

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



DEPARTMENT NO. 106

HON. RAYMOND CHOATE, JUDGE

THE PEOPLE OF THE STATE OF CALIFORNIA,  
Plaintiff,

vs.

BRUCE MCGREGOR DAVIS,

Defendant.

201

No. A-267861

REPORTERS' DAILY TRANSCRIPT

Monday, November 29, 1971

VOLUME I

APPEARANCES:

For the People:

JOSEPH P. BUSCH, JR., District Attorney  
BY: ANTHONY MANZELLA  
and  
STEPHEN R. KAY,  
Deputies District Attorney

For Defendant Davis: GEORGE V. DENNY, III

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E X H I B I T SDEFENSE'S:For IdentificationIn EvidenceSpecial Exhibits A-23:  
newspaper clippings

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1 LOS ANGELES, CALIFORNIA, MONDAY, NOVEMBER 29, 1971 2:10 PM

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4 THE COURT: The record will show that we're in  
5 chambers with Mr. Kay, Mr. Manzella and Mr. Denny.

6 MR. DENNY: Yes, your Honor. I had wanted to make  
7 several motions that I had mentioned --

8 THE COURT: Yes.

9 MR. DENNY: -- on the record, and outside the presence  
10 of the jury or prospective jurors. And I see they are all  
11 gathered in the courtroom, so I don't know whether it is  
12 appropriate to do so at this time out of the presence of the  
13 jury, and, also, out of the presence of the defendant who --

14 THE COURT: If you wish to have the defendant  
15 present, the Court will ask that he be present.

16 MR. DENNY: Well, might we do so, your Honor?

17 THE COURT: Yes, have the bailiff --

18 THE CLERK: Do you want him back here?

19 THE COURT: Yes.

20 MR. MANZELLA: Your Honor, while they're bringing Mr.  
21 Davis in, so that the record will reflect your decision,  
22 could we have two copies of the transcript for the People,  
23 one for Mr. Kay and one for myself when the presentation  
24 of evidence starts?

25 THE COURT: Yes.

26 And is one copy sufficient for the voir dire?

27 MR. MANZELLA: Yes.

28 MR. KAY: Yes.

1 THE COURT: I'll order a copy for each side of the  
2 voir dire proceedings, and then for the evidence, taking of  
3 evidence, the Court will order three copies, one for Mr.  
4 Denny and one for Mr. Kay and one for Mr. Manzella.

5 MR. MANZELLA: Thank you, your Honor.

6 MR. KAY: Your Honor, Mr. Denny and I were talking  
7 before the trial and Mr. Manzella and I have also talked  
8 about this, and we feel it would probably be a fair estimate  
9 to tell the jurors on the hardship questions that we  
10 currently estimate that the trial will take until the --  
11 probably around the middle of February.

12 THE COURT: Approximately two months, huh?

13 MR. KAY: Yes, actually two months for trial and with  
14 time off at Christmas.

15 THE COURT: Yes, I intend to take at least a week or  
16 maybe ten days of my vacation.

17 MR. KAY: We're in full agreement with that.

18 MR. MANZELLA: Want to take it now?

19 (Laughter.)

20 THE COURT: I'd prefer to take it right now at this  
21 moment.

22 Mr. Davis will be brought in?

23 THE CLERK: Yes.

24 MR. DENNY: May we be off the record at this point?

25 THE COURT: Yes.

26 (A discussion was had off the record.)

27 THE COURT: The record will show that Mr. Davis is  
28 present now.

1                   May we proceed, then, outside of the courtroom  
2 with your motions?

3                   MR. DENNY: Yes.

4                   Well, your Honor, initially, if I may, I would  
5 like to incorporate, incorporate the proceedings had in the  
6 prior trial when all the defendants were joined, at which a  
7 motion to quash the petit jury venire was made, and as the  
8 Court recalls there was at that time certain evidence  
9 introduced, there were certain stipulations entered into,  
10 and I would request that those same matters be deemed  
11 presented by way of evidence and the same stipulations  
12 stipulated to by both sides.

13                  THE COURT: The People?

14                  MR. MANZELLA: That's agreeable with the People.

15                  MR. KAY: So stipulated.

16                  MR. MANZELLA: We would so stipulate.

17                  THE COURT: Very well, the Court will take it that the  
18 stipulation will prevail as to any pretrial motion, that it  
19 is deemed to have been made in this proceeding just as it was  
20 in the proceeding before this court prior to separation of  
21 the defendants for trial.

22                  MR. DENNY: That's fine.

23                  Your Honor, just again, I'm not sure precisely  
24 the way it was presented, but the motion, as I recall, was  
25 made essentially that the petit jury venire should be quashed  
26 in that it is drawn in L. A. County or Los Angeles County  
27 only from a list of registered voters, only from an age of  
28 over 21. It had been stipulated to that the defendant was

1 not nor has he ever been a registered voter, though he is over  
2 the age of 21. That the defendant is deprived of a jury  
3 representative of the entire population of the County and that  
4 Los Angeles County has arbitrarily chosen this method of  
5 choosing petit jurors in violation of --

6 THE COURT: Wasn't that all covered, Mr. Denny? I'm  
7 sure all of them must have been covered in the prior record.

8 MR. DENNY: I've got just five more words.

9 -- CCP 198 and the 6th and 14th Amendments.

10 Your Honor, I would at this time move, move  
11 again to sever the counts of the Hirman and Shea killings,  
12 based on the fact --

13 THE COURT: Before we leave the other motion, I think  
14 it should be stated that this venire has been drawn from the  
15 Central District of the County.

16 MR. DENNY: Yes, I think that --

17 THE COURT: In large part. I had noticed during the  
18 course of the previous trial that -- that is, the trial  
19 involving the co-defendant Charles Manson, that there were a  
20 few jurors who came from outside of the Central District,  
21 that is who resided outside of the Central District. I  
22 thought there were extremely few.

23 MR. DENNY: Well, I would be willing to enter into a  
24 stipulation that according to the way the jury is supposed  
25 to be chosen on this particular venire that goes through the  
26 31st of December, those jurors trying cases in the Central  
27 District are supposed to be drawn from the registered  
28 voters in the Central District.

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1 THE COURT: In the Central District.

2 MR. KAY: That's our understanding, too.

3 THE COURT: Yes, the Court's understanding likewise.

4 Something else we have discussed in connection with  
5 that motion to quash the venire --

6 MR. DENNY: Well, I think already there had been a  
7 stipulation as to the change in the testing and scoring  
8 of the tests.

9 THE COURT: Oh, yes, that had been mentioned in this part  
10 of the record.

11 MR. DENNY: That was involved in the earlier stipulation.

12 THE COURT: I wasn't sure of the selection from the  
13 Central District having been mentioned, but we have it now,  
14 I think, complete as we agreed it should be.

15 MR. DENNY: Before I go to the next motion, your Honor,  
16 I think probably the record should reflect the ruling on this  
17 motion.

18 THE COURT: Well, the Court understands that -- you are  
19 renewing the motion, then?

20 MR. DENNY: Yes, I am.

21 THE COURT: The Court's ruling will be the same. The  
22 Court denies the motion to quash.

23 MR. DENNY: All right. I'll go to the second, and that  
24 is, again, a motion to sever the Hinman and Shea Counts, this  
25 based on the new situation that has occurred since my last  
26 motion on this subject, which was a second motion, this being a  
27 third on the same subject, and that is that in light of the  
28 status of the guilty verdicts that have been returned in the Shea

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1 case as against Grogan and in a separate trial as against  
2 Manson and the extent of publicity, that it is going to be, I  
3 believe, impossible for the jurors to disassociate those  
4 findings in the two cases; that is the Shea and Hinman cases,  
5 because of the finding of guilt in the Shea cases as against  
6 Manson and Grogan. That he is going to be doubly prejudiced.  
7 I don't believe it is going to be possible to get a fair trial  
8 for Mr. Davis at all in the Shea Count, but certainly by  
9 joining the Hinman Count to the Shea Count I think it is going  
10 to be impossible for him to get a fair trial on that charge,  
11 also.

12 I think the Court has the power to grant that  
13 severance in the interest of justice and I think it should do  
14 so.

15 MR. MANZELLA: People oppose the motion on the grounds  
16 that we have previously stated. And I don't believe the facts  
17 which have occurred since the last time Mr. Denny made the  
18 motion changes the test which we use for determining whether or  
19 not we can select a fair and impartial jury. After -- during  
20 the course of voir dire if it turns out none of the jurors  
21 meet the test of Section 1076 of the Penal Code, then, the  
22 Court can re-evaluate Mr. Denny's motion. But at this point  
23 it would seem that test that 1074 section covers the things  
24 Mr. Denny is talking about, and that those things are no  
25 different from other matters of pretrial publicity.

26 THE COURT: All right, the Court denies the motion. The  
27 Court does not believe that the defendant is in any worse  
28 position as a result of what has transpired since the motion



1 was first made than he was. The Court does not believe that he  
2 is in any worse position now than before, and the Court believes  
3 that through the voir dire of -- we can eliminate those persons  
4 that may have heard, seen or read anything of the results of the  
5 Grogan and the Manson trial and which persons cannot set aside  
6 what they've heard to make a decision, the decisions that they  
7 are called upon to make without reference to the publicity.

8 The Court believes that Mr. Davis is not prejudiced  
9 by reason of what has occurred. The Court has no reason to  
10 believe that he will suffer any prejudice if the Court and  
11 counsel select a jury as we planned to select them.

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1 MR. DENNY: I'm not sure what the Court means, "as we  
2 planned to select them," because I indicated to the Court  
3 that I don't think we can select a fair and impartial jury.

4 THE COURT: The Court believes that a fair and impartial  
5 jury can be selected in this case, and that it will be selected  
6 in the case.

7 The Court believes that the -- the Code Section  
8 1076 should be the guidelines, should provide the guidelines;  
9 and I believe that the jury that will be selected will be  
10 a jury that will disregard the publicity they have heard --  
11 or, perhaps, they will not have heard of the publicity you  
12 have mentioned.

13 MR. DENNY: Well, your Honor, if I may only make one  
14 response to what the Court has said to what Mr. Manzella said?

15 It's a little indelicate, perhaps, to bring it  
16 up -- but Mr. Manzella brings it up -- that if after we have  
17 attempted diligently to find a jury, even under the guide-  
18 lines of 1076, if we are unable to do so, maybe we can sever  
19 the cases.

20 I suggest that we have already gone through an  
21 exercise of that kind in the case, until the Supreme Court  
22 caused the cases to be severed, as far as the defendants  
23 were concerned.

24 And if this Court -- and if Mr. Manzella and the  
25 prosecution -- is as anxious to save the taxpayers' money  
26 as all of us have been discussing, I think it's perhaps a  
27 better course to do that now, than to wait until we've gone  
28 through another three weeks or so, after an exercise -- in

1 what I think would be an exercise in futility.

2 THE COURT: What is your next motion?

3 MR. DENNY: I take it the Court denies that --

4 THE COURT: The Court denies --

5 MR. DENNY: -- motion?

6 THE COURT: -- the motion.

7 MR. DENNY: Your Honor, I'm not sure whether the  
8 motion was specifically made. As the Court has said, it  
9 would consider all of the motions earlier made in the --

10 THE COURT: Yes.

11 MR. DENNY: -- joint case, but I do at this time move  
12 for a separate jury to try the issue of guilt, and then if  
13 necessary, the impanelment of another jury to try the issue  
14 of penalty, if that becomes an issue, on the grounds that  
15 it constitutes a conviction-oriented jury, by exclusion of  
16 those who would never invoke the death sentence, and the  
17 inclusion of those who are willing to do so, to have such a  
18 jury hear the issue of guilt.

19 Secondly, that there are no standards on the  
20 penalty phase of the trial, and that thereby violates the  
21 due process laws of the 14th Amendment of the Constitution;  
22 and thirdly, that the death penalty itself as applied under  
23 the California law constitutes cruel and inhuman punishment,  
24 in violation of the 8th and 14th Amendments.

25 And in that connection, to have a jury impaneled  
26 to try guilt and to try -- or, determine the imposition of the  
27 death penalty is a violation of the due process provisions  
28 of the 14th Amendment.

1 THE COURT: Do you wish to reply?

2 MR. MANZELLA: No, except that we oppose the impanelment  
3 of two juries, on the grounds that the Penal Code permits  
4 the -- or, provides that the same jury which hears the  
5 evidence in the case shall -- and determines guilt or  
6 innocence -- shall determine the penalty.

7 THE COURT: The motion is denied.

8 MR. DENNY: Your Honor, I was going to --

9 THE COURT: You have a number of clippings that you wish  
10 to offer in connection with your motion for change of venue,  
11 which clippings were not offered at the time you made your  
12 last motion in that connection.

13 The Court has looked at those clippings. If you  
14 wish to offer them now, you may.

15 MR. DENNY: Well -- all right, your Honor. I will.  
16 I would indicate on the record, as I have indicated to the  
17 Court off the record, that I'm offering these as an officer  
18 of the court, even though I feel that they tend somewhat  
19 to lessen the effect of my motion for change of venue.

20 But I made a representation to the Court at the  
21 time that I had all of the clippings up through the date  
22 of November 3rd, and I discovered thereafter that we received  
23 some additional.

24 So, I would like to mark as next in order, under  
25 the Special Exhibits that were received in connection with  
26 the most recent change of venue motion, these newspaper  
27 clippings from the various newspapers.

28 THE COURT: How would they -- how should they be marked?

1 Do you know the Defendant's next in order?

2 MR. DENNY: Well --

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1 THE COURT: Whatever it may be, it will be received --  
2 the clippings will be received together as a batch --

3 MR. DENNY: I think it's A-23; Special Exhibits A-23,  
4 it should be, your Honor.

5 THE COURT: As a batch or a group, labeled A-23, then.  
6 They will be admitted in evidence.

7 The Court -- the Court's findings are the same,  
8 and the motion for change of venue is denied.

9 MR. DENNY: The clerk informs me I am correct. It is  
10 A-23.

11 Your Honor, I was going to ask the Court for a  
12 hearing, in connection with my request for personal visits to  
13 my client by various individuals who apparently at this time  
14 are on a list of those who may not visit anybody in the County  
15 Jail.

16 I have attempted to get in touch with Captain  
17 Carpenter, and apparently he is not available at the present  
18 time. I would request that before we begin in the morning --  
19 assuming I can get in touch with Captain Carpenter -- if the  
20 Court would permit us to have an evidentiary hearing as to the  
21 reasons for what I contend is this discrimination against  
22 Mr. Davis, so as to determine whether the Court would permit  
23 the making of those visits.

24 THE COURT: I have talked to -- I would deny your  
25 motion for a hearing.

26 I have talked to those people previously, the  
27 people in charge of allowing visitations in the jail, and they  
28 have informed me that they have, in certain cases, kept all but

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1 relatives from visiting certain prisoners.

2 And Mr. Davis is one. And Mr. Charles Manson is  
3 another. And they state to me that they're doing that for  
4 security reasons, as a result of what they say occurred  
5 previously in connection with an escape of someone who is  
6 associated with Mr. Manson -- and for other reasons, that they  
7 term jail security.

8 They have told me that this is not an uncommon  
9 thing. And they intend to pursue it, in Mr. Davis's case.  
10 And I see no reason for disturbing their established rules.

11 But I have told them that any person who comes with  
12 an attorney to the attorney's room, with the idea in mind that  
13 he or she would be a witness or a potential witness, or if the  
14 attorney feels that that person is a potential witness and  
15 wishes to discuss the case with the defendant, he can do so,  
16 visit with the defendant.

17 MR. DENNY: May I inquire as to when the Court told the  
18 jail officials this?

19 THE COURT: Well, this was in connection with a similar  
20 request by Mr. Kanarek, concerning Mr. Manson. I have not  
21 specifically discussed Mr. Davis, but I assume that the rule  
22 would be the same for him.

23 MR. DENNY: Well, did you advise -- I don't want to cross  
24 examine the Court, but this is rather essential to my position.

25 THE COURT: Let me ask you this: Have you had any  
26 trouble --

27 MR. DENNY: Yes, I have. I --

28 THE COURT: Well, let me ask you whether you have had any

1 trouble in having persons come up to the jail with you, whom  
2 you believe are potential witnesses in the case?

3 MR. DENNY: Your Honor, I am showing to Mr. Manzella and  
4 Mr. Kay a regular attorney's visiting slip, and a visitor's  
5 slip attached thereto, which I prepared on the date indicated,  
6 with the request --

7 THE COURT: All right. Let's see what you have.

8 MR. DENNY: -- request of Nancy Pitman, also known as --

9 THE COURT: Is this "11-26"?

10 MR. DENNY: Yes, your Honor.

11 THE COURT: 11-26-71.

12 You have a request, "Please allow Nancy Pitman to  
13 see inmate Bruce McGregor Davis, to discuss background informa-  
14 tion with the defendant, to assist the defendant in preparation  
15 of his case."

16 Now, the Court would consider that request to be  
17 reasonable, in line with --

18 MR. KAY: Is there some writing on the back that's  
19 relevant?

20 MR. DENNY: There is.

21 THE COURT: Since you, as an officer of the Court, would  
22 ask that this lady be allowed to accompany you in an interview  
23 with your client, I would order that the jail permit her to be  
24 with you when you come up to the attorney's room.

25 MR. DENNY: Well, your Honor, would the Court then make  
26 a --

27 THE COURT: And the Court will so order.

28 MR. DENNY: -- make a minute order?



1 THE COURT: You didn't follow through, because I  
2 interrupted you. Did you have some trouble getting  
3 Miss Pitman up to the jail?

4 MR. DENNY: I was refused permission to have her come  
5 up.

6 THE COURT: Was she one of those who was arrested? They  
7 have a rule that no one who has been arrested and an inmate of  
8 the County Jail within 30 days -- I think it's 30 days -- shall  
9 be admitted again.

10 MR. DENNY: Well, your Honor, I understand that rule.  
11 She was arrested and released immediately, with no charges  
12 filed against her.

13 I hardly think that that comes within the spirit  
14 of the rule, if not the letter of the rule.

15 THE COURT: Upon your representations, Mr. Denny, that the  
16 persons whom you will bring with you are persons whom you wish  
17 to have present while you are interviewing Mr. Davis, for the  
18 purpose of preparing a defense, I will order that those -- that  
19 such persons about whom you make such representations be allowed  
20 to visit with Mr. Davis and you, --

21 MR. DENNY: Thank you, your Honor.

22 THE COURT: -- beginning with Miss Pitman.

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1 MR. DENNY: I have no other motions at this time.

2 THE COURT: Let's see. You had a request concerning  
3 a scale map. Have you, Mr. Manzella and Mr. Kay resolved  
4 that?

5 MR. DENNY: We have talked about a photo, an aerial  
6 photo, yes, your Honor. I believe that it's going to be  
7 possible for us to get the aerial photo of the Spahn Ranch  
8 introduced; and then, a scale of foot to inches or inches to  
9 foot -- feet -- and a north-south diagram made on that  
10 photograph, so that we will not have to have a diagram drawn.

11 We are attempting to do so. I have just served  
12 on Lieutenant Robert J. Helder, at 1:25 p.m., the order made  
13 up by the Clerk to reproduce that photograph within ten days  
14 from this date.

15 So I trust that that will be done, and we can  
16 get going on that matter.

17 THE COURT: Very well. Shall we go out and begin  
18 selection of a jury, then?

19 MR. KAY: Now, Judge, before we start, I was a little  
20 confused as to exactly how we are going to start off in  
21 selecting the jury. Before you get 12 people in the box --

22 THE COURT: The Court will put 12 people in the box,  
23 will tell those 12 people and all of the people beyond the  
24 rail about the case generally, and ask some questions  
25 generally of the 12 people who are in the box.

26 I intend to handle the question of hardship  
27 immediately, because it eliminates a great number of  
28 prospective jurors.

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1 The death penalty, while the 12 are in the box,  
2 for the same reason.

3 And then, having gotten 12 people who survive  
4 the questions that have been presented to them concerning  
5 hardship, death penalty and the other questions which were  
6 put to them, we'll begin talking to them individually about  
7 publicity.

8 MR. DENNY: Well, your Honor, I think we wound up  
9 last time, as I recall, by -- by taking the hardship and the  
10 publicity first.

11 THE COURT: I know.

12 MR. DENNY: And then after we had gotten 12 people who  
13 had survived that, go into the death penalty -- which I think  
14 would expedite things, taking it in that order.

15 THE COURT: I must misunderstand you. I thought that's  
16 what I said. Maybe I didn't make it clear to you.

17 But the question of hardship and the penalty --

18 MR. DENNY: No, not hardship and penalty. Hardship and  
19 publicity first, and then, after getting rid of those, on  
20 an individual basis, when we finally had 12 seats filled and  
21 were past that, then voir dire all 12 of them at one time  
22 on the penalty, and then weed those out.

23 But I think it will expedite things to do it  
24 that way.

25 THE COURT: I think it will work better in reverse,  
26 taking the hardship and the penalty, with all of the jurors  
27 in the box, and then taking the publicity individually.

28 All right. Let's proceed.

(Proceedings had on an unrelated matter.)

THE COURT: The case of People vs. Bruce McGregor Davis.

The record will show the defendant to be present with Mr. Denny; Mr. Kay and Mr. Manzella for the People.

Will the prospective jurors in the courtroom please rise? Raise your right hands and face the Clerk.

THE CLERK: You and each of you do solemnly swear that you will well and truly answer such questions as may be asked of you touching upon your qualifications to act as trial jurors in the cause now pending before this court, so help you God?

THE JURORS: I do.

THE CLERK: Please be seated.

THE COURT: Will you take 12 names from the box?

THE CLERK: Mrs. Mary Meister; M-e-i-s-t-e-r.

John H. Robinson; R-o-b-i-n-s-o-n.

Ben T. Takemoto; T-a-k-e-m-o-t-o.

Miss Erna R. Aldinger; E-r-n-a; last name, A-l-d-i-n-g-e-r.

Mrs. Audrey Sims; S-i-m-s.

Mrs. Cozette L. Dittebrandt; C-o-z-e-t-t-e; last name, D-i-t-t-e-b-r-a-n-d-t.

MR. KAY: Could you repeat that again, Joyce?

THE CLERK: D-i-t-t-e-b-r-a-n-d-t.

MR. KAY: Thank you.

THE CLERK: Mrs. Eddie M. Muldrow; E-d-d-i-e; last name, M-u-l-d-r-o-w.

Miss Marie A. Bourgeois; B-o-u-r-g-e-o-i-s.

1 Miss Birdie L. Melton; B-i-r-d-i-e; last name,  
2 M-e-l-t-o-n.

3 Mrs. Ruth F. Goverman; G-o-v-e-r-m-a-n.

4 Mrs. Christine Fowler; F-o-w-l-e-r.

5 Mrs. Mary G. Dunn; D-u-n-n.

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1 THE COURT: I should like to have all of you hear me, so  
2 if you cannot hear me raise your hands in the back and we'll  
3 adjust the microphones.

4 As to those of you in the box and beyond the rail --

5 MR. DENNY: Your Honor, may I approach the bench?

6 THE COURT: Yes, you may.

7 (Whereupon, Mr. Denny approached the bench and  
8 conferred with the Court, outside the hearing of the  
9 prospective jury panel, which was not reported:)

10 (Whereupon, the following proceedings were had  
11 in open court within the presence and hearing of the  
12 prospective jury panel:)

13 MR. DENNY: Thank you, your Honor.

14 THE COURT: Ladies and gentlemen, this is a criminal  
15 case.

16 The indictment before the Court charges the  
17 defendant Bruce McGregor Davis with three Counts, three  
18 violations of the Penal Code.

19 The first Count of the indictment alleges -- the  
20 first Count of the indictment alleges that on or about the  
21 23rd day of July, 1969, in the County of Los Angeles, Charles  
22 Manson, Susan Denise Atkins, and Bruce McGregor Davis did  
23 willfully, unlawfully and feloniously and with malice  
24 aforethought murder Gary Alan Hinman.

25 Count II charges that the said Mr. Manson and  
26 Miss Atkins and Bruce McGregor Davis did commit conspiracy to  
27 commit murder and robbery in violation of Section 182.1 of the  
28 Penal Code, a felony, in that on or about the 25th through the

1 28th day of July, in the County of Los Angeles, those persons  
2 did willfully, unlawfully and feloniously, and knowingly  
3 conspire and agree together, with other persons, to commit  
4 murder in violation of Section 187 of the Penal Code; and  
5 robbery, in violation of Section 211 of the Penal Code; and  
6 certain overt acts are alleged to have been done by certain  
7 persons.

8           The overt act number one as alleged, states that  
9 as the indictment alleges, it states that on or about July  
10 25th Bruce McGregor Davis, Susan Denise Atkins and Robert  
11 Beausoleil did travel to the vicinity of 964 Old Topanga Canyon  
12 Road, Malibu, in the County of Los Angeles;

13           Overt act number two alleges that Mr. Manson,  
14 Miss Atkins and Mr. Davis entered the residence at 964 Old  
15 Topanga Road, Malibu, in the County of Los Angeles;

16           Overt act number three alleges that on or about  
17 July 25th, 1969, Charles Manson, Bruce McGregor Davis, did  
18 drive away from 964 Old Topanga Canyon Road in a Fiat  
19 automobile owned by Gary Hinman.

20           Count III of the indictment alleges that Charles  
21 Manson, Bruce McGregor Davis and Steve Grogan committed a  
22 violation of Section 187, as in the first Count of the  
23 indictment, in that on the 16th day of August, 1969 -- between  
24 the 16th day of August, 1969, and the first day of September,  
25 1969, in the County of Los Angeles, those said defendants did  
26 willfully, unlawfully and feloniously, and with malice  
27 aforethought, murder Donald Jerome "Shorty" Shea.

28           That is the indictment in the case, ladies and

1 gentlemen.

2 To those charges, the defendant has entered pleas  
3 of not guilty and this is the day set for trial.

4 The defendant is Bruce McGregor Davis. Mr. Davis  
5 is the gentleman seated at the far end of the counsel table  
6 from you. He is represented by Mr. George Denny, George  
7 Denny, III, who is now standing. Thank you, Mr. Denny.

8 The People in this case are represented by  
9 Mr. Stephen Kay and Mr. Anthony Manzella, Deputies District  
10 Attorney.

11 Now, the Court will advise you that this case will  
12 take approximately two months to try. It is estimated that it  
13 will end sometime in the middle or in the late part of  
14 February. In the time intervening between now and February,  
15 the Court will take about 10 days vacation at the end of the  
16 year. These are the best estimates that counsel has given the  
17 Court as to how long the respective cases will take, the  
18 respective cases of the People and the defense, so that the  
19 entire matter should be terminated by the end of February,  
20 it will be the Court's judgment.

21 It is the Court's intention that during the  
22 period of the trial that you not be sequestered.

23 By that, I mean, that you will not be caused to  
24 be separated from your family. You will not be placed in a  
25 hotel or any place during the course of the trial, except in  
26 your deliberations, while you are deliberating, the Court  
27 may sequester you.

28 So, to begin with, is there any one of you in the



1 box for whom this would constitute a hardship to serve this  
2 period of time that's estimated until the middle or the end of  
3 February?

4 (Whereupon, there was a show of hands.)

5 THE COURT: Is there any one of you for whom this would  
6 be an unusual hardship?

7 Now, when I'm talking about hardship, I'm talking  
8 about a hardship that might be caused by reason of your not  
9 being paid during the period of the time that you are serving  
10 as a juror or wherein you have a financial need to be paid,  
11 as most of us do, or a personal situation which is of an  
12 extreme nature?

3 a fols

3a

1 Now, every one of you in accepting jury duty -- and  
2 you, of course, know that there are many ways that you can get  
3 out of it -- every one of you in accepting jury duty has  
4 indicated he or she is a person that has some sense of  
5 responsibility to his community. Well, that sense of  
6 responsibility extends to enduring some degree of hardship,  
7 which you must endure in order to serve as a juror. It does in-  
8 volve some great degree of personal discomfort and personal  
9 sacrifice, and so the Court asks you to endure that if you  
10 can. But if it is something unusual, then I want to hear about  
11 it. If it is something that will interfere with your delibera-  
12 tions or your thinking about the case, some physical ailment  
13 of some type, I want to hear about it. But if it is something  
14 you can shrug off and endure and still serve as a juror and  
15 serve well, in spite of it, well, then, I would prefer that you  
16 remain on the jury and not ask the Court to excuse you.

17 I saw several hands.

18 Let's see, it is Mrs. -- beginning in the first  
19 row, Mr. Takemoto.

20 JUROR NO. 3: Yes.

21  
22 VOIR DIRE EXAMINATION OF

23 BEN T. TAKEMOTO

24 BY THE COURT:

25 Q What would be the nature of the hardship to you?

26 A Well, I got to go back to work.

27 THE COURT: Thank you, Mr. Kuczera.

28 One moment.

1 Now, in order to make that microphone work, -- I  
2 don't want to have to keep repeating this, so remember when you  
3 put the microphone in your hand, put it right next to your lips.  
4 Point it at your face.

5 Right next to your lips.

6 A My tour of duty ends this Thursday, and I would  
7 have to go back to work.

8 Q BY THE COURT: For what company do you work,  
9 Mr. Takemoto?

10 A I work for Ralphs.

11 Q Have you checked with your employer to find out  
12 whether or not they will pay you after 30 days?

13 A Yes, I was excused last week for that holiday. I  
14 had to go back to work. I was excused, so I am trying to make  
15 it up this week. This is my last week.

16 Q Will they pay you if you serve beyond 30 days?

17 A That I don't know. They are short of men.

18 Q Will you find that out?

19 A I will, yes.

20 Q Over the recess, find out whether or not they will  
21 pay you. And is there any other reason other than lack of  
22 pay -- of course, that's a good one, if they won't pay you --  
23 but other than what --

24 A I think it is short of help, is about the only  
25 thing I know.

26 Q Well, I may just ask Ralphs to endure that  
27 hardship.

28 A Well, if they will.

1 Q If you can be here.

2 A Uh-huh.

3 Q And be paid during that period of time.

4 A Yes, sir.

5 Q They may be able to absorb the hardship better than  
6 you could absorb a hardship of not being paid. So, if you will  
7 find out if you will be paid before I excuse you, and I may not  
8 excuse you.

9 Anyone else in the first row?

10 In the back row?

11 Mrs. Melton, did you raise your hand?

12 JUROR NO. 9: Yes. You mentioned the Court would be in  
13 more or less of a recess?

14 THE COURT: The Court will be in recess for approximately  
15 10 days at the end of the year. From about the 22nd on  
16 through January 3rd.

17 JUROR NO. 9: Okay. Because I was scheduled for a  
18 vacation from the first of the year or between Christmas and  
19 New Year's.

20 THE COURT: Between Christmas and New Year's?

21 JUROR NO. 9: Yes.

22 THE COURT: You are lucky it just happens to coincide  
23 with when I'm going to take my vacation.

24 (Laughter.)

25 JUROR NO. 9: All right, sir, thank you very much.

26

27 VOIR DIRE EXAMINATION OF

28 RUTH F. GOVERMAN

1 BY THE COURT:

2 Q Mrs. Guberman.

3 A Goverman.

4 Q I'm sorry, Goverman.

5 A Mine is not a question of pay. I work for Los  
6 Angeles County, but I work for the Assessor's and our field  
7 canvass --

8 Q I am sorry, I have no sympathy for the Assessor's.  
9 (Laughter.)

10 A Shall I stop?

11 Q Go ahead.

12 A Our field canvass starts January 2nd. In fact,  
13 it started today but the greater portion of it starts the 2nd  
14 of January, and it would create a hardship in my office,  
15 especially as we just lost my supervisor.

16 Q How did you lose him?

17 A He died.

18 Q Mrs. Goverman, I would like to excuse you, but  
19 that's not the personal sort of hardship the Court would  
20 believe would warrant your being excused.

21 Anyone else in that row?

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VOIR DIRE EXAMINATION OF  
MRS. CHRISTINE FOWLER

BY THE COURT:

Q Mrs. Fowler, I believe you raised your hand?

A Yes, I did, sir.

Q What is your problem?

A My problem is I am training new help. I am a night senior operator at USC Medical Center and we are training new help and we have an awful time getting girls to stay on the night trick. So --

Q Would this cause you any personal hardship?

A Well, it would to this extent that they don't have anybody else to train.

Q How would that affect you? Would you lose your job?

A No, I would not lose my job.

Q Would you lose -- be demoted?

A No, no. I do feel it is a hardship on them more than on me.

Q Well, I may ask Ralphs, the County Assessor and USC Medical Center to absorb that hardship, to endure it.

A Well, my chief operator's name is Mrs. William, if you care to talk to her.

Q Well, I think, Mrs. Fowler, that wouldn't constitute the necessary personal hardship which would cause me to be sympathetic towards releasing you.

How about you, Mrs. Dunn? Did I see your hand?

3b-2

1 JUROR NO. 12: No.

2 THE COURT: The Court wishes to tell you that this  
3 indictment that I read is not evidence. You are not to  
4 regard it as evidence. It is simply a means of bringing this  
5 case before you, ladies and gentlemen, before this court.

6 Is there anyone of you who has had legal  
7 experience?

8 I'll be asking those of you beyond the rail  
9 whether you heard these questions and whether your answers  
10 would be any different to the questions of a general  
11 nature that I am putting to these people in the box.  
12 So would you listen, too, so if your answers are any  
13 different, make a mental note of it and tell me later on  
14 if you should be put in the box yourself.

15 Is there anyone who has had any legal training,  
16 whatsoever?

17 Is there anyone of you who has had a member, a  
18 close friend or a member of the family in the legal  
19 profession?

20 (Whereupon, there was a show of hands.)

21 THE COURT: Mrs. Goverman.

22 JUROR NO. 10: Well, I don't know if they're friends  
23 or not, but I have assessed a great many attorneys.

24 THE COURT: Well, you can be sure they're not friends,  
25 Mrs. Goverman, if you have assessed them.

26 But do you know any attorneys who are personally  
27 close, close friends as a result of your duties?

28 JUROR NO. 10: Well, not too close.

3b

3b-3

1 THE COURT: Is there any particular reason why you  
2 mentioned that? Is there any particular attorney whom you  
3 can remember who is a good friend of yours?

4 JUROR NO. 10: No. I've just assessed them practically  
5 up and down Wilshire Boulevard.

6 THE COURT: I see. I don't know why you should  
7 presume there should exist any friendship between you and  
8 them. We'll just take it that there is. But that wouldn't  
9 affect your judgment in any way, would it?

10 JUROR NO. 10: No, sir, it wouldn't.

11 THE COURT: Is there anyone of you who has been the  
12 victim of any violent crime or who has been a close friend  
13 of a victim of a violent crime or a crime of violence?

14 I see no affirmative response except the one  
15 by Mrs. Goverman.

16 Is there anyone of you who has been a witness  
17 in a criminal case, a witness for either the People or for  
18 the defendant?

19 Is there anyone of you who has been charged  
20 with a criminal offense other than a traffic citation?

21 Is there anyone of you who has served as a  
22 juror before in either a criminal or civil case?

23 (Whereupon, there was a show of hands.)

24 THE COURT: I see Mrs. Dunn has raised her hand and  
25 Mrs. Dittebrandt --

26 JUROR NO. 6: No.

27 THE COURT: Let's see, Mrs. Sims.

28 JUROR NO. 5: Sims.



1 THE COURT: Is it Miss or Mrs.?

2 JUROR NO. 5: Mrs.

3 THE COURT: Miss?

4 JUROR NO. 5: Mrs.

5 THE COURT: Mrs. Sims, I see.

6 And someone else raised their hand.

7 JUROR NO. 3: Me.

8 THE COURT: Mr. Takemoto.

9 The Court will tell you that in a civil case  
10 the plaintiff, in order to win its case, must establish its  
11 case by a preponderance of the evidence.

12 In this case the People have the burden of  
13 proving their case beyond a reasonable doubt. And the  
14 Court will instruct you as to what reasonable doubt is.

15 Will all of you, particularly those of you who  
16 have civil experience, be careful to distinguish between  
17 those two burden of proofs that I have just told you about?  
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1 In this case the People are asking for -- that the  
2 death penalty be imposed.

3 If the defendant is found guilty of murder in the  
4 first degree, then it becomes the duty of the jury to determine  
5 whether life imprisonment or death be imposed as a punishment.

6 In a case in which the offense charged is  
7 punishable by death, the Court wishes to ascertain whether  
8 any prospective juror entertains any conscientious opinions  
9 which will preclude the juror from finding the defendant guilty  
10 in the first phase of the case.

11 The case is split -- may be split into two  
12 phases, one involving the question of guilt or innocence and  
13 then, and only if there is a conviction of murder of the first  
14 degree, a subsequent phase or penalty phase follows.

15 So, the Court in telling you what it has told  
16 you about the Court's desire to know your state of mind, has  
17 first referred to the guilt or innocence phase.

18 In other words, if you entertain such conscientious  
19 opinions concerning the death penalty it would preclude you  
20 from finding the defendant guilty in the first phase of the  
21 case, the Court wishes to know.

22 Or the Court wishes to know if you are a person  
23 who, by reason of your views, entertains such conscientious  
24 opinions concerning the death penalty that you would automatically  
25 refuse to impose it without regard to any evidence that might  
26 be developed during the case.

27 In other words, whether you would automatically vote  
28 against the death penalty or whether you would automatically,

1 without regard to the evidence, impose the death penalty.

2 These are questions that I'll be asking you con-  
3 cerning the death penalty and I wanted you to think about them.

4 I just wanted to tell you at the outset of this  
5 trial, the Court has no way of knowing whether you will be  
6 called upon to determine the issue of penalty because that will  
7 depend upon what your findings are on the issue of guilt. So,  
8 I am not inferring, by talking about the death penalty, that I  
9 believe that the Court believes that it will be necessary for  
10 you to go into a second phase, a penalty phase. I'm making  
11 no inference either. I'm making no inference of guilt in  
12 talking to you about that.

13 The defendant, as you've been previously informed,  
14 is charged with the crime of murder, and he is charged with  
15 the crime of conspiracy to commit murder, two Counts of  
16 murder and one crime -- one Count of conspiracy are charged.  
17 And in arriving at a verdict or verdicts in this case as to  
18 the guilt or innocence of the defendant, the subject of  
19 penalty or punishment is not to be discussed or considered  
20 by the jury, as that is a matter, as I have explained to you,  
21 that must be considered as determined in a separate  
22 proceedings, if your findings require in the first phase,  
23 require such a proceeding.

24 If the defendant is acquitted or if he is found  
25 guilty of a crime, of a lesser crime than murder in the first  
26 degree, then there's nothing further to submit to the jury on  
27 the issue of penalty. I hope you all understand that now.

28 The Court will state that the law imposes

1 neither death nor life imprisonment upon a conviction of  
2 murder in the first degree, but presents the two alternatives  
3 to the absolute discretion of the jury.

4 The legislature has formulated no rules to control  
5 the exercise of a jury's discretion.

6 Let's begin in the corner with Mrs. Maister.

7 JUROR NO. 1: Yes.

8  
9 VOIR DIRE EXAMINATION OF  
10 MARY MEISTER

11 BY THE COURT:

12 Q I'll ask you, Mrs. Meister, do you hold such  
13 conscientious opinions concerning the death penalty that you  
14 would automatically refuse to impose it without regard to  
15 any evidence that might be developed?

16 A Well, I have to hear more details about it.

17 THE COURT: Thank you, Mr. Robinson.

18 A (By Mrs. Meister) I'd have to hear more details,  
19 you know. At first I couldn't tell.

20 Q BY THE COURT: I see.

21 In other words, you would not automatically refuse  
22 to impose the death penalty, you would --

23 A Yes.

24 Q -- you would look at the evidence?

25 A Yes.

26 Q And determine from the evidence --

27 A Yes.

28 Q -- whether, in your discretion, you should --

1           A       Yes, if I hear more.

2           Q       All right.

3                   Are your opinions concerning the death penalty  
4 such that you would automatically vote to impose the death  
5 penalty without regard to any evidence that might be  
6 developed?

7           A       No.

8           Q       Are your views on the death penalty such as would  
9 prevent you from being impartial in determining the first  
10 phase of the case or the question of guilt or innocence?

11          A       Well, I'll have to wait to hear --

12          Q       Do you understand what I am saying to you?

13          A       Yes.

14          Q       Do you have such views about the death penalty  
15 that you could not be fair and impartial in determining the  
16 question of guilt or innocence?

17          A       Well, I'll have to wait. I couldn't tell right  
18 away. If I hear -- when I hear more details.

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1 Q Perhaps you don't understand my question.

2 A Yes.

3 Q Would you repeat the question to me that I have  
4 just put to you?

5 What do I want to know from you?

6 A If I decide at first whether he is guilty or  
7 not --

8 Q Yes.

9 A -- yes.

10 Q I want to know from you whether you can be fair  
11 and impartial in making that decision as to whether Mr. Davis  
12 is guilty or not or do you have such views about the death  
13 penalty that you could not be impartial in determining guilt  
14 or innocence?

15 A No, I couldn't decide right away.

16 Q Are your views such that you would never vote  
17 to impose the death penalty?

18 A No.

19 Q Are your views such that you would refuse to  
20 even consider imposing the death penalty?

21 A No.

22 Q All right.

23 Do you want to pass the microphone on to Mr.  
24 Robinson.

25  
26 VOIR DIRE EXAMINATION OF

27 JOHN H. ROBINSON

28 BY THE COURT:

1           Q     Mr. Robinson, do you have such views concerning  
2 the death penalty that you would automatically refuse to  
3 impose it without regard to any evidence that might be  
4 developed?

5           A     No, your Honor.

6           Q     Or do you have such views concerning it, Mr.  
7 Robinson, that you could not be fair and impartial in  
8 determining the first phase of the case, the phase involving  
9 guilt or innocence?

10          A     No.

11          Q     You would not, for example, in the first phase  
12 of the case, be inclined to be more likely to find a person  
13 innocent simply because of views you hold concerning capital  
14 punishment?

15          A     No, I wouldn't.

16          Q     Do you understand the question of penalty or  
17 punishment is not to enter into your deliberations on the  
18 question of guilt or innocence?

19          A     Yes, your Honor.

20          Q     Do you have such views concerning the death  
21 penalty that you would never vote to impose that penalty?

22          A     No.

23          Q     Or are your views such that you would refuse to  
24 even consider imposing the death penalty?

25          A     Yes, I might.

26          Q     Would you -- I'm not sure you understood that.

27                Would you refuse to even consider the death  
28 penalty in any case?

1 A No.

2 Q And would you automatically, upon a conviction of  
3 murder of the first degree, automatically impose the death  
4 penalty without regard to the evidence?

5 A No.

6

7 VOIR DIRE EXAMINATION OF

8 MR. BEN T. TAKEMOTO

9 BY THE COURT:

10 Q Mr. Takemoto, do you have such views concerning  
11 the death penalty that you would automatically refuse to  
12 impose it regardless of the evidence?

13 A No, your Honor.

14 Q Would you automatically impose it upon a  
15 conviction of murder of the first degree without regard to  
16 the evidence?

17 A No.

18 Q Are your views concerning the death penalty  
19 such that you would never vote to impose it in any case?

20 A No.

21 Q All right. Would you pass that microphone on,  
22 then, to the next lady whose name is --

23

24 VOIR DIRE EXAMINATION OF

25 MISS ERNA R. ALDINGER

26 BY THE COURT:

27 Q What is your name, ma'am?

28 A Erna Aldinger.



1           Q       Mrs. Aldinger, are your views concerning the death  
2 penalty such that you would automatically impose it upon a  
3 conviction of murder of the first degree without regard to the  
4 evidence?

5           A       Uh, if the evidence shows that he is guilty --

6           Q       Yes.

7           A       -- then I would go along if -- for the death  
8 penalty.

9           Q       You would go along with what?

10          A       For the death penalty, if it is required.

11          Q       Do you understand that it is not required, that  
12 it is a matter which is left to the sole discretion of the  
13 jury?

14          A       Well, I, uh, would go along with the rest of them  
15 if the majority --

16          Q       In other words, you would simply do what the  
17 majority do?

18          A       Well, if the evidence shows it.

19          Q       Now, the Court would advise you, and will advise  
20 everyone on this prospective jury panel, the Court and counsel  
21 are seeking the individual view of each juror, the individual  
22 vote of each juror. And the simple fact that a majority of  
23 the jurors or some of them should vote in a certain way,  
24 should not influence you to vote in that way.

25                   Now, having that in mind, Mrs. Aldinger, I'm  
26 after your personal views.

27                   Do you have such views about the death penalty  
28 that you would automatically refuse to impose it?

1 A Well, it depends on the evidence.

2 Q You would look at the evidence?

3 A Uh-huh.

4 Q And not automatically enact it?

5 A Yes.

6 Q Then, on the other hand, would you automatically  
7 impose the death penalty without regard to the evidence?

8 A Well, I would consider the evidence whether the  
9 death penalty would be required.

10 Q I see.

11 Very well, pass the microphone on, then, to Mrs.  
12 Sims.

13

14

VOIR DIRE EXAMINATION OF

15

MRS. AUDREY SIMS

16

BY THE COURT:

17

18 Q Mrs. Sims, what would your answers to those  
19 questions be? Are your views concerning the death penalty  
20 such that you would automatically refuse to impose it regardless  
21 of the evidence?

22

A No.

23

24 Q Or would you automatically, upon a conviction of  
25 murder of the first degree, impose the death penalty without  
26 regard to the evidence?

27

A No, I would not do it automatically.

28

3e fls.

3e-1

1 Q Do you have such views concerning the death  
2 penalty, such as would prevent you from being impartial in  
3 deciding guilt or innocence?

4 A No, I do not.

5 Q Or do you have such views that you would never  
6 vote to impose the death penalty?

7 A I could not say that I would never vote to  
8 impose it.

9 Q I see. You would again examine the evidence and  
10 determine whether, in your sole discretion, you should  
11 impose it?

12 A Yes.

13 THE COURT: Pass it on, then, to Mrs. Dittebrandt.

14  
15 VOIR DIRE EXAMINATION OF  
16 MRS. COZETTE DITTEBRANDT

17 BY THE COURT:

18 Q Mrs. Dittebrandt, what would be the answers to  
19 those questions?

20 Would you automatically refuse to impose the  
21 death penalty without regard to the evidence?

22 A Yes, I would.

23 Q You have such feelings concerning it that you  
24 would never be able to impose the death penalty?

25 A Well, it depends upon the evidence.

26 Q Perhaps you misunderstood my first question, then.  
27 Are your views concerning the death penalty such  
28 that you would never, never vote to impose the death penalty?

1 A No. No.

2 Q Regardless of the evidence?

3 A No.

4 Q Are your views concerning the death penalty such  
5 that upon a conviction of murder of the first degree in the  
6 first phase of the case that you would automatically without  
7 regard to the evidence impose the death penalty?

8 A I wouldn't do anything without the evidence.

9 Q In other words, you would not automatically impose  
10 the death penalty?

11 A No.

12 Q All right. Are your views concerning the death  
13 penalty such that you could not be impartial in determining  
14 guilt or innocence?

15 A No.

16 THE COURT: Let's pass the microphone back to Mrs.  
17 Dunn.

18

19 VOIR DIRE EXAMINATION OF

20 MRS. MARY G. DUNN

21 BY THE COURT:

22 Q Mrs. Dunn, what would be your answers? Would  
23 you automatically refuse to impose the death penalty without  
24 regard to any evidence that might be developed?

25 A No.

26 Q Or would you automatically impose it without  
27 a conviction of murder of the first degree?

28 A No.

1 Q Do you have such views concerning it that you  
2 would never impose it, regardless of the evidence?

3 A No.

4 Q And would your views be such that you could not  
5 be impartial in determining guilt or innocence in the first  
6 phase of the case?

7 A Oh, I could be impartial.

8 Q You have no views concerning the death penalty  
9 that would keep you from being impartial?

10 A No, I have not.

11 THE COURT: Very well, pass the microphone to Mrs.  
12 Fowler.

13  
14 VOIR DIRE EXAMINATION OF  
15 MRS. CHRISTINE FOWLER

16 BY THE COURT:

17 Q Do you have such views concerning the penalty  
18 that you would not be fair and impartial in the first phase?

19 A No.

20 Q Would you decide that question of guilt or  
21 innocence without reference to penalty or punishment?

22 A I could.

23 MR. DENNY: I'm sorry, I didn't hear that.

24 THE COURT: "I could," she said.

25 JUROR NO. 11: "I could."

26 Q BY THE COURT: Would you not only -- not only  
27 could you, but would you; that's what I am asking you?

28 A Yes.

1 Q I'm asking you, too, whether you have such views  
2 concerning the death penalty that you would automatically  
3 impose it without regard to the evidence?

4 A No.

5 Q Upon a conviction of murder of the first degree?

6 A No.

7 Q You would not.

8 Or, on the other hand, would you automatically  
9 refuse to impose it without regard to the evidence?

10 A No.

11 Q All right.

12 Pass the microphone to Mrs. Goverman, then.

13  
14 VOIR DIRE EXAMINATION OF

15 MRS. RUTH F. GOVERMAN

16 BY THE COURT:

17 Q What would be your answers? Would you automatically  
18 refuse to impose the death penalty regardless of the evidence  
19 in this case?

20 A Well, I have such strong views against the death  
21 penalty that I am afraid I could not be impartial as to the --

22 Q In other words, as to determining the question  
23 of guilt or innocence you could not be impartial?

24 A If I thought that person could be convicted --  
25 could be sentenced to death.

26 Q It would be difficult for you to be impartial?

27 A That's right.

28 Q Is that true?

1 A That's true.

2 Q Now, let's get into the second phase now.

3 Would you ever, in any case, vote to impose the  
4 death penalty?

5 A Never.

6 Q So that if I understand you correctly, regardless  
7 of what the evidence might be, you would automatically  
8 refuse to impose the death penalty?

9 A That is correct.

10 MR. MANZELLA: Your Honor, the People would respectfully  
11 challenge Mrs. Goverman for cause under Section 1073,  
12 Subdivision 2 of the Penal Code.

13 MR. DENNY: May I inquire, your Honor?

14 THE COURT: Very briefly, yes.

4, fls.

4-1

## VOIR DIRE EXAMINATION

BY MR. DENNY:

Q Mrs. Goverman, you stated that you might have trouble bringing in a verdict of guilt, if you thought that the person then might be subjected to the death penalty, by the vote of the jury; is that correct?

A That's correct.

Q The fact that you might have trouble, does that mean that you could not and would not bring in a finding of guilt, if you thought that the evidence showed, beyond a reasonable doubt and to a moral certainty, the guilt of the defendant? Of the offenses charged against him?

A It's -- it's difficult to say how I would feel after I heard all the evidence.

But right now, I don't think I could ever impose a death penalty on anybody else. And if the verdict would be guilty, and possible death, I don't think I could vote that way.

Q Well, you understand, of course, that there are two phases; that by a finding of guilt, that does not automatically mean that death would be imposed. There would have to be another hearing and evidence introduced at that point.

Now, what we are talking about is the initial hearing on guilt or innocence.

Do you feel, sitting there, that you could perform your duty as a juror and listen to and weigh all the evidence, and come in with a verdict? And if, in fact, the evidence



4-2

1 showed to your satisfaction, beyond a reasonable doubt and  
2 to a moral certainty -- which is the burden that the People  
3 have -- the guilt of the defendant, would you be able to  
4 bring in that verdict of guilt, and do your duty as a juror  
5 in that respect?

6 A Yes, I think I could.

7 Q It is only, then, in the second phase that you  
8 would have any real trouble; is that correct? In other  
9 words, --

10 A Well, I just --

11 Q -- if it came to a penalty situation, your  
12 feelings about the death penalty are such that you don't  
13 feel that you could, in any case, impose the death sentence;  
14 is that correct?

15 A I never would.

16 Q Is there any case that you can conceive of,  
17 where you feel it is proper for the State to commit homicide  
18 -- or invoke the death penalty, as it's euphemistically  
19 phrased?

20 A I think the Ten Commandments state:

21 "Thou shalt not kill."

22 It doesn't state who can and who can't.

23 And I wouldn't vote to kill anyone.

24 MR. DENNY: Thank you, Mrs. Goverman.

25 MR. MANZELLA: If I may have one question, your  
26 Honor?

27  
28 VOIR DIRE EXAMINATION

4-3

1 BY MR. MANZELLA:

2 Q Mrs. Goverman, are you saying that you would  
3 refuse to vote for the death sentence, regardless of the  
4 evidence in the case?

5 A Yes, I would.

6 MR. MANZELLA: All right. The People would renew  
7 their challenge under Section 1073, Subdivision 2, your  
8 Honor.

9 Thank you, Mrs. Goverman.

10 MR. DENNY: We would object to the challenge, your  
11 Honor.

12 THE COURT: The Court grants the challenge.

13 Thank you, Mrs. Goverman. You are excused.

14 Let's see, Mrs. Holt. Where does Mrs. Goverman  
15 report?

16 THE CLERK: To the New Hall of Records.

17 THE COURT: It's 3:30. Does she have go go now?  
18 Can't we excuse her until tomorrow?

19 Mrs. Goverman, we will find out whether you have  
20 to walk back there. You can perhaps go directly to your car,  
21 if you will wait just a moment.

22 Call another name.

23 THE CLERK: Mrs. Marjorie J. Bukzin; B -- first name,  
24 M-a-r-j-o-r-i-e; last name, B-u-k-z-i-n.

25  
26 VOIR DIRE EXAMINATION OF

27 MRS. MARJORIE J. BUKZIN

28 BY THE COURT:

4-4

1 Q Mrs. Bukzin, am I saying the name correctly?

2 A That's correct.

3 Q You have been present during all the proceedings  
4 thus far since the Court called this case?

5 A Yes, I have.

6 Q And would your answers be any different than  
7 the answers to the questions of a general nature that I put  
8 to the jurors thus far?

9 A No, they wouldn't. I -- I have one problem.  
10 My tour is over tomorrow.

11 Q And -- I was going to ask you --

12 A Yes.

13 Q -- about this question of hardship.

14 Would it be a hardship for you to serve?

15 A Yes, it would.

16 Q In what respect?

17 A In the office -- I'm in a very small office,  
18 and I have been gone 30 days, practically. And I don't  
19 think they would pay me beyond this point.

20 Q Would you find that out, whether they would pay  
21 you?

22 A Yes, I will. I --

4a fls.

23

24

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28

4a-4

1 Q What company is it?

2 A I work for a Canadian bank.

3 Q A Canadian bank?

4 A There's nine people in the office, and it's very  
5 limited. Each one of us has to carry a pretty strong load.  
6 So, when someone's out, it does make quite a hardship. I'm  
7 very sorry.

8 THE COURT: Well, find out --

9 And the Court will ask that all of you beyond the  
10 rail, during -- I'm going to take a recess very shortly now --  
11 and get on the telephone and find out. If you are doubtful  
12 whether you will be paid, do so. Do so now, if you can.

13 If you can't, well, find out before you are in  
14 court tomorrow morning.

15 Now, the Court will call the case for 9:45 tomorrow  
16 morning, and between now and 9:45, find out.

17 Q So, I'll ask you to inquire, then, Mrs. Bukzin.

18 A Yes, I will.

19 Q Before I excuse you.

20 To the other questions, your answers would be the  
21 same as the majority of the jurors have responded?

22 A Yes.

23 Q Then the next question I wish to ask you is whether  
24 you have such views concerning the death penalty that you would  
25 automatically refuse to impose it, regardless of the evidence --

26 A No.

27 Q -- that might be produced in the case?

28 A No.

4a-5

1 Q Or conversely, would you have such views concerning  
2 it that you would automatically impose it?

3 A No.

4 Q That is, vote for it, --

5 A No.

6 Q -- without regard to the evidence?

7 A No.

8 Q Would you be able to be impartial, fair and  
9 impartial, in the first phase of the case?

10 A Yes.

11 THE COURT: All right. You may pass the microphone on,  
12 then, to Mrs. Melton.

13

14 VOIR DIRE EXAMINATION OF

15 BIRDIE L. MELTON

16 BY THE COURT:

17 Q Mrs. Melton, what would be your answer to the  
18 Court's questions? Would you automatically refuse to impose  
19 the death penalty, regardless of the evidence in the case?

20 A No, I would not.

21 Q Or would you automatically vote to impose the  
22 death penalty, vote for the death penalty, regardless of the  
23 evidence in the case?

24 A No, I wouldn't.

25 Q Are your views about the death penalty such that  
26 you could not be fair and impartial in determining guilt or  
27 innocence?

28 A No.

4a-6

1 Q Do you understand -- you seem puzzled.

2 In the first phase of the case, can you be fair and  
3 impartial, in spite of whatever views you might hold concerning  
4 the death penalty?

5 A Yes, I could.

6 THE COURT: All right. Then, pass the microphone  
7 then to Miss Bourgeois.

8  
9 VOIR DIRE EXAMINATION OF  
10 MARIE A. BOURGEOIS

11 BY THE COURT:

12 Q Is it Mrs.?

13 A Miss.

14 Q Miss Bourgeois, what would be your answers? Do  
15 you have such views about the death penalty that you would  
16 automatically refuse to impose it, regardless of the evidence?

17 A No, sir.

18 Q Or would you automatically impose it, regardless of  
19 the evidence, upon a conviction of murder in the first degree?

20 A No.

21 Q Would you have such views about it that you could  
22 not be impartial in the first phase of the case?

23 A No, sir.

24 THE COURT: All right. Pass it on to Mrs. Muldrow.  
25 PROSPECTIVE JUROR NO. 7: Muldrow.

26  
27 VOIR DIRE EXAMINATION OF  
28 MRS. EDDIE M. MULDROW

4a-7

1 BY THE COURT:

2 Q Muldrow?

3 A Yes.

4 Q Mrs. Muldrow, are your views about the death  
5 penalty such that you would automatically refuse to impose it,  
6 regardless of the evidence?

7 A No.

8 Q Or would you automatically impose it, regardless of  
9 the evidence, upon a conviction of murder in the first degree?

10 A No.

11 Q Or would you automatically -- strike that.

12 Or would you find it difficult to be fair and  
13 impartial, because of your views concerning the death penalty,  
14 in the first phase of the case? In the first phase of the case,  
15 could you be fair and impartial, in spite of whatever views  
16 you hold concerning the death penalty?

17 A Yes.

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4b fols.

4b-1

1 THE COURT: I'll take a short recess now. And --  
2 about ten minutes.

3 During this recess, and any subsequent recess,  
4 if you are chosen as a juror in the case, the Court wishes  
5 to tell you that it's your firm obligation not to converse  
6 amongst yourselves, nor with anyone else, nor permit anyone  
7 to converse with you on any subject connected with this case;  
8 nor are you to form or express any opinion on the matter  
9 until it is finally submitted to you, should you be chosen  
10 as a juror in the case.

11 Ten minutes, be back in the courtroom, if you  
12 would, please.

13 MR. DENNY: Your Honor, before the jury leaves, may  
14 we approach the bench just a minute?

15 MR. KAY: Yes, I was going to ask that.

16 THE COURT: Yes, you may.

17 MR. KAY: May we have something on the record?

18 THE COURT: Yes. Mr. Williams?

19 (Whereupon, the following proceedings were  
20 had at the bench among Court and counsel, outside  
21 the hearing of the prospective jury.)

22 MR. DENNY: Your Honor, for whatever good it may do,  
23 I would also request the Court to admonish all of the  
24 prospective jurors that, as long as they are potential  
25 jurors in the case, there is a possibility of some  
26 publicity in connection with this case, which may come out  
27 on the radio and television and the newspapers today; and  
28 that they should not -- or, they should take pains to make



4b-2

1 sure they don't read, see, listen to anything connected  
2 with Charles Manson, et cetera.

3 THE COURT: Very well. The Court will do that.

4 (Whereupon, the following proceedings were had  
5 in open court, within the presence and hearing of the  
6 prospective jury panel:)

7 THE COURT: The Court would also tell you that you  
8 have an affirmative obligation, while you are a prospective  
9 juror, or a juror in this case, not to expose yourself to  
10 any publicity concerning this case or Charles Manson or  
11 any other case involving Mr. Manson or Mr. Davis, if there  
12 are any.

13 You are not, in other words, to read, hear or  
14 see any of the news media concerning this case. And it's  
15 your obligation -- or any case connected with Mr. Manson --  
16 and it's your obligation to take affirmative steps to  
17 avoid seeing a headline, reading a newspaper article,  
18 talking to anyone, hearing the radio or seeing a television  
19 program concerning Mr. Manson or this case.

20 Is there anyone of you who feels that he or she  
21 could not follow that admonition and that order of the  
22 Court?

23 If so, I want to see your hand.

24 Because you will be in contempt of this Court,  
25 perhaps, if you -- you may very well be in contempt of the  
26 Court if you disobey that order. And it may seriously  
27 affect your position as a prospective juror or as a juror  
28 in the case, should you disobey that order.

4b-3

1 So, the Court would order you to avoid any  
2 headlines. The Court would order you to avoid newspaper  
3 articles or radio programs concerning Mr. Manson, or the  
4 defendant in this case.

5 You're raising your hand?

6 A PROSPECTIVE JUROR: Yes. Is that from this point on?

7 THE COURT: That's from this point on, yes. From this  
8 point on.

9 You're raising your hand?

10 A PROSPECTIVE JUROR: Is that to say, your Honor, that  
11 you are supposed to stop watching TV, reading the newspapers  
12 and what have you? To skip over --

13 THE COURT: I may very well tell you that, during the  
14 next 24 hours, that you are not to watch a news program,  
15 or you are not to read a newspaper at home.

16 I may inform you that that would be your firm  
17 obligation as a juror, yes. For right now, I will tell you  
18 that that is your obligation during this recess.

19 I will be advising you later on as to what your  
20 obligations are.

21 All right. We are in recess.

22 (Whereupon, the following proceedings were had  
23 at the bench among Court and counsel, outside the  
24 hearing of the prospective jury panel.)

25 MR. DENNY: Your Honor, excuse me. There was another  
26 hand up there, of No. 12 juror.

27 THE COURT: Well, I didn't see it.

28 MR. DENNY: All right, your Honor. Could I also request--

4b-4

1 you made it very clear to them, and -- most definite -- that  
2 they might be in contempt if they did this.

3 I would request the Court to say that if they  
4 unwittingly or by accident see something, that they should  
5 bring it to the Court's attention; that they certainly  
6 should not be afraid to acknowledge it.

7 THE COURT: I suppose I should tell them something  
8 like that, and I'll eventually get around to it.

9 MR. KAY: Your Honor, before you leave the bench, I  
10 wanted this on the record. I would like to interpose an  
11 objection to Mr. Denny's arguing his case on voir dire.

12 If we want to have this voir dire developed into  
13 an argument of the respective cases, that's fine. But he  
14 brought up the subject of the State committing legal homicide,  
15 and I think that's improper voir dire.

16 I think he's trying to argue a position, and I'd  
17 ask the Court to admonish him to voir dire and not to argue  
18 his case, unless we want both sides to get into that.

19 THE COURT: Well, it would certainly shorten this  
20 process, to conduct it in a very proper manner. And both of  
21 you ought to be -- all three of you are very capable and  
22 knowing.

23 And the Court did hear that, and I saw you, Mr.  
24 Kay, wince --

25 MR. KAY: Yes.

26 THE COURT: -- at the time that Mr. Denny put that  
27 question.

28 It's probably best to avoid that type of question.

4b-5  
1 MR. DENNY: Well, your Honor, if the Court please,  
2 I think we can indulge in nice euphemisms, like "imposition  
3 of capital punishment." "Do you believe in capital  
4 punishment?"

5 MR. KAY: That's fine, except that it's not legal  
6 homicide.

7 MR. DENNY: I certainly think that I should be able  
8 to use these euphemisms that are just as applicable and that  
9 have been used by other people, calling it "state homicide"  
10 or "legal homicide," which is exactly what it is.

11 MR. KAY: No, it's not legal homicide.

12 MR. DENNY: It certainly is.

13 MR. KAY: It's not a homicide.

14 MR. DENNY: It is homicide, just the same as justifiable  
15 homicide is a homicide.

16 MR. KAY: I think that's for argument.

17 THE COURT: It is argumentative, and it's the kind of  
18 a thing which I think would possibly prolong the voir dire.  
19 I would say that -- that both sides should avoid that type  
20 of argument, if you can.

21 All right. We are in recess.

22 MR. KAY: Thank you, your Honor.

23 (Midafternoon recess.)  
24  
25  
26  
27  
28

X fls. 4c fls.

4c-1

1 THE COURT: We are still in recess until -- I think  
2 it's Mr. Takemoto -- shows up.

3 Mr. Kuczera, let me know when he appears.

4 THE BAILIFF: Yes, sir.

5 (Short recess.)

6 THE COURT: The record will show that all counsel are  
7 present. The defendant is present. All the prospective  
8 jurors are present.

9 The Court talked to Mrs. Muldrow and also Mrs.  
10 Bukzin.

11 We will be talking about reasonable doubt. The  
12 Court has already referred to it. Let me instruct you as to  
13 what reasonable doubt means.

14 "A defendant in a criminal action is  
15 presumed to be innocent until the contrary is proved,  
16 and in case of a reasonable doubt whether his guilt  
17 is satisfactorily shown, he is entitled to an  
18 acquittal. This presumption places upon the State  
19 the burden of proving him guilty beyond a reasonable  
20 doubt.

21 "Reasonable doubt is defined as follows:  
22 It is not a mere possible doubt; because everything  
23 relating to human affairs and depending on moral  
24 evidence, is open to some possible or imaginary  
25 doubt. It is that state of the case which, after  
26 the entire comparison and consideration of all the  
27 evidence, leaves the minds of the jurors in that  
28 condition that they cannot say they feel an abiding

4c-2

1 "conviction, to a moral certainty, of the truth  
2 of the charge."

3 "The testimony of a witness, a writing,  
4 a material object, or anything presented to the  
5 senses offered to prove the existence or non-  
6 existence of a fact is either direct or circum-  
7 stantial evidence.

8 "Direct evidence means evidence that  
9 directly proves a fact, without any inference,  
10 and which in itself, if true, conclusively estab-  
11 lishes that fact.

12 "Circumstantial evidence means evidence  
13 that proves a fact from which an inference of the  
14 existence of another fact may be drawn.

15 "An inference is a deduction of fact  
16 that may logically and reasonably be drawn from  
17 another fact or group of facts established by  
18 the evidence.

19 "It is not necessary that facts be  
20 proved by direct evidence. They may be proved  
21 also by circumstantial evidence or by a combina-  
22 tion of direct evidence and circumstantial  
23 evidence. Both direct evidence and circumstan-  
24 tial evidence are acceptable as a means of proof.  
25 Neither is entitled to any greater weight than  
26 the other."

27 "You are not permitted to find the  
28 defendant guilty of any crime charged against him

4c-3

1 "based on circumstantial evidence, unless the  
2 proved circumstances are not only consistent  
3 with the theory that the defendant is guilty  
4 of the crime, but cannot be reconciled with  
5 any other rational conclusion, and each  
6 fact which is essential to complete a set  
7 of circumstances necessary to establish a  
8 defendant's guilt has been proved beyond a  
9 reasonable doubt.

10 "Also, if the evidence as to any  
11 particular count is susceptible of two reasonable  
12 interpretations, one of which points to the  
13 defendant's guilt and the other to his innocence,  
14 it is your duty to adopt that interpretation which  
15 points to his innocence and reject the other  
16 which points to his guilt."

17 The Court has just defined for you what is  
18 direct and circumstantial evidence, and has told you what  
19 are the standards with regard to sufficiency of circum-  
20 stantial evidence.

21 The Court will further instruct you later on in  
22 the case, if you are chosen as jurors in the case. The  
23 Court will further tell you that:

24 "A conspiracy is an agreement between  
25 two or more persons to commit a public offense,  
26 and with the specific intent to commit such offense,  
27 followed by an overt act committed in this state  
28 by one or more of the parties for the purpose of

4c-4

1 "accomplishing the object of the agreement.  
2 Conspiracy is a crime.

3 "In order to find a defendant guilty  
4 of conspiracy, in addition to proof of the  
5 unlawful agreement, there must be proof of the  
6 commission of at least one of the overt acts  
7 alleged in the indictment."

8 I've talked about murder of the first degree  
9 with you. You may not know what murder of the first degree  
10 is. The Court will tell you that:

11 "Murder is the unlawful killing of a  
12 human being, with malice aforethought."  
13  
14  
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6d fls.



4d-1

1 All murder perpetrated by willful -- perpetrated  
2 willfully, deliberately and with premeditation -- in other  
3 words, a willful, deliberate and premeditated killing, with  
4 malice aforethought, or a murder committed by torture or a  
5 murder committed in the course of a burglary or a robbery is  
6 murder of the first degree.

7 The Court will further define for you what is  
8 murder of the first degree, should you be chosen as a juror.  
9 Because the Court will instruct you as to -- the Court  
10 will instruct you as to the law in this case at the  
11 conclusion of the evidence.

12 "All persons concerning in the commission  
13 of a crime who either directly and actively commit  
14 the act constituting the offense or who knowingly  
15 and with criminal intent aid and abet in its  
16 commission or, whether present or not, who advise  
17 and encourage its commission, are regarded by the  
18 law as principals in the crime thus committed and  
19 are equally guilty thereof.

20 "A person aids and abets the commission  
21 of a crime if he knowingly and with criminal intent  
22 aids, promotes, encourages or instigates by act  
23 or advice, or by act and advice or by act and advice,  
24 the commission of such crime."

25 The Court will instruct you, as I said, in  
26 all of the law that governs you -- that will govern you  
27 in the deciding of the case.

28 Whether those instructions which I give you,

4d-2

1 and the instructions which I shall give you later, will be  
2 followed by you, will be determined by what you find to be  
3 the facts in the case; because you are the sole and the  
4 exclusive judges of the facts in the case.

5 I'm going to ask you about your personal back-  
6 grounds now, beginning with Mrs. Meister.

7 PROSPECTIVE JUROR NO. 1: Yes.

8  
9 VOIR DIRE EXAMINATION OF

10 MRS. MARY MEISTER

11 BY THE COURT:

12 Q And, Mrs. Meister, would you --

13 Mr. Kuczera, will you hand her the microphone?

14 There, would you speak directly into it, as I --

15 A Okay.

16 Q Have you had any jury experience before?

17 A No.

18 Q What type of work do you do, Mrs. Meister?

19 A I am a housewife.

20 Q And are you related to or a friend of any law  
21 enforcement officer?

22 A Well --

23 Q By law enforcement officers, I mean a policeman,  
24 a Deputy Sheriff, Highway Patrolman, a Deputy District  
25 Attorney, Deputy City Attorney, any prosecutor.

26 A No. Two lawyers, I have in my family.

27 Q Are they in any way related to law enforcement?  
28 Are they --

4d-3

1 A Well, they're lawyers. But they're out of town.  
2 They're in Canada. They're not here.

3 Q Are they members of a law enforcement group,  
4 other than just the members of the Bar?

5 A They're on the Bar, but I really don't know  
6 what they're doing. They're in a different state.

7 Q I see.

8 Do you see them at all?

9 A No.

10 Q Would that affect your judgment in the case,  
11 whatever?

12 A I beg your pardon?

13 Q Would that fact, that you have two lawyers  
14 in the family, affect your judgment at all?

15 A No.

16 Q All right. Is there a Mr. Meister?

17 A Yes.

18 Q What type of work does he do?

19 A He's retired.

20 Q From what type of work?

21 A He worked in a machine shop.

22 Q And what is your place of residency, without  
23 saying your address? I mean, in what general area of the  
24 County do you reside?

25 A My residence?

26 Q Yes. In what area of the County?

27 A Oh. In the Wilshire. The Wilshire District.

28 Q Do you know of any reason why you couldn't be

4d-4

1 fair and impartial in this case?

2 A No.

3 THE COURT: Would you pass it to Mr. Robinson?

4  
5 VOIR DIRE EXAMINATION OF

6 MR. JOHN H. ROBINSON

7 BY THE COURT:

8 Q Mr. Robinson, have you had any jury experience?

9 A No, I haven't.

10 Q Are you related to or a friend of any law  
11 enforcement officer?

12 A No, I am not.

13 Q What type of work do you do?

14 A I work for the City of Los Angeles.

15 Q In what?

16 A In the street maintenance.

17 Q And how long have you been so employed?

18 A Eleven years.

19 Q Is there a Mrs. Robinson?

20 A We are separated.

21 Q I see.

22 Do you have children?

23 A Two.

24 Q And where do you reside?

25 A At West Los Angeles.

26 Q Do you know of any reason why you couldn't be  
27 fair and impartial in this case?

28 A No.

6b fls.

4e-1

1 THE COURT: Would you pass it on, then, to Mr.  
2 Takemoto?

3  
4 VOIR DIRE EXAMINATION OF  
5 MR. BEN T. TAKEMOTO

6 BY THE COURT:

7 Q Mr. Takemoto, would you answer the same  
8 questions that I had asked Mr. Robinson?

9 A Yes, your Honor.

10 Q Your jury experience, your work, whether you are  
11 related to any law enforcement officer, your spouse's work  
12 and your place of residence?

13 I will ask the rest of you to remember those  
14 things, and just give me the answers, if you would, please.

15 A I have served on one jury case, on another jury.

16 Q What type of case was that?

17 A Oh, criminal case.

18 Q And what was the nature of that criminal case?

19 A Uh --

20 Q Burglary, robbery?

21 A Burglary.

22 Q A burglary?

23 A Yes.

24 Q Will you set aside whatever you may have learned  
25 from any other case and decide this case only from this  
26 evidence and the law as I shall state it to you in this  
27 case?

28 A Yes, I will.

4e-2

1 THE COURT: Will all of you who have had any experience  
2 in any other criminal case promise me that you will do that?

3 (No negative response.)

4 Q BY THE COURT: Go ahead, Mr. Takemoto. What type  
5 of work do you do?

6 A Oh, yes. I work for Ralphs Grocery as a clerk.

7 Q You've told us that. How long have you been  
8 employed with them?

9 A About two years.

10 Q Are you related to or a friend of any law  
11 enforcement officer?

12 A No, sir..

13 Q And are you married?

14 A Yes, sir.

15 Q And where do you reside?

16 A Southwest Los Angeles.

17 Q What type of work does Mrs. Takemoto do?

18 A She works for the bank.

19 Q What bank?

20 A The Bank of Tokyo of California.

21 THE COURT: All right. Thank you. Would you pass it  
22 on to Mrs. Aldinger?

23  
24 VOIR DIRE EXAMINATION OF

25 MRS. ERNA R. ALDINGER

26 BY THE COURT:

27 Q Give us your background, beginning with your  
28 jury experience?

4e-3

1 A I never had no jury duty before.

2 And I have a nephew who is on the police force  
3 in the State of Washington.

4 Q Would that affect your judgment in this case?

5 A No.

6 Q Would you be more likely, for example, to find  
7 the defendant guilty because of that relationship?

8 A No.

9 Q Now, the Court will tell you that it's your  
10 obligation to follow the Court's instruction concerning the  
11 judging of the credibility of the witnesses. The Court will  
12 give you certain standards.

13 But you are to follow the standards. The Court  
14 will ask you this, Mrs. Aldinger. Would you judge the  
15 testimony of a police officer on the same standard as you  
16 would the testimony of any other witness?

17 A Yes, I would.

18 Q All right. Go ahead.

19 A Then I do clerical work for the Metropolitan  
20 Water District.

21 And I live in the Echo Park area.

22 Q All right. Thank you. Do you know of any  
23 reason why you couldn't be fair and impartial in the case?

24 A No.

25 Q How long have you done clerical work for the --

26 A Fourteen and a half years.

27 THE COURT: Pass it on to Mrs. Sims, if you would,  
28 please.

## VOIR DIRE EXAMINATION OF

MRS. AUDREY SIMS

BY THE COURT:

Q Mrs. Sims, begin with your jury experience.

A I've served on two cases before, involving possession of narcotics.

Q Both of them?

A Yes.

Q Can you set aside what you may have learned in those cases and decide this case only on its evidence and the law as I shall state it to you?

A Yes. I work for United Airlines as a stewardess. My husband is a radiologist. I live in the southwest Culver City area.

Q For whom does your husband work?

A He is employed by Martin Luther King Hospital, which will open in January.

Q And do you know of any reason why you couldn't be fair and impartial in this case?

A No.

THE COURT: Pass it on, then, if you would, please, to Mrs. Dittebrandt.

## VOIR DIRE EXAMINATION OF

MRS. COZETTE L. DITTEBRANDT

BY THE COURT:

Q Go ahead. Can you give us --

A I have never served on a jury before. And I'm



1 a retired clerk with the Board of -- the L. A. Board of  
2 Education. And -- what else?

4f fls.

3 Oh. I reside in the Silver Lake area.  
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1 Q Is there a Mr. Dittbrandt?

2 A No.

3 Q Are you related to any law enforcement officer?

4 A No.

5 Q Can you think of any reason why you couldn't be  
6 fair and impartial?

7 A None at all.

8 Q All right. Would you pass that back, then, to  
9 Mrs. Dunn?

10

11 VOIR DIRE EXAMINATION OF  
12 MARY G. DUNN

13 BY THE COURT:

14 Q Mrs. Dunn, would you give us your background,  
15 beginning with your jury experience, please?

16 A I worked on Municipal Court in 1960.

17 I'm a widow. I work for an insurance company.

18 Q What did you do for the Municipal Court?

19 A It was mostly driving charges.

20 Q Oh, I see. You worked as a juror, then?

21 A Yes.

22 Q I see. You were not an employee of the Municipal  
23 Court?

24 A No.

25 Q But this is your first time as a Superior Court  
26 juror?

27 A Yes, it is.

28 Q I see. And you've never served on any case?

4f-2

- 1 A No. Today's the first day.
- 2 Q I see. Go ahead. You were saying that Mr. Dunn --
- 3 A Is dead.
- 4 Q -- is deceased?
- 5 A Yes. And I work for an insurance company.
- 6 Q What type of work did he do?
- 7 A He worked for a truck building company.
- 8 Q And you work for an insurance company?
- 9 A Yes, I do.
- 10 Q Doing what?
- 11 A I am an underwriter's assistant.
- 12 Q And your place of residence?
- 13 A In the northeast area.

14 THE COURT: All right. Pass it on, then, to

15 Mrs. Fowler.

16

17 VOIR DIRE EXAMINATION OF

18 CHRISTINE FOWLER

19 BY THE COURT:

20 Q And Mrs. Fowler, give us your background,

21 beginning with your jury experience.

22 MR. DENNY: I'm sorry, your Honor.

23 THE COURT: Be careful, Mrs. Sims, of that microphone

24 cord.

25 MR. DENNY: On the last one, what was the answer for the

26 residence?

27 THE COURT: Will you give us your residence again?

28 PROSPECTIVE JUROR NO. 12: Northeast Los Angeles --

4f-3

1 Eagle Rock.

2 Q BY THE COURT: Go ahead, Mrs. Fowler.

3 A I have had no jury experience. I was a witness  
4 once in a burglary case.

5 Q How long ago?

6 A Oh, three or four years ago.

7 Q Do you think that would affect your judgment --

8 A Six years.

9 Q Would that affect your judgment in this case?

10 A No.

11 Q To make you more inclined to lean towards the  
12 prosecution, or against them?

13 A No.

14 Q Or toward the defendant?

15 A No.

16 Q It would not affect you at all?

17 A No.

18 Q You could still be impartial, in spite of the fact  
19 that you were a witness?

20 A I would certainly try to be.

21 Q Were you a victim in the case?

22 A Yes, I was.

23 Q And that was a burglarization of your home?

24 A Yes.

25 Q Was there a conviction in the case?

26 A Yes, there was.

27 Q And in that case -- in the course of that case,  
28 did you testify in the Superior Court?

1           A       I don't know where I -- yes, I think it was in this  
2 building.

3           Q       Did you say that there was a Mr. Fowler, or is a  
4 Mr. Fowler?

5           A       Yes. He's deceased, 1966.

6           Q       What type of work did he do?

7           A       He worked for Michigan Oven.

8           Q       And your place of residence is --?

9           A       Well -- uh --

10          Q       In general, where do you live? What area?

11          A       Near Eagle Rock.

12          Q       Thank you. Oh. I have one other question. You  
13 have no law enforcement --

14          A       No, I don't.

15          Q       No friends or relatives who are in law enforcement?

16          A       No.

17

18                               VOIR DIRE EXAMINATION OF

19                               MARJORIE BUKZIN

20 BY THE COURT:

21          Q       Mrs. Bukzin? Give us your background -- and  
22 incidentally, during the recess, were you able to find out  
23 anything about your salary?

24          A       I talked to my employer. He has to call our head  
25 office in Toronto. And he will be calling you, probably,  
26 tomorrow morning.

27          Q       I hope Toronto's response is favorable.

28                               Go ahead.

1           A       Okay. I have had one jury duty, previously, and it  
2 was last week. It was a civil case.

3                   I live in the west area of Los Angeles. I work at  
4 California Canadian Bank; have for five years.

5                   I'm not related to anyone in the law enforcement --  
6 uh -- situation. I am divorced, and my former husband is a  
7 writer for the Voice of America.

8           Q       What is the Voice of America?

9           A       Well, it's situated in Washington, D. C., and it --

10          Q       Is it a news magazine or --

11          A       No, it's a -- it's an organization in Washington  
12 that broadcasts in every language, different information about  
13 this country.

14          Q       I see. Do you know of any reason why you couldn't  
15 be fair and impartial in this case?

16          A       No.

17          THE COURT: Thank you. Pass it along, if you would, to  
18 Mrs. Melton.

19  
20                               VOIR DIRE EXAMINATION OF

21                               BIRDIE L. MELTON

22 BY THE COURT:

23          Q       Mrs. Melton, give us your background --

24          A       I've never served --

25          Q       -- beginning with your jury experience.

26          A       -- served as a juror before.

27                   I work with the County of Los Angeles, in the  
28 clerical field, for the past 15 years. I'm single. I live in

1 the Crenshaw District.

2 I do date a Deputy Sheriff, if that makes any  
3 difference.

4 Q The Court doesn't want to become too personal, but  
5 this is a close relationship, or a casual relationship?

6 A Well, we -- uh --

7 Q He is not present, is he?

8 A No, he isn't.

9 Q Then you can -- you've known him quite well, a good  
10 friend?

11 A Yes. Since 1966.

12 Q And what's his present duty? Is he in a patrol  
13 car or in an office or --

14 A No, he's at Central Jail.

15 Q Has he discussed cases with you, and the  
16 prosecutions?

17 A No.

18 Q Do you think that that relationship would affect  
19 your judgment in this case?

20 A I don't think so.

21 Q Would you feel any hesitancy, for example, in  
22 coming back with a verdict of not guilty, in a situation where  
23 you felt it was justifiable?

24 A (No response.)

25 Q Would you feel any hesitancy, because of that  
26 relationship?

27 A I don't think so.

28

5 fol

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1 Q Are you sure?

2 A I can't be very positive.

3 Q You can't be positive that you wouldn't hesitate,  
4 that it might affect your relationship if you came back with  
5 a wrong verdict?

6 A Oh, with him, no, that wouldn't have any effect.

7 Q It wouldn't have anything to do with it?

8 A No.

9 Q Is that the only law enforcement relationship  
10 you have?

11 A I have some friends in the Police Department,  
12 but nothing personal. Just friends.

13 Q I see. Los Angeles Police Department?

14 A Yes.

15 Q Well, let me ask you, do you think that you can  
16 be fair, completely fair and impartial in this case despite  
17 that relationship with the deputy sheriff?

18 A I think I could.

19 Q Are you expressing any hesitancy when you say,  
20 "I think"?

21 A Uh, well, I feel this wouldn't have any effect  
22 since we are not supposed to discuss the case. Even if I  
23 am dating a law enforcement officer, I wouldn't have to  
24 discuss it with him and I'm sure he wouldn't quiz me about  
25 it. He's not very inquisitive.

26 Q Well, aside from that discussion of it, would  
27 you feel that you -- do you feel now that you would be  
28 more partial to a law enforcement officer's version of



5-2

1 something rather than some other person who is not a law  
2 enforcement officer, for example?

3 A No, I don't.

4 Q So you have no hesitancy in telling me that you  
5 can be fair and impartial in the case?

6 A I feel I could be fair.

7 Q All right. You reside in what area?

8 A The Crenshaw District.

9 THE COURT: Thank you. Pass it along to Miss Bourgeois.

10  
11 VOIR DIRE EXAMINATION OF

12 MISS MARIE A. BOURGEOIS

13 BY THE COURT:

14 Q Miss Bourgeois?

15 A Yes.

16 Q Give us your answers.

17 A This is my first time on jury duty.

18 I work as an inventory clerk for a wholesale  
19 importer automobile dealer.

20 I live in the Hollywood District.

21 I have no friends or family in any position in  
22 law enforcement.

23 I am single.

24 And I think that I can be impartial and fair  
25 in the course of this trial.

26 THE COURT: Thank you.

27  
28 VOIR DIRE EXAMINATION OF

5-3

MRS. EDDIE M. MULDROW

BY THE COURT:

Q Mrs. Muldrow.

A Yes.

Uh, I work for Bank of America. I've been working there for six years.

Q What do you do for the Bank, Mrs. Muldrow?

A I am a supervisor of the Recon Department.

MR. DENNY: Of the what?

Q BY THE COURT: Of what?

A The Recon Department.

Q Thewhat?

A The Recon. It has nothing to do with enforcement. It has to do with computers.

Mr. Muldrow works at Lockheed Aircraft.

I live in the southeast area of Los Angeles.

I have no friends nor do I have any members of the family that's a law enforcement -- that works for the law enforcement.

Q Can you think of any reason why you couldn't be fair and impartial?

A No.

MR. KAY: Your Honor, I believe your Honor hasn't inquired of Mr. Takemoto whether he inquired of his employer whether it would be a hardship. I think he was going to call his employer.

THE COURT: Did you do that, Mr. Takemoto?

JUROR NO. 3: Yes.

5-4

1 THE COURT: What did you find out, Mr. Takemoto?

2 JUROR NO. 3: My personnel department had a call, your  
3 Honor -- my personnel department is going to call, your Honor,  
4 or have a letter written personally to you regarding my being  
5 excused.

6 THE COURT: Well, what does it say?

7 JUROR NO. 3: I don't know.

8 (Laughter.)

9 THE COURT: You don't know what it says?

10 JUROR NO. 3: No. I just talked to my manager at the  
11 store.

12 THE COURT: That's very interesting, Mr. Takemoto.  
13 When I get the letter I'll undoubtedly know whether or not  
14 they're going to pay you --

15 JUROR NO. 3: Right.

16 THE COURT: -- is that it?

17 Well, we're going to have to wait until I get the  
18 letter and hope it is not late in arriving.

19 JUROR NO. 3: Yes, sir.

5a fls.

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1 THE COURT: What the Court is going to do now is  
2 excuse you for the evening, those of you who are beyond  
3 the rail, and then it is going to question each one of  
4 you individually about any publicity that you may have --  
5 the Court is going to question each one of you who is in  
6 the box individually about any publicity that you may have  
7 heard, seen or read about Charles Manson or the Manson  
8 Family, and Mr. Davis.

9 And rather than have all 12 of you together,  
10 the Court and counsel prefer to do this separately. We'll  
11 begin with Mrs. Meister and go as rapidly as we can along  
12 on the question to the 12 of you who are in the box.

13 So I won't be needing the rest of you beyond  
14 the rail this evening and may not get to some of you who are  
15 in the box, but let me repeat the admonition that I made  
16 to you before. That admonition is to the effect that you  
17 are not to converse amongst yourselves, nor with anyone  
18 else, nor allow anyone to converse with you on any subject  
19 connected with the matter.

20 You have an affirmative obligation to avoid  
21 any publicity, any of the news media concerning this matter.  
22 Don't read any headlines. If they're thrust upon you, you  
23 can let us know in the course of this voir dire examination--  
24 you can let us know whether you have seen any headlines.

25 But I would say to you that you have an affirma-  
26 tive obligation now to avoid headlines, news articles,  
27 news radio reports, news television reports. Make it your  
28 business to see that you do that, that you do avoid such

1 things.

2 If, inadvertently, you hear something via  
3 radio or see something, a headline or hear or see something  
4 over television, we'll want to know about it and you should  
5 reply to it when you're asked.

6 The Court realizes that sometimes without your  
7 knowing what you will be hearing or seeing, you suddenly  
8 have something thrust before you, you hear something that you  
9 might not have wanted to hear in order to comply with the  
10 Court's order. But do your best affirmatively to see that  
11 you comply with the order.

12 All right, I'll excuse you now until tomorrow  
13 morning at 9:45, those of you beyond the rail.

14 Would you leave quietly and quickly, please?

15 Oh, I have one more thing to tell you.

16 When you gather at 9:45 tomorrow morning, gather  
17 in Department 102, would you, please? Be here about five  
18 minutes early and gather in Department 102. A roll will be  
19 called in Department 102 promptly.

20 (Whereupon, the prospective jury panel beyond  
21 the rail was excused at 4:24 o'clock p.m. and the  
22 following proceedings were had:)

23 THE COURT: It is 4:30. I think I'll let you go  
24 for the night rather than hold you here, and we'll resume  
25 and begin tomorrow at 9:45.

26 And I would like to have Mrs. Meister in that  
27 seat at 9:45, and the rest of you may remain in Department  
28 102. Be there about five minutes early, as I've said, and

1 then when we finish with Mrs. Meister, we'll then call  
2 Mr. Robinson, and then right down the list.

3 Mr. Takemoto, if you have any doubt that letter  
4 will explain everything, maybe you'd better get in touch by  
5 phone and find out again.

6 Good night everybody and see you tomorrow  
7 morning.

8 (Whereupon at 4:30 o'clock p.m. the evening  
9 adjournment was taken.)  
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