

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.

208

No. A-267861

REPORTERS' DAILY TRANSCRIPT

Wednesday, December 8, 1971

VOLUME 8

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

COPY

MARY LOU BRIANDI, C.S.R.  
ROGER K. WILLIAMS, C.S.R.  
Official Court Reporters

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1 LOS ANGELES, CALIFORNIA, WEDNESDAY, DECEMBER 8, 1971 9:50 AM

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3  
4 THE COURT: All right, in the case of People vs. Davis,  
5 the record will show that Mr. Davis is present with counsel.  
6 Mr. Kay for the People.

7 I think you were questioning Mrs. Hammond.

8 MR. DENNY: Yes, I was, your Honor.

9  
10 VOIR DIRE EXAMINATION OF

11 MRS. ANNIE J. HAMMOND

12 BY MR. DENNY:

13 Q Mrs. Hammond, I'll use this microphone because  
14 my voice still is a little scratchy, unfortunately.

15 Now, as I recall last night, I think we had  
16 almost reached an understanding as far as the areas in which  
17 you would -- you would automatically vote to impose the  
18 death penalty and in all other cases I think you stated your  
19 mind would be open, that you had no predilection toward  
20 one penalty as against the other in the finding even of a  
21 first degree murder verdict; is that correct?

22 A That's correct.

23 Q All right, fine, ma'am.

24 Now, I'm not sure whether he had gotten into the  
25 area of publicity or not? Had the Judge questioned you at  
26 all?

27 A No, he had not.

28 MR. DENNY: Well, if I may proceed on that area, your

1-2

1 Honor.

2 THE COURT: Hadn't I talked to you at all about that,  
3 Miss Hammond?

4 JUROR NO. 4: I don't believe so, sir.

6 VOIR DIRE EXAMINATION

7 BY THE COURT:

8 Q Let me ask the usual questions that I ask, and  
9 either or both counsel may take over.

10 Miss Hammond, have you ever heard of Bruce Davis  
11 before the Court read the indictment to you?

12 A Uh, yes.

13 Q Now, what had you heard about Mr. Davis?

14 A Uh, just slightly. What the news -- television  
15 news, mostly. I don't read the papers.

16 Q In reference to what?

17 A In connection with the Manson people.

18 Q Do you recall specifically what the news was that  
19 you read or heard or saw?

20 A No, I do not.

21 Q Had you ever heard of this case before, this  
22 indictment that I had read to you?

23 A Very slightly.

24 Q Well, how slightly? What had you heard?

25 A I didn't even know that it was coming up for this  
26 branch of it.

27 Q I see. So -- had you heard the name Shorty Shea  
28 before?

1-3

- 1 A At the time of the murder on the news.
- 2 Q You mean by that some years ago?
- 3 A Yes..
- 4 Q And had you heard the name Gary Hinman?
- 5 A Yes, sir.
- 6 Q What had you heard about those names?
- 7 A Just what you get on the news while you're cook-
- 8 ing your dinner or trying --
- 9 Q What did you get? I don't know what you get.
- 10 A That there was a murder. That there were -- that
- 11 there were complications.
- 12 Q Do you recall what the complications were?
- 13 A Not specifically.
- 14 Q Do you recall the name Stuntman Shorty Shea?
- 15 A Yes, I do.
- 16 Q What do you recall about that?
- 17 A Other than he was a stuntman and it happened
- 18 some place up in the valley, far valley.
- 19 Q Do you recall the name Spahn Ranch?
- 20 A Yes, sir.
- 21 Q Does that bring to your mind anything whatever
- 22 in connection with Mr. Shea?
- 23 A Other than it was mentioned in connection with
- 24 that news report.
- 25 Q Well, had you heard that Mr. Shea was deceased,
- 26 is that it?
- 27 A Yes, sir.
- 28 Q That is before Friday, when I read you the

1-4

1 indictment, had you heard that?

2 A Several years ago.

3 Q Do you recall any of the circumstances surround-  
4 ing the death, as it was reported?

5 A Not particularly.

6 Q And in connection with Mr. Hinman, do you recall  
7 any of the circumstances surrounding that death as it was  
8 reported, as you heard it?

9 A No, not particularly.

10 Q Do you know the name Manson Family and Charles  
11 Manson?

12 A Yes, sir.

13 Q What does the name Manson Family mean to you,  
14 from what you have heard, seen or read?

15 A Uh, a hippie group.

16 Q Would a person who is a hippie or is associated  
17 with Mr. Manson suffer any prejudice against him or -- in  
18 your mind as a result of that association?

19 A No.

2 fls.

2-1

1 Q You can, if it should be shown that Mr. Davis is  
2 in that category, you can, even though you have heard, seen  
3 or read these things about the Manson Family, be fair and  
4 impartial?

5 A Yes, sir.

6 Q Did you follow the Tate-La Bianca trial?

7 A Not particularly.

8 Q Do you read the newspaper daily?

9 A No, I do not.

10 Q Do you look at a news report on television or  
11 listen to a radio daily?

12 A Yes, I do.

13 Q A news report of some type.

14 A The Today Show, and get what spotty news they  
15 have on that; and then evening news while I am fixing my  
16 dinner.

17 Q Now, if I were to instruct you that you were to  
18 set aside -- if you were selected as a juror in this case,  
19 if the Court's instruction is that you are to set aside any-  
20 thing that you may have heard, seen or read, via the  
21 publicity media, or in conversations with friends or relatives,  
22 and set aside anything that you may remember, that you can't  
23 now think of, that you have heard, seen or read, and decide  
24 the case basing your judgment only -- on any issue, only  
25 on the evidence that's presented here in court, and the  
26 Court's instructions, are you capable of doing that in your  
27 mind?

28 A I believe so, ..sir.

1 Q Does "I believe so" reflect any doubt?  
2 A No, it doesn't.  
3 Q It does not?  
4 A No, it does not.  
5 Q Now, knowing that you can do that, the next  
6 question is: Will you do that?

7 A Yes, I would, sir.

8 Q And will you be fair and impartial?

9 A Indeed so.

10 THE COURT: Very briefly, if you would, gentlemen.

11 MR. DENNY: Yes. Thank you, your Honor.

12

13

VOIR DIRE EXAMINATION

14

BY MR. DENNY:

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17

Q Mrs. Hammond, you indicated in response to the  
Court's question that you heard about Shorty Shea at the time  
of the murder; is that right?

18

A That's right.

19

20

Q Which, from that response, I take it that in your  
opinion Shorty Shea was murdered; is that correct?

21

A That is correct.

22

23

24

Q And that opinion is -- is based on that report,  
one or more reports that you heard concerning the murder of  
Shorty Shea?

25

A That is correct.

26

27

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Q And did you -- do you remember specifically  
whether this information that you received was via tele-  
vision or newspaper, --

1 A It was --

2 Q -- or both?

3 A It would be television.

4 Q All right. And so you have it, I take it,  
5 rather strongly fixed in your mind that Shorty Shea was  
6 murdered by someone; is that correct?

7 A I have it rather fixed in my mind, is that your  
8 question?

9 Q Yes.

10 A Yes, sir.

11 Q And I take it, again, that you have it rather  
12 fixed in your mind that, in connection with what you have  
13 seen, heard or read -- and particularly heard or seen on  
14 TV -- that he was murdered by some member of the Manson  
15 Family, or connected with the Manson Family; is that correct?

16 A That is correct.

17 Q All right. Now, you understand that that is an  
18 issue to be determined in this case?

19 One, whether Shorty Shea is even dead;

20 And two, whether he was murdered by anyone;

21 And three, whether, if he was murdered by  
22 anyone, who murdered him? Or, who was implicated in the  
23 murder?

24 Do you understand that?

25 A Yes, sir.

26 Q Now, with the rather fixed idea that you have in  
27 your head, based on these reports that you heard or saw,  
28 do you think it is possible, being called upon to determine



1 here whether Shorty Shea is actually dead or whether he has  
2 been murdered, that you can get rid of that fixed idea that  
3 you have, that he is dead, that he has been murdered? And  
4 make that determination based only on the evidence in this  
5 case?

6 A Yes. Based only on the evidence, yes, sir.

7 Q Well, do you think that the idea that you have  
8 got that he is dead, that he has been murdered, would somehow  
9 maybe influence your judgment, when the People put on  
10 evidence to try to show that he was dead, or was murdered?

11 In other words, that the People would be sort of  
12 a step ahead, as far as their proof goes, because you already  
13 think that he is dead and is murdered?

14 Does that make --

15 A That would depend on the evidence turned in.

16 Q Well, let's put it this way -- and I'll try to  
17 draw an analogy, if I may.

18 There may be a juror sitting next to you who has  
19 never heard or read or seen anything about Shorty Shea; who  
20 has never read in the paper that Shorty Shea was supposed  
21 to have been murdered; who doesn't have it in mind, as he or  
22 she sits there, that -- "Well, from what I know, Shorty  
23 Shea is dead, and Shorty Shea has been murdered."

24 Do you see?  
25  
26  
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28

2a fls.

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1 That juror is sitting right next to you, and that  
2 juror hears the evidence. Now, everything is new to him or her;  
3 everything is afresh.

4 And he looks at the evidence and he says, "Well,  
5 I don't think the evidence is adequate to show even that Shorty  
6 Shea is dead."

7 You, on the other hand, might be -- and this is what  
8 we are trying to determine -- might be sitting there, starting  
9 out thinking, "Well, Shorty Shea is dead. Shorty Shea is  
10 dead."

11 And any little bit of evidence that comes to you  
12 would be enough to substantiate what you already think, what  
13 you already feel, you see.

14 Whereas, one who isn't starting out with that  
15 predilection, with that sort of predetermined bent, would look  
16 at the evidence a good deal differently.

17 Now, do you see the situation that I am looking  
18 at?

19 A Yes, I do.

20 Q Well, I want to know now if you feel -- because  
21 you are the only one who can really tell us -- if you feel,  
22 because of your -- we'll call it, in this situation, your  
23 additional fund of information -- that you feel you could be as  
24 fair in determining the sufficiency of the evidence as that  
25 other juror sitting next to you, who doesn't have that  
26 additional information.

27 A Yes, I do.

28 Q In other words, you feel that what you might have

2a-2

1 read in the paper would be no more than hearsay, speculation,  
2 or whatever; and not constitute evidence?

3 A That is correct.

4 Q And would you, in effect, bend over backwards to  
5 dismiss all of that that you have heard or read from your mind,  
6 so that there would be no possibility of your confusing any of  
7 that prior information with the evidence that you would receive  
8 in this courtroom as a juror?

9 A That is correct. I could do that.

10 Q Could you tell us what it is that -- that you did  
11 read, other than what you've already told the judge -- or did  
12 see or hear on TV -- pertaining to the supposed death of  
13 Shorty Shea?

14 A Well, really, very little. My retention is not the  
15 greatest, and it's been some time since --

16 Q A couple of years?

17 A That is correct. So it -- it is not right up in  
18 the front of my head (indicating); it's very far back. And I  
19 don't remember -- I remember at the time, it was a very gory  
20 bit of news.

21 Q Well, gory in what respect? Do you get any  
22 recollections, as you are just talking to me now, about how,  
23 supposedly, he was done in? If indeed you read or heard that  
24 he was done in in some way?

25 A Definitely not, in that particular case. But the  
26 Manson case is -- is much more forward --

27 Q Um-hmmm.

28 A -- in my recall.

2a-3

1 Q Obviously, those were gory cases.

2 A Yes, sir.

3 Q Well, insofar as Shorty Shea, again, did you read  
4 by any chance -- or see or hear anything -- about any police  
5 agencies digging up parts of the Spahn Ranch to try to find the  
6 body? Do you recall that? Does that --

7 A Yes, I recall that. But I don't remember the --  
8 the outcome of it. I didn't follow it that closely.

9 Q Well, as Mr. Kay and Mr. Manzella have said,  
10 nobody ever found a body; you understand that in this case --

11 A Yes.

12 Q -- they will not produce evidence of that in this  
13 case?

14 A Yes, I do.

15 Q Well, let me go back now, since apparently also  
16 the goriness of the Tate and LaBianca murders stands out in  
17 your mind.

18 I take it you did follow the news reports somewhat  
19 at the time that that news first struck?

20 A Yes, sir.

21 Q And how about the trial? Did you follow -- at  
22 least the beginning of the trial, and the reports about the  
23 trial? As they came over TV, in particular?

24 A Yes, I did.

25 Q And --

26 A But I didn't go in the living room and just sit  
27 right down and --

28 Q No. I understand.

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1           A       -- and absorb it. I would be doing one thing or  
2 another while listening.

3           Q       And do you remember the outcome of that Tate and  
4 LaBianca trial, as it's since been called?

5           A       Other than Manson on death row, I guess, I'm not  
6 sure.

7           Q       All right. And talking about the Manson Family as  
8 a hippie group, do you know anything more about the Manson  
9 Family? Have you heard anything more about the Manson Family?

10          A       No, sir.

11          Q       Do you have any feelings -- perhaps, again,  
12 particularly as regarding those things that you've seen, heard  
13 or read -- that anyone associated with Charlie Manson must  
14 share in some way the evil that has been built up around him;  
15 must share his evil designs or his criminal purposes?

16          A       Not particularly.

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2b  
1 Q Well, do you feel that the members of the Manson  
2 Family are sort of inherently criminally disposed, because of  
3 their association with Mr. Manson?

4 A (Pause.) I suppose they would all be shaded, but  
5 not -- but not definitely so.

6 Q Well, when you say they would all be shaded, do  
7 you mean -- what do you mean by that, ma'am?

8 A Oh, what is it we say? "Birds of a feather flock  
9 together"? I don't --

10 Q Well, people do say that. And is that the way you  
11 do feel about it?

12 A Yes, I believe it would be.

13 Q So that your feeling would be that, very likely,  
14 one who has associated -- particularly associated for any  
15 extended period of time -- with Mr. Manson probably is some-  
16 what criminally oriented, as you feel Charles Manson was; is  
17 that correct?

18 A Probably, yes, sir.

19 Q And that therefore, if he were to be charged with  
20 some criminal offense, that at least the probabilities are  
21 more than likely that, as distinguished from someone not  
22 associated with Charles Manson, that he is guilty of the  
23 offense charged against him?

24 A That is correct.

25 MR. DENNY: Well, your Honor, I would offer a challenge  
26 under the circumstances, under 1073, Subdivision 2.

27 MR. KAY: May I ask some questions, your Honor, if your  
28 Honor feels it's necessary?

1 THE COURT: Yes, you may.

2 MR. KAY: Thank you.

3

4 VOIR DIRE EXAMINATION

5 BY MR. KAY:

6 Q Mrs. Hammond, do you feel that -- knowing what you  
7 know about Charles Manson and the Manson Family -- that you  
8 could give Mr. Bruce Davis a fair trial in this case?

9 A (Indicating affirmatively.)

10 Q Do you feel that?

11 A Yes, sir.

12 Q And do you feel that you could judge Mr. Davis  
13 independently of what you might know of Charles Manson, and  
14 the Manson Family, and just put all of that out of your head,  
15 and rely solely on the evidence that you hear, that comes from  
16 the witness stand in this trial?

17 A Yes, sir.

18 Q And is there any doubt at all about that in your  
19 mind?

20 A No, sir.

21 MR. KAY: Thank you.

22

23 FURTHER VOIR DIRE EXAMINATION

24 BY THE COURT:

25 Q Well, what about this predilection that you have  
26 just told Mr. Denny about, that you believe that somebody who  
27 is associated with Mr. Manson -- as we believe the evidence  
28 will show Mr. Davis was -- is more likely than not to have

1 criminal tendencies? What about that?

2 Can you set that aside, too?

3 A Well, now, I don't quite understand.

4 Q Well, what about this feeling that you've  
5 described, that -- to Mr. Denny, to the effect that a member of  
6 the Manson Family, in your mind, is probably a person who has  
7 criminal tendencies of some sort?

8 A I didn't say definitely.

9 Q Well, do you have that feeling about Mr. Davis at  
10 this moment? If -- assuming that you were to know that he was  
11 a member of the Manson Family?

12 A Not until the evidence is brought out.

13 Q Well, would it be easier to convince -- to  
14 convince you, do you think, than somebody who hasn't heard  
15 about the Manson Family, or doesn't have that feeling that you  
16 have concerning them, that Mr. Davis is guilty?

17 A I don't believe -- no, sir.

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1 Q Well, would you explain your attitude again, once  
2 again, toward people whom you know to be members of the Manson  
3 Family? What are your feelings, your attitude?

4 When you -- of course, when the word "criminally  
5 oriented," that phrase is used, it might have great variations  
6 of meaning.

7 "Yes, they believe that group is a group of drug  
8 users."

9 Some may believe that they're professional bank  
10 robbers or they're all murderers.

11 I want to know what your feelings are.

12 A Well, I -- I -- I do feel that drugs have played  
13 a great deal of importance in the actions of not only the  
14 Manson Family, but the persons who we call hippies today,  
15 who are doing things that we don't approve of and can't under-  
16 stand why they carry on as they do.

17 Q All right. Now, speaking specifically of the  
18 Manson Family, can you explain any further your remarks to  
19 Mr. Denny about your feelings?

20 MR. MANZELLA: Your Honor, what remarks are we talking  
21 about now that she's going to explain?

22 MR. DENNY: I think that's a fair question. I think it  
23 is a little ambiguous.

24 Her statement, I believe, that you do feel that one  
25 associated with the Manson Family and, particularly, if they  
26 had been associated for an extended period of time, would  
27 probably be sort of criminally oriented, share the criminality  
28 of Charlie Manson --

3-2

1 THE COURT: This is the --

2 MR. DENNY: -- under the idea of birds of a feather flock  
3 together.

4 Essentially, isn't that your feeling?

5 PROSPECTIVE JUROR HAMMOND: It is. But it doesn't  
6 necessarily mean that they -- they could be -- it could be  
7 proven so. That they are of that bent.

8 Q BY MR. DENNY: Well, I think in addition you said,  
9 feeling that, you would feel that perhaps it is more probable  
10 than not that they would be guilty of a criminal charge that  
11 was pending against them.

12 A It is more probable than not that -- (pause)

13 THE COURT: I'll grant the challenge.

14 MR. DENNY: Thank you, your Honor.

15 Thank you, Mrs. Hammond, very much. I appreciate  
16 your candor in discussing this with us.

17 PROSPECTIVE JUROR HAMMOND: Uh-huh.

18 THE COURT: Thank you, Mrs. Hammond. The Court excuses  
19 you and would you report to --

20 THE CLERK: The 15th floor.

21 MR. KAY: Thank you, Mrs. Hammond.

22 PROSPECTIVE JUROR HAMMOND: Uh-huh.

23 MR. KAY: Your Honor, also this morning we have to ask  
24 Mrs. Mary Christian about hardship. She is juror No. 11. We  
25 finished all the questioning except hardship.

26 THE COURT: Thank you.

27 THE BAILIFF: Bring her in now, sir?

28 THE COURT: Yes.

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Let's take the next name for Hammond's place.

THE CLERK: Daniel Rodela, R-o-d-e-l-a.

THE COURT: Daniel Rodela.

THE BAILIFF: Rodela, sir?

THE COURT: Rodela in place of Hammond.

3a-1

1 THE COURT: Mrs. Christian.

2 JUROR NO. 11: Yes.

3 THE COURT: We asked you last night to find out from  
4 your employer whether or not you would be paid.

5 JUROR NO. 11: Yes. I went by the office this morning.

6 THE COURT: Did you?

7 JUROR NO. 11: And he said as far as he knew I would be.

8 THE COURT: You would be.

9 JUROR NO. 11: He said after 28 days to come back and  
10 let my supervisor know.

11 THE COURT: Good. We're glad to hear that that is the  
12 case. All right, thank you. That's what we wanted to inquire  
13 about this morning. Would you rejoin the group now?

14 JUROR NO. 11: Yes.

15 THE COURT: Rodela.

16

17

VOIR DIRE EXAMINATION OF

18

DANIEL RODELA

19

BY THE COURT:

20

21 Q Take the seat, would you, Mr. Rodela, where that  
22 microphone is.

23

A Right here?

24

Q Yes.

25

26 Mr. Rodela, you've heard the Court's explanation  
27 of the nature of this case, the Court's questions to  
28 the prospective jurors; have you not?

29

A Yes, sir.

30

Q Would your answers be any different than the

3a-2

1 majority of the jurors have responded to the questions of a  
2 general nature that I have put to the group as a whole and to  
3 the prospective jurors from your group?

4 For example, you remember that series of questions  
5 wherein I asked whether or not anyone had been arrested for  
6 a crime?

7 A I've been arrested.

8 Q For a crime of some type?

9 A I was charged with a crime, but I was convicted  
10 of disturbing the peace and I was then exonerated by the judge.

11 Q How long ago was that?

12 A Twenty years.

13 Q Twenty years ago.

14 A (Nods head.)

15 Q Do you think that would affect your judgment?

16 A No, it wouldn't.

17 Q Your judgment at all?

18 A No, it wouldn't.

19 Q Do you think the arrest at that time was a justifi-  
20 fiable one?

21 A Well, I filed a suit against the City of Los  
22 Angeles and the police department and the chief of police for  
23 it.

24 Q Was there a lawsuit over that? Did you --

25 A I filed, but somehow or other it wasn't legally  
26 done properly so that all the defendants demurred and I was  
27 given the case back too late to refile or resubmit.

28 I took it down to the -- the only people that

3a-3

1 might have been able to handle it at that time was the A.C.L.U.  
2 because they had a large staff and they told me it was three  
3 weeks before it was supposed to be up, the time limit, they  
4 couldn't do it, to resubmit, so it never got to court.

5 Q Is there anything in your mind as a result of that  
6 that would prejudice you against --

7 A No, it wouldn't.

8 Q -- law enforcement?

9 A No, it wouldn't. Some of the things that  
10 happened then have been corrected, so that it is pretty -- it  
11 is pretty remote for it to happen again.

12 Q Do you think you could be fair and impartial?

13 A Yes, I could.

14 Q Have you served as a juror before?

15 A Yes, I have.

16 Q What types of cases?

17 A Both civil and criminal.

18 Q What types of criminal cases have you sat on?

19 A One involved a murder.

20 Q Was there a verdict in that case without saying  
21 what it was?

22 A Yes, there was.

23 Q And another involved what?

24 A See, this is my fourth tour of duty in the last  
25 20 years.

26 Q I see.

27 A And I'm trying to go back in my memory. Another  
28 one was forgery.

3a-4

1 Q Let me ask you this, without detailing all of  
2 these:

3 Do you think you can set aside anything you might  
4 have learned in those cases and decide this case on its  
5 evidence and the instructions in this case?

6 A I don't have any doubt that I would have any  
7 problems deciding the first phase of the case.

8 Q You can set aside those cases?

9 A The first phase of the case I wouldn't have any  
10 problem in being fair and impartial. It is the second phase of  
11 the trial, if we get that far, that I think would give me some  
12 problems.

13 Q Aside from being fair and impartial, can you set  
14 aside what you may have learned in those cases?

15 A Yes, I can.

16 Q Now, as to the death penalty, do you have some  
17 views about it that you could not be fair and impartial in  
18 determining guilt or innocence?

19 A Well, you asked the question if I have done any  
20 reading or studying on the issues of capital punishment, and I  
21 have done a lot of reading on it.

22 Q Are your views about the death penalty such that  
23 you would automatically refuse to impose it?

24 A I wouldn't automatically, but I would have some  
25 doubts whether I could be fair to the People in imposing the  
26 death penalty, because I believe that --

27 Q Let's get to the answer to the first question, I  
28 put to you.

3a-5

1                   In the first phase of the case, I think you  
2 responded that you could be fair and impartial?

3           A       Oh, yes.

4           Q       But it is in the second phase --

5           A       The second phase where I have my doubts.

6           Q       Your tendency would be to be against the death  
7 penalty?

8           A       I am against it, but there's a possibility that I  
9 might impose it reluctantly.

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27

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3b-1

- 1 Q That you might reluctantly oppose it or impose it?
- 2 A Impose it reluctantly.
- 3 Q In other words, your views are such concerning the
- 4 death penalty that you would not automatically vote against
- 5 it? You would look at the evidence and might possibly
- 6 impose it should the evidence in your discretion require
- 7 the death penalty?
- 8 A Yes.
- 9 Q Is that what you are saying to me?
- 10 A Yes, I'm saying --
- 11 Q Or should you believe -- should you believe
- 12 that in your discretion the death penalty should be imposed,
- 13 you would impose it?
- 14 A There's where I don't know. Like I say, I believe
- 15 the --
- 16 Q Would you ever consider --
- 17 A -- the case for eliminating the death penalty is
- 18 -- outweighs the case for retaining it.
- 19 Q I see. Well, you understand that the law in the
- 20 State of California is such that the death penalty is still
- 21 part of the law in this respect, that the jury has discre-
- 22 tion to impose it upon a conviction of murder of the first
- 23 degree?
- 24 A Yes, I understand that.
- 25 Q Well, having that in mind, now, would you be
- 26 incapable of ever voting for the death penalty?
- 27 A That I don't know.
- 28 Q All right. Concerning publicity, have you ever

3b-2

1 heard, seen or read anything about Mr. Davis before coming  
2 into this courtroom?

3 A I believe I read something about him. Whether it  
4 was him or not, I believe it was him. He was arrested in the  
5 street or something sometime ago. He was the last of the  
6 Family that was being sought.

7 Q Have you heard anything whatever about this case,  
8 about Shorty Shea, the alleged victim in the third count?

9 A I've done reading on it, but I don't remember all  
10 the facts.

11 Q What do you remember about the name Shorty Shea?

12 A Uh, I believe probably from what I have heard in  
13 the courtroom that it refreshes my memory about his body not  
14 being found and that --

15 Q There being a search for the body?

16 A Yes. It sort of refreshed my memory.

17 Q How about the name Gary Hinman? Do you recall  
18 that?

19 A Hmm, I believe he was some sort of an agent of  
20 some kind. Like I say, you are refreshing my memory what I  
21 read and trying to recall what I read.

22 MR. DENNY: I'm sorry, the answer is "some sort of an  
23 agent" --

24 PROSPECTIVE JUROR RODELA: Some sort of an agent in the  
25 entertainment industry, a musical --

26 Q BY THE COURT: Do you recall any of the details  
27 of the alleged death of Mr. Hinman as reported in the news?

28 A Well, I know that he was murdered with a knife or

3b-3

1 whatever. I'm just guessing now, right now in my memory.

2 Q Do you remember the name Bruce -- strike that --  
3 Steve Grogan?

4 A No.

5 Q Robert Beausoleil? Bobby Beausoleil?

6 A I recall something about that name.

7 Q And you did follow the Manson case from time to  
8 time, the Tate-La Bianca homicide case?

9 A Oh, yes, I did.

10 Q Would somebody who is a member of the Manson  
11 Family be at any disadvantage in your mind as a result of  
12 what you may have heard, seen or read about Charles Manson  
13 or the Manson Family?

14 A Well, I would try to be as fair as possible in  
15 my conscious mind but we have to understand that in the  
16 subconscious mind you can't raise it. It is there. What  
17 you have read, seen and heard. In fact, I have been to the  
18 scene of the crime of the Tate murder on Gas Company business.

19 Q What you are saying to me, because of what you  
20 know, you're not sure about whether or not --

21 A I would constantly try, would try to be as fair  
22 as I humanly could. We have to understand these things rub  
23 off on you whether you like it or not, but as an individual  
24 I would sure try to be fair.

25 Q Are you unsure of your ability to be fair and  
26 impartial because of what you may have heard, seen or read?

27 A I wouldn't go that far, no.

28 Q So that you are completely certain and sure that

1 you can be fair and impartial in determining guilt or  
2 innocence or any other issue that you --

3 A Consciously, I say, yes.

4 MR. KAY: Your Honor, may counsel approach the bench  
5 for a moment? I think we have a stipulation to enter into.

6 THE COURT: Yes.

7 (Whereupon, the following proceedings were had  
8 at the bench among Court and counsel, outside the  
9 hearing of the prospective juror:)

10 MR. KAY: Mr. Denny has proposed a stipulation that  
11 we're willing to enter into. That both sides would stipulate  
12 that this juror would be excused. I don't think he would  
13 really be fair to either side. I don't think he would be fair  
14 to us in the penalty phase and I don't think he would be fair  
15 to Mr. Davis in the guilt phase. So I think this is one of  
16 those cases where we're both agreed.

17 THE COURT: I think so. He seems to me to be a person  
18 who is kind of a compulsive talker. He might very well  
19 infect the entire jury.

20 MR. KAY: We would so stipulate to that, is that correct,  
21 Mr. Denny?

22 MR. DENNY: So stipulate.

23 (Whereupon, the following proceedings were had  
24 in open court within the presence and hearing of the  
25 prospective juror:)

26 THE COURT: Mr. Rodela, the Court thanks you and  
27 excuses you.

28 The Court believes that you have a fund of

1 knowledge about this that's better than the usual, and you  
2 are an unusual reader, I think.

3 PROSPECTIVE JUROR RODELA: That's how I relax.

4 THE COURT: Pardon?

5 PROSPECTIVE JUROR RODELA: That's how I relax, reading.

6 THE COURT: And because of that it may be quite  
7 difficult for you to forget what you may have learned.

8 Accordingly, -- or set aside what you may have  
9 learned -- I thank you very much.

10 All right, thank you, gentlemen.

11 MR. KAY: Thank you.

12 THE COURT: All right, let's take another name.

13 THE CLERK: Hassie Christian, H-a-s-s-i-e, last name,  
14 C-h-r-i-s-t-i-a-n.

4 fls.

4-1

1 MR. KAY: I wonder if she's related to the other  
2 Christian.

3 Your Honor, I see the doctor's here now. Were you  
4 going to --

5 THE COURT: Oh, yes. Are both doctors here?

6 MR. KAY: I see Dr. Anselm.

7 DR. ANSELM: And Dr. Deering.

8 MR. KAY: Yes, both doctors are here.

9 THE COURT: Very well. We'll recess this matter.

10 People versus Mitchell? Is she ill today, or  
11 something?

12 (Pause in the proceedings while a discussion off  
13 the record ensued at the bench between the Court and the  
14 bailiff.)

15 MR. MANZELLA: How long will we recess?

16 THE COURT: I think this will take only about 15 minutes.

17 Well, there are at least two Christians on the  
18 jury.

19 MR. KAY: Irving wouldn't stand for that.

20 No. This is the wrong Christian.

21 THE COURT: Mrs. Christian, there's another Christian  
22 outside, whose name has been called. It's not you. It's a  
23 Hassie Christian.

24 PROSPECTIVE JUROR NO. 11: Oh.

25 THE COURT: Do you know her?

26 PROSPECTIVE JUROR NO. 11: I don't know. But she asked  
27 me yesterday, was my name Christian? And I said, "Yes."  
28 And she said, "Well, I thought they were calling me." But she --

4-2

1 MR. KAY: It's her.

2 PROSPECTIVE JUROR NO. 11: I'll know her when I see her.

3 MR. DENNY: Well, if we get a couple of Philistines on,  
4 your Honor --

5 (Proceedings had on an unrelated matter.)

6 THE COURT: We had just called Mrs. Christian.

7 THE BAILIFF: Mrs. Christian, sir?

8 THE COURT: Yes, Hassie.

9 I'll take a short recess.

10 (Recess.)

11 THE COURT: The case of People versus Davis? The record  
12 will show all counsel are present, and Mrs. Christian --

13 PROSPECTIVE JUROR NO. 4: Yes, sir.

14 THE COURT: -- is in the box as a prospective juror.

15  
16 VOIR DIRE EXAMINATION OF

17 HASSIE CHRISTIAN

18 BY THE COURT:

19 Q Mrs. Christian, were you present during all the  
20 proceedings when the Court spoke to the prospective jurors,  
21 as a group, and told them about this case, and --

22 A Yes, I was.

23 Q -- read from the indictment, and asked certain  
24 questions of them?

25 A Yes.

26 Q And would your answers be any different than the  
27 majority of jurors responded to the questions of a general  
28 nature that I put to the prospective jurors from your group?

4-3

1 A No.

2 Q For example, I am talking about that series of  
3 questions wherein I asked whether or not anyone on the jury --  
4 whether anyone on the jury had had a close friend or a  
5 relative, or whether they themselves have been the victims  
6 of a crime of violence.

7 What would your answer be to that?

8 A No different.

9 Q "No"? Your answer would be "No"?

10 A Yes.

11 Q Yes, your answer would be "No"? Is that what you  
12 mean?

13 You had not had anyone, nor have you yourself been  
14 the victim of a crime of violence?

15 A No.

16 Q All right. And there were -- there was a series  
17 of questions that I asked. Would your answers be any  
18 different than the majority have answered?

19 A No, it wouldn't.

20 Q Have you had jury experience before?

21 A No, I haven't.

22 Q What type of work do you do?

23 A Well, just now, I don't work. I'm a --

24 Q A housewife?

25 A Yes, I am a housewife. But I don't work,  
26 because I'm retired.

27 Q I see. From what?

28 A Well, I have been sick ever since 1964.



1 Q What is the nature of the illness?

2 A Well, I suffer with my heart, and I am a diabetic.

3 Q Do you think that your illness is of such a nature  
4 that you couldn't or shouldn't sit on this jury?

5 A Well, no. It doesn't affect me, unless I climb  
6 hills or something like that.

7 Q I see.

8 A Or steps.

9 Q Is there a Mr. Christian?

10 A No, he's deceased.

11 Q Are you related to or a friend of any law en-  
12 forcement officer?

13 A No.

14 Q And in what area do you reside?

15 A Where I live?

16 Q Yes.

17 A 360½ West 65th Street.

18 Q In Los Angeles?

19 A In Los Angeles.

20 Q Do you have views concerning the death penalty  
21 such that you would automatically refuse to impose it,  
22 regardless of the evidence in the case?

23 A No.

24 Q Or are your views about the death penalty such  
25 that you could not be fair and impartial in determining the  
26 question of guilt or innocence?

27 A Well, yes, I'd be fair.

28

5-1

1 Q Do you have views concerning the death penalty  
2 such that you would automatically impose it upon a conviction  
3 of murder of the first degree?

4 A Yes.

5 Q In other words, upon a conviction of murder of  
6 the first degree, you would vote for death regardless of the  
7 evidence?

8 A Yes.

9 Q And would that reaction be automatic on your  
10 part?

11 In other words, without regard to the evidence,  
12 without looking at the evidence, you would simply vote for  
13 the death penalty upon a conviction of murder of the first  
14 degree?

15 A Well, if it is right, yes. I mean to do right  
16 about anything.

17 Q What do you mean by that, if it is right?

18 A Well, the -- let me see.

19 Q Have you heard the Court's explanation of the law  
20 regarding the penalty phase in this case?

21 A Yes, I have.

22 Q And you understand what the jury's obligation is  
23 in connection with the penalty phase upon a conviction of  
24 murder in the first degree; you understand that?

25 A Yes, I does.

26 Q You understand it is the obligation of the juror  
27 to fix the penalty?

28 A Yes, uh-huh.

1 Q And it is a matter that is left to the jury's  
2 discretion?

3 A Yes, I understand that, your Honor.

4 Q Understanding that, then, supposing there would  
5 be a conviction of murder of the first degree in any case,  
6 if you were a juror in that case, then, you would automatically  
7 vote to impose the death penalty?

8 A Yes.

9 Q Yes?

10 A Yes, uh-huh.

11 MR. DENNY: Challenge, your Honor, under 1073, Subdivision  
12 2 and 1076.

13 MR. KAY: No objection.

14 THE COURT: Thank you very much. The Court does grant  
15 the challenge, Mrs. Christian. The Court does excuse you and  
16 thank you very much.

17 Report to the 15th floor of the New Hall of  
18 Records, if you would, please. There's a jury assembly room  
19 there, I believe.

20 If there isn't, we've been misdirecting a lot of  
21 jurors.

22 MR. KAY: Thank you, ma'am.  
23  
24  
25  
26  
27  
28

5a fls.

5a-1

1 THE COURT: Mrs. Norma E. Green, G-r-e-e-n.

2  
3 VOIR DIRE EXAMINATION OF

4 NORMA E. GREEN

5 BY THE COURT:

6 Q Take the seat where that microphone is, if you  
7 would, Mrs. Green.

8 Mrs. Green, were you present when the Court  
9 explained the nature of this case to prospective jurors and  
10 questioned the prospective jurors?

11 A Yes, I was, sir.

12 Q Would your answer be any different than the  
13 majority have responded to the questions of a general nature?

14 A No, your Honor.

15 Q We're interested in knowing what you may feel  
16 about this case, what you may heard, seen or read about this  
17 case from the publicity media, the news media; do you under-  
18 stand that?

19 A Yes.

20 Q Have you ever heard of Mr. Davis before?

21 A Uh, not -- not really to actually say that I could  
22 pinpoint, that is, Mr. Davis.

23 Q You have heard of Charles Manson before?

24 A Yes.

25 Q Had you heard of the Tate-La Bianca case?

26 A Yes, I have, your Honor.

27 Q Did you follow that in the news media?

28 A Not necessarily. Just the headlines. I -- and on

1 TV.

2 Q The newspaper?

3 A Yes.

4 Q And did you hear television reports?

5 A Yes.

6 Q And radio reports?

7 A Yes.

8 Q During the time that trial was going on?

9 A The only particular thing I did see was the  
10 incident in the court, you know, coming out of the courtrooms  
11 and, uh, with the lawyer.

12 Q You mean you saw a news reel?

13 A Yes.

14 Q News photographs or news movies of the defendants  
15 in and out of the corridors?

16 A That's true, uh-huh.

17 Q Have you ever heard the name Shorty Shea before  
18 I read the indictment here on Friday?

19 A I've heard of it. I've heard of his name.

20 Q In what connection?

21 A Well, with -- he was murdered. That's the only  
22 thing.

23 Q You read that some place or heard some place that  
24 Shorty Shea was murdered before Friday?

25 A Yes.

26 Q When I read the indictment?

27 A Yes, yes.

28 Q How about the name Hinman, Gary Hinman?

1 A I've heard of his name, also.

2 Q And it is your belief that from what you have  
3 read that Mr. Shea and Mr. -- Mr. Shea is dead?

4 A Only by what the papers -- what I have heard on  
5 the news media.

6 Q Yes, from that you believe that Mr. Shea is  
7 deceased?

8 A Well, I only take for granted, you know, just  
9 what I heard them say. I can't say positively that he is  
10 dead.

11 Q How about Hinman?

12 A I believe they did have his body. I'm not sure  
13 which of the two.

14 Q You read that some place?

15 A I've heard, yes.

16 Q Or heard it somewhere?

17 A Uh-huh.

18 Q Now, you read, heard or saw articles about Mr.  
19 Manson and the Manson Family?

20 A Yes, your Honor.

21 Q Generally speaking, is your impression of the  
22 Manson Family favorable or unfavorable?

23 A Well, I thought, you know, -- I felt for the  
24 victims as well as the party that was involved, because it  
25 was just an awful act. That's all I thought.

26 Q You're speaking of the Tate-La Bianca murders?

27 A Yes.

28 Q Have you read Mr. Manson's name in the last six

1 months in any connection?

2 A No, I haven't, your Honor.

3 Q Do you know of any other prosecution that Mr.  
4 Manson has suffered, any other homicide prosecution he may  
5 have suffered?

6 A No, I don't, your Honor.

7 Q If you were to sit on this jury and were to find  
8 that Mr. Davis is a member of the Manson Family, knowing what  
9 you heard, seen or read, do you think you could still be fair  
10 and impartial in judging any issue that you might be called  
11 upon to judge in this case?

12 A I feel that I could, your Honor.

13 Q You think you could be?

14 A Yes.

15 Q Did you ever hear anything of an anti-Negro  
16 nature about the Manson Family or Charles Manson?

17 A Uh, only in the beginning of the phase of the  
18 La Bianca -- La Bianca-Tate murder.

5b fls.

5b-1

1 Q And would that affect your judgment?

2 A No, your Honor.

3 Q Would you be able to set all of this aside,  
4 anything that you may have heard, seen or read, anything that  
5 you may have talked about with your friends or relatives and  
6 independently determine whatever issue you may be called upon  
7 to determine in this case, whatever the issues might be, uh,  
8 without regard to those, the news media and those conversa-  
9 tions?

10 A Yes, your Honor, I feel that I could.

11 Q And will you do so?

12 A I will, your Honor.

13 Q You're certain about your ability to act  
14 independently, to make a judgment independently of all of  
15 this publicity that you may have heard, seen or read?

16 A I'm certain that I could, your Honor.

17 Q Will you do that?

18 A I will.

19 Q And will you be fair and impartial?

20 A I will, your Honor.

21 Q We wish to ask you about the -- we did ask you  
22 about the -- did we ask you about the death penalty?

23 A No.

24 MR. KAY: Nor hardship.

25 Q BY THE COURT: I passed over two important phases.  
26 Would it be any hardship for you to serve in this  
27 case?

28 A No, your Honor. I've spoke to the president of the



1 bank, one of his personal secretaries, and I told them that  
2 the duration of the case may continue for two and a half  
3 months. And we had worked out a system whereby I could come  
4 in on a Saturday or in the evenings to help out.

5 Q What type of work do you do?

6 A I'm a secretary.

7 Q For whom?

8 A For the Bank of Finance. The president is Mr.  
9 Edward E. Tillman.

10 MR. DENNY: Which?

11 THE COURT: Finance company.

12 PROSPECTIVE JUROR GREENE: No, it is a bank, owned bank  
13 at 27th and Western.

14 Q BY THE COURT: You know, I still don't get it.

15 A Bank, b-a-n-k.

16 MR. KAY: Where the money is.

17 THE COURT: Oh.

18 Q BY THE COURT: So far as your employment is  
19 concerned, you won't be concerned about that?

20 A No, sir.

21 Q And there are no other personal reasons why you  
22 couldn't serve?

23 A No, there arenona.

24 Q I meant to ask you, and I had forgotten. The  
25 Court wants to know your attitude toward the death penalty.  
26 Are your opinions concerning it such that you  
27 would automatically refuse to impose it in any case?

28 A No, your Honor, I -- only when the case calls for

1 it, and I have weighed it and I feel sure that that is my  
2 opinion.

3 Q Would you automatically impose the death penalty?

4 A No, I wouldn't.

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

6 A No, I would not.

7 Q Or would your views concerning the penalty be such  
8 that you couldn't be fair and impartial in determining the  
9 first phase of the case?

10 A No, your Honor.

11 Q Is there a Mr. Greene?

12 A Yes, there is, your Honor.

13 Q What type of work does he do?

14 A He's disabled. He suffers with seizures. We've  
15 only been in Los Angeles -- will be four years January 22nd,  
16 and since that time he's had an operation for a bleeding  
17 ulcer and he has been unemployed since.

18 Q So you are his --

19 A Sole support of the family, yes.

20 Q Are you related to or a friend of any law enforce-  
21 ment officer?

22 A No, I am not, your Honor.

23 Q What type of work did Mr. Greene do before he  
24 became disabled?

25 A He worked with the -- for the Howett  
26 Corporation as a -- boy, -- fitter of parts on the helicopter  
27 blades, I believe.

28 Q In what general area of the County do you and

1 Mr. Greene reside?

2 A In the southwest section.

3 Q Can you think of any reason why you shouldn't sit  
4 or could not sit on this jury as a fair and impartial juror?

5 A No, your Honor, I cannot.

6 THE COURT: Mr. Denny, you may inquire.

7  
8 VOIR DIRE EXAMINATION

9 BY MR. DENNY;

10 Q Ma'am, what is your primary source of news of  
11 the day?

12 A Well, at my home there, I listen to KNXT in the  
13 mornings, and my older daughter and son, they have KGEJ on.  
14 So between the two, I listen to KNXT. And it is very seldom  
15 I get a chance to see my programs on television in the  
16 evening.

17 Q In other words, as far as news reports on TV,  
18 you don't have much of an opportunity or you do?

19 A Well, if I think there's something very important  
20 that I want to hear, you know. Basically, I don't bother  
21 that much,  
22  
23  
24  
25  
26  
27  
28

5c fls.

5c-1

1 Q All right. How about newspaper; do you subscribe  
2 to a newspaper?

3 A No, I do not.

4 Q Do you read a newspaper occasionally?

5 A Yes.

6 Q I'm sorry I interrupted you.

7 A I used to subscribe to the L. A. Times, but I  
8 don't take it any more.

9 Q When did you cease taking it?

10 A Well, at the time it was financial reasons.

11 Q I mean, was it within the last year?

12 A Oh, it's been a year since I've had the L. A.  
13 Times.

14 Q You, I take it, did follow some in the Times when  
15 you were taking it, all this business of the Tate-LaBianca  
16 murders, the Manson Family's connection therewith?

17 A Well, not really specifically just to read about  
18 the case.

19 Q Well, I'm sure you didn't go out to buy a paper  
20 just to read it, but in the course of your reading of the  
21 news, I take it, you did?

22 A Yes.

23 Q See the headlines and perhaps read the lead  
24 paragraph or two under the headlines; is that right?

25 A Yes, I did.

26 Q All right.

27 And you indicate that you have heard a reasonable  
28 amount about the missing Mr. Shea, is that correct?

1           A       Well, I had really gotten the names mixed, because  
2 that part of the Manson Family, you know, I didn't even bother  
3 to read or become interested in.

4           Q       Well, do you recall when that is that you last  
5 read anything about this fellow Shea or stuntman Shorty Shea?

6           A       To be honest, I couldn't actually give you a date  
7 or anything. It's been quite really sometime ago.

8           Q       Well, when you say "sometime ago," do you mean  
9 within the last couple of months or a couple of years ago?

10          A       Maybe a year.

11          Q       Or eighteen months?

12          A       It's been over a year, I know.

13          Q       All right. And I take it from your reading --  
14 excuse me, I'll use this microphone.

15                   From your reading, it is your opinion at this time  
16 that Mr. Shea is dead, isn't that correct?

17          A       Well, from what I have heard first, when it first  
18 began that he was dead --

19          Q       And --

20          A       -- from the news media --

21          Q       And what did you hear about how he was supposed to  
22 have died; do you recall?

23          A       No, I don't.

24          Q       Do you recall reading, hearing or seeing in the  
25 media anything about people digging up some place to look for  
26 him or look for his body or anything of that kind?

27          A       No. I can vaguely remember -- if it is near a  
28 stable, that's the only thing I can remember. Who the party

1 was -- I just didn't pay too much attention.

2 Q Do you recall the name Spahn Ranch?

3 A Yes, I believe that was a ranch.

4 Q And that rings a bell with you as far as a  
5 connection between Shorty Shea and the Spahn Ranch?

6 A Yes. Now that you mention it, yes.

7 Q That's where they were looking for him?

8 A I believe so.

9 Q I think you stated in response to the Court's  
10 question that you believed that he was dead. You couldn't say  
11 for sure, but you only take it for granted what you read; is  
12 that right?

13 A Yes, that's true.

14 Q Now, as far as that goes, that's an issue to be  
15 determined in this case; you understand that, whether he is  
16 dead?

17 A Yes.

18 Q And whether he died by criminal means or it was  
19 accidental means or just a disappearance; you understand that?

20 A Yes, I do.

21 Q And then, even assuming there's any evidence that he  
22 died of criminal means, whether Mr. Davis is in any way  
23 responsible therefore, you understand that?

24 A Yes, I do.

25 Q All right. Now, with the feeling that you have,  
26 whether it is purely intellectual or whether it is feeling  
27 emotional or whether it is a combination of both, based on the  
28 information that you have gotten through the media that, well,

1 maybe he is or he's probably dead, do you have any kind of  
2 feeling that it wouldn't take very much more evidence to  
3 convince you of his death, that is evidence from the witness  
4 stand here?

5 A Well, I feel that the prosecutor will try to  
6 convey this to the jurors to prove that he is dead beyond a  
7 reasonable doubt and that we have to draw our conclusions from  
8 his findings.

9 Q From the evidence?

10 A From the evidence.

11 Q Here?

12 A That's right. From the evidence. That's right.

13 Q But do you think that perhaps in comparison, say,  
14 with another juror who has not read what you read or heard  
15 what you heard about it, that maybe you start off with a --  
16 giving the prosecution kind of a head start on the issue of  
17 whether Shorty Shea is really dead or not?

18 Do you feel that?

19 In other words, knowing that the prosecution has  
20 to prove this and, as you say, prove it beyond a reasonable  
21 doubt, do you feel, based on how you feel about it now, that it  
22 wouldn't take very much, based on what you know or on what you  
23 have read for them to prove that to your satisfaction beyond a  
24 reasonable doubt?

25 A I would really have to weigh it in my mind to really  
26 be convinced that they have given me all of the evidence before.  
27 I could really say that I could give a truthful verdict or  
28 to the other jurors what my feelings are. I would really have

1 to weigh it.

2 THE COURT: Would you set aside that knowledge that  
3 you believe that you have, although you didn't refer to it in  
4 that solid a term as "knowledge," simply a newspaper --

5 PROSPECTIVE JUROR GREENE: Yes.

6 THE COURT: Or whatever it was.

7 PROSPECTIVE JUROR GREENE: I could set that aside.

8 THE COURT: Would you set it aside and start afresh  
9 without reference to it? You won't be able to forget it,  
10 probably because you've read it now for some months.

11 But will you set it aside for the purpose of making  
12 any judgment on the evidence?

13 PROSPECTIVE JUROR GREENE: Oh, yes, I will. I didn't  
14 understand your point. I thought probably you meant that  
15 knowing this would I, uh, -- how you termed it, by me knowing  
16 about the case do you feel that I would not be able to give a  
17 true verdict of what I feel about it.

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1 BY MR. DENNY:

2 Q Well, my concern is -- let's take a situation  
3 of a juror sitting beside you, who didn't -- who hadn't read  
4 what you had read or hadn't even seen what you had seen about  
5 Shorty Shea; do you see?

6 Now, you compare yourself with that juror who has  
7 none of the information that you have. You're both listening  
8 to the same evidence from the witness stand here.

9 What I want to know is, can you say that you would  
10 feel that you would be as objective and fair and open-minded,  
11 in weighing whether the People had proved by that evidence the  
12 death of Shorty Shea --

13 A Yes, I would.

14 Q -- as that person?

15 A Certainly. I would be open-minded about it.

16 Q Well, is it your position, then, that simply  
17 because you have read something in the newspaper, that doesn't  
18 make it so?

19 A No.

20 Q A newspaper can report surmise, speculation,  
21 fantasy, as well as fact?

22 A That's true.

23 Q And what you have read in the newspaper, then,  
24 may or may not be fact, but it certainly isn't going to be  
25 considered by you as fact in this case, --

26 A That's true.

27 Q -- is that correct? And would you say that you  
28 would bend over backwards, really, in pushing anything that

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1 you may recall having read, seen or heard, about Shorty Shea --

2 A Well --

3 Q -- out of your mind? And considering the evidence  
4 only as it comes from the witness stand in this case?

5 A Yes. I could do it.

6 Q All right. Let's go down a little bit further,  
7 because you'd, I think, as far as Mr. Hinman, that you know that  
8 they did find his body.

9 Was this again in some report that you recall  
10 having heard, seen or read?

11 A Actually, I'm not certain of the two men, which is  
12 which, to be -- because I didn't pay that much attention to  
13 who -- you know, they really found or what.

14 Q Well, does the term musician Gary Hinman ring a  
15 bell at all with you?

16 A I really couldn't be sure.

17 Q All right. Have you, in the course of your  
18 reading or viewing, heard anything about Bobby Beausoleil?  
19 Or "Boe-soe-lail"?

20 A No, I don't even recall the name.

21 Q Or Mary Brunner?

22 A No.

23 Q Have you heard of anybody else being prosecuted  
24 for the murder of Gary Hinman?

25 A No, I haven't.

26 Q Or for the alleged murder of Shorty Shea here?

27 A No, I haven't.

28 Q Insofar as your feelings, again, about the Manson

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1 Family, I think you indicated, in connection with the Tate and  
2 LaBianca murders, that you felt for the victims, and for the  
3 people involved -- is that a fair --

4 A Yes.

5 Q -- recitation of what you said?

6 A That's true.

7 Q Obviously, I think anybody with any feelings  
8 would feel for the victims. But what did you mean by -- when  
9 you said you felt for the people involved?

10 A Well, it's really hard to say, because -- I don't  
11 know. You feel, in a sense, that maybe they weren't really  
12 responsible for the act that they were doing at that time, --

13 Q Well --

14 A -- the act that was committed. They probably  
15 weren't really themselves.

16 MR. MANZELLA: I'm sorry. I didn't hear that.

17 MR. DENNY: "They weren't really themselves."

18 MR. MANZELLA: Thank you.

19 Q BY MR. DENNY: What do you mean by that?

20 A Well, under the influence of drugs.

21 Q All right. And this, again, is based on some of  
22 the information that you've read, seen or heard --

23 A Well --

24 Q -- concerning these murders?

25 A Well, before I read it or heard about it, that  
26 is my assumption, in that case, that it had to be someone  
27 under drugs, you know.

28 Q When the news first broke, you --

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A Yes.

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Q -- jumped to this conclusion yourself?

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A That's right.

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1 Q I see. And do you have some feelings, one way or  
2 another, about people who use drugs?

3 A No, I don't. Everybody to his own liking.

4 Q Well, do you have any feelings that, perhaps, if  
5 it were shown that any of the witnesses who were called in this  
6 trial were drug users of some extent, would you feel, just  
7 because of that fact alone, that you could not believe their  
8 testimony?

9 A No. I would weigh every bit of evidence. I would  
10 not hold that against them.

11 Q You would perhaps consider that, with all of the  
12 other factors that the judge might talk to you about, as far  
13 as those factors involved in determining the credibility of  
14 witnesses, consider the drug use as one element in determining  
15 whether they're credible, whether they are believable,  
16 whether they could remember things; but that would not be the  
17 only factor, --

18 A No, that would not be.

19 Q -- as far as you are concerned?

20 A No, that would not be the only factor.

21 Q Do you have any feeling, ma'am, because of what  
22 you've seen, heard or read about the Tate and LaBianca  
23 trials, and the Manson Family and Charles Manson, that someone  
24 intimately connected with the Manson Family or associated  
25 with the Manson group, for an extended period of time, is  
26 probably criminally disposed?

27 A I don't think I follow you on that.

28 Q Well, there's a phrase, "Birds of a feather flock

6a-2

1 together."

2 Do you have the feeling that one who is associated  
3 with Charles Manson, these other members of the Manson Family  
4 who are involved in the Tate and LaBianca killings, probably  
5 somehow shares some overall criminality -- or criminal  
6 disposition?

7 A No, I don't believe that all of them are alike.

8 Q In other words, the mere fact of an association, in  
9 your mind, does not automatically infect the person associating  
10 with this group?

11 A That's right. I mean, sometimes you are there just  
12 to follow the crowd, but you don't have to do everything that  
13 the crowd does.

14 Q All right. Now, I believe you did say that you had  
15 heard some discussion of Mr. Manson's philosophy or feelings  
16 about the blacks, in connection with the Tate and LaBianca  
17 cases. What had you heard on that?

18 A The only thing in reference was that he had placed  
19 the wallet in -- I think it was a service station, or some  
20 public place, so that it would look like one of the blacks  
21 had done it, or something of that nature.

22 That was the only thing that I remember in the  
23 case.

24 Q So that a black man would pick it up and then be  
25 accused of the crime?

26 A Possibly so, yes.

27 Q And you heard nothing more about any ideology  
28 he had concerning the blacks and the whites, or any --

6a-3

1 A No.

2 Q -- any problem between the two races?

3 A No, your Honor -- sir, I haven't.

4 Q All right. By the way, was this Manson Family, and  
5 the Tate and LaBianca killings and that, a topic of conversa-  
6 tion among you and your family, for the period in which it was  
7 most newsworthy?

8 A Yes, it was, the first week. And then I -- and I  
9 just said -- I just didn't want to hear any more about it, you  
10 know. And I tried to shun away from all of it after that.

11 Q Um-humm. Do you know the outcome of that case?

12 A No, I don't.

13 Q All right. Do you know whether anyone was con-  
14 victed or what penalty anyone got?

15 A No, I've never heard anything else, after they were  
16 tried.

17 Q So, would it be fair to say at this point that,  
18 assuming the evidence shows that Mr. Davis was, for a period of  
19 time, connected with, a part of, the Manson Family, knowing all  
20 you know -- whatever it may be, from what you've seen, heard  
21 and read -- and knowing that fact about Mr. Davis, and knowing  
22 that he's charged with the Counts that he's charged with, of  
23 murder and conspiracy to commit murder and robbery, do you  
24 feel that there's any problem in your mind or heart or feelings  
25 at all, in being perfectly fair toward him, in determining his  
26 guilt or innocence in this trial?

27 A I would use everything that -- you know, that's  
28 within me to give him a fair -- a fair conviction of my

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1 feelings.

2 Because his life is at stake, and I would weigh  
3 everything before I gave my verdict.

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1 Q All right. I take it, then, that from the stand-  
2 point of the People, you would also be fair to them --

3 A I would.

4 Q -- and follow the rules of the Court, that the  
5 Court gives you, as applying to both the defendant and the  
6 People?

7 A That's true. I would weigh everything.

8 Q All right. And although we haven't discussed it,  
9 perhaps I could just ask you:

10 Understanding that the burden of the People is  
11 proof beyond a reasonable doubt and to a moral certainty,  
12 that is the burden you would impose on them, and no more,  
13 I take it?

14 A That's true.

15 Q But you would impose that burden on them. And  
16 if their evidence didn't meet up to that, you'd have no  
17 difficulty in returning a not guilty verdict; is that correct?

18 A (No response.)

19 Q If their evidence didn't show that the defendant  
20 was guilty beyond a reasonable doubt and to a moral certainty,  
21 would you have any hesitancy, any reluctance at all in  
22 bringing in a not guilty verdict?

23 A I wouldn't have any hesitancy in doing so.

24 Q All right. Now, you said, in connection with the  
25 Court's questions on the death penalty, that you would impose  
26 the death penalty only when the case called for it.

27 A No, I don't believe I said that.

28 Q Well, if I am misquoting you, I am certainly

6b-2

1 willing to be corrected.

2 THE COURT: Let's resume the voir dire examination at  
3 2:00 o'clock, beginning with that subject of the death  
4 penalty.

5 MR. DENNY: Thank you, your Honor.

6 THE COURT: We'll recess, then, until 2:00 o'clock.  
7 Miss Christian, don't -- or Mrs. Greene, don't discuss this  
8 matter with anyone, nor permit anyone to discuss it with you  
9 during the recess.

10 And I'll see you at 2:00 o'clock, back in that  
11 seat.

12 PROSPECTIVE JUROR NO. 4: All right, sir.

13 THE COURT: We are in recess, then, until 2:00 o'clock.

14 (Whereupon, an adjournment was taken at 11:57  
15 o'clock a.m. to 2:00 o'clock p.m. of the same  
16 day.)  
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1 LOS ANGELES, CALIFORNIA, WEDNESDAY, DECEMBER 8, 1971, 2:15 P. M.

2

3 THE COURT: All right. The record may show that all  
4 counsel are present; that Mr. Davis is present.

5 And you may continue the voir dire of Mrs. Greene.

6 MR. DENNY: May I have just a moment, your Honor?

7 THE COURT: Surely.

8

9 VOIR DIRE EXAMINATION (Continued) OF

10 MRS. NORMA E. GREENE

11 BY MR. DENNY:

12 Q Mrs. Greene, we were at a point, just before the  
13 break, at which, apparently from what you had said, I had mis-  
14 quoted you.

15 And without going into what I had thought were your  
16 words, I would like to find out from you concerning the death  
17 penalty.

18 Have you done any reading concerning the death  
19 penalty at any time during your life?

20 A I've heard talk of it, but I've never read any-  
21 thing on the subject.

22 Q Well, when you say you've heard talk of it, have  
23 you discussed with other people, --

24 A No.

25 Q -- chatting back and forth about the death  
26 penalty, whether it was good, whether it was bad, whether it  
27 should be abolished, whether it should be retained?

28 Or, if anybody, to your knowledge, through the

1 papers or television had been executed, whether there was any  
2 talk about that at any time?

3 Do you recall any such conversation on your own  
4 part?

5 A No, I haven't, Mr. Denny. The only time really  
6 thinking about it, has been since I have been in court as a  
7 juror, a prospective juror.

8 Q On this particular case?

9 A Yes.

10 Q All right. And I take it, then, since Friday,  
11 you have done a fair amount of thinking about it, having heard  
12 some of the questions that have gone on with the other jurors;  
13 is that correct?

14 A That's true, yes.

15 Q And there are perhaps -- from what you had earlier  
16 said, would it be proper to say that there are some cases that  
17 you have thought about, in which you would automatically  
18 inflict the death penalty? Some types of murder?

19 A I don't think I would automatically inflict the  
20 death penalty.

21 Q In any case, no matter how horrendous --

22 A Not automatically, just on my own assumption,  
23 without evaluating it after -- you know, you learn the facts  
24 and what has been presented.

25 But just automatically saying, I would -- I would  
26 say that he should die, you know, I just wouldn't do that.

27 Q All right. So that you cannot think of any case  
28 now where, having heard the facts and heard that a person is

1 guilty of that type of murder, and with your -- again, without  
2 belaboring this, because I think that I understand your  
3 answer -- but you get a case where you've heard the evidence,  
4 and you've heard that a man has killed a hundred people,  
5 machine-gunned them down in cold blood.

6 Even there, would you say, having heard that, and  
7 knowing those facts and knowing those facts to be true, still  
8 you would not say that's a case where you felt automatically  
9 you would impose the death penalty on that man? Having known  
10 those facts?

11 A You are saying that I have read and know these  
12 facts --

13 Q Oh, no; that you were in court, --

14 A Yes.

15 Q -- and you've heard it.

16 And you found him guilty of that crime. And you  
17 were convinced beyond a reasonable doubt that he had committed  
18 that offense.

19 A Oh, yes, then I would -- I would, if -- if first  
20 degree murder calls for the death penalty, I would say that  
21 that's where it should stand.

22 Q Well, now, I'm sorry. You say, "if first degree  
23 murders calls for the death penalty," then you would give  
24 him the death penalty in that case?

25 MR. MANZELLA: Your Honor, I would suggest that that  
26 question, if it relates to the facts given by Mr. Denny, is  
27 asking a juror to prejudge evidence in the case.

28 THE COURT: I think that's true.

1 MR. DENNY: Well, let me withdraw that particular  
2 question and get back to the point that apparently is causing  
3 this problem here.

4 Q You say if first degree murder calls for the death  
5 penalty, that you would impose it?

6 A If there is no other penalty but the death  
7 penalty, there's only one, you know, to impose, and that  
8 would be just the death penalty, yes.

9 Q Well, do you understand that first degree murder  
10 does not have, as the only possible penalty, the death sentence?

11 A Yes, I was just referring to what you had asked,  
12 if -- would I give him the death penalty?

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1 Q In this hundred victim case?

2 A Yes. You didn't say there was another choice  
3 that, uh --

4 Q Well, we assume that you know and have heard  
5 from the Court that there is always a choice in first degree  
6 murder, whether you murder one person or a hundred people,  
7 that there is still the choice, after having found a person  
8 guilty of one, ten, fifty or 100 murders; still, for murder,  
9 whether single or multiple, there is always the choice open  
10 of either the death sentence or life imprisonment. That  
11 choice is always available under our law.

12 You understand that?

13 A That's true, yes.

14 Q Now, are there any cases, where knowing that  
15 there is that choice available, still you would say, having  
16 found a person guilty of the particular offense that you have  
17 in mind, it wouldn't make any difference to you that there  
18 was a choice available? You would automatically impose the  
19 death penalty on a person whom you found to be guilty of  
20 that particular kind of murder that you can think about?

21 A I wouldn't automatically impose it.

22 Q For any type of murder?

23 A I -- I want to try to understand.

24 You are saying that any type of crime, mass  
25 crime murder, that you impose the death penalty or life  
26 imprisonment; is that correct?

27 Q I'm saying any murder, a single murder or not,  
28 the alternatives are open.

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1 But let's get away from a mass crime, for  
2 instance, so that we don't get hung up on that. I've given  
3 the example to some people and this is the last example I'll  
4 use on the subject. Just so we are clear, I have given the  
5 example to some people of a person who is convicted of having  
6 molested a child and killed the child in the course of this  
7 molestation.

8 Now, there are some people who feel so strongly  
9 about a situation of that kind and a person who commits  
10 murder in the course of child molesting that, whether they  
11 could give him life or not, they would automatically give  
12 that person death because they feel so strongly about it;  
13 do you understand?

14 A I see your point now.

15 Q All right.

16 Now, are there any types of murder that you can  
17 think of right now where you would feel so strongly, if you  
18 felt a person had committed that type of murder, that you  
19 would automatically vote for death even though the alterna-  
20 tives were open of life or death to you?

21 A I would still say no, I wouldn't automatically  
22 impose the death --

23 Q All right, that's fine. That's what we are  
24 interested in.

25 Your Honor, I don't know whether the Court wants  
26 us to go into the general qualifications or general questions  
27 now at this point or not.

28 THE COURT: Let's get the whole panel in. We haven't



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1 had them in today.

2 MR. DENNY: Well, I don't think Mr. Kay and Mr.  
3 Manzella have had a chance to --

4 THE COURT: Get them all in before we start the  
5 general questioning.

6 And does the prosecution wish to ask questions  
7 now on publicity or on the penalty phase?

8 MR. MANZELLA: Yes, your Honor, I have a few I would  
9 like to ask.

10 Thank you, your Honor.

11  
12 VOIR DIRE EXAMINATION

13 BY MR. MANZELLA:

14 Q Mrs. Greene, I wanted to ask you a few questions  
15 with regard to the death sentence.

16 Would you -- suppose sometime during your  
17 deliberations on the question of the defendant's guilt or  
18 innocence -- in other words, at the end of the first phase  
19 of the trial, you were in with the other jurors and you were  
20 deliberating the question of his guilt or innocence of the  
21 charges against him and you were to think ahead a little bit  
22 and think that you would be reluctant of the facts of a  
23 particular count to vote for the death sentence.

24 In other words, you're in the guilt phase of the  
25 deliberations, but you're thinking ahead a little bit about  
26 the possible punishments if you come back with a possible  
27 first degree murder conviction.

28 In that situation would you find the defendant not

1 guilty or find him guilty of something less than first degree  
2 murder just to avoid the question of his punishment?

3 A No, if he was guilty, I would be able to say  
4 guilty.

5 Q And if you thought he was guilty of first degree  
6 murder, you would vote for first degree murder?

7 A I would still feel the same.

8 Q All right. Do you have any objection to the law  
9 which allows a jury to determine whether a person should  
10 receive the death sentence?

11 A No, I do not.

12 Q And I take it from your answers to Mr. Denny's  
13 questions that if you convicted the defendant of first degree  
14 murder that you would be able and willing to decide the  
15 question of his punishment?

16 A Yes.

17 Q And if you decided that based on -- for these  
18 crimes, if you decided for these crimes this defendant deserved  
19 a death sentence, that you would be able to vote for it?

20 A That's true, yes.

21 Q All right.

22 Those are the only questions I have on the penalty,  
23 your Honor.

24 THE COURT: Anything more on --

25 MR. MANZELLA: Generally, yes.

26 THE COURT: -- on publicity?

27 MR. MANZELLA: No, I have nothing on publicity.

28 THE COURT: Do you want to bring in the balance of the

1 panel?

2 THE BAILIFF: Yes, sir.

3 (Whereupon, the prospective jury panel was  
4 brought into the courtroom, and the following  
5 proceedings were had:)

6 THE COURT: The prospective jurors who were in the box,  
7 please take their seats, take their respective seats, please.

8 All the prospective jurors are present.

9 All right, gentlemen, very briefly, you may  
10 proceed to inquire on voir dire generally, if you would,  
11 please.

12  
13 VOIR DIRE EXAMINATION OF

14 MRS. VIRGINIA GREENE

15 BY MR. DENNY:

16 Q All right, Mrs. Greene, you have indicated that  
17 your husband has some disability?

18 A Yes.

19 Q I wonder, in this particular case do you feel,  
20 in light of the fact that these are murder charges, would you  
21 have such sympathy for the victims -- as the People say,  
22 there are victims. We say the alleged victims. Certainly  
23 in the Shorty Shea case, the alleged victim. They do have a  
24 body in the Hinman case.

25 But would you have such sympathy for them that  
26 you would feel, perhaps, somewhat, then, prejudiced against  
27 a person charged with having caused their deaths?

28 A You are saying would I have sympathy for the ones

1 that are deceased?

2 Q That's right.

3 A Yes, I would have sympathy. Not knowing them or  
4 anything of that nature, you would still feel some type of  
5 sympathy.

6 Q Well, it is a very human feeling to feel sympathy  
7 for them.

8 A That's right.

9 Q But would you have such sympathy for them -- I  
10 think in the course of some other questions you had mentioned  
11 something of this kind.

12 Would you have such sympathy for them that you  
13 feel it would cloud your judgment or your ability to be fair  
14 to the defendant who is charged with causing their deaths?

15 A No, I wouldn't have that type of sympathy as far  
16 as my mind being clouded as not to give him a just --  
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1 Q To give him a just trial?

2 A Yes.

3 Q All right. Now, you've heard all of the  
4 questions that I had previously asked the other jurors since  
5 you have been here on Friday, --

6 A Yes.

7 Q -- concerning various and sundry points of law?

8 A Yes.

9 Q And do you think your answers would be the same as  
10 those of your fellow jurors, who are now sitting beside you?

11 A Yes, they would be.

12 Q All right. And as far as the question of your  
13 being in a minority of jurors on the particular point -- or  
14 even a minority of one -- do you feel that, if you were there  
15 in the jury room, deliberating, and eleven other jurors of good  
16 conscience had an opinion different than yours, but you didn't  
17 feel that their opinion was the correct one -- you were not  
18 convinced that they were correct -- but perhaps you'd gone on  
19 days, arguing and struggling back and forth to reach a  
20 unanimous verdict, but you felt that their verdict was not a  
21 correct one, would you, after a prolonged period of time,  
22 change your view to bring in a unanimous verdict, simply  
23 because of that number against you?

24 A No. I would not change my views, unless that I  
25 found what they tried to present to me was their true verdict,  
26 in the way they had -- you know -- what I'm trying to say is:

27 I would not change my opinion unless I felt that  
28 it was warranted by the evidence, and they could clear my mind.

8-2

1 as to that, what I was thinking was wrong.

2 Q Well, there might be eleven other people. And just  
3 by virtue of their number, saying, "You're wrong. You're  
4 wrong. You're wrong," would you change if you really thought  
5 you were right, and they were wrong?

6 A No, I wouldn't really change it.

7 Q All right. On the other hand, if you felt that  
8 their position was correct, and they disclosed to you that  
9 the thing that perhaps you were hung up on, or the idea that  
10 you had was wrong -- or maybe the law given to you by the  
11 judge, you had misunderstood, and they explained the law; or  
12 you all came in and asked the judge to redefine the law for  
13 you -- and then after talking about it, you decided, "Well,  
14 I guess I misconstrued what the law was; I was wrong, --" then  
15 you'd be willing to change your viewpoint?

16 A Yes, that's true.

17 Q If you were convinced, however, and only if you  
18 were convinced --

19 A Yes.

20 Q -- that that viewpoint was now the correct one;  
21 is that right?

22 A That's true, yes.

23 Q And you would give your fellow jurors the  
24 benefit of your opinion and your thinking, as to why you were  
25 taking the view that you were taking; is that right?

26 A Yes, right. I would do that.

27 MR. DENNY: I'll pass this juror for cause, your Honor.

28 VOIR DIRE EXAMINATION

29 BY MR. MANZELLA:

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1 Q Mrs. Greene, does your husband's disability ever  
2 require you to be present? Would that be any problems in the  
3 trial, that may last until, say, into February?

4 A Not necessarily. He has epileptic seizures, but  
5 he has his medicine, and my oldest daughter is capable of taking  
6 care of him.

7 Q So there's no situation there that would ever  
8 require you to leave --

9 A No, not be called away --

10 Q -- jury service?

11 A -- for an emergency.

12 No, sir.

13 Q Mrs. Greene, do you know of anyone that's ever been  
14 accused of any crime?

15 A No, I do not.

16 Q Have you ever been involved in the defense of  
17 criminal cases, either as a secretary for a lawyer, a defense  
18 attorney, or for an investigator or anything of that nature?

19 A No, I haven't.

20 Q And you've never testified in a criminal case?

21 A No. This is my first time.

22 Q Now, based on the questions that Mr. Kay and  
23 Mr. Denny have already asked the other jurors about the Count  
24 III of this indictment, which charges Mr. Davis with the murder  
25 of Donald Shorty Shea, you know that as to that Count, the  
26 prosecution will not be able to produce a body of the victim,  
27 and the prosecution will not be able to produce an eyewitness  
28 to the killing.

1                   What I'd like to ask you in regard to this:

2                   When you hear that, that the -- knowing that the  
3 prosecution would not be able to produce a body or a photo-  
4 graph of the body, or an eyewitness to the killing, and you  
5 know that the prosecution, if they are to prove that murder,  
6 must prove it by circumstantial evidence, now, does that make  
7 you close your mind to the case and say, "Well, I don't really  
8 want to hear any more. I could never vote for a conviction  
9 in that situation."  
10

8a fol



8a-1

1 Or are you willing to listen to the evidence,  
2 and are you willing to be convinced, if we can do it,  
3 convince you beyond a reasonable doubt that Shee has been  
4 murdered, and that this defendant murdered him?

5 A Yes. I would accept what you have tried to  
6 produce as evidence.

7 Q Are you saying that you would not have a closed  
8 mind?

9 A I would not close my mind to that.

10 Q And are you -- would you be willing to be  
11 convinced --

12 A Yes.

13 Q -- based on the other evidence?

14 A That's true.

15 Q Do you think that there's anything -- do you  
16 feel personally that it's unfair that the law would permit  
17 a person to be convicted of first degree murder, where nobody  
18 has been found?

19 Do you think that's unfair? Do you have any  
20 objection to that law which permits that?

21 A No, I do not.

22 Q All right. Mrs. Greene, I think that Judge Choate  
23 read to the panel -- of which you are a part -- some of the  
24 instructions which he may give at the end of this trial. One  
25 of them is the law of aiding and abetting.

26 If, under the law of aiding and abetting, as  
27 you are instructed by Judge Choate at the end of the case,  
28 a person may be convicted of first degree murder, even though

1 he himself did not strike the fatal blow, does that seem  
2 unfair to you?

3 A No, it does not.

4 Q And you would be willing to follow that law?

5 A I would.

6 MR. MANZELLA: All right. Thank you, Mrs. Greene.

7 The People pass for cause, your Honor.

8 THE COURT: Both sides have passed for cause now.

9 Therefore, the peremptory challenge is with the  
10 People.

11 MR. MANZELLA: Yes, your Honor. The People would  
12 respectfully thank and excuse Mr. Smith, juror No. 9.

13 THE COURT: Thank you, Mr. Smith.

14 You will report to that 15th floor of the New  
15 Hall of Records.

16 THE CLERK: Joaquin J. Alejo; J-o-a-q-u-i-n; middle  
17 initial "J"; last name, A-l-e-j-o.

18  
19 VOIR DIRE EXAMINATION

20 BY THE COURT:

21 Q Did Mrs. Holt pronounce your name correctly,  
22 sir?

23 A Yes, quite correctly, your Honor.

24 Q Mr. Alejo, you have been here during all the  
25 proceedings since the Court read the indictment and questioned  
26 the first prospective jurors from your group on Friday?

27 A Yes, your Honor. I have been here since Friday.

28 Q Would your answers be any different than the

1 majority of jurors have responded to the Court's questions  
2 of a general nature?

3 A No, I don't believe they would, sir.

4 Q Would it be any hardship to you to serve as a  
5 juror in this trial, Mr. Alejo?

6 A Well, your Honor, I am only permitted 30 days  
7 by my employer.

8 Q Who is your employer?

9 A The Los Angeles Drug Company.

10 Q Do you mean by that that they will pay you for  
11 only 30 days?

12 A Yes, that's correct.

13 Q And you have ascertained that since I asked you  
14 to do that?

15 A Yes, that's correct.

16 Q And that would constitute a considerable hardship,  
17 not to be paid for a period of a month or longer?

18 A Well, yes, it would; yes.

19 THE COURT: Gentlemen?

20 MR. MANZELLA: The People would stipulate it would  
21 constitute a hardship, your Honor.

22 MR. DENNY: So stipulate, your Honor.

23 THE COURT: These gentlemen have agreed, then, Mr.  
24 Alejo, that you may be relieved; and the Court would  
25 concur.

26 Thank you very much. Do you have time left on  
27 jury duty?

28 PROSPECTIVE JUROR NO. 9: I have approximately 16 days.

1 THE COURT: Report to that jury assembly room, then,  
2 on the 15th floor of the New Hall of Records.

3 Call another name in Mr. Alejo's place.

4 THE CLERK: Martin G. A-m-e-z-q-u-i-t-a.

5 A-m-e-z-q-u-i-t-a.

6  
7 VOIR DIRE EXAMINATION OF

8 MARTIN G. AMEZQUITA

9 BY THE COURT:

10 Q Amezquita?

11 A Amezquita.

12 Q Mr. Amezquita, were you present when the Court  
13 explained the nature of this case and read the indictment to  
14 your group of prospective jurors?

15 A Yes, I was.

16 Q And have you heard all of the proceedings thus  
17 far, each time, when you were brought into the courtroom?

18 A Yes, sir.

19 Q Would your answers be any different than the  
20 majority of jurors have responded to questions of a general  
21 nature?

22 A No, sir.

23 Q All right. Would it be a hardship to you to  
24 serve in this case?

25 A No.

26 Q Concerning the death penalty, you've heard it  
27 discussed a number of times now.

28 Would you have such views concerning it that you

1 would be unable, by reason of those views, to be fair and  
2 impartial in determining the first phase of the case?

3 A No, sir.

4 Q Or would you have such views concerning the death  
5 penalty that you would automatically refuse to impose it,  
6 regardless of the evidence?

7 A No, sir.

8 Q Or would you, on the other hand, upon a convic-  
9 tion of murder of the first degree, automatically impose it?

10 A No, sir.

11 Q Without regard to the evidence?

12 A No, sir.

13 Q Have you had jury experience before?

14 A No, sir.

15 Q This is your first case of any nature?

16 A Yes, sir.

17 Q What type of work do you do?

18 A I work for the County of Los Angeles, Engineering  
19 Department.

20 Q Engineering?

21 A Department, yes, sir.

22 Q And is there a Mrs. Amezcuita?

23 A Yes, sir.

24 Q Is she employed outside the home?

25 A No. She's a housewife.

26 Well, she works part time.

27 Q I'm sorry; I didn't hear.

28 A She works part time sometimes; not often.

9=1

1 Q Doing what?

2 A In the mail service.

3 Q Are you related to or a friend of any law  
4 enforcement officer?

5 A No, sir.

6 Q And in what general area do you and your spouse  
7 reside?

8 A Northeast Los Angeles.

9 Q Can you think of any reason why you could not be  
10 fair and impartial in this case?

11 A No, sir.

12 Q All right.

13 You have heard of the phrase Manson Family?

14 A Yes, sir.

15 Q And Charles Manson?

16 A Yes, sir.

17 Q Would your views be such from -- as a result  
18 of what you have heard, seen or read in the publicity media,  
19 via television, radio or newspaper, or in your discussions  
20 with friends or relatives concerning the subject, would your  
21 views be such as a result of having heard, seen or read such  
22 matters that you could not be fair and impartial to a person  
23 who, whom the evidence discloses, is a member or was a member  
24 of the Manson Family?

25 A No, sir.

26 Q In spite of the fact that the person might be  
27 shown to be a member of the Manson Family, in spite of what  
28 you heard, seen or read, do you believe that you could be fair

1 and impartial?

2 A Yes, sir.

3 THE COURT: Do you gentlemen wish to query Mr. Amezquita  
4 on perhaps the penalty phase and generally before we excuse  
5 the balance of the panel?

6 MR. DENNY: That's fine, your Honor.

8 VOIR DIRE EXAMINATION OF

9 MARTIN G. AMEZQUITA

10 BY MR. DENNY:

11 Q Is the accent on the first, second or the third  
12 syllable, sir?

13 A Amezquita.

14 Q Amezquita?

15 A Amezquita.

16 Q All right, sir.

17 You work for the County of Los Angeles as an  
18 engineer or in the engineering department?

19 A As an engineer. I'm nota registered engineer,  
20 but I work for engineering as an engineer.

21 Q Have you had training in the field of engineering,  
22 sir?

23 A Yes. Yes, sir.

24 Q And do you work around the Central Los Angeles  
25 area here?

26 A Yes, sir.

27 Q And in that connection do you work at any of the  
28 buildings in which the sheriffs have offices or civilian

1 employees?

2 A No, sir, not that I know of.

3 Q Where do you work, what building?

4 A 108 West Second Street, County Engineer Building.

5 Q You don't go out of that building, in other  
6 words, on any jobs?

7 A Oh, no. No, sir.

8 Q Yours is a desk job?

9 A We go out in the field in the various parts of the  
10 County, but not to any County offices.

11 Q Okay, fine.

12 And do you have any part-time work yourself?

13 A No, sir.

14 Q Now, sir, you've heard, I assume, the questions  
15 that were asked of the other jurors concerning your views on  
16 the death penalty.

17 And let me just as quickly as I can go over the  
18 subject matter with you.

19 First of all, have you done any reading on the  
20 subject ever?

21 A No. Just newspapers a while back, but nothing  
22 really deep into the subject.

23 Q Well, when you say "newspapers," is this reports  
24 of people that have been executed by the state or reports of  
25 people who are seeking to abolish the death penalty or dis-  
26 cussions on abolition versus retention?

27 A Yes, abolition versus retention. Just articles,  
28 you know, several years ago.



1 Q All right. And have you ever had any discussions  
2 with anyone, either formal or informal bull sessions on the  
3 subject?

4 A Not that I can remember, no.

5 Q You formed no opinion yourself, then?

6 A No.

7 Q On that subject?

8 A Not really, no.

9 Q All right. And since you've come to the court-  
10 room last Friday, have you thought some about, perhaps, where  
11 you stand on that issue?

12 A Well, I've thought about it.

13 Q That is abolition versus retention?

14 A Well, I haven't really made a decision, but I have  
15 thought about the question how I really stand. I can't say I  
16 am for or against it right now.

17 Q At this point you are still open-minded on that  
18 subject?

19 A Yes, sir.

20 Q So that you could be fair both to the defendant  
21 and the People on that same point?

22 A Yes, that's right.

23 Q At least you have no predilection at this point?

24 A No.

25 Q As far as your being in a position where your vote  
26 means that in effect you would be telling the state it is all  
27 right for you to execute this man by administering lethal gas  
28 to him in the gas chamber, have you thought about the

1 responsibilities that you would assume in this courtroom under  
2 those circumstances?

3 A I have thought about it.

4 Q All right. I see something of a smile.

5 A No, I have thought about it. But I really can't  
6 say -- I am still open-minded about it. I think I am  
7 capable of doing it if I have sufficient evidence, but --

8 Q In other words, you don't feel that you couldn't  
9 do it?

10 A That's right.

11 Q If you felt that the case warranted it; is that  
12 what you are saying?

13 A Yes.

14 Q On the other hand, I take it you would not be  
15 eager to do so?

16 A No, sir.

9a f01

9a-1

1 Q All right.

2 Now, sir, I've asked a number of other people,  
3 and I've received various answers, whether having given it  
4 some thought, particularly since they've been here, there is  
5 a type or there are types of murders in which, because they  
6 feel so strongly about a person who commits that type of  
7 murder, they would, if they had anything to do with it,  
8 automatically vote to impose the death penalty on a person  
9 who committed that particular kind of murder.

10 Do you recall questions I asked of the other  
11 jurors on that subject?

12 A Yes. Yes, sir.

13 Q And have you thought about that at all?

14 A Yes, sir.

15 Q And having thought about it, is there a type or  
16 are there types of murders that you can think of which to  
17 you are so horrendous that if you had any opportunity to do  
18 so, you would vote to impose the death penalty on a person  
19 convicted of such a murder or murders?

20 A I actually can't think of any that it would be  
21 all right, no.

22 Q I didn't hear the last.

23 A I can't think of any that I would just auto-  
24 matically impose it, no.

25 Q All right, sir. Now, you've heard again the  
26 questions that I asked the jurors concerning various subjects  
27 of law. The Court having read to you some of the instruc-  
28 tions on conspiracy, on accomplice, on various points of law

9a-2

1 that might be brought up in this case.

2 Did you hear the Judge read those?

3 A Some, sir.

4 Q And you heard the questions I asked of other  
5 jurors concerning those various instructions or the law --

6 A Yes, sir.

7 Q -- pertaining thereto.

8 And would your answers be the same as the answers  
9 given by your fellow panel members at this time?

10 A Yes, I believe so.

11 Q Just one point on that.

12 You were asked by the Judge concerning your  
13 feelings about whether a person associated with Mr. Manson  
14 or the Manson Family might be in effect tarred by the same  
15 brush.

16 Now, the instruction on conspiracy that says  
17 "Mere association in and of itself is not enough to convict  
18 someone of any charge," do you understand that? Or would it  
19 be your feeling that if the People showed mere association  
20 of Mr. Davis with the Manson Family or mere association with  
21 the People who may have committed crimes that you would have  
22 any reluctance in acquitting Mr. Davis if that's all they  
23 showed?

24 MR. MANZELLA: Excuse me, your Honor, for the way the  
25 question is phrased.

26 MR. DENNY: I believe it is argumentative.

27 MR. MANZELLA: -- I believe it is argumentative.

28 THE COURT: Yes, rephrase your question.

9a-3

1 Q BY MR. DENNY: If the People in this case showed  
2 only that Mr. Davis was associated with some people who  
3 committed a crime, would you have any reluctance in acquitting  
4 him?

5 A No, sir.

6 Q Would you feel it was your duty to do so?

7 A Yes, sir.

8 Q And you would do that duty?

9 A Yes, sir.

10 Q By the same token, if the evidence showed simply  
11 that he had done some act which furthered the criminal design  
12 of other people, but he had done so without the requisite  
13 criminal intent, would you have any reluctance in following  
14 an instruction that said you would have to acquit someone  
15 if that's all the evidence showed against him?

16 A No, sir.

17 Q You feel it would be your duty to do so in this  
18 case, is that right?

19 A Yes. Yes, sir.

20 Q All right.

21 All right, I'll pass for cause, your Honor.

22 THE COURT: People.

23 MR. MANZELLA: Thank you, your Honor,  
24

25 VOIR DIRE EXAMINATION

26 BY MR. MANZELLA:

27 Q Mr. Amezquita, have you or anyone you know ever  
28 been accused of any crime?

9a-4

1 A No.

2 THE COURT: Want to use the microphone? The jurors  
3 are holding their hands up.

4 MR. MANZELLA: I'll just speak louder.

5 MR. DENNY: I don't believe the ones behind you can  
6 hear.

7 THE COURT: Please use the microphone.

8 Q BY MR. MANZELLA: Have you ever been involved in  
9 the defense of criminal cases?

10 A What's that, sir?

11 Q Have you ever been involved in the defense of  
12 criminal cases?

13 A What do you mean by "defense"?

14 Q As a lawyer or defending criminal cases as an  
15 investigator?

16 A No, sir.

17 Q Or associated with anybody that does defend  
18 criminal cases?

19 A No, sir.

20 Q And you haven't served on any prior juries?

21 A No.

22 Q Have you ever testified in a criminal case?

23 A No, sir.

24 Q Now, you said that you haven't made up your mind  
25 on the question of the death sentence.

26 Do you feel as you sit here now that your state  
27 of mind with regard to the death penalty is such that you  
28 would automatically refuse to impose the death sentence

1 regardless of any evidence that might be introduced at the  
2 trial?

3 A No, sir.

4 Q Would you find the defendant not guilty or guilty  
5 of something less than first degree murder in order to avoid  
6 having to decide the question of whether he should receive  
7 the death sentence?

8 A No, sir.

9b fls.

9b-1

1 Q Do you feel that everyone convicted of first  
2 degree murder should be sentenced to death?

3 A No, sir.

4 Q Do you feel that everyone convicted of first  
5 degree murder should be sentenced to life imprisonment?

6 A No, sir.

7 Q I take it, then, if you convict this defendant  
8 of first degree murder, you'd be able and willing to decide  
9 his punishment?

10 A Yes, sir.

11 Q And if you decided, after hearing all the evidence  
12 in the case, that for these crimes this defendant deserved  
13 the death sentence, that you would be able to -- that you  
14 would be able to and willing to impose it?

15 A I believe so, sir, yes.

16 Q Is there some doubt in your mind about that?

17 A No, not at the present time, no.

18 Q All right.

19 Mr. Amezcuita, based on the questions that  
20 everyone has asked up to now, it should be clear that the  
21 prosecution, as to Count III of the indictment, charging the  
22 defendant with the murder of Donald Shorty Shea, the prosecu-  
23 tion will not be able to produce the body of Mr. Shea, will  
24 not be able to produce an eyewitness to the killing.

25 I'm going to ask you the same question I asked  
26 Mrs. Greene a few minutes ago.

27 When you hear that, does that make you close your  
28 mind and decide, well, you don't want to hear anything else?



1 If there's no body, you don't have to hear anything else,  
2 you'd vote for an acquittal or, on the other hand, are you  
3 willing to listen to the evidence and are you willing to be  
4 convinced, if the evidence can do it, are you willing to be  
5 convinced beyond a reasonable doubt that Shorty Shea has  
6 been murdered and that this defendant murdered him?

7 A Yes, sir.

8 Q Well, I really asked you two things.

9 A Two questions. No to the first part and yes to  
10 the second part.

11 Q You wouldn't have a closed mind, and, two, you  
12 would be willing to be convinced?

13 A Yes, sir.

14 Q All right.

15 I asked Mrs. Greene a question with regard to the  
16 law of aiding and abetting, which I believe Judge Choate read  
17 to you and which he may give you at the end of this case.

18 If the law is as -- if the law is given to you  
19 as it was read to you by Judge Choate, would you be willing  
20 to follow that law?

21 A Yes.

22 Q And I take it -- well, let me ask you:

23 Do you feel that it is unfair that the law permits  
24 a person to be convicted of first degree murder even though  
25 he, himself, did not strike the fatal blow, the blow that  
26 resulted in death?

27 A No, sir.

28 Q All right.

1 Thank you, Mr. Amezquita.

2 The People pass for cause.

3 MR. DENNY: May I inquire one point further that I  
4 didn't have a chance to bring up?

5 THE COURT: Yes.

6  
7 VOIR DIRE EXAMINATION

8 BY MR. DENNY:

9 Q Sir, were you in the Service at all?

10 A Yes.

11 Q When were you in the Service?

12 A 1951 to 1953.

13 Q And in which branch, sir?

14 A The Air Force.

15 Q What part of the Air Force?

16 A I was in TAC, Air Force, Tactical Air Command in  
17 Hampton, Virginia.

18 Q As a pilot?

19 A No, sir, I was in the office.

20 Q All right.

21 I take it, then, that although that was during  
22 the Korean conflict, you did not see combat?

23 A No, sir.

24 Q Have you, sir, ever seen a man killed or anybody  
25 killed?

26 A No, sir.

27 Q All right, fine.

28 I'll pass for cause, your Honor.

1 May we approach the bench just a minute, your  
2 Honor?

3 THE COURT: Yes.

4 (Whereupon, proceedings were had at the bench  
5 among Court and counsel, outside the hearing of the  
6 prospective jury panel, which was not reported:)

7 (Whereupon, the following proceedings were had  
8 in open court within the presence and hearing of the  
9 prospective jury panel:)

10 THE COURT: Both sides passed for cause at this point?

11 MR. MANZELLA: Yes, both sides pass for cause.

12 THE COURT: The next challenge is with the defendant.

13 MR. DENNY: Your Honor, at this time we would like to  
14 thank and excuse Mrs. Izaguirre, and thank her for her  
15 patience.

16 THE COURT: Thank you, Mrs. Izaguirre.

17 The Court thanks you and excuses you to go to  
18 that 15th floor, then, if you would, of the New Hall of  
19 Records.

20 THE CLERK: Mrs. Willie M. Franklin. W-i-l-l-i-e --

21 MRS. FRANKLIN: Would that be Willie Mae Franklin?

22 THE CLERK: M. I have middle initial "M", F-r-a-n-k-l-i-n.

23 MRS. FRANKLIN: Well, that's part of my name, but it  
24 is Willie Mae Franklin.

25 MR. DENNY: I'm sure it is the same person.

26 THE CLERK: Willie M. Franklin.

27 THE COURT: It is Mrs. Willie Mae Franklin.  
28

10-1

1 THE COURT: It's Mrs. Willie M.

2 MR. DENNY: Willie Mae.

3 THE COURT: Your true name is Willie Mae; is that correct?

4 PROSPECTIVE JUROR FRANKLIN: That's right, sir.

5  
6 VOIR DIRE EXAMINATION OF

7 WILLIE MAE FRANKLIN

8 BY THE COURT:

9 Q Mrs. Franklin, have you been present during  
10 all the proceedings thus far since Friday? And heard them all?

11 A Yes, sir.

12 Q Would your answers be any different than the  
13 majority of jurors have responded to the questions of a general  
14 nature?

15 A About the same.

16 Q For example, that series of questions that I asked,  
17 wherein I asked, for example, "Have you or any of your family  
18 or close friends been the victim of a crime of violence," would  
19 your answer to that be the same as most people responded?

20 A No.

21 Q And have you or any of your close friends or  
22 relatives been arrested on any criminal charge, other than  
23 traffic offenses?

24 A What is a misdemeanor charge?

25 Q A misdemeanor charge is a charge -- oh, which is  
26 punishable by time in the County Jail.

27 A May I explain that, your Honor?

28 Q Yes.

10-2

1           A       This name, Willie Mae, has caused me to have a  
2 misdemeanor, a drunk driving misdemeanor charge, against my  
3 name, simply because the name was not correctly read, Willie M.,  
4 at that particular time; and the name is Willie Mae.

5                   And whoever the individual was, they charged it to  
6 me, and I was not the guilty party.

7           Q       But as a result of some mix-up in names, you have  
8 been arrested?

9           A       No, I wasn't arrested.

10          Q       Oh.

11          A       It was just charged to me, a -- a drunk driving.

12          Q       Did the Department of Motor Vehicles have something  
13 on your record? Is that what you are saying?

14          A       Yes, sir.

15          Q       So that you've never been arrested?

16          A       No, sir.

17          Q       Nor has --

18          A       No.

19          Q       -- any close friend or relative ever been arrested?

20          A       No.

21          Q       Would this event, or this sad circumstance -- and it  
22 certainly is sad -- cause you to -- would it in any way affect  
23 your judgment in this case?

24          A       Not in this case, no.

25          Q       You don't feel any resentment toward authority as a  
26 result of that apparent mix-up?

27                   You may very well feel --

28          A       Yes. Yes, I do. In all honesty, I do.

1 (Laughter.)

2 Q BY THE COURT: After I asked that question, I  
3 realized that I would have answered the same --

4 (Laughter.)

5 Q BY THE COURT: -- as you were probably going to  
6 answer.

7 Well, in spite of that feeling of chagrin and  
8 impatience -- or whatever it may be -- with the authorities  
9 who have somehow or other mixed your name with someone else's,  
10 do you think you can be fair to the prosecution?

11 A Oh, certainly.

12 Q And so far as the case is concerned, fair to both  
13 sides?

14 A Yes.

15 Q Would it be a hardship to you to serve in this  
16 case?

17 A Yes, sir.

18 Q In what way?

19 A Well, after 30 days -- this is the time that --  
20 the only time that the company allows me for serving on jury  
21 duty, and --

22 Q The company is?

23 A Mattel Toy, Incorporated.

24 Q Mattel?

25 A Mattel.

26 Q They need workers right now, don't they?

27 A Not really. They're laying off.

28 Q They make the toys earlier, then, for Christmas;

10-4

is that right?

1 A Well, I believe so.

2 Q But in any event, you would not be paid beyond your  
3 30 days?

4 A That is correct.

5 Q And you have inquired about that since I asked  
6 you to?

7 A Yes, sir.

8 THE COURT: Gentlemen?

9 MR. DENNY: So stipulate, your Honor.

10 MR. KAY: Yes. We will stipulate that she can be  
11 excused, for hardship.

12 THE COURT: Thank you. Then, Mrs. Franklin, the Court  
13 thanks you and excuses you.

14 When are your 30 days up?

15 PROSPECTIVE JUROR NO. 1: Oh, I came in Friday, sir.  
16 I guess that leaves me about --

17 THE COURT: You've got a long time to go.

18 PROSPECTIVE JUROR NO. 1: Yes, sir.

19 THE COURT: The 15th floor, then, of the Hall of  
20 Records, across the street.

21 PROSPECTIVE JUROR NO. 1: Thank you.

10 a

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23

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10a-1

1 THE CLERK: Nick A. Bacchus; first name, N-i-c-k;  
2 last name, B-a-c-c-h-u-s.

3  
4 VOIR DIRE EXAMINATION OF

5 NICK A. BACCHUS

6 BY THE COURT:

7 Q Mr. Bacchus, you were present during all the  
8 proceedings since Friday, have you not been?

9 A Yes.

10 Q And would your answers be any different than the  
11 answers that the majority of jurors gave to the Court's  
12 questions of a general nature?

13 A No.

14 Q Can you think of any respect in which your answers  
15 would differ from the answers of the majority?

16 A No.

17 Q Would it be a hardship to you to serve in this  
18 case?

19 A Uh -- oh, I'm not very good in English language;  
20 maybe that's going to be a little hard.

21 Q How long have you been in the United States?

22 A 12 years.

23 Q 12 years. And you came from what country?

24 A I came from Persia -- Iran.

25 Q And have you had some trouble understanding the  
26 proceedings thus far?

27 A Hmmm -- some words, yes.

28 Q Do you think that that, in itself, might



1 constitute a hardship to you? The attention that you would  
2 have to devote to the case?

3 A Hmmm -- (shrugging shoulders) I think so, maybe.

4 Q You do have some -- have you had some trouble  
5 today understanding some of the questions?

6 A Some, yes.

7 MR. KAY: Your Honor, I believe --

8 THE COURT: So have I.

9 (Laughter.)

10 MR. DENNY: Do we get rebuttal time for that, your  
11 Honor?

12 Q BY THE COURT: But Mr. Bacchus --

13 Were you gentlemen going to say something?

14 MR. KAY: Yes, your Honor. We'd offer to stipulate  
15 that this juror may be excused. I believe Mr. Denny would  
16 enter into that stipulation.

17 MR. DENNY: Yes, so stipulated.

18 THE COURT: Thank you very much.

19 PROSPECTIVE JUROR NO. 1: Thank you.

20 THE COURT: And the Court does excuse you.

21 How much time do you have left on jury duty?

22 PROSPECTIVE JUROR NO. 1: I just started Friday, last  
23 Friday.

24 THE COURT: Do you want to finish the tour, or would  
25 you want to be excused?

26 PROSPECTIVE JUROR NO. 1: Hmmm --

27 THE COURT: Do you want to try to finish it?

28 PROSPECTIVE JUROR NO. 1: If I could be excused?

1 Because I have -- I work for UCB; I am working office  
2 machines, and I have a territory, and --

3 THE COURT: Well, you do have trouble understanding.

4 PROSPECTIVE JUROR 1: Some words, yes. I never heard  
5 them before.

6 THE COURT: All right. The Court will excuse you from  
7 jury duty, in view of that, then.

8 PROSPECTIVE JUROR NO. 1: Thank you.

9 THE COURT: Thank you, Mr. Bacchus.

10 THE CLERK: Remous Foreman; R-e-m-o-u-s; last name,  
11 F-o-r-e-m-a-n.

12  
13 VOIR DIRE EXAMINATION OF  
14 REMOUS FOREMAN

15 BY THE COURT:

16 Q Mr. Foreman, --

17 A Yes, sir.

18 Q -- you were present, were you not, on Friday,  
19 and heard the Court explain the nature of this case, and read  
20 the indictment? And you have been present from time to time  
21 since that --

22 A Yes, sir.

23 Q -- that time?

24 And have heard the entire proceedings?

25 A Yes, sir.

26 Q Would your answers be any different than the  
27 majority of jurors responded to the Court's questions of a  
28 general nature?

1 A No, sir.

2 Q And would it be a hardship to you to serve in  
3 this case?

4 A No, sir.

5 Q What type of work do you do?

6 A Oh, I work for Standard Oil, sir.

7 Q And have you had jury experience before?

8 A No, sir.

9 Q Is there a Mrs. Foreman?

10 A Yes, sir.

11 Q And is she employed outside the home?

12 A Yes, sir.

13 Q What type of work does she do?

14 A She's an analyst for Frederick's of Hollywood.

15 Q Get that up a little.

16 A She's an analyst with Frederick's of Hollywood.

17 Q What's Frederick's of Hollywood? What does he  
18 analyze?

19 A Well, work procedures and -- I can't explain it  
20 all. It's a woman's department store.

21 Q You should talk to her sometimes.

22 (Laughter.)

23 Q She's a -- generally, she does this type of  
24 analysis for them, to determine their -- what, their labor  
25 procedures?

26 A Well --

27 Q Office procedures?

28 A Well, it's in the wholesale department. The

1 work load, and how much work has got to be done a certain day,  
2 and what's got to be shipped out and -- things in general,  
3 in that department.

10b fls.

10b-1

- 1 Q In what general area do you and she reside?
- 2 A The southwest.
- 3 Q Are you related to or a friend of any law
- 4 enforcement officer?
- 5 A Well, I have a friend, but I'm not related to him.
- 6 Q What is the friendship? A close friendship?
- 7 A No, sir.
- 8 Q He is a member of what department?
- 9 A Well, he works in the District Attorney's Office.
- 10 He is a field representative.
- 11 Q And how long have you known him?
- 12 A About 15 years.
- 13 Q In other words, he is a field representative for
- 14 the District Attorney?
- 15 A Yes, sir.
- 16 Q Where is his office?
- 17 A I don't know.
- 18 Q How often do you see him?
- 19 A Oh, about once every four or five months.
- 20 Q He is not actually a law enforcement officer, is
- 21 he? Is he an attorney?
- 22 A I don't think so.
- 23 (Pause in the proceedings while a discussion off
- 24 the record ensued at the bench between the Court and the
- 25 bailiff.)
- 26 Q BY THE COURT: And he is a representative -- a
- 27 political representative of the District Attorney's Office?
- 28 A Yes, sir.

10b-2

1 Q Would that affect your judgment in this case at  
2 all?

3 A No, sir.

4 Q Concerning the death penalty, do you have such  
5 views about it, Mr. Foreman, that you could not thereby be fair  
6 and impartial in determining guilt or innocence?

7 A Uh -- I don't believe in the death penalty, sir.

8 Q Well, how about the -- your state of mind in  
9 respect to the first phase of the trial? Would you have any  
10 difficulty in being fair and impartial in determining guilt or  
11 innocence?

12 A No, sir.

13 Q Now, getting to the penalty itself, and considering  
14 the penalty phase, if you were a juror involved in the penalty  
15 phase, having found the defendant guilty of murder of the first  
16 degree, would you automatically vote against the death penalty,  
17 regardless of the evidence?

18 A No, sir.

19 Q On the other hand, would you automatically vote  
20 for the death penalty, upon a conviction of murder of the first  
21 degree, regardless of the evidence?

22 A No, sir.

23 Q You stated that your feelings were generally  
24 against the death penalty?

25 A Yes, sir.

26 Q But you could examine the -- your conscience and --  
27 and the case, and determine whether, in your judgment and in  
28 your sole discretion, you should give life imprisonment or death?

10b-3

1 A Yes, sir.

2 Q Well, let me ask you generally. Did you -- have  
3 you previously heard anything about the Manson Family or  
4 Charles Manson?

5 A Well, except what I read in the papers.

6 Q That's what I mean. You have heard, seen or read,  
7 via some part of the news media, something about Charles  
8 Manson?

9 A Yes, sir.

10 Q And the Manson Family?

11 A Yes, sir.

12 Q As a result of that, of that reading or hearing  
13 or seeing this material, would you be sort of prejudiced against  
14 somebody, whom, the evidence shows -- the evidence might show  
15 to be a member of the Manson Family? That you could not be  
16 fair and impartial, in acting as a juror?

17 A No, sir.

18 THE COURT: Gentlemen, do you wish to question  
19 Mr. Foreman generally?

20 MR. DENNY: Yes, sir.

21 THE COURT: On the penalty, and generally, if you would,  
22 please.

23 MR. DENNY: Yes, your Honor.

24

25 VOIR DIRE EXAMINATION

26 BY MR. DENNY;

27 Q Mr. Foreman, concerning your feelings that you  
28 just expressed to the judge about the death penalty, have you

10b-4

1 made any study in the past about the death penalty? Or the  
2 pros and cons of retaining or abolishing the death penalty?

3 A Well, I've read the pros and cons.

4 Q Do you want to hold that up a bit, sir?

5 A I've read the pros and cons.

6 Q Well, when you say you've read the pros and cons,  
7 there are volumes and volumes that have been written, so I  
8 don't assume you've read everything about it.

9 A No.

10 Q But you have done some reading on the subject; is  
11 that correct?

12 A Yes, I have.

13 Q Now, have you read any books that treat specifically  
14 of that subject? Or are these just newspaper or magazine  
15 articles?

16 A Newspaper and magazine articles.

17 One book, I believe.

18 Q Do you recall the name of that book, by any  
19 chance?

20 A I believe it was Crime and Punishment, by --  
21 uh --

22 Q Dostoevski?

23 A Yeah.

24 Q All right. And have you discussed this issue of  
25 the death penalty, and the abolition or retention of it, with  
26 other people?

27 A No.

28 Q Neither with your wife nor friends or any other



10b-5

1 people?

2 A No.

3 Q So that the feelings that you have got are just  
4 personal feelings to you, that you have evolved over the years;  
5 is that correct?

6 A Yes. And also -- well, things that I've seen over  
7 the years.

8 Q All right. And you have come to the conclusion  
9 that, for whatever reasons, you say, "I don't believe in the  
10 death penalty," sir -- and I'm putting that as a quote -- when  
11 you responded to the judge; is that right?

12 A Well, could you reword that?

13 Q Well, did you mean by that that you don't  
14 necessarily believe in the efficacy of the death penalty, --

15 A That's it.

16 Q -- that it's not a particularly worthwhile thing?

17 A That's true. That's true.

18 Q All right. But knowing that it is on the books,  
19 still, in this state -- although it may not be in others --  
20 but knowing it is in California still part of the law, that  
21 it's available as a punishment, you have stated to the judge  
22 that despite your feelings, you could, if you felt it was  
23 warranted, vote to impose that death penalty; is that correct?

24 A Yes.

25 Q Have you, sir, ever been in the Service?

26 A Yes, I have.

27 Q And in which branch of the Service, sir?

28 A I was in the Marine Corps.

10b-6

1 Q And I take it you were taught to kill --

2 A Yes, sir.

3 Q -- by the Marines?

4 And did you ever kill anyone, that you know of?

5 In combat or otherwise?

6 A Well, yes, sir.

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11-1

1 Q And in which combat was this?

2 A The Korean War.

3 Q During -- how long a stretch did you do over  
4 there?

5 A I was, -- I think it was 16 months.

6 Q Did you ever engage in hand-to-hand combat?

7 A No, sir.

8 Q Were you in the Infantry?

9 A I was in the reconnaissance regiment.

10 Q Did you ever know on a face-to-face basis that  
11 you had caused the death of another person?

12 A Well, we -- we -- uh -- we were what you call  
13 a combat -- uh, uh, platoon. We'd go out at night and  
14 draw the enemy away from a large body of troop movement so  
15 the troops wouldn't be detected.

16 Q Well, again, I take it you, in firing your  
17 weapon, you fired at people.

18 Did you know ever for sure that by the firing of  
19 your weapon you had actually killed somebody?

20 A No, because we were on the move all the time.  
21 We couldn't, uh -- we couldn't, uh, stop.

22 Q All right. I take it, however, having been  
23 engaged in combat you have seen people killed, is that  
24 correct?

25 A Yes, sir.

26 Q Now, is there anything in that experience of  
27 having witnessed death, and having been subject to it that  
28 you feel would make you move in either one direction or

1 another in determining whether someone else should live or  
2 die by virtue of your vote?

3 A No, sir.

4 Q That's a separate thing as far as you are  
5 concerned?

6 A Yes.

7 Q All right, sir.

8 You indicated you worked for or you do work for  
9 Standard Oil.

10 How long have you worked for them, sir?

11 A 17 years.

12 Q And what sort of work do you do now?

13 A As an assistant planner. An assistant planner.

14 Q Well, like an analyst, what do you plan?

15 A Well, we have to plan each day's run and  
16 determine how many Standard stations or Chevron dealers or  
17 new car dealers we have to supply each day.

18 Q I see. Insofar as your relation with this  
19 gentleman from the District Attorney's office, who is that,  
20 sir?

21 A Uh, his name is Fred Willis.

22 Q And do you know how long he has been associated  
23 with the D.A.'s office?

24 A No, I don't.

25 Q Has he just recently come to the staff of Mr.  
26 Busch after Mr. Younger left the office and went to the  
27 Attorney General's office?

28 A Well --

1 Q Or has he been on the staff of the District  
2 Attorney for --

3 A I believe he was a deputy before he started  
4 working in the office.

5 (Whereupon, Mr. Kay conferred with Mr. Denny  
6 at the counsel table off the record.)

7 Q BY MR. DENNY: Well, I am informed by Mr. Kay he  
8 is an investigator, a detective in -- is it the Bureau --

9 MR. KAY: Bureau of Investigation.

10 Q -- Bureau of Investigation.

11 Were you aware of that?

12 A No, no.

13 Q All right.

14 Do you ever discuss legal matters in cases that  
15 he has?

16 A No, we don't. We never discuss work or --

17 Q Hey, hey.

18 A You know how men get together.

19 Q Yeah.

20 (Laughter.)

21 Q BY MR. DENNY: All right. So that assuming you  
22 were going to sit on this case for a couple of months, I  
23 take it it would be no hardship to you to forego his company  
24 during that period of time, at least, so that there wouldn't  
25 be any chance even of an appearance that he might be trying  
26 to influence you or you might be discussing the case with  
27 him; is that so?

28 A No.

1 Q And, obviously, you'd have no trouble in  
2 following the Judge's admonition at the close of the days  
3 or at the breaks that you wouldn't discuss this with anybody  
4 else?

5 A No.

6 Q Form or express any opinion until the matter  
7 had finally been submitted to you?

8 A No.

9 Q All right, sir.

10 Now, sir, you have heard the questions that I  
11 have previously asked all of the other jurors?

12 A Yes, sir.

13 Q Those questions, some of which I've repeated  
14 today, some of which I've asked one time or another in the  
15 last few days.

16 Would your answers be the same as the jurors  
17 who are presently on the panel with you?

18 A Yes.

19 Q To those questions?

20 A Yes.

21 Q And as you sit there, sir, do you feel that  
22 there is anything at all that you are aware of that would  
23 keep you from being the type of juror that you would want  
24 to try your case, if you happened to be charged with a  
25 crime?

26 A No.

27 Q All right.

28 I can't help but comment on it. I see you are

1 outnumbered on the present panel, at least, about 8 to 4,  
2 women to men. You'd have no trouble holding your own in the  
3 jury room against all those women, if they were voting against  
4 you and you had a different verdict in mind than they did,  
5 would you?

6 A No, I wouldn't, I don't think I would.

7 (Laughter.)

8 MR. DENNY: All right, I'll pass for cause on this  
9 point, your Honor.

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11a fls.

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11a-1

## VOIR DIRE EXAMINATION

BY MR. MANZELLA:

Q Could a woman ever convince you that you were wrong, Mr. Foreman?

A Plenty of times.

(Laughter.)

Q BY MR. MANZELLA: Mr. Foreman, do you know anyone that's ever been accused of any crime?

A Well, my oldest boy.'

Q What was the charge?

A He was stripping an auto.

Q How long ago was it?

A That's been about two years ago.

Q Did you, uh, get very involved in the case --

A No.

Q -- emotionally --

A No.

Q -- you know, about it?

Did -- was he tried for it -- on that charge?

A No.

Q Did he ever go to court on that charge?

A No.

Q Did you think that it was handled fairly or unfairly by the -- whoever was involved in it, the courts, police, if they were involved, the prosecutor, whoever handled the charge along the line, that you think that it was handled fairly or unfairly by those people?

A I think it was fair.



11a-2

1 Q Now, you've never been involved in the defense of  
2 criminal cases as a lawyer or an investigator or anything like  
3 that; is that right?

4 A No.

5 Q And you've never served on a jury before?

6 A No.

7 Q Now, I would like to ask you a few questions about  
8 your state of mind with regard to the death sentence.

9 I've already heard all your answers to the  
10 Court's questions and to Mr. Denny's questions.

11 Do you feel that during the guilt phase of the  
12 trial, it is the first phase of the trial, that you might vote  
13 not guilty or vote for something less than first degree murder  
14 just because you wanted to avoid having to decide whether this  
15 defendant should receive the death sentence?

16 A No, I wouldn't do that.

17 Q If you felt that the evidence justified a conviction  
18 of first degree murder, you would vote for it, even though you  
19 might have to decide whether he would receive the death  
20 sentence?

21 A Yes, I would, if the law, if the law stated --

22 Q Now, suppose during your deliberations in the guilt  
23 phase of the trial, you look ahead to the penalty phase and you  
24 think to yourself, "Well, I might -- I'm convinced beyond a  
25 reasonable doubt that he is guilty of first degree murder, but  
26 I don't think I would want to sentence him to death on these  
27 facts."

28 Would you be tempted in that situation to vote for --

11a-3

1 either vote not guilty or to vote for something less than first  
2 degree murder, say second degree murder so you wouldn't have to  
3 deliberate on the question of penalty?

4 A No.

5 Q All right.

6 Do you, right now, -- is your state of mind such  
7 that you feel it is unfair that a jury -- that the law allows  
8 the jury to decide whether a person receives the death sentence?  
9 Do you feel that's unfair?

10 A Could you reword that statement, uh --

11 Q Well, the reason I asked the questions is because  
12 of the answers you gave Mr. Denny indicating you weren't sure  
13 about your feelings with regard to the death sentence.

14 Do you feel that the law should not allow twelve  
15 people to decide whether another man should receive the death  
16 sentence? Do you think that's unfair?

17 A No. No.

18 Q Do you think that everyone who is convicted of first  
19 degree murder should be given life imprisonment?

20 A No, not necessarily.

21 Q Do you feel, then, that there might be some cases  
22 where the person convicted of first degree murder should  
23 receive the death sentence?

24 A In extreme cases, yes.

25 Q Now, if you convicted this defendant, Bruce Davis,  
26 of first degree murder, would you be able and willing to then  
27 decide what his punishment should be?

28 A Yes.

11a-4

1 Q And if you decided, after hearing all the  
2 evidence in the case, that in your judgment the death penalty  
3 for these crimes -- that this defendant deserved the death  
4 penalty, would you be able, would you be willing to vote for  
5 the death penalty?

6 A Yes.

7 Q All right.

8 Mr. Foreman, you've heard the questions I've  
9 asked and the other lawyers have asked with regard to Count III  
10 of the indictment charging Mr. Davis with the murder of Donald  
11 "Shorty" Shea and the fact that the People will not be able  
12 to produce a body and will not be able to produce an eye-  
13 witness to that killing.

14 I want to ask you the same question I asked  
15 Mrs. Greene and Mr. Amezquita.

16 Do you feel you don't want to hear any more when  
17 you hear that? Does your mind close?

18 "I don't want to hear any more. I could never  
19 convict a man unless they've been able to find the body,"

20 A No.

21 Q Would you be willing, in spite of those obstacles,  
22 would you be willing to listen to the evidence and would you  
23 be willing to be convinced beyond a reasonable doubt that Shea  
24 was murdered and that this defendant was one of those that  
25 murdered Hinman?

26 A Yes.

27 Q Judge Choate read to you the law of aiding and  
28 abetting under which a person may be convicted of first degree

11a-5

1 murder, even though he did not strike the fatal blow himself.

2 Do you have any quarrel with that law?

3 A No.

4 Q That law is, in fact, given to you at the end of  
5 this case, would you be able to follow it?

6 A Yes, I would.

7 Q All right. What was the ultimate outcome of the  
8 case involving your son, your oldest boy?

9 A Oh, they threw it out of court.

10 Q The charges were dismissed against him?

11 A Yes.

12 Q Was he found not guilty or -- by a jury or by a  
13 judge or was it dismissed before it got that far?

14 A It was dismissed before it got to the judge.

15 Q And was it in Juvenile --

16 A Yes, it was in Juvenile.

17 Q -- Court or Superior?

18 Juvenile Court.

19 Did you feel that, in conversation with your son  
20 about it, that he had been charged falsely?

21 A No.

22 Q Do you feel any sympathy for this defendant because  
23 he's been charged with these two murders?

24 A No, I don't know him.

25 MR. MANZELLA: All right, thank you, Mr. Foreman.

26 People pass for cause, your Honor.

27 THE COURT: All right, ladies and gentlemen, we'll  
28 recess now for a few minutes. For about ten minutes.

11a-6

1 During the recess you are admonished not to converse amongst  
2 yourselves, nor with anyone else, nor permit anyone to converse  
3 with you on any subject connected with this matter, nor are  
4 you to form or express any opinion on the matter until it is  
5 submitted to you, should you be chosen as a juror.

6 When we reassemble, when you reassemble,  
7 reassemble out in the hallway. I would like Mr. Foreman and  
8 Mr. Amezcuita to be in the courtroom in ten minutes.

9 We're in recess.

12 fol

10 (Afternoon recess.)  
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12-1

1 THE COURT: Mr. Foreman, would you mind waiting just  
2 outside the door? We'll call you in just a moment.

3 PROSPECTIVE JUROR NO. 1: Yes.

4 (Whereupon prospective juror No. 1 exited the  
5 courtroom, and the following proceedings were had:)

6  
7 VOIR DIRE EXAMINATION OF  
8 MARTIN J. AMEZQUITA

9 BY THE COURT:

10 Q Mr. Amezquita, what we are interested in knowing  
11 is whether you had heard of this case, before you came into  
12 the courtroom? Had you ever heard of it before?

13 A Yes, sir -- this particular case?

14 Q This particular case.

15 A No, sir.

16 Q Had you ever heard the name Bruce Davis before?

17 A I heard the name Davis.

18 Q Do you know in what connection you heard it?

19 A Just in the Manson Family.

20 Q That he was somehow or other connected with or  
21 associated with the Manson Family?

22 A Yes, sir.

23 Q Had you heard the name Shorty Shea prior to my  
24 reading the indictment to you on Friday?

25 A Yes, sir.

26 Q In what connection? What had you heard about it?

27 A Well, he was missing. He was one of the -- he  
28 was missing at that -- at the ranch.

12-2

1 Q And did you follow that story, to find out what  
2 the ultimate result was, whether he was ever found?

3 A I know he wasn't found, but -- you know, the  
4 ultimate results, I don't know.

5 Q How about Gary Hinman? Had you heard that name?

6 A Yes.

7 Q In what connection?

8 A In connection with the Manson Family, also.

9 Q And what had you heard about that name?

10 A I believe he was murdered.

11 Q Had you heard the name -- heard, seen or read the  
12 name Steven Grogan?

13 A Yes, sir.

14 Q Bobby or Robert Beausoleil?

15 A Yes, I believe so.

16 Q What had you -- what do you know about that name?

17 A Mostly -- I believe he was the prosecuting  
18 attorney in one of the trials, if I'm not mistaken. But I'm  
19 not sure.

20 Q A prosecuting attorney?

21 A Yes.

22 Q That's your best memory?

23 A Yes.

24 Q The Manson Family, who are they, to the best of  
25 your knowledge?

26 A They're supposed to be a clan that lived with  
27 the Mansons on the ranch.

28 Q On the Spahn Ranch?

12-3

- 1           A       The Spahn Ranch, yes.
- 2           Q       You took a daily paper?
- 3           A       Yes, sir.
- 4           Q       The Times?
- 5           A       Times and Herald.
- 6           Q       Do you read the paper every day?
- 7           A       Yes, sir.
- 8           Q       Do you also see news reports via television, and
- 9       hear them on radio?
- 10          A       Not too much; nothing -- nothing on radio, very
- 11       seldom. And not too much on TV any more.
- 12          Q       Your information is garnered from the newspapers,
- 13       generally?
- 14          A       Yes, sir.
- 15          Q       Do you think that, knowing what you know about
- 16       the demise of Gary Hinman -- for example, from the newspapers--
- 17          A       Yes, sir.
- 18          Q       -- and knowing what you know about the Shea
- 19       affair, that it would be possible for you to set aside that
- 20       information, wiping your mind clean of that, for the purpose
- 21       of acting as a juror in this case, and relying only on the
- 22       evidence that you received in this courtroom, and the
- 23       instructions of law that you receive here?
- 24          A       I believe so.
- 25          Q       Could you -- could you, in effect, set such
- 26       matters aside -- not forgetting them, because you will
- 27       probably never forget them; you've remembered them for a
- 28       number of months now, have you not?



12-4

1 A (Indicating affirmatively.)

2 Q But could you set such matters aside, and decide  
3 the case solely on the evidence you hear and on the Court's  
4 instructions of law, independently of any such matter that  
5 you may have read, seen or heard?

6 A I think so.

7 Q Well, when you say, "I think so" --

8 A I believe so.

9 Q -- are you expressing any doubt?

10 A No. No, I believe so.

11 Q Are you certain of your capability of doing that?

12 A Well, I'm not --

13 Q That's what we are inquiring about.

14 A Yes, I think I could set it aside, because what  
15 I've read really has been a long way back. Really, I haven't  
16 followed the case, what you call recently; so I would have to  
17 be honest and say I think I could set that aside.

18 Q For example, on the issue of the death of Shorty  
19 Shea, that may be an issue, as to whether or not he's --

20 A Yes.

21 Q -- deceased.

22 Would you rely upon what you have read or heard  
23 or seen via the publicity media, to prove any part of the  
24 People's case?

25 A No, sir.

12a fls. 25

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12a-1

1 Q You hesitated just a moment when I asked you  
2 whether you were sure of your capability of setting aside such  
3 matters.

4 Now, did that hesitation -- or, does your answer  
5 indicate that you are uncertain? Or are you certain about  
6 your capabilities?

7 A I think I am certain about my capability.

8 Q And will you set aside anything that you may have  
9 heard, seen or read?

10 A Yes.

11 Q And when you say you think you are certain, again --

12 A I am certain.

13 Q -- you are certain?

14 A Yes, sir.

15 Q And will you be fair and impartial in this case?

16 A Yes, sir.

17 THE COURT: Mr. Denny?

18  
19 VOIR DIRE EXAMINATION

20 BY MR. DENNY:

21 Q Sir, you subscribe to both the Times and the  
22 Examiner?

23 A Yes, sir.

24 Q And read them regularly, as you said?

25 A Yes, sir.

26 Q In that case, I take it you generally go beyond  
27 just the headlines? If there's something that catches your  
28 attention, you read at least the lead paragraph or so?

12a-2

1           A     Yes. Mostly I will read the sports page and the  
2 editorial columns, more than anything else, and the movie  
3 section, more than the news.

4                     There's some items, like you say, that catch my  
5 eye, that I might follow.

6                     But I don't read the papers from front page to  
7 back.

8           Q     Well, do you generally, at least, look through the  
9 first couple of pages, --

10          A     Yes, sir.

11          Q     -- in the Times, at any rate, --

12          A     Yes, sir.

13          Q     -- on each of the sections?

14          A     Yes, sir.

15          Q     All right. And I take it this has been the course  
16 of conduct in your life for the last few years, at any rate;  
17 is that right?

18          A     Yes, sir.

19          Q     Have you, then, had the opportunity to see any  
20 articles -- say, within the last couple of months -- talking  
21 about any members of the so-called Manson Family?

22          A     Yes, sir.

23          Q     Tex Watson, for instance, --

24          A     Yes, sir.

25          Q     -- you read about his trial?

26          A     Yes. He was convicted, if I'm not mistaken.

27          Q     And do you know what he was convicted of? For what  
28 crimes he was convicted?

1 A No, sir, I really can't say.

2 Q Would it ring a bell if I mentioned that he was  
3 being tried for the Tate-LaBianca murders?

4 A Yeah, in that connection. Those -- those were --  
5 but those specific ones, I don't know.

6 Q All right. And do you recall reading, in either  
7 of the papers, what the penalty was that was voted?

8 A Yes. I think it was life imprisonment. I'm not  
9 sure.

10 Q All right. Now, as far as Charles Manson, have you  
11 read recently anything about any trial on which he was being  
12 tried?

13 A He was convicted, I believe, also -- I'm not sure  
14 of which one, but he was convicted of -- about a month or so  
15 ago, if I'm not mistaken.

16 Q All right. So you do recall reading specifically  
17 that Charles Manson was convicted of something --

18 A Yes.

19 Q -- about a month or so ago?

20 A Right. I believe so.

21 Q Now, do you have any recollection at all as to  
22 what he was con- -- what he was charged with? Was he charged  
23 with murder or murders; do you know?

24 A Murder -- a murder, I believe.

25 Q All right. And do you know if he was charged with  
26 any particular person's murder?

27 A I have -- LaBianca, I think it was. I'm not sure.  
28 Either Tate or LaBianca, one of those two.

1 I'm not sure.

2 Q Well, did you follow the Tate and LaBianca cases at  
3 the time the news of those cases broke originally, --

4 A Yes. Just --

5 Q -- way back about two years ago, when the murders  
6 first occurred?

7 A Yes. I followed them. But I lost kind of -- I  
8 quit following them after a while.

9 Q All right. And not using the term, necessarily,  
10 "following," but were you aware at least of the publicity  
11 given at the time that Manson and some of his followers were  
12 captured and charged with those offenses?

13 A Yes, sir.

14 Q And did you also become aware, through reading  
15 the paper, of the beginning of the trial, of the Tate and  
16 LaBianca trial --

17 A Yes.

18 Q -- about a year ago?

19 A Yes.

20 Q All right. And did you follow also -- oh, back  
21 around March, April, May of this year, when the jury brought  
22 in a verdict on that case?

23 A I remember they brought in a verdict, but I'm not  
24 sure exactly who was involved or what the -- you know, the  
25 specifics of the verdict were.

26 Q Well, do you remember -- would it refresh your  
27 recollection at all if I indicated to you that the defendants  
28 were found guilty in that case?

1           A       They were found guilty. I am sure they -- they  
2 were found guilty.

3                   But of what, and what their sentence was in that  
4 particular case, I don't recall.

5           Q       You don't remember whether they got life or death?

6           A       Not in that trial, no, sir.

7           Q       All right. Having gone through that chronology --  
8 and we are up now to the point of April or May, March, April  
9 or May, in that area -- now, you have said that within the  
10 last month -- that is, October or November, in that area --  
11 you read about Mr. Manson being on trial.

12          A       I read that he was convicted.

13          Q       Convicted?

14          A       Yeah.

15          Q       Now, is it your feeling that he was charged again  
16 with the Tate and LaBianca murders, or with some other murder?

17          A       I really don't know. I can't honestly answer,  
18 whether -- how many Counts or what Counts he was -- you know,  
19 this time over, whether it was a separate trial; I can't say.

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1 Q Uh-huh.

2 I'm not sure whether the Court asked you if you  
3 know the name of Steve Grogan or Clem Grogan; have you read  
4 anything about --

5 A I don't remember that name. It doesn't recall --  
6 I don't recall the name.

7 Q As to Shorty Shea, you said that he was missing  
8 at the ranch but you don't know if he was ever found?

9 A Well, he was never found as far as I know. He  
10 was a stuntman, supposedly. Supposed to be a stuntman.

11 Q Well, he has been referred to as stuntman Shorty  
12 Shea?

13 A Yes.

14 Q Do you remember when is the most recent time that  
15 you read about that?

16 A I don't know. I guess when they summed it up  
17 about a month ago in this conviction of Mr. Manson, they  
18 did mention the name of it again in the lead paragraph.

19 Q Well, was it your impression, having read those  
20 lead paragraphs and the summation or the summary there, that  
21 Mr. Manson was then convicted of or convicted with having  
22 had something to do with the killing of Shorty Shea?

23 A I believe so. I believe so. I can't really  
24 answer certainly. But I believe so.

25 Q Well, reading the summary, as you call it, of his  
26 disappearance and his death, that was right in connection with  
27 that article of Manson having been convicted?

28 A That's right. That's why I say it was him.

13-2

1 I believe they mentioned Mr. Hinman's name on  
2 there, I'm not sure.

3 Q And would it refresh your recollection, then, as  
4 to whether or not you read that Manson was convicted of the  
5 murder of Gary Hinman?

6 A I think so. I believe that's what it is that we  
7 are talking about.

8 Q All right.

9 Now, again, although this isn't fresh in your  
10 memory, it appears that you do have a reasonably good  
11 recollection of having read this.

12 A Yes, sir.

13 Q And having read that, are you of the opinion now,  
14 partly through your own very distinct memory and partly having  
15 your memory refreshed by this colloquy between us --

16 A Uh-huh.

17 Q -- are you of the opinion now that there has  
18 been some sort of judicial determination that Charles Manson  
19 was guilty of complicity, at least, in the murder of Shorty  
20 Shea?

21 A Yes, sir.

22 Q And are you of the opinion, then, that there has  
23 been some judicial determination that Shorty Shea is dead?

24 A Yea.

25 Q Has been murdered?

26 A Yes, sir.

27 Q Has been murdered by Charles Manson or that he  
28 is, at least, involved in the murder?



13-3

1 A Yes, sir.

2 Q All right, sir.

3 With that background of knowledge, from what you  
4 have seen, heard and read about the case, do you understand  
5 that one of the issues that we're going to try to determine  
6 in this case is whether Shorty Shea is actually dead.

7 Do you understand that?

8 A Yes, sir.

9 Q But you are of the opinion, from what you have  
10 read, that there's already been some sort of judicial  
11 determination that he is dead; is that correct?

12 A From what I gather, yes.

13 Q All right. Do you feel under those circumstances,  
14 sir, that it would be rather difficult for you to make a  
15 different finding, one judicial determination already having  
16 been made that Shorty Shea is dead?

17 A It is a very difficult question to answer, but  
18 if I want to be impartial, I would say it would be difficult,  
19 let's put it that way. What else can I say?

20 Q Well, being honest, I don't think you could say  
21 anything else.

22 And the question is, with that in mind, with the  
23 difficulty in mind of trying to undo, in effect, in this  
24 case what another jury or Judge has done in the first case,  
25 saying no, they were wrong, he isn't dead in effect; do you  
26 think you could do that, really or do you think it would  
27 really be beyond the scope of any human being to do that?

28 A Well, not knowing any circumstance now, I would

1 say it is really difficult, unless I hear something otherwise,  
2 something to convince me otherwise.

3 THE COURT: I think that's a good answer, Mr. Amezquita.  
4 In other words, what we basically want to know is whether  
5 you will rely on the evidence in this case, regardless of  
6 what you may know about what might have happened in another  
7 case.

8 This is another case, another defendant, and you  
9 are to -- the Court will instruct you that you are to ignore  
10 anything that you may have heard, seen or read previously;  
11 you understand that?

12 JUROR NO. 9: Yes, sir.

13 Q BY MR. DENNY: Well, Mr. Amezquita, assuming the  
14 Court instructs you that -- the Court instructs you about a  
15 lot of things, but if your own feelings are such that you  
16 say, "Judge, I can't help it, I feel what I feel. I couldn't  
17 make a determination contrary to what has already been  
18 determined. I think it would be just against human nature  
19 to do it," you know. This is a possibility now.

20 A Yes, sir.

21 Q That is the way you feel in this case, in all  
22 candor?

23 A No, if I am certain to do it, I guess I have to  
24 go by the instructions of the Judge, if I am trying to  
25 really, you know -- if I really want to do what I think is  
26 right or to the law, I would have to try and go by the  
27 instructions.

28 But, this again, to be honest, would be very  
difficult.

13a-1

1 Q Well, that's what we want you to be, very honest,  
2 and I think it would be very difficult.

3 And then, I have to get to the point again,  
4 conceding the difficulty, do you feel that you really could  
5 be totally fair to the defendant in this case in determining  
6 the issue of whether Shorty Shea is actually alive or dead,  
7 based on your feelings now that another juror, say, has  
8 already found him to be dead?

9 A I think I could be as far as what I could deter-  
10 mine and what I think is fair. I think so. I don't know  
11 what is fair in this case. I don't know what fair is in  
12 this case. What you are thinking fair is. I would -- how  
13 would I -- I don't know how to answer that, really. I don't  
14 know how to answer that. I think I could be impartial or  
15 fair or as far as I could be, let's put it that way.

16 Q The problem is, when you say, "I could be as  
17 fair as I could be," assume a person sitting next to you that  
18 doesn't have this information, see --

19 A Well --

20 Q -- who doesn't know that another jury has found  
21 that Shorty Shea was murdered --

22 A He probably could be fairer than I could.

23 Q That's what I am getting at.

24 A Yeah, he could probably could be fairer than I  
25 could.

26 Q All right. That's what I am getting at.

27 Do you feel it would perhaps be difficult for  
28 you to be as fair as that person without that information?

1 A Oh, yes, definitely.

2 Q And under those circumstances, perhaps, it would  
3 be better to have a juror of that kind sitting in your seat  
4 who would be fairer on that issue?

5 A I believe so.

6 MR. DENNY: Thank you, sir.

7 I would challenge the juror under 1073, Sub 2.

8  
9 VOIR DIRE EXAMINATION

10 BY MR. MANZELLA;

11 Q Mr. Amezquita, you said a person had no knowledge  
12 or hadn't read anything about these cases could be more fair  
13 than you could be. But are you saying you could be fair in  
14 spite of what you read?

15 A I think so.

16 Q You could be impartial in spite of what you read?

17 A I believe so.

18 Q If the People do not prove to your satisfaction  
19 beyond a reasonable doubt that Shea is dead, would you find  
20 Mr. Davis guilty because of what you read in the newspapers?

21 A No.

22 Q In other words, if you feel that we haven't  
23 proven our case, you would vote him not guilty, right.

24 A I believe so.

25 Q Well, is there any doubt in your mind about that?

26 A No, no. I would find him not guilty.

27 Q Could you set aside, disregard what you have  
28 read, seen or heard about the case and decide whether or not

1 Shea is dead based on the evidence you hear in this court-  
2 room and nothing else?

3 A I believe so.

4 Q Is there some doubt in your mind?

5 A Well, yes, of course there is -- there has to be  
6 some doubt in my mind. I have to be honest, there has to be  
7 some doubt.

8 MR. MANZELLA: Thank you, Mr. Amezquita.

9 THE COURT: Thank you, Mr. Amezquita. The Court  
10 grants the challenge.

11 MR. DENNY: Thank you very much, sir.

12 THE COURT: The Court will excuse you, Room 253  
13 tomorrow at 9:00 o'clock.

14 Call another juror.

15 Let's have Mr. Foreman in.

16 THE CLERK: Mrs. Leota M. Fifield, L-e-o-t-a, last  
17 name, F-i-f-i-e-l-d.

18  
19 VOIR DIRE EXAMINATION OF  
20 REMOUS FOREMAN

21 BY THE COURT:

22 Q Mr. Foreman, we're interested in what you may  
23 have heard, seen or read via the publicity media or via  
24 conversations with friends or relatives about this case.

25 Had you ever heard, seen or read of it before  
26 you came in here on Friday?

27 A Yes, sir.

28 Q Now, what had you -- what did you know about this

1 case?

2 A Well, I had read about the Tate-La Bianca -- uh,  
3 deal out in -- I guess it was North Hollywood.

4 Q You had heard about that case?

5 A Yes.

6 Q And you heard about the Manson Family in reading  
7 or hearing about that case?

8 A Yes, sir.

9 Q Well, this specific indictment, had you heard  
10 about that, the accusations in this case?

11 A Well, I heard about Donald Shorty Shea and Gary  
12 Hinman, but I didn't know who -- I didn't know whether the  
13 authorities had picked up any suspects in the case or not.

14 Q Had you ever heard that Charles Manson was  
15 prosecuted for the case?

16 A Yes, sir.

17 Q Had you heard that he was convicted of the death  
18 of Shorty Shea or Gary Hinman?

19 A Yes, sir.

20 Q Now, knowing that, do you believe that you could  
21 be entirely fair and impartial in deciding any issue that  
22 you might be called upon to make in this case?

23 In other words, I'm asking you whether you could  
24 set such matter aside that you may have heard, seen or read  
25 and decide this case basing your judgment only on the  
26 evidence in this case?

27 A Yes, sir.

28 Q You understand that the issue, one of the issues

1 may be the death of either of these alleged victims, whether --  
2 whether these persons are dead? And you have read that Mr.  
3 Manson was convicted of the death of one or both of these  
4 persons?

5 Do you believe that you could effectively set  
6 that aside and determine the case basing it -- basing your  
7 determination on that issue and any issue only on the  
8 evidence?

13b fls. 9 A Yes, sir.  
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1 Q Would you fill in any gaps that you might see by  
2 thinking of what you might have heard, seen or read in the  
3 newspapers, television or radio?

4 A Well, I heard the speech that President Nixon  
5 gave.

6 Q Yes.

7 A On all --

8 Q Concerning the Manson Family?

9 A Yes, sir.

10 Q Concerning Charles Manson?

11 A Yes, sir. Before Manson had been convicted.

12 Q Before the Court had convicted him?

13 A Yes, sir.

14 Q What were your reflections about that?

15 A Well, huh-huh.

16 Q Do you think it was a proper thing to do?

17 A No, sir.

18 Q But looking at your own state of mind now, do  
19 you think that you could ignore the items of information  
20 that you picked up in the newspaper, radio or television and  
21 decide the case basing it on the -- basing your decision  
22 only on the evidence?

23 A Well, it is all I would base my decision on.

24 Q Can you be as fair, for example, as somebody who  
25 had never heard of Charles Manson or any of these victims?

26 A I believe so.

27 Q Do you read a newspaper regularly?

28 A Yes, sir.



1 Q What newspaper do you read?

2 A The Times.

3 Q Had you ever heard the name Bruce Davis?

4 I may have asked you that before, Bruce Davis.

5 A I heard it once. Once.

6 Q And in what connection?

7 A Well, it -- it just stated that he was connected  
8 with the Manson Family.

9 Q Would somebody who is connected with the Manson  
10 Family be at a disadvantage in your mind, if that person was  
11 accused of a crime and you're sitting as a juror?

12 A In my mind?

13 Q Yes.

14 A No, sir.

15 Q Did you hear any anti-Negro talk about the Manson  
16 Family or their views as anti-Negro; did you hear that?

17 A Oh, sure, yes, sir.

18 Q Do you think you could set that aside in making  
19 any decision you are called upon to make in this case?

20 A Yes, I could. I could be fair.

21 Q Even though you might determine that the defendant  
22 is a member of the Manson Family, you could set aside that --  
23 that bit of information that you learned which is of a racial  
24 nature?

25 A Well, you know things are always in your  
26 subconscious no matter, but I think I could be as objective  
27 as possible.

28 Q That's what I am asking.

1 Can you be as objective as if you had never  
2 heard this?

3 A I believe so.

4 Q Are you expressing any doubt when you say, "I  
5 believe," or are you certain of your capability of acting  
6 independently, basing your judgment on the evidence?

7 A Yes. Yes, sir.

8 Q You are certain?

9 A Yes, sir.

10 Q Will you do that?

11 A Yes, sir.

12 THE COURT: Mr. Denny.

13 MR. DENNY: May I have just a moment, your Honor?

14 THE COURT: Yes.

15 (Whereupon, Mr. Denny conferred with Mr.  
14 fls. 16 Manzella at the counsel table.)  
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1 MR. DENNY: May we approach the bench, your Honor?

2 THE COURT: Yes, you may.

3 (Whereupon, the following proceedings were had  
4 at the bench among Court and Counsel, outside the hearing of  
5 the prospective jurors:)

6 THE COURT: With a name like that, and such commanding  
7 presence, you know very well he's going to be the foreman.

8 MR. DENNY: Hey, by golly, you might be right.

9 Judge, I think we agreed to stipulate, for reasons  
10 on both sides, to excuse this juror.

11 I think it will save time to do so. Mr. Manzella  
12 had some feelings, because of his son's involvement with the  
13 law, and I have some feelings because of his publicity  
14 connection.

15 And I think under the circumstances, it will save  
16 a lot of time.

17 MR. MANZELLA: The People would stipulate --

18 MR. DENNY: Yes.

19 MR. MANZELLA: -- that he --

20 THE COURT: May be excused for cause?

21 MR. MANZELLA: May be excused for cause, yes.

22 THE COURT: All right. So stipulated?

23 MR. DENNY: So stipulated.

24 (Whereupon, the following proceedings were had in  
25 open court, within the presence and hearing of the prospective  
26 juror:)

27 THE COURT: Mr. Foreman, the Court does excuse you.

28 It's difficult to find somebody as well read as you are, about

14-2

1 the Manson Family and the Manson case -- this case. And you  
2 are fairly alert.

3 And it's part of the subject of inquiry, as we are  
4 going through, as you know.

5 PROSPECTIVE JUROR NO. 1: Yes.

6 THE COURT: The Court thanks you and appreciates your  
7 service. Would you report to Room 253 tomorrow at 9:00  
8 o'clock?

9 PROSPECTIVE JUROR NO. 1: Yes, sir.

11 VOIR DIRE EXAMINATION OF

12 LEOTA M. FIFIELD

13 BY THE COURT:

14 Q Mrs. Fifield --

15 A Oh, over there?

16 THE BAILIFF: Yes, sir.

17 Q BY THE COURT: -- have you been present during all  
18 of the proceedings --

19 A Yes, your Honor.

20 Q -- since Friday, when I called the case and read  
21 the indictment?

22 A Yes, your Honor.

23 Q Would your answers be any different than the  
24 majority of jurors responded to the questions of a general  
25 nature?

26 A No, I don't think they -- I'm sure they wouldn't.

27 Q And would you suffer any hardship were you to  
28 serve as a juror in this case?

14-3

1 A None whatsoever. It's a very good time. The man  
2 I work for is moving his office to Orange County, and we'll  
3 be closed to March 1st.

4 Q Have you been a juror before?

5 A This is my fifth time.

6 Q Fifth time? You've sat on many types of cases,  
7 including homicide cases?

8 A Never a homicide.

9 Q Never sat on a homicide?

10 A No, sir.

11 Q Well, whatever they may have been, would you set  
12 aside anything that you may have learned in those other cases  
13 in which you sat as a juror, and decide this case, basing your  
14 judgment only on this case, what happens in this case, the  
15 evidence and the Court's instructions?

16 A Oh, I surely would.

17 Q Would you do that?

18 A Yes, sir.

19 Q All right. Are you employed outside the home?

20 A Yes. I am a receptionist and bookkeeper.

21 Q And for what type firm?

22 A For Dr. John Snyder. He's an optometrist.

23 Q An optometrist in what area?

24 A We have our office at the corner of Manchester and  
25 Vermont.

26 Q And is there a Mr. Fifield?

27 A No. I have been a widow for nine years.

28 Q Are you related to or a friend of any law

14-4

1 enforcement officer?

2 A No, sir.

3 Q And where do you reside?

4 A Hollywood.

5 Q Have you heard about this case at all, before I  
6 called the case on Friday? Or had you come in on Friday, when  
7 I explained the case to you?

8 A Not this particular --

9 Q Not this particular case?

10 A -- case, but the whole general, yes.

11 Q Oh, I see. You had not heard of Bruce Davis  
12 previously?

13 A I'm not -- I'm not sure whether I had or not.

14 Q When you say that you had not heard of this  
15 particular case, one might infer that you had heard of some  
16 other case.

17 A I heard of the Manson Family; that's what --

18 Q And you are referring to the Tate and LaBianca  
19 homicide cases --

20 A Yes.

21 Q -- and the Charlie Manson Case?

22 A Yes, the whole thing. Of course, I had heard on  
23 the news and read in the papers.

24 Q Had you ever heard the name Shorty Shea before I  
25 read it to you?

26 A Yes.

27 Q And what do you know about that name?

28 A Well, I think he at one time lived on a ranch,

14-5.

1 didn't he? Where the Manson Family lived?

2 That's my recollection.

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1 Q I see. And when you say "at one time," what do  
2 you mean by that? Do you mean you believe that he's  
3 deceased now?

4 A No. I don't know whether he lived there just a  
5 short time or whether he lived there permanently or not.

6 Q What do you know about the name Gary Hinman? Had  
7 you heard that before I read it on Friday?

8 A Yes, I had heard the name, on the news.

9 Q In what connection?

10 A I think that he lost his life, didn't he?

11 Q And do you know whether anyone was prosecuted --

12 A No, I don't.

13 Q -- for that?

14 A No, I don't know that.

15 Q Do you know whether anyone has heretofore been  
16 prosecuted for the death of Shorty Shea?

17 A No, I don't.

18 Q The alleged death of Hinman and the alleged death  
19 of Shea?

20 A No, I don't know whether anyone has been prose-  
21 cuted for those two.

22 Q Would a person who is a member of the Manson  
23 Family be at a disadvantage, to have you as a juror, sitting  
24 in this case?

25 A No.

26 Q Do you think you could be fair and impartial,  
27 in spite of the fact that the person might be a member of  
28 the Manson Family?



14a-2

1 A I know I could be fair.

2 Q Could you set aside whatever you may have heard,  
3 seen or read about Shorty Shea, Hinman, if you do remember  
4 anything about either of those two individuals?

5 Could you set aside -- aside anything that you  
6 might recall, that you have not been able to recall now,  
7 that might occur to you during the course of this trial?

8 And decide this case, basing your judgment only  
9 on the evidence that's produced here and the Court's instruc-  
10 tions of law?

11 A Yes, I could.

12 Q And will you do that?

13 A I certainly would.

14 Q And would you be fair and impartial?

15 A Yes, sir.

16 Q Concerning the death penalty, are your views such  
17 that you would not be able to be impartial in deciding the  
18 issue of guilt or innocence?

19 A No, they're not.

20 Q Or are your views such that you would automatically  
21 refuse to impose the death penalty?

22 A No.

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

26 A No, I wouldn't.

27 THE COURT: You may inquire.

28 PROSPECTIVE JUROR NO. 1: May I put on my glasses?

1 Thank you.

2  
3 VOIR DIRE EXAMINATION

4 BY MR. DENNY:

5 Q Ma'am, if I may just briefly, have you had any  
6 training yourself in the field of optometry?

7 A No, none whatsoever. I'm just a receptionist,  
8 and I also keep the books in Dr. Snyder's office.

9 Q Do you feel for that reason that you may -- here,  
10 let me use this -- that you may have superior knowledge in  
11 the area of optometry, to any other layman?

12 A No, I don't help at all in the refractions. By  
13 refraction, I mean the visual analysis and examining the eyes,  
14 no.

15 Q All right.

16 Now, what did your husband do, ma'am, before he --

17 A He was a linotypist for a printing company back  
18 in Ohio.

19 Q Now, when you say you are not sure if you heard  
20 of Mr. Davis, do you have some recollection of hearing Bruce  
21 Davis' name, in connection with some news item?

22 A Not specifically, no.

23 Q Well, is there some reason why you say you are  
24 not sure whether you heard it or not? What comes to your  
25 mind, when you think that maybe you did hear it?

26 A It seems to me there was something in the paper,  
27 but I'm not sure.

28 Q Did you ever read anything, for instance, about his

1 giving himself up to the --

2 A No.

3 Q -- to the police, or anything of that kind?

4 A No, no.

5 Q Do you take a paper regularly?

6 A Yes, I do. I read the paper practically every  
7 day.

8 Q And what paper is that?

9 A The Times.

10 Q And when you say you read it, do you try to read  
11 most of the news, on the first few pages, anyway, or of the  
12 first sections?

13 A I go through the whole paper.

14 Q All right.

15 A Oh, not the want ads and things like that, but --

16 Q All right. Right. In other words, you attempt  
17 to keep up with the current events and news of the day?

18 A Yes. That's it exactly.

14b fls.

14b-1

1 Q Now, do you recall, when is the most recent time  
2 that you have read anything connected with any member of this  
3 so-called Manson Family? How recently have you read anything  
4 about them?

5 A I would think it would be a week or ten days.

6 Q All right. And do you recall the subject matter  
7 that you read about?

8 A I think it was on some other Counts, in connection  
9 with Mr. Manson.

10 Q And do you recall what Counts Mr. Manson was  
11 charged with?

12 A No, I don't.

13 Q Well, do you recall in what connection it was  
14 that you read about some other Counts? Was it that he was  
15 being tried? Was it that he had been convicted? Was it that  
16 he was being sentenced?

17 A I think he had been convicted on some extra Counts.

18 Q Some extra Counts over and beyond those --

19 A Over those --

20 Q -- in the Tate and LaBianca cases; is that right?

21 A Yeah. But I can't tell you what they were.

22 Q Well, do you recall -- this was specifically, you  
23 recall reading this information; is that right?

24 A Yes. Yes.

25 Q As opposed to hearing it on radio or seeing it  
26 on TV?

27 A I am sure I heard it on TV also.

28 Q Also. And do you recall that information being

14b-2

1 right along with some information about Shorty Shea and Gary  
2 Hinman?

3 A No, I don't recall that it was.

4 It's not my recollection -- it could have been,  
5 but it's not my recollection that it was.

6 Q Well, was it your recollection that Mr. Manson had  
7 been convicted of some murders?

8 A Yes, sir. I've read that, yes.

9 Q No. This -- this reading that you've just done,  
10 that you talked about, in the last ten days or so.

11 Do you recall reading that Mr. -- that he was  
12 convicted of murder? Some additional Counts, you said. Were  
13 they Counts of murder?

14 A I'm not sure whether they were or not. I couldn't  
15 definitely say yes or no.

16 It's just a little vague. But I do honestly  
17 remember reading something in the last week, ten days or two  
18 weeks, some place around that area.

19 Q Um-hmmm. Well, do you remember when's about the  
20 last time -- or, the most recent time -- that you did read  
21 anything about Shorty Shea or Gary Hinman?

22 A Well, it's been a considerable time, it seems to  
23 me.

24 More in the area when they went out there to --  
25 I think they call it the ranch, where they lived -- that they  
26 went out there seeking for his body.

27 That was when I read more about it.

28 Q That would be a couple of years ago --

14b-3

1 A Yes.

2 Q -- or --

3 A Yes, yes.

4 Q And do you recall -- well, what more do you recall  
5 about what went on when they went out looking for his body?

6 Do you have any other recollection as to how they  
7 attempted to find the body?

8 A I think they found clothing. I recall that they  
9 found some clothing that was supposed to belong to him.

10 Q Well, based on -- on this reading that you have done  
11 on the subject, is it your feeling at the present time that  
12 Mr. Shea is dead?

13 A I have not the slightest idea. I don't know if he  
14 is or not.

15 I know the body's not been found, but whether he is  
16 or not, I have no way of knowing.

17 I haven't formed an opinion, if this is what you  
18 mean.

19 Q All right. Do you have any feeling at all --  
20 or could you say whether you know whether anyone else may have  
21 been tried for the supposed murder of Shorty Shea?

22 A I don't know if they have or not.

23 Q Or if anyone's been convicted of --

24 A Not for that particular death, I don't know.

25 Q -- of his death?

26 Now, would you say that you have followed the news  
27 concerning the Tate and LaBianca killings?

28 A More on TV. I was quite busy at the office at that

14b-4

1 time, and I didn't read the papers so thoroughly at that time.

2 I heard more on TV, on the 11:00 o'clock news.

3 Q And was this kind of a regular pattern that you  
4 used to follow, about that time? Watching the 11:00 o'clock  
5 news, was it on a regular basis?

6 A I do most every evening that I'm home, listen to the  
7 11:00 o'clock news.

8 Not always the same station, but I -- most  
9 always the last thing before I retire, I listen to the 11:00  
10 o'clock news.

14c fol

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14c-1

1 Q All right. And in the course of your reading,  
2 and your watching the news on a regular basis, were you very  
3 much aware when the news first broke of the Tate and La  
4 Bianca murders?

5 A Yes.

6 Q And when they first went to trial, were you  
7 aware of that?

8 A Yes.

9 Q And when certain of the evidence was introduced,  
10 as it made the news, did you sort of at least become aware  
11 of that?

12 A Yes. There was a time -- I was out of the  
13 country for 43 days, on a trip; and another 29 days trip  
14 during that time, so that -- and in those periods, of  
15 course, I didn't hear much about the news.

16 Q All right. But I take it that you then knew  
17 what the outcome of that trial was; is that right?

18 A Yes.

19 Q And do you know what the penalties were that  
20 were imposed in that case, on the defendants who were found  
21 guilty?

22 A No, I don't.

23 Q Now, do you have any feelings, as you sit there,  
24 concerning the Manson Family, as being perhaps a -- a group  
25 of sort of criminally-oriented people?

26 A No, sir.

27 Q Is it your feeling that there were some members  
28 of the Manson Family who were involved in the Tate and



1 La Bianca killings?

2 A Yes, I think they were -- some members.

3 Q All right.

4 A Not all.

5 Q About four girls tried with him?

6 A I know of that, yes, sir.

7 Q And have you -- have you followed any of the  
8 news -- or, been aware of the news of Tex Watson's trial?  
9 Most recently?

10 A Just on TV.

11 Q All right. And you are aware of what happened  
12 in connection with the outcome of that trial?

13 A No, sir.

14 Q All right. Well, when you say that there were  
15 some people in the Manson Family involved, do you feel that  
16 perhaps anybody who has associated with Mr. Manson -- with  
17 Mr. Manson, for some period of time, is probably involved  
18 in some sort of -- or was probably involved in some sort  
19 of criminal endeavor with him?

20 A No, sir.

21 Q Or that a person who is associated with Mr.  
22 Manson is probably more likely than someone not so associated  
23 to be guilty of a crime that might be charged against him?

24 A No, sir.

25 Q Do you have any particular views on people who  
26 use drugs, ma'am?

27 A No, sir. I think a lot of circumstances can  
28 enter into that.

1           Q     So it -- if the evidence showed that some of the  
2 witnesses who testified here used drugs to a greater or  
3 lesser degree, that wouldn't prejudice you necessarily for  
4 or against them?

5           A     No, it wouldn't.  
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15-1

1 Q It would be an item that you would consider in  
2 determining whether they are to be believed under certain  
3 circumstances, but you wouldn't make the determination of  
4 their --

5 A No.

6 Q -- credibility on that issue alone?

7 A No, not automatically for or against, no.

8 Q Insofar as the death penalty is concerned, have you  
9 done any reading in the area of the death penalty?

10 A No, sir.

11 Q Have you discussed it ever with anyone?

12 A No, sir.

13 Q Have you thought about it since you were sitting  
14 in this jury room?

15 A Since last Friday, considerable.

16 Q All right. And having thought about it, I take it  
17 you answered to the judge that you feel you could impose the  
18 death penalty under certain circumstances, is that right?

19 A Yes, sir, I could.

20 Q And you say it rather firmly when you reply to  
21 me, "Yes, sir, I could."

22 A I could, yes, but not automatically.

23 Q Is there some type of crime, however, in which  
24 your feelings are so strong about the person who might have  
25 committed that crime that you would say that that person  
26 should automatically receive the death penalty for having  
27 committed that sort of offense?

28 A No, sir.

15-2

1 Q There's no crime that you can conceive of that is  
2 so horrendous --

3 A No, sir.

4 Q -- that the person, merely by virtue of having  
5 committed that offense and having been found guilty of it  
6 should automatically receive the death penalty?

7 A No, sir, not automatically.

8 Q All right.

9 I'll pass for cause on these issues, your Honor.

10 I take it we are not supposed to inquire generally  
11 on the rest of the matters?

12 THE COURT: Let's wait on that.

13  
14 VOIR DIRE EXAMINATION

15 BY MR. MANZELLA:

16 Q Mrs. Fifield, I would like to ask you a few  
17 questions on the question of the death penalty. Do you have  
18 any objection or do you feel that it is unfair that the law  
19 allows the jury to determine what punishment a man should  
20 receive that has been convicted of first degree murder?

21 A No, sir, it is not unfair.

22 Q And you understand that the decision that there can  
23 be no verdict imposing the death sentence unless all twelve  
24 jurors agree; do you understand that?

25 A I understand that, yes.

26 Q In that sense, the decision to impose the death  
27 penalty is a very personal, very individual decision with each  
28 juror.

1 A Yes.

2 Q Do you feel that if you sit on the jury which  
3 convicts this defendant of first degree murder, that you would  
4 be able and willing to decide whether he receives the death  
5 sentence, is that right?

6 A I would be able, yes.

7 Q And if you decide that after hearing all the  
8 evidence that for these crimes this defendant did deserve the  
9 death sentence, would you be able and willing to vote for the  
10 death sentence?

11 A Yes, sir.

12 MR. MANZELLA: Your Honor, I take it we are just concerned  
13 with publicity and penalty?

14 THE COURT: Yes.

15 MR. MANZELLA: All right, your Honor, no further  
16 questions. Thank you, Mrs. Fifield.

17 THE COURT: No further questions, then --

18 MR. MANZELLA: On those two issues, no, your Honor.

19 THE COURT: All right, you may inquire, generally,  
20 then.

21 MR. DENNY: May we approach the bench a moment with the  
22 reporter?

23 THE COURT: Yes.

24 (Whereupon, the following proceedings were had at  
25 the bench among Court and Counsel, outside the hearing of  
26 the prospective juror:)

27 THE COURT: Did we pick another man for Foreman?

28 THE CLERK: No.

1 MR. DENNY: No.

2 Although, it is not the defendant's peremptory, just  
3 to save time here, I do intend to challenge this juror  
4 peremptorily, so I think we can forego the examination of her.

5 THE COURT: Okay.

6 MR. DENNY: When my next turn comes round. That will be  
7 my exercise.

8 THE COURT: Fine. That will save time, then, in the  
9 examination, generally.

10 All right.

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

14 THE COURT: Would you pick another name for Mr. Foreman,  
15 then, please.

16 THE CLERK: Julian Foon, J-u-l-i-a-n, F-o-o-n.

17 THE COURT: You needn't come forward, Mr. Foon.

18 We'll begin the voir dire examination of you when  
19 we reconvene tomorrow morning at 9:30. So, you are excused,  
20 ladies and gentlemen, until 9:30 tomorrow morning.

21 Remember the admonition that I have heretofore  
22 given you, that you are not to converse amongst yourselves, nor  
23 with anyone else on any subject connected with the matter, nor  
24 form nor express any opinion on it should it be submitted to  
25 you.

26 Good night.

27 At 9:30 tomorrow morning.

28 PROSPECTIVE JUROR NO. 1: Am I excused, too?

1 THE COURT: You are excused until 9:30.

2 Both you gentlemen pass Mrs. Fifield for cause?

3 MR. MANZELLA: Yes, your Honor.

4 MR. DENNY: Yes.

5 THE COURT: See you tomorrow morning.

6 MR. DENNY: Yes, your Honor.

7 (Whereupon, at 4:38 P. M., court adjourned.)

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