2 people, you could offer them anything. You can
3 show a blind man the -- A blind man can't -- I
4 don't care how pretty the picture is, a blind man
5 can't see it. And so, well, you know what
6 happened, I just said, oh no, I can't. I mean,
7 you know, I've got to be that, whatever.

8 **DEPUTY COMMISSIONER HARMON:** Thank you, sir.
9 Return to the Chair.

10 **PRESIDING COMMISSIONER MOORE:** Thank you.
11 What's that, taking a horse to the water but you
12 can't make him drink it, right?

13 **INMATE DAVIS:** Oh boy.

14 **PRESIDING COMMISSIONER MOORE:** All right.
15 Let's go to closing. District Attorney's Office.

16 **DEPUTY DISTRICT ATTORNEY MANZELLA:** Thank
17 you. The District Attorney opposes the inmate's
18 release on parole for the following reasons. At
19 the time that we were, at the time the trial began
20 and I was the trial deputy, we were asking for the
21 death sentence. The California Supreme Court
22 struck down the Death Penalty Law, under which we
23 were operating, during the trial. Today, for
24 these same convictions, the minimum sentence is
25 life without parole. Mr. Davis bought the nine-
26 millimeter, semiautomatic pistol which was
27 involved in the murder under a false name of Jack

1 McMillan, M-C capital M-I-L-L-A-N, a couple of
2 weeks before Hinman's murder. And he used a false
3 identification in that name. That's at the
4 reporter's transcript 3398 and 3402 and at page
5 3586. Mr. Davis drove Beausoleil and the Manson
6 family girls to Hinman's home before the murders.
7 He held a nine-millimeter pistol on Hinman while
8 Manson slashed Hinman's face and ear with the
9 sword. That's at the reporter's transcript, page
10 3116. That same pistol was fired once by Bobby
11 Beausoleil in Hinman's home. That's at reporter's
12 transcript 3078, 3576 and 7009. Mr. Davis worked
13 on and drove the Manson family's dune buggies.
14 That's at reporter's transcript 5054 and then 5056
15 and 5060. It's clear that Hinman died a slow
16 death from knife and sword wounds over a period of
17 two days. The motive was to get him to sign over
18 the property it was thought that he had. He was
19 tortured and eventually signed over his two cars,
20 which was all the property he had. His body was
21 left to decompose. Donald "Shorty" Shea was
22 murdered about a month later. The motive was to
23 prevent his ousting the family from the Spahn
24 Ranch and to prevent his revealing their
25 participation in the Tate and LaBianca and Hinman
26 murders. Only four men participated in Shea's
27 killing and Davis was one of them, along with

1 Manson, Grogan and Watson. Mr. Davis bragged
2 thereafter about killing Shea to the Manson family
3 girls and to Bill Vance, V-A-N-C-E. That's at
4 reporter's transcript 5531 through 5533 and pages
5 5857 through 5858. After Shea was murdered,
6 Mr. Davis handled both his footlockers, which
7 contained all his possessions. His fingerprints
8 were found thereon. That's at reporter's
9 transcript 5 -- Reporter's transcript 7398 through
10 7404. After Shea's murder, Mr. Davis drove Shea's
11 car, his fingerprints were found thereon. That's
12 at reporter's transcript 6561 through 6601. The
13 murders, these murders, Hinman and Shea and the
14 Tate and LaBianca murders, were approximately one
15 month apart, at least. The point is that
16 Mr. Davis knew that Hinman and the others were
17 dead when he participated in the murder of Donald
18 Shea. That is, he had one month at least to call
19 law enforcement, or at least to walk away from the
20 Manson family. Mr. Davis never testified at
21 trial, he never expressed remorse for his actions
22 until after his arrest, his prosecution, his
23 sentencing and substantial time in state prison.
24 Mr. Davis appealed his conviction. Therefore in
25 1972, 1972, three years after the murders, he was
26 still denying his responsibility. His conversion
27 to non-violence, if true, was imposed upon him by

1 society, it did not come from within. Mr. Davis
2 did not admit his guilt until 1977, eight years
3 after the murders, although he claimed to have
4 found God much earlier. That's contained in the
5 11/28/77 psych report by R. K. Boly, B-O-L-Y-N.
6 Eleven years after the murders, in a psych
7 evaluation, Mr. Davis refused to identify his
8 crime partners, ostensibly to protect their rights
9 on appeal. That information is contained in the
10 11/10/80 psych report by S. E. Butler,
11 B-U-T-L-E-R, MD. According to the 1998 life
12 prisoner evaluation, and I quote, "Today, he
13 regrets his actions and feels helpless because he
14 wishes there was something he could do," end
15 quote. That's at page two of the 1998 life
16 prisoner eval. It is the District Attorney's
17 position that there is something Mr. Davis can do,
18 he can be forced to remember his awful crimes
19 every day for the rest of his life. If he is
20 freed on parole, there will be days when he will
21 forget his participation in these crimes and his
22 participation in the Manson family. With the
23 passage of time, his only link to these crimes
24 will be his incarceration. There is no doubt that
25 Mr. Davis, according to those who should know, is
26 doing good work inside prison walls. It is the
27 District Attorney's position that his good works

1 are needed here and that they should continue to
2 be conducted within prison walls. Mr. Davis was
3 26 at the time of the crimes, 26 years of age. He
4 was not an impressionable youngster. As has
5 already been pointed out, he never revealed the
6 location of Shea's body. It was once pointed out
7 that the District Attorney, by its representative,
8 Jeff Jonas, J-O-N-A-S, indicated less than a
9 wholehearted belief, or opinion, that Mr. Davis
10 should not be granted parole. I would point out
11 to the Board that Mr. Jonas did not see the photos
12 of Hinman's decomposed body, maggots moving over
13 his torso like a second skin. They did not hear
14 his friends and family testify. As one of the
15 trial prosecutors, I saw and heard the evidence
16 firsthand. It is the District Attorney's position
17 that it is the custodial and institutional setting
18 that is holding Mr. Davis together. Without it,
19 he would not have accomplished what he has
20 accomplished. It is the District Attorney's
21 position that Mr. Davis was a willing and eager
22 and active participant in an ongoing criminal
23 enterprise, which had a plan which has been
24 detailed elsewhere. Whether he pulled the trigger
25 or wielded the knife himself, Manson himself did
26 not do so except in very limited circumstances,
27 such as cutting Hinman's ear with the sword, which

1 was stipulated at trial according to the testimony
2 of the coroner not to have been a life-threatening
3 injury. The same argument could apply to Manson.
4 Manson, himself, at the Tate and LaBianca murders,
5 did not wield the deadly weapon or inflict the
6 fatal wound and did not do so with regard to
7 Hinman. Mr. Davis was a willing and eager and
8 active participant in the ongoing criminal
9 enterprise, which was the Manson family. He was
10 ready, willing and able to do evil. And for all
11 those reasons, the District Attorney opposes his
12 release on parole.

13 **PRESIDING COMMISSIONER MOORE:** Thank you,
14 Sir. Thank you for your comments. Mr. Denny.

15 **ATTORNEY DENNY:** I have spoken to your
16 predecessors on the same topic for a number of
17 years, more years than Mr. Manzella has been up
18 here because Jeff Jonas was representing the DA's
19 Office for most of that time. And I have said
20 time and time again, this man was part of the
21 deaths, the terrible deaths, of two innocent
22 people who never should have been killed. Never
23 should have been killed the way they were killed.
24 Mr. Manzella points out that he was approximately
25 26 years old at the time all of this happened and
26 therefore, old enough, essentially, to quote,
27 unquote, "know better." I have thought of the

1 mistakes I have made. Some mistakes of greed,
2 some mistakes of lust over the years. Many years
3 later than Bruce Davis. I have held onto stocks
4 hoping that they would go up and not sell them
5 when I should and then, therefore, have lost
6 money. I separated from my wife for a time,
7 almost a year, which would have been the biggest
8 mistake of my life, shortly after this trial.
9 Happily, come August of this year, we'll celebrate
10 our 50th anniversary. That's a mistake I would
11 have made in my mid-40s. All of us make mistakes,
12 none of us is free from that. All of you who sit
13 here will acknowledge, I am sure, your own
14 mistakes over the years. None of them, I am sure,
15 having to do with the taking of a life. I am
16 sure, and Mr. Davis has said on more than one
17 occasion to your forerunners who have sat in your
18 places, he does think about these people every
19 day. He does not need to be confined in prison
20 for that to go through his mind every day. He has
21 spent 30 years, more than half of his life, trying
22 to recompense for the stupidity and evil he was
23 involved in about 32 years ago. And as you look
24 at this man, it's your job to make an initial
25 determination. Is he, as he sits here now, a
26 danger to the community? Was he a danger to the
27 community back 32 years ago? Yes, he was. No

1 question about it. Not because he wanted to hurt
2 people, not because he wanted to kill people, but
3 because he was malleable, he was leadable by a
4 person such as Charles Manson. Now, I sat next to
5 Charlie Manson for about three months, or three
6 weeks, at least, while we were trying to pick a
7 jury before I managed to get this case severed
8 from his case, and I can tell you, as many people
9 can, that he was a charismatic character. Oh,
10 yes. Charles Manson was a charismatic character.
11 And at a time when young people were dropping out,
12 at the time of the Viet Nam War, at a time of the
13 hippies, he was telling it like it was. Like, in
14 fact, people like Senator Eugene McCarthy was
15 telling it. And these young people listened to
16 him. He went far beyond that, he went far beyond
17 anything Eugene McCarthy ever said, obviously.
18 But this malleable person looking for the
19 affection of Charlie Manson was willing to go
20 along and do things that none of us, and otherwise
21 he, would not have done. That was 32 years ago.
22 Is this the same person? Mr. Manzella and I sat
23 across from Counsel table during the trial, he
24 representing The People with Steve Kay, I
25 representing Bruce Davis, and I didn't know at
26 that time this Bruce Davis. I knew a far
27 different Bruce Davis. There was a period of some

1 15 years or so that I didn't get back together
2 with Bruce Davis and discover a man grown to
3 maturity, a man with a wife, a man with a
4 Christian faith, a man who lived his Christian
5 faith by helping people in prison, fellow
6 prisoners. He's even set up a hospice program for
7 dying prisoners here in the prison. He is not the
8 same person that Tony Manzella prosecuted. It's
9 not even the same body, it's a much older body, as
10 you can see, as all of us have grown older. But
11 he is a man who has paid a significant debt to
12 society. Each one of you sitting here, I don't
13 know about Mr. Harmon, but Mr. Moore and Mr. Risen
14 have a background in law enforcement and we are
15 all interested in good law enforcement. We are
16 all interested in protecting society, protecting
17 the community. You specifically are enjoined,
18 when you take on this job, to protect the
19 community by not letting people out who might be a
20 danger to that community. But for years and years
21 now, the psychiatrists, the counselors have been
22 saying Bruce Davis is low, low, low on the scale
23 of danger and you can let him out and not be
24 concerned about his recidivism. You all know, you
25 who sit and hear these matters, that recidivism in
26 the field of murder is very rare, but when you get
27 up to his age, it is certainly much, much rarer.

1 And when he has a wife and a nine-year old
2 daughter as he does, the likelihood of his doing
3 anything like he did as a young follower 32 years
4 ago is, as I said in my letter, infinitesimal.
5 Now, do I talk about the minimum involvement he
6 had in the two crimes. I would just read from
7 Commissioner -- I don't know whether it's
8 pronounced Angele, is that his name, or --

9 **DEPUTY DISTRICT ATTORNEY MANZELLA:**
10 (Inaudible) on who he is.

11 **PRESIDING COMMISSIONER MOORE:** Angele.

12 **ATTORNEY DENNY:** Angele.

13 **PRESIDING COMMISSIONER MOORE:** Yeah.

14 **DEPUTY COMMISSIONER HARMON:** Angele.

15 **PRESIDING COMMISSIONER MOORE:** Angele.

16 **ATTORNEY DENNY:** Angele. But to quote from
17 him, he says: "Your involvement in two different
18 homicides, one was almost nil and the other was
19 very minimal." Now I am obviously his mouthpiece,
20 if you will, and it's my job to try to make his
21 involvement seem as minimal as possible. I don't
22 do it to let him off the hook. He has
23 acknowledged his involvement, he has acknowledged
24 his stupidity and his cupidity. I do do it
25 because there is a difference in punishment that
26 goes with involvement. Those that are more
27 involved should certainly be punished more, those

1 that are less involved should be punished less.
2 And he has certainly not been punished less, he
3 has been punished more. Now, I want to read you
4 just one other statement from Deputy Commissioner
5 Lander: "All members of the Panel feel that you
6 are getting very close. We believe that you are
7 on the right track." This he said to Bruce Davis
8 back in 1993. This is now 10 years later.
9 Getting very close. I don't know what that means
10 and you still get down, I guess, to one of the
11 questions that, again, people who sat in your
12 chairs in earlier years have said: What is
13 enough? What is punishment enough? Mr. Manzella
14 and I obviously have different ideas about what we
15 consider to be punishment enough. In the European
16 countries, this is far beyond what murder would
17 get, many other countries too. I would hope, and
18 I mentioned in this four-page letter, that the
19 judge gave the blockbuster instruction three times
20 to the jury when they were deadlocked. And part
21 of that instruction is, "You are as good as any
22 other group to reach a decision in this case. We
23 shouldn't have to send it back to another jury to
24 hear the same evidence." You people are as good
25 as any three Commissioners to reach a decision
26 which would give him, finally, a date. I, of
27 course, pray that you will. I pray one other

1 thing, and that is if you do not give him a date
2 for whatever reasons, please, please don't say
3 that Bruce Davis is a danger to the community.
4 Right now, as he sits there, that Bruce Davis is a
5 danger to the community, he is not. All the
6 evidence argues against it, all the evidence shows
7 that he is a totally different person than he was
8 32 years ago. And you do not have to say, if you
9 deny him a date, that he is a danger to the
10 community. You can say, if you want, he just
11 hasn't done enough time, we want him to do more
12 time. But when your psychiatric reports, when
13 your reports from counselors all point to the fact
14 that he is a low, low probability type of person
15 in comparison with others in the prison, and when
16 there is nothing to support the fact that he is
17 currently a danger, don't hold that he is. Don't
18 mouth the words that he is just to have it on the
19 record. You don't need to. The fact is, he is
20 not. Now, Mr. Manzella mentioned Mr. Jonas, who
21 was his predecessor in that chair, and it was
22 about three years ago, I believe, when Mr. Jonas
23 was representing the DA, that we had a very long
24 hearing.

25 **DEPUTY COMMISSIONER HARMON:** Excuse me,
26 Counsel.

27 **PRESIDING COMMISSIONER MOORE:** Hold that

1 thought.

2 [Thereupon, the tape was changed.]

3 **DEPUTY COMMISSIONER HARMON:** Okay. Go
4 ahead, Counsel.

5 **PRESIDING COMMISSIONER MOORE:** Proceed,
6 please.

7 **ATTORNEY DENNY:** We had a very long hearing
8 with Sandy Buttita, B-U-T-T-I-T-A, who was the
9 Chief Deputy District Attorney of Los Angeles
10 County at the time. And as a result of that
11 meeting and as a result of a meeting of their
12 Executive Committee, they came down with the
13 position of the District Attorney's Office that
14 Bruce Davis was not a danger to the community.
15 They did not come down with the position that I
16 wanted them to come down, that is for parole, but
17 they came down that he was not a danger to the
18 community. And that is a fact, that is a fact.
19 I'm not unaware of the furor that might be caused
20 with a decision to let out a person with Manson
21 attached to his name. It takes an awful lot for
22 you people to put your names behind such an order.
23 I'm just hoping that you will do so. Thank you
24 very much.

25 **PRESIDING COMMISSIONER MOORE:** Thank you,
26 Sir. Thank you for your comments. Now,
27 Mr. Davis, it's your opportunity to make a final

1 statement if you so desire, or you can rest on
2 what your Counsel has already said.

3 **INMATE DAVIS:** I just want to say this. I
4 really appreciate what George has been through,
5 he's been through a lot for me and I can't say
6 enough about that. I appreciate your patience.
7 You know, my life began to change when I woke up
8 in Folsom Prison and admitted to myself that I
9 needed help about everything in my life. I
10 couldn't even see specifically what I needed, I
11 just had a, just a waking up, I don't know what
12 else to call it. And I think I became a
13 Christian, and almost against my will. But I
14 didn't want to do that, I wanted to be going to
15 other things, not to God. But anyway, it wasn't
16 long after that that I began to see how misplaced
17 my trust in Manson had been. How misplaced my
18 allegiance was. And the more I woke up to that,
19 the more hostile I became to the situation I had
20 been in. And I really began to admit -- When I
21 saw, I saw a man get killed on the yard and it
22 flashed me, it brought me back to my guilt. And
23 that was the time when I admitted that I should be
24 in prison for what I'd done. And I really saw
25 through, or at least to some degree, how I had let
26 Manson influence my life in a way that I shouldn't
27 have done. And from that point on, I have done

1 all I could to change my life and to keep people
2 from getting into that ideology and from being
3 sympathetic to the kind of things that Manson
4 believed in. And I've done all I -- I've never
5 missed an opportunity to restate my position to
6 anybody that would listen and to work hard to tell
7 -- Because people come around and think because of
8 my association, I must have something to say. And
9 misguided as that is, I didn't take the
10 opportunity to never -- To feel proud or to take
11 some kind of benefit from what I'd done, but to
12 always, you know, tell people that was a very
13 misguided thing and this, the whole idea that
14 Manson brought forth, his whole philosophical
15 idea, crazy as it was, was completely wrong. And
16 it leads to the kind of destruction that we got
17 here, and it's leading to the kind of destruction
18 that the person standing in front of me is
19 experiencing for his own crimes. And I just wish
20 there was something I could do to undo it. And
21 I'm doing all I can to warn, especially the people
22 that still think that there's some validity to
23 what Charlie is about. I get letters all the time
24 from people that write me off -- I got your name
25 off the Internet as associated with Manson. What
26 about it? So I send them my track and talk to
27 them, you know. But it's -- I guess I'm not

1 surprised that a lot of people are attracted to a
2 person like that because they're young. And they
3 wouldn't have to be a whole lot different than me
4 to see something in that, whatever it is.
5 And so I want to turn that around as far as I can.
6 I'd like to have a platform to be very, to bring
7 -- Just to show the reality of the fantasy that
8 Manson puts out. It's devastating and it goes on.
9 You know, when I think about what the families of
10 Gary and Don are going through right now because
11 of me, I realize that this hearing and whatever
12 I'm doing in my life, I want to do something,
13 whatever they need. And I'm not sure exactly in a
14 material, personal way, what I could do, but I
15 want to -- I know other than the truth and to give
16 them an honest effort to reconcile what I've done,
17 and to any degree that I can, to alleviate their
18 pain if it's possible from their part. But at
19 least to take responsibility for myself and speak
20 up against the kind of forces that I had gone for.
21 And well, I'm doing that day-by-day. I appreciate
22 your attention. Thank you.

23 **PRESIDING COMMISSIONER MOORE:** Thank you,
24 sir. Thank you for your comments. We'll recess
25 now and let you know our decision.

26 **R E C E S S**

27 **--oOo--**

CALIFORNIA BOARD OF PRISON TERMS

D E C I S I O N

DEPUTY COMMISSIONER HARMON: You're on record.

PRESIDING COMMISSIONER MOORE: All right.

Let the record show that all interested parties have returned to the room, Bruce Davis, CDC number B-41079. The Panel has reviewed all information received from the public and relied on the following circumstances in concluding that the prisoner is not suitable for parole and would pose an unreasonable risk of danger to society or a threat to public safety if released from prison at this time. Mr. Davis, this is again another one-year denial, sir. One would be the committing offense. The offense was carried out in an especially cruel and callous manner. There were multiple victims attacked, injured or killed in separate incidents. The offense was carried out in a dispassionate and calculated manner. The offense was carried out in a manner which demonstrates an exceptionally callous disregard for human sufferings. The motive for the crime was inexplicable and very trivial in relationship to the offense. These conclusions were drawn from the Statement of Facts wherein the prisoner and

BRUCE DAVIS B-41079 DECISION PAGE 1 1/29/03

1 his crime partners conspired to commit murder,
2 specifically involved in two specific murders of
3 Donald Shea and Gary Hinman. Both of the men were
4 very violently attacked. Mr. -- The victim,
5 Hinman, was tortured over a period of days and
6 suffered from an agonizing death over days that
7 led to his demise. And there was Mr. Shea,
8 Mr. Shea as well was brutally killed. He was in a
9 vehicle and was forced to stop and then he was
10 taken aside and as well, was killed. These
11 conclusions were drawn from the Statement of Facts
12 wherein the prisoner was heavily involved, played
13 a significant role in the demise of these two
14 victims. As well as he was involved with a group
15 of some nine individuals who had an ongoing
16 criminal enterprise. Previous record, the
17 prisoner didn't really have a lengthy record of
18 history of criminality. He had some arrests that
19 led up to, with no convictions, that led up to his
20 incarceration for this life offense. He had
21 somewhat of a history of unstable or tumultuous
22 relationships with others in terms that he was
23 using marijuana, LSD on a fairly frequent basis.
24 As well as he was associating with an antisocial
25 group of individuals. He was heavily involved in
26 criminal activity, criminal enterprising, ongoing
27 **BRUCE DAVIS B-41079 DECISION PAGE 2 1/29/03**

1 criminal enterprise. Involving themselves in drug
2 usage, violent crimes, theft and murder.
3 Institutional behavior, at least over the past 20
4 years, Mr. Davis has been remarkable. You've been
5 doing some very, very, some very, very good things
6 after you made up your mind, after you got in a
7 little bit of trouble starting when you came in.
8 Psychosocial report is positive, parole plans,
9 positive, verifiable. However, 3042 notices, or
10 responses, the Panel notes responses to 3042
11 notices indicate an opposition to a finding of
12 parole suitability. Specifically the District
13 Attorney's Office of LA County had a
14 representative present, two representatives, today
15 in opposition to a finding of suitability. As
16 well as the letter sent from the Los Angeles
17 County Sheriff's Department dated November the 14th
18 of 2001, authored by Captain Frank Merriman, who
19 it was signed by, from the County Sheriff as well,
20 the law enforcement agency which investigated the
21 case, in opposition to a finding of suitability at
22 this time. As well as some letters from victims'
23 next-of-kin in opposition. Remarks: As I
24 mentioned, you should be commended. You've
25 participated in some Alternatives to Violence in
26 the past, Cat X, you have ongoing participation in
27 **BRUCE DAVIS B-41079 DECISION PAGE 3 1/29/03**

1 Yoke Fellows. You have a marketable skill in
2 Drafting as well as in Welding, although you don't
3 have the Welder's certificate. You, in the past,
4 have upgraded yourself educationally in terms of
5 Masters and a PhD recently in Religion. Positive
6 work reports, currently working as a, I guess you
7 can call it a recreational aide, he said it's
8 called the Rec Shack. However, those positive
9 aspects of your behavior don't outweigh the
10 factors of unsuitability at this time. This is a
11 one-year denial, as I mentioned a moment ago.
12 Wishing you to remain disciplinary free; if it's
13 available to you, to continue to participate in
14 self-help groups and therapy to better understand
15 the causative factors. Causative factors of why
16 you are before us today. It is known that you
17 can't change what took place, but nevertheless, it
18 was some ugly events that took place in 1969.
19 People lost their lives, human beings that didn't
20 deserve to die. Ongoing criminal enterprises that
21 you wholeheartedly confessed here today you knew
22 was wrong, but yet you went on and did it anyway,
23 anyway. I want you to maintain, I want you to
24 continue to demonstrate the ability that you have
25 started to show us. Continue on your path that
26 you're on at this point. Comments to the

27 **BRUCE DAVIS B-41079 DECISION PAGE 4 1/29/03**

1 prisoner, Commissioner?

2 **DEPUTY COMMISSIONER HARMON:** Nothing further
3 than what we've already discussed. I wish you
4 luck, sir.

5 **PRESIDING COMMISSIONER MOORE:** Commissioner?

6 **COMMISSIONER RISEN:** Were we going to get
7 another psych eval?

8 **PRESIDING COMMISSIONER MOORE:** Yes. I'm
9 going to order that as well. The last one was, I
10 think, '99, so it's been a while. And we want to
11 review that to see specifically -- That will
12 conclude our hearing, Mr. Davis. Good luck to
13 you, sir. The time is approximately 17:30 hours.
14 All right.

15 **ATTORNEY DENNY:** Mr. Moore, may I ask a
16 question of you. You mentioned there were letters
17 in opposition from the families of the victims.
18 We have tried for years to find out the identities
19 of relatives of the victims so that Bruce could
20 write to them, at least expressing his feeling of
21 remorse for what he has done to the two victims.
22 And we've been unable to find out even their
23 identities, much less their addresses so that he
24 could write to them. I asked Mr. Jonas some time
25 back if he could help us with that information.
26 If there are such letters in the file and there

27 **BRUCE DAVIS B-41079 DECISION PAGE 5 1/29/03**

1 are addresses available, if it is at all within
2 your power, I would certainly appreciate it if we
3 can get that so that he can make that effort which
4 he has wanted to do for a number of years.

5 **INMATE DAVIS:** Some time now.

6 **PRESIDING COMMISSIONER MOORE:** Well, let me
7 ask Mr. Manzella. We can't get you any, an
8 address or anything but if the District Attorney's
9 Office is willing, in some cases, and I've talked
10 to Dave Dahle about having him write letters to
11 the office --

12 **DEPUTY DISTRICT ATTORNEY MANZELLA:** Sure.

13 **PRESIDING COMMISSIONER MOORE:** -- for the
14 victims' next-of-kin, or whatever. And --

15 **DEPUTY DISTRICT ATTORNEY MANZELLA:** Yeah.

16 **PRESIDING COMMISSIONER MOORE:** -- if they
17 felt -- If your office felt it was appropriate, to
18 request and ask them if they wish to receive a
19 letter.

20 **DEPUTY DISTRICT ATTORNEY MANZELLA:** I'll
21 certainly -- I will certainly accept them and I'll
22 talk to Dave Dahle, who's now the head of the
23 Lifer Hearing Division, Lifer Hearing Unit, and if
24 he has no objection, I'll pass them on to the
25 victims' families.

26 **ATTORNEY DENNY:** Okay. I don't know exactly

27 **BRUCE DAVIS B-41079 DECISION PAGE 6 1/29/03**

1 how to write to these people since we don't have
2 their names at all. Is there any way to get their
3 names so that we can at least write to them and
4 then send them --

5 **DEPUTY DISTRICT ATTORNEY MANZELLA:** Well
6 actually, why don't you write a letter, why don't
7 you write the letters to me and then I'll talk to
8 Dave Dahle about it. We'll communicate with the
9 victims' families and see if they want their names
10 and identities revealed and then we can do that.

11 **ATTORNEY DENNY:** Well that would be
12 wonderful if --

13 **PRESIDING COMMISSIONER MOORE:** Just,
14 probably I would think, you would just --

15 **DEPUTY DISTRICT ATTORNEY MANZELLA:** That
16 would be a start.

17 **PRESIDING COMMISSIONER MOORE:** -- address it
18 to the victims' next-of-kin --

19 **DEPUTY DISTRICT ATTORNEY MANZELLA:** Right.

20 **PRESIDING COMMISSIONER MOORE:** -- of each
21 victim.

22 **INMATE DAVIS:** All right.

23 **DEPUTY DISTRICT ATTORNEY MANZELLA:** Yeah.

24 **PRESIDING COMMISSIONER MOORE:** And that way
25 you could do that, if that is your true desire.

26 **INMATE DAVIS:** No, no, no. I thought that I

27 **BRUCE DAVIS B-41079 DECISION PAGE 7 1/29/03**

1 -- You know, I got a letter from somebody from --

2 **PRESIDING COMMISSIONER MOORE:** George, if
3 you're (inaudible).

4 **ATTORNEY DENNY:** (Inaudible.)

5 **INMATE DAVIS:** -- in Missouri and they said
6 hey, we know somebody who was a nephew of Gary
7 Hinman and he was living in -- I have his address
8 somewhere. And I said, well ask him if it would
9 be okay if I'd write to him. And so the person
10 wrote back and says, yeah, he said so. He said it
11 would be okay.

12 **PRESIDING COMMISSIONER MOORE:** Right.

13 **INMATE DAVIS:** So I wrote the letter and I
14 never heard anything about it.

15 **PRESIDING COMMISSIONER MOORE:** Never came
16 back.

17 **INMATE DAVIS:** I thought, well, I don't
18 know.

19 **PRESIDING COMMISSIONER MOORE:** Well, some
20 departments, like I said, will do that. It's not
21 a problem, they'll forward it --

22 **DEPUTY DISTRICT ATTORNEY MANZELLA:** Yeah.

23 **PRESIDING COMMISSIONER MOORE:** -- if they
24 look at it and review and they talk to the
25 victims' next-of-kin, and they say --

26 **INMATE DAVIS:** Okay, all right.

27 **BRUCE DAVIS B-41079 DECISION PAGE 8 1/29/03**

1 **PRESIDING COMMISSIONER MOORE:** -- yes, we'll
2 accept the, you know, a letter of apology or
3 whatever it is in terms of that. So it's
4 appropriate. Okay?

5 **INMATE DAVIS:** All right.

6 **PRESIDING COMMISSIONER MOORE:** So that way
7 -- That would be the way to do it.

8 **INMATE DAVIS:** Okay.

9 **ATTORNEY DENNY:** That would be wonderful if
10 we could do that.

11 **PRESIDING COMMISSIONER MOORE:** Well, you've
12 got the cards, you've exchanged --

13 **INMATE DAVIS:** (Inaudible) name, sure.

14 **PRESIDING COMMISSIONER MOORE:** All right?

15 **INMATE DAVIS:** All right.

16 **PRESIDING COMMISSIONER MOORE:** So that will
17 conclude our hearing, sir.

18 **INMATE DAVIS:** Thank you.

19 **PRESIDING COMMISSIONER MOORE:** All right,
20 sir.

21 --o0o--

22

23

24

25 **PAROLE DENIED ONE YEAR**

26 **FINAL DATE OF DECISION April 29, 2003**

27 **BRUCE DAVIS B-41079 DECISION PAGE 9 1/29/03**

**CERTIFICATE AND
DECLARATION OF TRANSCRIBER**

I, DEBRA S. BRADFUTE, a duly designated transcriber, CAPITOL ELECTRONIC REPORTING, do hereby declare and certify under penalty of perjury that I have transcribed tape(s) which total two in number and cover a total of pages numbered 1 through 80, and which recording was duly recorded at CALIFORNIA MEN'S COLONY, at SAN LUIS OBISPO, CALIFORNIA, in the matter of the SUBSEQUENT PAROLE CONSIDERATION HEARING of BRUCE DAVIS, CDC No. B-41079, on JANUARY 29, 2003, and that the foregoing pages constitute a true, complete, and accurate transcription of the aforementioned tape(s) to the best of my ability.

I hereby certify that I am a disinterested party in the above-captioned matter and have no interest in the outcome of the hearing.

Dated February 17, 2003, at Sacramento County, California.


Debra S. Bradfute
Transcriber
CAPITOL ELECTRONIC REPORTING