

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.

210  
No. A-267861

REPORTERS' DAILY TRANSCRIPT

Friday, December 10, 1971

VOLUME 10

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, FRIDAY, DECEMBER 10, 1971, 10:04 A. M.

2  
3 THE COURT: The record will show the defendant to be  
4 present. Both counsel are present.

5 MR. DENNY: Your Honor, before we choose another juror,  
6 I would like on the record to apprise the Court of the fact  
7 that apparently the People do not intend to call Mr. Spahn,  
8 from conversations I've had with Mr. Manzella and Mr. Kay,  
9 and do not intend to bring him down at the time they bring  
10 Ruby Pearl down.

11 Their feeling is that from the standpoint of  
12 putting on their case and the way they want to put it on, that  
13 they do not want Mr. Spahn's testimony coming in during the  
14 course of their case in chief. They want me to call him  
15 during my defense that's put on. And this is a tactical  
16 move on their part which I can't argue with. They have a  
17 right to put on their case any way they want.

18 But I did want to let the Court know that  
19 apparently it would be necessary, then, to get Mr. Spahn  
20 down separate from or at a different time than Ruby Pearl  
21 comes down to testify for the People, which would mean  
22 having two tickets, one for him and one for Ruby Pearl,  
23 which would be the expense of putting them up --

24 THE COURT: What would be the problem, if any, of  
25 allowing Mr. Spahn's testimony introduced out of order?

26 MR. KAY: Well, I think, your Honor, it would destroy  
27 the continuity of the People's case. I mean, he would be a  
28 defense witness.

1 Mr. Spahn is kind of confused, to say the least,  
2 and there's no telling what he would testify to on the stand.  
3 I mean, he says one thing one day and another thing the next  
4 day, and I just don't want him to destroy the continuity of the  
5 People's case.

6 THE COURT: He's blind and virtually helpless without  
7 somebody accompanying him?

8 MR. KAY: That's true.

9 THE COURT: And since he and Miss Pearl are coming from  
10 the same place, it would seem to me as though something might  
11 be worked out.

12 MR. KAY: Well, I'm not convinced that he would want  
13 Pearl to come down with him, because Pearl is his foreman and  
14 he might want one of them to be there at all times, at least  
15 to supervise the ranch. He might want somebody else to come  
16 down with him. I don't know that.

17 THE COURT: Is he running the ranch up there?

18 MR. KAY: I think he is.

19 MR. DENNY: Yes, your Honor. When I spoke with him on  
20 the phone, at which time, by the way, he did not seem confused  
21 at all, he said they do have a ranch up there, running about  
22 30 head of horses.

23 THE COURT: Maybe he's only confused when he gets to  
24 Southern California.

25 MR. DENNY: Maybe he's only confused when he doesn't  
26 say what the District Attorney wants him to say.

27 MR. KAY: Or when he's around one of the particular girls  
28 in the Manson Family.

1 THE DEFENDANT DAVIS: Ha, ha.

2 THE COURT: You can't possibly know what date you want  
3 him here?

4 MR. DENNY: At this point we have no way of knowing,  
5 your Honor.

6 MR. KAY: And we have no idea of knowing what date we  
7 want Ruby Pearl here.

8 THE COURT: All right, let's work it out when the time  
9 comes.

10 MR. KAY: That is agreeable.

11 MR. DENNY: Fine.

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1 THE COURT: The case of People vs. Davis.

2 I suppose we are at the point where we had  
3 excused, by acclamation from both sides, Mrg. Acosta.

4 MR. KAY: That's right.

5 THE COURT: So therefore, we need another juror,  
6 prospective juror.

7 THE CLERK: William F. Hall; H-a-l-l.

8 THE COURT: How many names does that leave in the box?

9 (Whereupon a discussion off the record ensued  
10 at the bench between the Court and the Clerk.)

11 MR. DENNY: Judge, I assume you will be calling a new  
12 panel down before the end of the day, will you not?

13 THE COURT: That appears to be so, yes.

14 MR. DENNY: Because I think it would be beneficial,  
15 in view of the fact that Mr. Manson is going to be sentenced  
16 on Monday, if -- if a new panel is down, and they can be  
17 advised not to read anything about it -- which I think may  
18 come out -- and not to watch TV during the time that there  
19 may be --

20 MR. KAY: George -- just a minute.

21 THE COURT: Mr. Hall?

22 PROSPECTIVE JUROR NO. 1: Yes, sir.

23 Good morning.

24  
25 VOIR DIRE EXAMINATION OF

26 WILLIAM F. HALL

27 BY THE COURT:  
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1 Q Good morning, Mr. Hall.

2 Were you present when the Court explained the  
3 nature of this case, and read the indictment to your group  
4 of jurors?

5 A Yes.

6 Q And you heard the Court's questions of the  
7 prospective jurors from your group?

8 A (Indicating affirmatively.)

9 Q Yes? Did you say "Yes"?

10 A I heard the questions.

11 Q Yes.

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

15 A Perhaps.

16 Q In what way can you think of, particularly, that  
17 your answers might be different?

18 A (No response.)

19 Q You remember that series of questions that I  
20 asked, that included, "Had any member of your family or close  
21 friend been the victim of a crime of violence," for example?

22 A My fiancée's father was murdered.

23 Q How long ago was that?

24 A About three years ago.

25 Q Was that in Los Angeles County?

26 A Yes, sir.

27 Q Was there a prosecution that came about as a  
28 result of that?

1 A Yes.

2 Q Did you participate at all --

3 A No.

4 Q -- In the prosecution --

5 A No.

6 Q -- or did you testify as a witness?

7 A No.

8 Q Did you know him?

9 A No.

10 Q Do you think that would affect your judgment at

11 all in this case?

12 A No.

13 Q In any other respects -- you remember these

14 questions -- would your answers be any different?

15 A I would rather be questioned, you know, just to

16 -- because I can't recall.

17 Q Offhand, nothing comes to your mind?

18 A (Indicating affirmatively.)

19 Q What type of work do you do, Mr. Hall?

20 A I am a civil engineer for the Metropolitan Water

21 District.

22 Q And have you served on jury duty before?

23 A Never.

24 Q Is there a Mrs. Hall?

25 A No. Divorced.

26 Q Are you related to or a friend of any law

27 enforcement officer?

28 A A friend of -- well, law enforcement?

1 Q Yes. A police officer, a Highway Patrolman,  
2 a Deputy District Attorney, an Attorney General -- a Deputy  
3 Attorney General? Any sort of a prosecuting officer. Deputy  
4 City Attorney?

5 A Yes. I believe Donald Boags is a Public  
6 Defender, Deputy Public Defender.

7 Q You are a friend of a Deputy Public Defender?

8 A And Martin Weeks. I believe he's --

9 MR. DENNY: Could you hold that microphone up, Mr. Hall?

10 PROSPECTIVE JUROR NO. 1: Yes. Sorry.

11 MR. DENNY: A little closer to your mouth?

12 Thank you, sir.

13 PROSPECTIVE JUROR NO. 1: Martin Weeks. I believe he's  
14 with the District Attorney's Office.

15 Q BY THE COURT: Do you think that those relation-  
16 ships would affect your judgment --

17 A No.

18 Q -- whatever? Are they close personal friends  
19 or --

20 A Socially, I see them.

21 Q You see them socially?

22 A Yes.

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2a fls.



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1 Q Have you or anyone close to you ever been accused  
2 of a crime, other than a traffic violation?

3 A No.

4 Q Do you think that as a result of this relation-  
5 ship with people whom you associate in law enforcement that  
6 you would be more inclined to believe a police officer simply  
7 because of his status, rather than somebody who is not?

8 Simply because of his status as a police officer,  
9 would you be inclined to give more credibility to a man, --

10 A No.

11 Q -- or less, because of some -- any reason?

12 A Not any less.

13 Q In what general area do you reside?

14 A Highland Park. Northeast.

15 Q I take it it would not be a hardship to you to  
16 serve in this case for reasons of salary? Are there any other  
17 reasons?

18 A Well, I have a job that can be described as an  
19 administrative job within the civil engineering section. No  
20 one else can perform that job.

21 Well, I suppose since the company hasn't written a  
22 letter yet, perhaps they think that it can be by-passed for  
23 a while.

24 Q Your company is what company?

25 A The Metropolitan Water District.

26 Q The Court has not yet received a letter. But,  
27 I think, even if I received a letter, I probably would not  
28 count it a personal type of hardship, for which I would excuse

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1 you -- unless you want to elaborate on it in some way.

2 A Well, I am responsible for scheduling and analyzing  
3 various design projects for water distribution facilities.  
4 And I have to write computer programs, indicating the monthly  
5 progress reports on them; and using man-hours as a bench mark  
6 to determine how much money is to be allocated for various  
7 projects.

8 Usually twice a month this type of report is  
9 made, usually around the middle of the month, the end of the  
10 month.

11 Q Do you have any one at all who can do that?

12 A No. Can I answer your question more direct?  
13 There's no personal hardship on me, necessarily, --

14 Q I see.

15 A -- but I am under the impression that it may be  
16 for the company, as far as the job is concerned.

17 But since they haven't sent in a letter, perhaps  
18 it isn't.

19 Q I think I'll have them undergo that. They have  
20 gotten a rate increase anyhow, so -- so, if somebody makes a  
21 small mistake in computing man-hours, perhaps it can be  
22 absorbed in that.

23 A You are referring to the Department of Water and  
24 Power?

25 Q Yes.

26 A That's altogether different.

27 Q It's different?

28 A Yes. I'm with the Metropolitan Water District.

1 Q Oh, I see.

2 A Yes.

3 Q You are correct. That is different. That hadn't  
4 occurred to me.

5 A We have had a reduction in rates.

6 MR. KAY: Oh, oh.

7 Q BY THE COURT: A considerable difference in  
8 organizations.

9 Well, the Court does feel that that would not  
10 constitute a personal hardship for which you should be  
11 excused.

12 Now, I want to ask you about penalty. Do you have  
13 such views concerning the death penalty that you would, by  
14 reason of those views, be unable to be impartial in determining  
15 the first phase of the case, that of guilt or innocence?

16 A Yes.

17 Q In other words, knowing that you were sitting --  
18 knowing that you were sitting on a case which, if you found  
19 a man guilty of murder in the first degree, would go into a  
20 penalty phase, wherein you might have to determine guilt, or  
21 rather, death or life imprisonment -- your judgment might be  
22 affected in that first phase?

23 A Yes, it would be.

24 Q Is that what you are saying?

25 A Yes.

26 Q You would be less inclined to -- you would be  
27 less inclined to find a man guilty of murder in the first  
28 degree, knowing you'd have to go on with that second phase; is

1 that what you mean?

2 A Oh, I may find him guilty of murder in the first  
3 degree, but I'd be -- I wouldn't want to --

4 Q Perhaps you misunderstood my question. You would  
5 have no prejudice in your mind which would keep you from being  
6 fair and impartial in determining the question of guilt or  
7 innocence, --

8 A No.

9 Q -- by reason of your views concerning the death  
10 penalty; is that correct?

11 A There would be no prejudice, no.

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1 Q So that you could be objective in determining  
2 whether or not the defendant is guilty of murder of the first  
3 degree?

4 A Yes.

5 Q But getting to the penalty phase, you do have  
6 some reservations about the application of the death penalty?

7 A Yes.

8 Q Now, are your views about the death penalty such  
9 that you would automatically refuse to impose it in any case?

10 A Yes.

11 Q Can you conceive of yourself ever considering the  
12 death penalty in any case?

13 A No case.

14 Q So your reaction would be an automatic one, then,  
15 of -- to vote against the death penalty in any case, regard-  
16 less of the facts or the evidence that's produced?

17 A Yes.

18 MR. KAY: Your Honor, the prosecution would respect-  
19 fully challenge Mr. Hall under Section 1073, Subdivision 2  
20 of the California Penal Code.

21 THE COURT: It appears to be a good challenge. The  
22 Court grants it.

23 MR. KAY: Thank you, your Honor.

24 THE COURT: Mr. Hall, thank you very much. The Court  
25 does excuse you.

26 How much time do you have left?

27 PROSPECTIVE JUROR NO. 1: I just started Friday.

28 THE COURT: All right. Then, report to the 15th floor

2b-2  
1 of the New Hall of Records, if you would, please, in the jury  
2 assembly room there.

3 MR. DENNY: Your Honor, again, may the record reflect a  
4 defense objection to the --

5 THE COURT: Yes, the record may --

6 MR. DENNY: -- challenge?

7 THE COURT: -- show your objection,

8 THE CLERK: Mrs. Louise Dehelean; D-e-h-e-l-e-a-n.

9 MR. KAY: Could you spell that again, Joyce?

10 THE CLERK: D-e-h-e-l-e-a-n.

11 MR. DENNY: Small "d" on the --

12 THE CLERK: No, one word. D-e-h-e-l-e-a-n.

13 THE COURT: Come forward, Mrs. Dehelean, please.

14 PROSPECTIVE JUROR NO. 1: Good morning, your Honor.

15  
16 VOIR DIRE EXAMINATION OF

17 LOUISE DEHELEAN

18 BY THE COURT:

19 Q Good morning. You may take the seat where that  
20 microphone is, please.

21 Mrs. Dehelean, have you been present during all the  
22 proceedings since last Friday?

23 A Yes, your Honor.

24 Q You have been here all week, from time to time,  
25 when the Court called you in, also?

26 A Yes, sir.

27 Q And would your answers be any different than the  
28 answers of the prospective jurors from your group were to the

2b-3

1 questions of a general nature that I put to them?

2 A Yes, sir.

3 Q Would they be?

4 A Yes.

5 Q In what way?

6 A Well, I -- I -- of course, I reason for myself  
7 whether it is the right thing or not, but you know, I like  
8 to go according to the law.

9 Q Would your answers be any different, Mrs. Dehelean,  
10 than the answers of the other prospective jurors -- the  
11 majority of the jurors -- to the questions of a general  
12 nature that I put to them?

13 A No. Whatever the law -- as I see it, is -- I  
14 think that's what I want to agree.

15 Q Have you been a juror before, Mrs. Dehelean?

16 A No, sir. But I have been called about -- this is  
17 my third time.

18 Q I see. Have you ever served on a --

19 A Never, no.

20 Q -- on a jury?

21 You mean you served two prior terms of jury service?

22 A Never, no. No, this is the first time.

23 Q I see.

24 A I've just been called.

25 Q You have been called, but you've never had the --

26 A No, no experience.

27 Q -- had the opportunity to serve as a juror?

28 A No.

1 MR. DENNY: May we approach the bench, your Honor?

2 THE COURT: Yes.

3 Q Would it be any hardship to you to serve in this  
4 case?

5 A No.

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

9 MR. DENNY: I think Mr. Kay and I have exchanged knowing  
10 glances, and would agree to stipulate that, right away, to  
11 save the Court's time -- and everybody else's -- that we could  
12 excuse this juror.

13 THE COURT: All right.

14 MR. KAY: So stipulate.

15 THE COURT: Thank you, gentlemen. She does seem to have  
16 some problem of comprehension.

17 MR. KAY: Yeah.

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1 (Whereupon, the following proceedings were had in  
2 open court, within the presence and hearing of the jury:)

3 THE COURT: Mrs. Dehelean, these gentlemen have  
4 stipulated that you may be excused, and the Court does excuse  
5 you. Thank you very much.

6 PROSPECTIVE JUROR NO. 1: Thank you.

7 THE COURT: Report to the 15th floor of the new Hall of  
8 Records, if you would, please.

9 PROSPECTIVE JUROR NO. 1: All right. Thank you.

10 THE COURT: Will you pick another name?

11 THE CLERK: Joe A. Restovich; J-o-e; middle initial  
12 A; R-e-s-t-o-v-i-c-h.

13  
14 VOIR DIRE EXAMINATION OF

15 JOE A. RESTOVICH

16 BY THE COURT:

17 Q Mr. Restovich?

18 A Yes, your Honor.

19 Q Is that how you pronounce your name?

20 A Restovich.

21 Q Yes. Mr. Restovich, were you present when the  
22 Court explained the nature of this case and read the indictment  
23 last Friday?

24 A Yes, your Honor.

25 Q And would your answers be any different than the  
26 majority of the jurors' responses to the questions of a  
27 general nature, that the Court put to the prospective jurors  
28 from your group?

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1 A Uh -- your Honor, I don't exactly remember the  
2 entire --

3 Q You don't remember --

4 A -- the general questions, no.

5 Q Do you remember any answer which was given at the  
6 time, that it occurred to you your answer would be different?

7 A Uh -- none that I heard, no.

8 Q Well, have you -- for example, has any close friend  
9 or relative of yours been the victim of a crime of violence?

10 A No, your Honor.

11 Q Or have you yourself or anyone close to you been  
12 arrested for any crime -- other than a minor traffic violation?

13 A No, your Honor.

14 Q Do you remember that series of questions that I  
15 went into about that time?

16 A Yes, sir.

17 Q And have you ever been a witness in a criminal  
18 case?

19 A No, your Honor.

20 Q Have you ever studied law?

21 A No, your Honor.

22 Q Have you ever had any work in a law office or any  
23 legal experience of any type?

24 A No, your Honor.

25 Q And will you follow the Court's instructions, as I  
26 give them to you, regardless of what you believe the law to  
27 be, and what your feeling may be with respect to the law?

28 A In that respect, yes, your Honor.

1 Q Well, would it be any hardship to you to serve  
2 as a juror in this case?

3 A No, your Honor. Financially, you mean, your  
4 Honor?

5 Q In any way.

6 A No. No, not in that respect.

7 Q Well, have you served on a jury at all? Before?

8 A No, your Honor. This is my first tour.

9 Q The first time, your first case; is that right?

10 A Yes.

11 Q And what type of --

12 A I've never served on a case prior to this.

13 Q What kind of work do you do, Mr. Restovich?

14 A I am a warehouseman. I work for the Alfred Hart  
15 Company; they're wholesale distributors of distilled spirits  
16 and wine.

17 MR. DENNY: What is the company again?

18 PROSPECTIVE JUROR NO. 1: Alfred Hart Company.

19 MR. DENNY: Alfred Hart?

20 PROSPECTIVE JUROR NO. 1: Yes. Capital H-a-r-t.

21 Q BY THE COURT: Is there a Mrs. Restovich?

22 A No, your Honor, there isn't. I'm single.

23 Q Are you related to or a friend of any law  
24 enforcement officer?

25 A Yes, your Honor. My brother is a sergeant with  
26 the Los Angeles City Police Department.

27 Q How long has he been so employed?

28 A It is -- he has almost put in 30 years now. In

1 fact, he has just a few more months to go for his --

2 Q Do you think that would affect your judgment,  
3 Mr. Restovich, in this case?

4 A No. I honestly don't believe so.

5 Q Would you be more or less inclined to believe a  
6 police officer from the witness stand, than somebody who is not  
7 a police officer, simply because of the status of a police  
8 officer?

9 A No, your Honor, I wouldn't.

10 Q Would you judge the police officer's testimony --  
11 his credibility -- on the same basis as with anyone else?

12 A Yes, your Honor.

13 Q In what general area do you reside?

14 A Northeast Los Angeles.

15 Q Do you know of any reason why you couldn't be fair  
16 and impartial in the case?

17 A Uh -- I do not believe in capital punishment, your  
18 Honor.

19 Q Are your views about the death penalty such that  
20 you could not be fair and impartial in determining the question  
21 of guilt or innocence?

22 A Well, I -- I do not believe that any human being  
23 has a right to say who is to live and who is to die.

24 Q Well, let's get your answer to this first  
25 question.

26 Now, are your views about the penalty such that you  
27 couldn't be fair and impartial in determining guilt or innocence  
28 in the first phase of the case?

1 A As far as determining guilt or innocence? No.

2 Q You would have no problem there?

3 A No. But I -- I could never vote for the death  
4 penalty --

5 Q Would your --

6 A -- at any time.

7 Q Would your reaction be, should you be called  
8 upon to make that decision, between life imprisonment and  
9 death, to automatically refuse to impose the death penalty?

10 A Yes, your Honor. I could never do that and live  
11 with myself, no.

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1 Q It would be an automatic reaction, is that correct?

2 A Yes, your Honor.

3 Q Can you conceive of yourself ever considering the  
4 imposition of the death penalty?

5 A Have I ever thought it over?

6 Q Can you -- would you ever vote to impose the death  
7 penalty in any case?

8 A Uh, no, your Honor, I never could.

9 MR. KAY: Your Honor, the People will respectfully  
10 challenge this juror under 1073.2 of the Penal Code.

11 MR. DENNY: I would object to the challenge on the  
12 grounds stated, your Honor.

13 THE COURT: The Court grants the challenge. Thank you,  
14 Mr. Restovich. The Court does excuse you.

15 And would you report to Room -- not room, but  
16 Floor 15, New Hall of Records.

17 PROSPECTIVE JUROR RESTOVICH: Thank you, your Honor.

18 THE COURT: The jury assembly room there.

19 MR. KAY: How many do we have left?

20 THE COURT: Three.

21 THE CLERK: Three. Harold B., last name, C-i-o-c-h-o-n.

22 THE COURT: C-i- --

23 THE CLERK: C-i-o-c-h-o-n.

24 MR. KAY: How do you pronounce that?

25 THE CLERK: Clochon, S-h-a-h-o-n is the phonetic  
26 pronounciation. That's how you pronounce it.

27 MR. DENNY: Harold?

28 THE CLERK: Yes.

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## VOIR DIRE EXAMINATION OF

HAROLD CIOCHON

BY THE COURT:

Q Is your name Ciochon?

A Yes, your Honor.

Q I am pronouncing it correctly?

A Ciochon. Ciochon.

Q Mr. Ciochon, have you been present during all of the proceedings during this week?

A Yes, your Honor.

Q Including the reading of the indictment last Friday?

A Yes, your Honor.

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

A No, your Honor.

Q For example, you remember that series of questions wherein I asked whether -- whether -- asked the prospective jurors whether they had ever been convicted or had a close friend or relative convicted of a crime of any type?

A Yes, your Honor.

Q Your answers would be the same to that series of questions?

A Well --

Q That the majority of the jurors have responded to?

A Well, I was, I guess you'd say, convicted of a hit and run.

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1 Q Misdemeanor?

2 A Misdemeanor.

3 Q How long ago was that?

4 A Eight years ago.

5 Q Do you think it was a just conviction?

6 A No, I -- at that time I should have had an  
7 attorney. I tried to do it myself. The damage was \$28 to  
8 a fender skirt on a car backing out of a driveway which I  
9 didn't, you know, even though I did it or anything like that.  
10 And yet --

11 Q What did you do, go in and enter a plea of  
12 guilty when there was a letter sent out to you from Municipal  
13 Court?

14 A Not guilty.

15 Q Did you go to trial on that?

16 A Yes.

17 Q And you did not have an attorney?

18 A No, I didn't.

19 Q And as a result of that conviction do you harbor  
20 any resentment against prosecution generally?

21 A Hmm, no, your Honor.

22 Q You can be fair and impartial in spite of that  
23 unhappy incident, right?

24 A Yes, your Honor.

25 Q Would it be any hardship, Mr. Clochon, to -- for  
26 you to serve in this case?

27 A No, your Honor, I work for Los Angeles County.

28 Q What do you do for L. A. County?



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A I am a surveyor.

Q For what?

A Flood Control District.

Q Flood Control, I see.

And is there a Mrs. Ciochon?

A Yes, your Honor.

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

A Uh, friends.

Q Tell us about that. Who are they, policemen?

A Yes, your Honor.

Q Deputy Sheriff for --

A No, an LAPD, Burbank PD, Glendale PD. I used to belong to the Burbank Auxiliary Police for eight years.

MR. DENNY: I'm sorry, the Burbank what?

PROSPECTIVE JUROR CIOCHON: Auxiliary Police.

Q BY THE COURT: The Burbank Auxiliary Police. You've heard of them.

When did you leave the Auxiliary Police force?

A Oh, about six years ago.

Q Do you think that as a result of these relationships with various police officers that you could be -- that you'd be able to judge a police officer's -- in spite of those relationships be able to judge a police officer's credibility on the same basis as anyone else?

A Hmm, yes, your Honor.

Q You understand the question?

A Yes.

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Q You wouldn't give any greater credence to or lesser credence to the testimony of a person simply because he or she was a police officer?

A No.

Q In what area do you reside?

A Highland Park.

3a fls.

3a-1

1 Q Have you ever studied law or have any legal  
2 experience other than on the police -- police force?

3 A Well, yes, I did. I did take some courses at the  
4 Glendale Junior College, Police Science 101, report writing.  
5 I was inspired to be a policeman, but it didn't work out that  
6 way.

7 Q Did you ever study criminal law?

8 A No.

9 Q In connection with the death penalty, do you have  
10 such views about it that you would be unable to be impartial  
11 in determining the question of guilt or innocence in the first  
12 phase of the case?

13 A No.

14 Q Are your views about the penalty such that you  
15 would automatically refuse to impose it regardless of the  
16 evidence?

17 A No.

18 Q Or do you have such views about the penalty that  
19 you would never vote to impose it?

20 A No.

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

24 A No.

25 Q Concerning the publicity that you might have heard,  
26 seen or read in the last two years or so; had you ever heard of  
27 this case?

28 A Yes, your Honor.

1 Q Had you heard of Mr. Davis?

2 A Yes, your Honor.

3 Q Now, what -- how did this case come to your  
4 attention?

5 A Well, it so happens that I did know the LaBiancas.

6 Q You knew the LaBiancas?

7 A Yes. He gave me my -- he gave me a job when I was  
8 going to high school and I was part-time box boy for the  
9 Gateway Food Markets.

10 Q LaBianca was connected with Gateway Food Markets?

11 A Yes, he owned them. And plus I only live about  
12 four blocks from where his parents live at, on the corner of  
13 Cypress and Granada.

14 Q You know, of course, that Charles Manson was  
15 convicted, amongst others?

16 A Yes, your Honor.

17 Q Of the LaBianca deaths?

18 A Yes.

19 Q Now, if the evidence should disclose that this  
20 defendant, Mr. Davis, is associated with Mr. Manson, do you  
21 think that you could be fair to Mr. Davis in determining any  
22 issue that you might be called upon to determine in this case?

23 A Yes, your Honor.

24 Q You could put that -- that thought of that  
25 relationship aside for the purpose of making whatever judgment  
26 that you might be able to make, might be called upon to make  
27 in this case? You would not allow it to prejudice you in any  
28 way?

1 A Hmmm, I don't believe so, your Honor.

2 Q Had you ever heard of Mr. Davis?

3 A Not other than just it was mentioned in the papers.

4 Q Had you ever heard of Shorty Shea?

5 A Just what was mentioned in the papers.

6 Q What did you hear about Mr. Davis and Shorty Shea?

7 A Hmmm, just what I read. I mean, --

8 Q That's what we want to know.

9 What did you hear, see or read?

10 A That he was connected with the -- might have been

11 connected with the death of the person.

12 Q What did you -- what have you read previously

13 about -- heard, seen or read about Gary Hinman?

14 A Hmmm, about the same thing, your Honor, you know.

15 Just reading through the paper and that's it.

16 Q Well, do you know the name Gary Hinman? Had you

17 heard it before --

18 A Yes, I've heard it before.

19 Q -- Friday when you walked in here and I read the

20 indictment?

21 A Well, I heard it vaguely.

22 Q What do you know about it?

23 A Not too much about it, no.

24 Q I mean, do you know who he is?

25 A No.

26 Q Well, what had you heard about Shorty Shea before

27 Friday, when I read the indictment?

28 A That he was a ranch hand out at the ranch.

1 Q Spahn Ranch?

2 A Yes.

3 Q What else?

4 A That's about it.

5 Q Well, had you heard that either of these persons  
6 was killed before Hinman or Shea or both? Had you ever read  
7 their names in that connection?

8 A Hmmm, I can't be for sure, your Honor.

9 Q Did you follow the Tate-LaBianca trial rather  
10 closely?

11 A Not rather closely. I mean, after the event first  
12 happened, and then towards the end, you know, just --

13 Q You read a newspaper regularly?

14 A Uh, yes.

15 Q Daily?

16 A Yes.

17 Q Times?

18 A Times?

19 Q And do you look at radio and television news  
20 reports occasionally?

21 A I listen to the late news in the evening and that.

22 Q Has that been your habit in the last two years or  
23 so?

24 A Off and on, yes, your Honor. And that -- always,  
25 you know, listen to the weather report and stuff like that.

26 Q What do you know about the Manson Family? What's  
27 that phrase mean to you?

28 A Well, his following that he has.

1 Q Manson's following?

2 A Yes.

3 Q Now, if -- if it should be disclosed by the  
4 evidence that Mr. Davis was a member of the Manson Family or  
5 associated with the Manson Family in some way or other, do you  
6 think because of what you know, from having heard, seen or  
7 read the various publicity media about the Family, that you  
8 could be fair and impartial?

9 Would Mr. Davis be at any disadvantage in having  
10 you on the jury, in view of what you have read about the Manson  
11 Family?

12 A No, your Honor. No, I'd have to base it upon the  
13 evidence and that, that was presented.

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3b fol

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1 Q If I were to instruct you that you were to set  
2 aside -- not forget, but set aside anything that you may have  
3 heard, seen or read concerning the Manson Family, Charles  
4 Manson, anything that you may remember that you do not now  
5 remember about Hinman, Shea, Mr. Davis; could you do that?  
6 Could you set it aside for the purpose of making a judgment  
7 in this case based upon the evidence?

8 A I believe so, your Honor, yes.

9 Q When you say, "I believe so," are you expressing  
10 any doubt your ability to do that?

11 A Well, it is kind of hard to blank it out that you  
12 know it in the back of your mind and that just by saying so --

13 Q That's what we are driving at. We want to know  
14 whether you can, as you put it, very well blank it out for the  
15 purpose of being a juror in this case and deciding the case,  
16 basing your judgment on the evidence?

17 What do you -- what is your assessment?

18 What is your opinion of your ability to do that?  
19 Are you too immersed in the news reports that you've read  
20 concerning Hinman-Shea, this case, Mr. Manson, that you could  
21 not effectively put those things aside?

22 A Well, I might have -- tend to be a little bias  
23 and that, yes, I mean, if you put it all together like that.

24 Q That's what I mean.

25 A Yes.

26 Q We want your candid expression as to whether or  
27 not you could be fair and impartial in spite of what you  
28 have heard, seen or read and apparently you're fairly well



1 read on the subject, so that Mr. Davis would start out in  
2 your mind, because of your associations with -- would have  
3 somewhat of a disadvantage?

4 A Yes.

5 MR. DENNY: I would offer a challenge under 1073,  
6 Subdivision 2.

7 THE COURT: It appears to be well taken.

8 MR. DENNY: Thank you very much for your candor.

9 THE COURT: Thank you. The Court appreciates, Mr.  
10 Ciochon, your honesty and appraising your ability.

11 Floor 15 of the New Hall of Records, if you would,  
12 please. There is a jury assembly room that you are to report  
13 to there.

14 PROSPECTIVE JUROR CIOCHON: Thank you.

15 THE COURT: Thank you, Mr. Ciochon.

16 THE CLERK: Miss Phyllis Cortez, P-h-y-l-l-i-s, last  
17 name, C-o-r-t-e-z.

18 THE COURT: How many names do we have left on this  
19 panel, two?

20 THE CLERK: Two.

21  
22 VOIR DIRE EXAMINATION OF  
23 PHYLLIS CORTEZ

24 BY THE COURT:

25 Q Is your name Cortez?

26 A Uh-huh.

27 Q Mrs. Cortez?

28 A Yes.

1 Miss.

2 Q Miss Cortez.

3 Miss Cortez, have you been present since last  
4 Friday when you -- from time to time when you've been called  
5 into this courtroom?

6 A Yes.

7 Q And you've heard all the proceedings?

8 A Yes.

9 Q Can you think of any respect in which your answers  
10 might be different than the answers of the other prospective  
11 -- the majority of the other prospective jurors than the  
12 questions I put to them?

13 A No.

14 Q Do you remember that series of questions that I  
15 put to prospective jurors from your group that I overheard?

16 A Yes.

17 Q You can't think of any way that your answers  
18 might vary?

19 A No.

20 Q Would it be a hardship to you to serve in this  
21 case?

22 A Yes, because they won't pay me.

23 Q Get that microphone up.

24 A They won't pay me for more than 20 days.

25 Q Who won't?

26 A Sears.

27 Q Who?

28 A Sears.

1 Q Sears.

2 You work for Sears, in what capacity?

3 A Uh, mail order department.

4 Q And you've checked with them since I asked you  
5 to inquire?

6 A Yes.

7 Q And you found that you will not be paid?

8 A Yes.

9 MR. KAY: We'd be willing to stipulate that this juror  
10 may be excused for hardship.

11 MR. DENNY: So stipulate, your Honor.

12 THE COURT: You are excused, and the Court thanks you.

13 Do you have time left?

14 PROSPECTIVE JUROR CORTEZ: Yes.

15 THE COURT: All right, report to Room -- strike that --  
16 to Floor 15, New Hall of Records.

17 THE CLERK: Alex W. Rudometkin. A-l-e-x, middle initial  
18 "W", last name R-u-d-o-m-e-t-k-i-n.

19  
20 VOIR DIRE EXAMINATION OF

21 ALEX W. RUDOMETKIN

22 BY THE COURT:

23 Q Mr. Rudometkin, take that seat with the microphone,  
24 if you would, please.

25 Have you been present all week and heard all the  
26 proceedings?

27 A Yes, your Honor.

28 Q Would your answers be any different than the

1 majority of the jurors have responded to the questions of a  
2 general nature that I put to them?

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A No.

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1 Q Would it be any hardship for you to sit in this  
2 case?

3 A Yes, it would, your Honor.

4 Q Tell us about it, and get that microphone up a  
5 little closer.

6 A Uh, I've got ten days left out of the tour and my  
7 company only allowed me 20 days pay and the rest would be  
8 a hardship.

9 Q What is your company?

10 A Arrow-Hart, Incorporated.

11 Q You've checked with them since I've asked you to  
12 inquire?

13 A Yes, your Honor.

14 Q And you found that you will not be paid beyond  
15 your regular tour of duty?

16 A Yes.

17 MR. KAY: We'd be willing to stipulate that this juror  
18 can be excused for hardship.

19 MR. DENNY: Yes, so stipulate.

20 The company again was, sir, Arrow-Hart, Incorporated?  
21

22 PROSPECTIVE JUROR RUDOMETKIN: Arrow-Hart, Incorporated.

23 MR. DENNY: Arrow-Hart?

24 PROSPECTIVE JUROR RUDOMETKIN: Yes.

25 MR. DENNY: Thank you, sir.

26 THE COURT: Thank you, Mr. Rudometkin. These gentlemen  
27 have agreed that you may be excused, then. Room -- 415 of the  
28 new Hall of Records.

3c-2

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We have one left? We need another panel.

2

They're on their way.

3

THE CLERK: Yes.

4

THE COURT: We'll be in recess, then, until they arrive.

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(Short recess.)

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1 THE COURT: The record will show that all counsel are  
2 present in this case; that there is a panel of prospective  
3 jurors in the courtroom, who have not yet been sworn. And  
4 the defendant is present.

5 Will you all please rise, those of you who are  
6 prospective jurors, and raise your right hands?

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

12 THE PROSPECTIVE JURORS: I do.

13 THE CLERK: Please be seated.

14 THE COURT: Would you put the names of the new prospec-  
15 tive jurors in the box, and select another juror, in place  
16 of the last one excused?

17 THE CLERK: Lawrence Campbell; L-a-w-r-e-n-c-e;  
18 last name, C-a-m-p-b-e-l-l.

19 THE COURT: All right. Mr. Campbell? You may take  
20 your place in the box.

21 And I'll be talking to you, and to the jurors  
22 beyond the rail. I intend to move rather fast on this.  
23 Would you listen very carefully?

24 I will be asking Mr. Campbell some questions; and  
25 then later on, I will be asking you whether your answers  
26 would be the same as Mr. Campbell replied to the questions  
27 that I put to him.

28 (Pause in the proceedings while a discussion

4-2  
1 off the record ensued at the bench between the Court  
2 and the Clerk.)

3 THE COURT: I'm going to tell you what this case is  
4 all about. I'll read -- or paraphrase -- the indictment to  
5 you; read some instructions to you concerning the law, and  
6 ask Mr. Campbell some questions of a more or less general  
7 and then personal nature.

8 I will be asking you those same questions. So,  
9 if you have any -- if you note any answers which would be  
10 different, if your answers would be different, then when you  
11 were called to the box here, be prepared to tell us how your  
12 answers would vary from Mr. Campbell's.

13 This is the case of the People of the State of  
14 California vs. Charles Manson, Susan Denise Atkins, Bruce  
15 McGregor Davis, and Steve Grogan.

16 Mr. Bruce McGregor Davis is the defendant before  
17 this court. He is charged by this indictment with having,  
18 on the 27th day of July -- in the first count of the indict-  
19 ment, he is charged with a violation of Section 187 of the  
20 Penal Code, in that on the 27th day of July, 1969, in the  
21 County of Los Angeles, he, in the company of Charles Manson --  
22 strike that -- Charles Manson, Susan Denise Atkins and Bruce  
23 McGregor Davis did willfully, unlawfully, feloniously and  
24 with malice aforethought murder Gary Alan Hinman, a human  
25 being.

26 In other words, there is a count of murder in the  
27 indictment, as to the first count.

28 The second count alleges that Charles Manson,



4-3

1 Susan Denise Atkins and Bruce McGregor Davis did commit the  
2 crime of conspiracy to commit murder and robbery, in viola-  
3 tion of Section 182.1 of the Penal Code, a felony, in that  
4 on or about the 25th through the 28th day of July, 1969, in  
5 the County of Los Angeles, those defendants did knowingly  
6 conspire to commit the crime of murder, in violation of  
7 Section 187, and robbery, in violation of Section 211 of the  
8 Penal Code, and committed certain overt acts.

9 Certain overt acts were committed in the course  
10 of that conspiracy. And the overt act first alleged here  
11 is that on the 25th day of July, Bruce McGregor Davis, Susan  
12 Denise Atkins and Robert Beausoleil did travel to the  
13 vicinity of 964 Old Topanga Road, Malibu, in the County of  
14 Los Angeles;

15 Overt act No. 2 alleges that on July 26th, Charles  
16 Manson, Susan Denise Atkins and Bruce McGregor Davis did  
17 enter the residence at 964 Old Topanga Canyon Road, Malibu,  
18 in the County of Los Angeles;

19 Overt act No. 3 alleges that on or about July 26th,  
20 Defendants Charles Manson and Bruce McGregor Davis did drive  
21 away from 964 Old Topanga Road in a Fiat automobile owned by  
22 Gary Hinman.

23 Count III alleges that Charles Manson, Bruce  
24 McGregor Davis and Steve Grogan committed a violation of  
25 Section 187 of the Penal Code, between the 16th day of August,  
26 1969, and the first day of September, 1969, in that they did  
27 willfully, unlawfully and feloniously, and with malice afore-  
28 thought, murder Donald Jerome "Shorty" Shea, a human being.

4-4  
1 So, we have a count of murder in the first count,  
2 a count of conspiracy in the second count, and a count of  
3 murder in the third count.

4 To those counts, to that indictment, Mr. Davis  
5 has entered pleas of not guilty. And this is the time set  
6 for trial. We are in the course of selecting a jury to try  
7 this case.

8 The Court will instruct you that this indictment  
9 I read is not evidence, and should not be taken as evidence  
10 by you. It's simply a means of bringing this case to this  
11 court and to the jury, so that the issues in the case can be  
12 tried.

13 I want to know from you whether it will constitute  
14 a hardship to you to serve in this case, because it will take  
15 approximately two months to try the case.

16 You will not be sequestered during the course of  
17 the two months, the Court will tell you. The Court will not  
18 require you to be in a hotel during all that time, and kept  
19 away from your families. You will be able to go home each  
20 night during the course of the trial.  
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4a-1

1           However, during the course of deliberations, for  
2 whatever time it takes to deliberate upon the case, you will  
3 probably be sequestered.

4           The Court intends to be on vacation from December  
5 20th, through the end of the year. You should know that.

6           If you don't have information as to whether or not  
7 your employer will pay you during the entire term as your  
8 service as a juror, then I would ask you to contact your  
9 employer, via telephone, during the noon hour or during the  
10 next recess, and be prepared to let us know whether or not  
11 you will in fact suffer any financial hardship, or any other  
12 type of hardship, as a result of serving on this jury, should  
13 you be chosen.

14           You will hear the phrase "reasonable doubt" in the  
15 course of this case, and you've probably heard it before.

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

22           Reasonable doubt is defined as follows: It's not  
23 a mere possible doubt; because everything relating to human  
24 affairs and depending on moral evidence is open to some  
25 possible or imaginary doubt.

26           It is that state of the case which, after the  
27 entire comparison and consideration of all the evidence,  
28 leaves the minds of the jurors in that condition that they

42-2  
1 cannot say they feel an abiding conviction, to a moral  
2 certainty, of the truth of the charge.

3 All persons concerned in the commission of a crime  
4 who either directly and actively commit the act constituting  
5 the offense, or who knowingly and with criminal intent aid and  
6 abet in its commission or, whether present or not, who  
7 advise and encourage its commission, are regarded by the law  
8 as principals in the crime thus committed and are equally  
9 guilty thereof.

10 A person aids and abets a commission of a crime  
11 if he knowingly and with criminal intent aids, promotes,  
12 encourages or instigates by act or advice, or by act and  
13 advice, the commission of such a crime.

14 The testimony of a witness, a writing, a  
15 material object, or anything presented to the senses offered  
16 to prove the existence or non-existence of a fact is either  
17 direct or circumstantial evidence.

18 Direct evidence means evidence that directly  
19 proves a fact, without any inference, and which in itself,  
20 if true, conclusively establishes that fact.

21 Circumstantial evidence means evidence that proves  
22 a fact from which an inference of the existence of another  
23 fact may be drawn.

24 An inference is a deduction of fact that may  
25 logically and reasonably be drawn from another fact or group  
26 of facts established by the evidence.

27 It is not necessary that facts be proved by  
28 direct evidence. They may be proved also by circumstantial

4a-3

1 evidence or by a combination of direct evidence and circum-  
2 stantial evidence. Both direct evidence and circumstantial  
3 evidence are acceptable as a means of proof. Neither is  
4 entitled to any greater weight than the other.

5 You are not permitted to find the defendant guilty  
6 of any crime charged against him based on circumstantial  
7 evidence, unless the proved circumstances are not only  
8 consistent with the theory that the defendant is guilty of  
9 the crime, but cannot be reconciled with any other rational  
10 conclusion, and each fact which is essential to complete a  
11 set of circumstances necessary to establish a defendant's  
12 guilt has been proven beyond a reasonable doubt.

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

18 A conspiracy is an agreement between two or more  
19 persons to commit a public offense, and with the specific  
20 intent to commit such offense, followed by an overt act  
21 committed in this state by one or more of the parties for the  
22 purpose of accomplishing the object of the agreement.  
23 Conspiracy is a crime.

24 In order to find a defendant guilty of conspiracy,  
25 in addition to proof of the unlawful agreement, there must be  
26 proof of the commission of at least one of the overt acts  
27 alleged in the indictment.

28 Murder is the unlawful killing of a human being,

4a-4

1 a killing perpetrated by willful, deliberate, premeditated --  
2 by a willful, deliberate --

3 All murder which is perpetrated by any kind of  
4 willful, deliberate and premeditated killing, with malice  
5 aforethought, is murder of the first degree -- or, a murder  
6 committed by torture, or a murder committed -- or a killing  
7 committed in the course of a burglary or a robbery is murder  
8 of the first degree.

9 We will be talking during the course of this voir  
10 dire examination about murder of the first degree, and thus  
11 the Court has explained this to you.

12 The fact that I have given these instructions does  
13 not necessarily mean that you will be called upon, should you  
14 be chosen as a juror, to utilize these instructions; because  
15 whether an instruction applies depends on what you determine  
16 the facts to be in the case. And the jury is the sole judge of  
17 the facts in a criminal case.

18  
19 VOIR DIRE EXAMINATION OF

20 LAWRENCE CAMPBELL

21 BY THE COURT:

22 Q I'll ask you now, Mr. Campbell, whether it would  
23 constitute any hardship to you to serve in this case?

24 A Not that I know of.

25 Q You would be -- oh, incidentally, when you  
26 utilize that microphone, you have to hold it right close to  
27 your lips, right up to your mouth, if you would, please.  
28 Otherwise, it will not pick up.

4a-5

1 Your answer was?

2 A Not that I know of.

3 Q What type of work do you do?

4 A I am an architect.

5 Q And for whom are you employed?

6 A Bechtel Corporation.

7 Q Have you ever served as a juror before?

8 A I was selected, but the case was dismissed yester-  
9 day.

10 Q I see. What type of case was that?

11 A A burglary.

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1 Q A criminal case?

2 A Yes.

3 Q A burglary case.

4 And you never got to the point where you  
5 deliberated?

6 A No, sir.

7 Q All right. Are you related to or a friend of any  
8 law enforcement officer?

9 By law enforcement officer, I mean a police officer,  
10 a Highway Patrolman, Deputy Sheriff, member of the District  
11 Attorney's Office?

12 A No.

13 Q Prosecutor of any type?

14 A No, sir, no.

15 Q You don't have a relative or friend who is in  
16 law enforcement, then?

17 A No.

18 Q All right.

19 In what general area do you reside?

20 A Eagle Rock.

21 Q And is there a Mrs. Campbell?

22 A Yes, there is.

23 Q Is she employed outside the home?

24 A No, she isn't.

25 Q Will you follow the Court's instructions regardless  
26 of what you believe the law to be or what you believe the law  
27 should be?

28 A Yes.



5-2

1 Q Would you follow those instructions as I give them  
2 at the conclusion of the case?

3 A Yes.

4 Q Have you had any legal experience of any type?

5 A I had --

6 Q Been employed in a law office or studied law?

7 A No. I've had a course in business law, connected  
8 with my work.

9 Q In business law.

10 Have you ever studied criminal law?

11 A No.

12 Q Have you a friend or a relative who has been the  
13 victim of a crime of violence?

14 A No.

15 Q Or have you, yourself, ever been the victim of --

16 A No.

17 Q -- a crime of violence?

18 Have you ever been a witness in a criminal case?

19 A No.

20 Q Have you ever been arrested for a criminal charge  
21 other than a traffic offense?

22 A No.

23 Q Have you had a close friend or a relative who has  
24 been arrested for a criminal charge of any type other than  
25 a minor traffic offense?

26 A No.

27 Q Have you sat as a juror in a civil case?

28 A No.

5-3  
Q You may have had some instructions given to you as a juror concerning the burden of proof that's required in a civil case.

In a civil case you may recall that the burden of proof in that type of case is simply a preponderance of the evidence.

In other words, the plaintiff must establish its case by a preponderance of the evidence in order to win a claim for money, whatever it may be in a civil case; you understand that?

A Yes.

Q Do you understand the distinction between this and the burden of proof that I have read to you and instructed you about; that is, that the People have the obligation of proving the defendant guilty beyond a reasonable doubt?

A Yes.

Q Now, in this case, ladies and gentlemen, the offenses charged are punishable by death or life imprisonment.

The Court is required to ascertain if any prospective juror entertains such conscientious opinions as would preclude a defendant, -- the juror, finding a defendant guilty, if the evidence should justify such a finding, or if the juror would under no circumstances vote for the penalty, for the death penalty; if the juror would automatically vote against the death penalty or whether the juror would, by reason of his feelings concerning the death penalty, would automatically vote for the death penalty upon a conviction of murder of the first degree.

5-4

1 Now, the Court, in talking about penalty, wishes  
2 to state that at the outset I have no way of knowing whether  
3 or not you will be called upon to determine the question of  
4 penalty, as that will be dependent upon what your finding is  
5 as to guilt.

6 In other words, this case is possibly divided  
7 into two phases.

8 One, the first phase of the case involving the  
9 question of guilt or innocence of the charges that I have  
10 read to you, and if there is a finding of guilt of murder  
11 of the first degree, then, the case enters into a second  
12 phase involving penalty.

13 So in arriving at a verdict in this case, as to  
14 the guilt or innocence of the defendant in the first phase,  
15 the subject of penalty or punishment is not to be discussed  
16 or considered by you, as that is a matter which, under our  
17 law, must be considered and determined in a separate  
18 proceeding, if your findings in the first phase require such  
19 a proceeding.

20 If the defendant is acquitted or found guilty of  
21 a lesser crime than murder of the first degree, then there's  
22 nothing to submit to the jury on the issue of penalty.

23 Do you understand thus far, Mr. Campbell?

24 A Yes, sir.

25 Q So the Court wishes to inform you that the law  
26 imposes neither death nor life imprisonment. The law does  
27 not impose either punishment for murder of the first degree,  
28 but presents the two alternatives, the two alternatives to

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1 the absolute discretion of the jury.

2 The Legislature has formulated no rules to control  
3 the exercise of the jury's discretion.

4 Therefore, the Court wishes to inquire of you  
5 and I'll make this inquiry of you now, Mr. Campbell, and  
6 will others of you beyond the rail be thinking about what  
7 your answers would be to these other questions when I put  
8 them to you, because you may be quite -- probably will be  
9 called upon to be in this box, too.

10 Are your opinions concerning the death penalty  
11 such that by reason of them you could not be fair and  
12 impartial in determining guilt or innocence?

13 A No.

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1 Q Or are your views concerning the death penalty such  
2 that you would automatically refuse to impose the death penalty  
3 regardless of the evidence that might be produced?

4 A No.

5 Q Or are your opinions concerning the death penalty  
6 such that if the defendant were convicted of murder in the first  
7 degree that you would vote to impose the death penalty without  
8 regard to the evidence that might be developed during the case?

9 A Would you repeat that, please?

10 Q Would you automatically vote to impose the death  
11 penalty upon a conviction of murder in the first degree without  
12 regard to the evidence that might be produced in the case?

13 A No.

14 Q Or are your views concerning the death penalty such  
15 that you would never vote to impose it?

16 A No.

17 Q Now, I'll be asking all of you about this:

18 Whether you heard of this case before;

19 Whether you heard of Charles Manson or the Manson  
20 Family before;

21 What your thoughts are about Manson or Manson  
22 Family members;

23 Whether you can set aside anything that you --  
24 whether you are capable of setting aside anything that you may  
25 have heard, seen or read about this case, Charles Manson, or  
26 the Manson Family;

27 Whether, if you are capable, you will set aside  
28 such matters to make a judgment on any issue that you might be

1 called upon to make in this case independently of such reports  
2 from the news media or conversations that you had with your  
3 friends or relatives concerning those subjects; and whether you  
4 can be fair and impartial.

5 Now, for the purpose of examining Mr. Campbell and  
6 each of you about publicity and your knowledge of publicity,  
7 it is necessary for us to conduct that examination separately  
8 and apart from the balance of the panel. So, that's what we'll  
9 do in Mr. Campbell's case when we get to that point.

10 However, the Court would permit counsel at this  
11 time to inquire generally on voir dire of Mr. Campbell.

12 MR. DENNY: Your Honor, I wonder if the Court wants to  
13 introduce the attorneys, at least, to the jurors?

14 THE COURT: Oh, I'm sorry.

15 MR. DENNY: To see if anybody knows us.

16 THE COURT: I'm sorry, I did not do this.

17 The defendant is Bruce McGregor Davis.

18 And would you stand -- well, you needn't stand.

19 Mr. Davis is the man that's at the far end of  
20 counsel table from Mr. Campbell.

21 He's represented by Mr. George Denny, attorney for  
22 the defendant.

23 The People are represented by Mr. Stephen Kay,  
24 Deputy District Attorney, and Anthony Manzella, Deputy District  
25 Attorney.

26 Is there any one of you who knows Mr. Davis, who has  
27 ever heard anything from any close friend or relative concerning  
28 Mr. Davis?

1 Mr. Campbell, do you know Mr. Davis?

2 A No, I do not.

3 Q Heard or seen anything of Mr. Davis, other than  
4 possibly in the press or radio, television?

5 A No.

6 Q No?

7 Answer aloud so this lady can pick it up.

8 A No.

9 Q All right.

10 Do you know any of the counsel who have been  
11 introduced; Mr. Denny, Mr. Kay or Mr. Manzella?

12 A No, I don't.

13 Q Have you ever been represented by any of the counsel  
14 or any firm that they've been associated with?

15 A No, I haven't.

16 THE COURT: Has anyone beyond the rail ever been  
17 represented by any of the counsel or any firm that they've been  
18 associated with?

19 (No response.)

20 THE COURT: I don't see any affirmative response.

21 Is there any one of you who knows counsel, any of  
22 the counsel personally or knows Mr. Davis personally, any of  
23 you beyond the rail? If so, raise your hand.

24 I see no response.

25 All right, thank you, Mr. Denny. Go ahead.

26  
27 VOIR DIRE EXAMINATION

28 BY MR. DENNY:

1 Q Mr. Campbell, you say that your wife is presently  
2 a housewife.

3 Has she previously been employed in any capacity,  
4 sir?

5 A Yes, she has.

6 Q In what capacity, sir?

7 A Secretary.

8 Q And what sort of secretary? To what sort of firm  
9 or individual?

10 A Board of Education, State of California, Kaiser  
11 Aerospace.

12 Q In Kaiser Aerospace, you say?

13 A Yes.

14 Q Again, that microphone is not as good as it might  
15 be, so you do have to speak pretty closely to it.

16 In your course in business law, I take it, you had  
17 nothing concerning evidence, did you?

18 A No.

19 Q Or anything relating to criminal law?

20 A No, sir.

21 Q You don't feel in any sense that you are the  
22 trained lawyer, in any way, I take it?

23 A No.

24 Q An engineer, yes, a lawyer, no?

25 A An architect.

26 Q An architect?

27 A Yes.

28 Q Have you previously been in the Service, in the



1 military Service?

2 A No.

3 Q And I'm sorry, you didn't even get to the point of  
4 hearing evidence or testimony in this burglary case; is that  
5 what I understood? That it was dismissed just after you were  
6 impaneled?

7 A Yes.

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1 Q Or was some evidence taken?

2 A The District Attorney presented his case and we  
3 recessed, and then the next day it was called off.

4 Q I see.

5 All right. Now, sir, I'm going to ask you some  
6 questions as the Judge has about the death penalty. And you  
7 understand that by my questions, just as the Judge has  
8 stated to you, I am in no way implying that I think you are  
9 even going to reach that point here.

10 You understand that?

11 A Yes.

12 Q That the questions I ask are asked at this time  
13 simply because this is the only opportunity that either side  
14 has to question jurors as to their attitude. And that  
15 attitude may be completely immaterial if the defendant is  
16 found not guilty; you understand that?

17 A Yes.

18 Q All right.

19 Now, sir, have you done any reading at all in --  
20 in the field of or concerning the death penalty?

21 A Yes.

22 Q What sort of reading would you say you've done?

23 A Just in the newspapers or current magazines.

24 Q Well, are these articles concerning when a  
25 person has been executed by the State or are these articles  
26 pertaining to efforts by some groups or persons to eliminate  
27 or abolish the use of the death penalty or both?

28 A More in the area of the abolition of the death

1 penalty.

2 Q All right. And have you ever discussed this  
3 particular subject, that is, either the death penalty or the  
4 abolition or the retention of the death penalty?

5 A Yes.

6 Q With anyone else?

7 A Yes.

8 Q And has this been in the course of formal discus-  
9 sions or just informal sort of bull sessions, would you say?

10 A Bull sessions.

11 Q All right. And have you taken a position in those  
12 bull sessions, either for or against, without telling us  
13 which; have you?

14 A Yes.

15 Q And in that connection have you continually main-  
16 tained one particular position, would you say or --

17 A Yes.

18 Q -- or have you changed over the years?

19 A No, I haven't changed.

20 Maybe by more evidence I've given it more thought,  
21 maybe.

22 Q Well, I take it from your answer to the Court's  
23 question concerning the fact that you would, in certain  
24 cases, vote to impose the death penalty, that you were not,  
25 at least 100 percent, opposed to the execution of a person  
26 by the State after he has been found guilty of the commission  
27 of a certain offense; is that correct?

28 A I beg your pardon? Would you --

1           Q     From what you told the Judge, that you are able  
2     in certain cases or you would be, to vote for the imposition  
3     of the death penalty, the execution of a defendant by lethal  
4     gas up in the gas chamber; you could vote for that?

5           A     Yes.

6           Q     All right. So from that answer I take it that  
7     you are not unalterably opposed to the imposition of capital  
8     punishment as they euphemistically term it?

9           A     I am not opposed.

10          Q     And I take it that you feel, then, that there  
11     are certain cases in which, at least as far as you are  
12     concerned, that is the appropriate penalty, correct?

13          A     Yes.

14          Q     And do you feel that any time a person has been  
15     convicted of willful, premeditated, deliberate, first degree  
16     murder, that that is an appropriate case for the infliction  
17     of the death penalty?

18          MR. KAY: To which I'll object on the grounds previously  
19     stated, your Honor.

20          THE COURT: I'm sorry, I didn't hear that question.

21          MR. DENNY: Could the question before it be reread,  
22     also, and the answer?

23          THE COURT: Yes, it may.

24                 (Whereupon, the record was read by the reporter  
25     as follows:

26                 "Q     And I take it that you feel, then,  
27     that there are certain cases in which, at least  
28     as far as you are concerned, that is the appropriate

1 "penalty, correct?

2 "A Yes.

3 "Q And do you feel that any time a person  
4 has been convicted of willful, premeditated,  
5 deliberate, first degree murder, that that is  
6 an appropriate case for the infliction of the  
7 death penalty?"

8 THE COURT: The objection is overruled.

9 A It could be.

10 Q BY MR. DENNY: It could be, but not necessarily;  
11 is that what you are stating?

12 A Well, I think it would depend on the case.

13 Q Depend on the type of case, a number of factors  
14 involved, not merely the fact of guilt of first degree murder;  
15 is that correct?

16 A Correct.

17 Q All right, now, sir, have you ever seen anyone  
18 killed?

19 A Well, on television.

20 (Laughter.)

21 A I meant, in the newsreels.

22 Q BY MR. DENNY: You're not talking about fake  
23 gun fights and that. You've actually seen people killed  
24 in the newsreels?

25 A The other day it was. It was concerning, I  
26 believe, a kidnapping in the Philippines.

27 Q And was this an execution that was photographed?

28 A It wasn't an execution. It was a -- I guess you

5c-1

would term it a shootout.

1 Q Just happened?

2 A Between the law officers and the people holding the  
3 person hostage.

4 Q I see.

5 Other than that, you've not personally witnessed  
6 a --

7 A No, I haven't.

8 Q Now, sir, I take it you have never been in a  
9 situation, then, where you, in effect, had a person's life in  
10 your hands; is that right?

11 A No, I don't think so.

12 Q Other than when you get into your car daily.

13 But in a very serious sense, you have never been  
14 faced with the choice that you, and you alone would make of  
15 whether another individual based on something that you did,  
16 would live or would be executed by the state by lethal gas  
17 being administered to him; is that correct?

18 A I've not had that experience.

19 Q Well, assuming that you are seated as a juror and  
20 the People establish their case beyond a reasonable doubt and  
21 to a moral certainty, et cetera, you could be in that situa-  
22 tion? Not that I am saying that you will be, by any sense,  
23 but as we sit here, the People at least think you may be in  
24 that situation.

25 And assuming you are in that situation, sir, do  
26 you feel that -- I'm asking the People's question here,  
27 because they often ask this, but let me ask it of you anyway.

28 Do you feel you have whatever moral fiber, courage

5c-2

1 of your convictions, strength of your convictions, whatever,  
2 that if you felt it was the right case, you could come in and  
3 look at Mr. Davis here and say, "Mr. Davis, I sentence you to  
4 die by the administration of lethal gas in the execution  
5 chamber"; could you say that?

6 A Yes, I could.

7 Q Let's turn it around, now, sir.

8 If you felt that, even assuming that you had found  
9 the defendant guilty of murder, such as he's charged with,  
10 but taking cases which you say, depending on the facts that the  
11 case or cases or charges were not such that it warranted the  
12 imposition of the death penalty, from your own personal point  
13 of view, do you think that there would be anything inconsistent  
14 with your duty as a juror in coming back into this courtroom  
15 and returning a life verdict rather than death?

16 A I could.

17 Q I'm sure you could.

18 Do you think that it would be upholding your duty  
19 as a juror to do so?

20 A Of course.

21 Q And by the same token, could you look at the judge,  
22 could you look at the prosecutors and say, "Life not death"?

23 A Yes.

24 Q All right.

25 THE COURT: Have you covered that subject, that particular  
26 subject?

27 MR. DENNY: Inasfar as that particular subject, yes.

28 THE COURT: Let's recess now.

5c-3

1 Ladies and gentlemen, I'll instruct you in this  
2 recess that you are not to converse amongst yourselves, nor with  
3 anyone else, on any subject connected with this matter --

4 MR. DENNY: Your Honor, I think they're having a little  
5 difficulty hearing you.

6 THE COURT: Incidentally, if you cannot hear the Court or  
7 counsel in that back row there, would you raise your right --  
8 just raise your hand and we'll get closer to the microphone.

9 The Court instructs you that you are not to converse  
10 about this case amongst yourselves, nor with anyone else during  
11 the time that you are a prospective juror or a juror, if you  
12 should be chosen, and you are not to form or express any opinion  
13 on the matter until the matter is finally submitted to you,  
14 should you be chosen as a juror.

15 We'll be in recess now until 2:00 o'clock.

16 When we recess now --

17 Can you hear me?

18 A VOICE: I can hear you, your Honor. I had a question.

19 THE COURT: I see. What is your question?

20 A VOICE: What about -- you said something about calling  
21 our boss at lunch.

22 THE COURT: Yes. Over the noon hour find out whether or  
23 not you are going to be paid in the event you should serve on  
24 this jury.

25 A VOICE: May we mention the case?

26 MR. KAY: She is saying, your Honor "May we mention the  
27 case?"

28 THE COURT: Oh, thank you.



5c-4

1 Yes, of course, you may mention the case. You  
2 don't need to discuss any facts in connection with it, you may  
3 just mention to your employer -- well, you don't know any  
4 facts, of course. But the Court would say that you can name  
5 the case and tell your employer that it will last approximately  
6 two months. It will take you probably to the end of February.  
7 And ask whether or not you'll be paid during that period of  
8 time. So ascertain that.

9 Yes, the first lady that raised her hand.

10 A VOICE: Your Honor, if you feel that you just couldn't  
11 possibly render a fair decision, can you state so right now?

12 THE COURT: We might arrange that.

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1 MR. DENNY: Your Honor, I wonder if we could simply  
2 have those jurors submit their names to the bailiff and perhaps  
3 we could work out something under those circumstances.

4 THE COURT: Will you approach the bench.

5 Yes, sir.

6 A VOICE: I have a question.

7 About the time limit, is that considered -- I  
8 mean, my employer says to put in the regular -- I think one  
9 calendar month, is that right?

10 THE COURT: Ordinarily a juror serves a calendar month  
11 or 20 days, and is generally paid for it by an employer.

12 A VOICE: And that's -- that's --

13 THE COURT: And if you go beyond that time, which of  
14 course you will, if you are chosen as a juror in this case,  
15 the Court wants to know whether or not it would constitute  
16 any hardship to you of a personal nature or if you -- or of  
17 a financial nature.

18 A VOICE: Well, it would in my case.

19 THE COURT: Pardon?

20 A VOICE: It would, because I am allowed just the  
21 regular month.

22 THE COURT: Well, I may talk to you later in the event  
23 your name is drawn out of the box.

24 A VOICE: Okay.

25 THE COURT: But at this point, I want all of you to  
26 inquire about that unless you know, as this gentleman does  
27 know.

28 A VOICE: I know.

5d-2

1 THE COURT: All right. Any more questions?

2 MR. DENNY: Did you want to see us at the bench?

3 THE COURT: Yes, may I see counsel at the bench?

4 (Whereupon, the following proceedings were had  
5 at the bench among Court and counsel, outside the  
6 hearing of the prospective jury:)

7 THE COURT: Did you have some suggestion in connection  
8 with that?

9 MR. DENNY: Well, I thought if we can get a gal like  
10 this lady in the beginning who said if we can tell you right  
11 now that we'd be so prejudiced that we couldn't sit on the  
12 jury, can we tell you now instead of sitting around, I think  
13 it would make some sense perhaps to have them give their names  
14 to the bailiff and --

15 MR. KAY: We could maybe question them right off the bat,  
16 right after lunch.

17 MR. DENNY: I think it is possible to do that, if they  
18 are so certain that they can't be fair under the circumstances,  
19 whatever those circumstances are, although she seems to have  
20 some very definite opinion that it is going to save a lot of  
21 time that you'd ask, take asking the general questions and  
22 all the rest of them, if we can just exclude them from the  
23 voir dire.

24 THE COURT: Somebody who is that strong in his or her  
25 opinion generally gets it out in the first few minutes that  
26 they are in the box.

27 MR. KAY: That's true. That's true.

28 THE COURT: I don't know how we can arrange the

1 mechanics in saving time.

2 MR. DENNY: All right.

3 THE COURT: We'd probably still have to question them  
4 individually, and her name may never come up.

5 So let's just leave it alone.

6 MR. DENNY: Well, I assume at least you've got that  
7 gal pinpointed?

8 THE COURT: I assume you have.

9 MR. KAY: We both have, you know. We don't know what  
10 her problem is.

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

14 THE COURT: Ladies and gentlemen, we'll see you at  
15 2:00 o'clock.

16 When you reassemble, you can assemble -- you can  
17 reassemble in Department 100, which is the courtroom immedi-  
18 ately adjacent to this.

19 MR. DENNY: Except for Mr. Campbell.

20 MR. KAY: I just wanted to remind you there are a couple  
21 of jurors who are sitting on the jury now who we haven't  
22 generally voir dired. I think jurors No. 8 and 9.

23 THE COURT: Yes, I remember that. And we can get  
24 around to that and voir dire them and have all of them --  
25 voir dire them in the presence of this panel, to orient this  
26 panel. And then, after we're finished with that voir dire,  
27 this gentleman on publicity.

28 All right, let's do that when we reassemble.

1 MR. KAY: Okay.

2 (Whereupon, at 12:00 o'clock noon an adjournment  
3 was taken until 2:00 o'clock p.m. of the same  
4 day.)  
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1 LOS ANGELES, CALIFORNIA, FRIDAY, DECEMBER 10, 1971, 2:39 P. M.

2  
3 THE COURT: Let's proceed in the Davis matter.

4 MR. DENNY: May we approach the bench for just a moment?

5 THE COURT: Yes.

6 MR. DENNY: Without the reporter?

7 (Whereupon, proceedings were had at the bench  
8 among Court and counsel, which was not reported; followed by a  
9 discussion off the record at the bench between the Court and  
10 the bailiff.)

11 THE COURT: Tell her she's going to have to wait.

12 The bailiff, gentlemen, is telling me about those  
13 two jurors who raised their hands and indicated they had  
14 fixed states of mind which they thought would preclude them  
15 from serving on this jury.

16 And one of them has indicated that -- well, each  
17 of them has indicated an attitude toward capital punishment,  
18 which they believe would exclude them.

19 I think, however, that we probably should just  
20 permit them to -- or, require them to remain, in the event  
21 their names are called, and then examine them.

22 MR. MANZELLA: Right. I agree.

23 THE COURT: Rather than take them out of order.

24 Will you tell them that, Mr. Kuczera?

25 THE BAILIFF: Yes, sir.

26 MR. DENNY: Your Honor, I wonder if we might proceed  
27 by just having Mr. Campbell in, first, so that we can --

28 THE COURT: All right.

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1 MR. DENNY: -- examine him on publicity, and then bring  
2 in the rest of the panel, and Mr. Kay can take over from  
3 there.

4 THE COURT: All right. Let's do that, then.

5 (Pause in the proceedings while prospective juror  
6 No. 1 entered the courtroom.)

7 THE COURT: Mr. Campbell -- the record should show that  
8 all counsel are present and the defendant is present.

9  
10 FURTHER VOIR DIRE EXAMINATION OF

11 LAWRENCE CAMPBELL

12 BY THE COURT:

13 Q Mr. Campbell, the Court wishes to inquire of you  
14 whether you have previously heard of this case at all, before  
15 I read the indictment to you this afternoon -- or this morning,  
16 rather? Had you previously heard of this case at all?

17 A I -- not this particular case. I heard of the case --

18 Q I mean this indictment.

19 A No.

20 Q Have you had -- you started to tell me you heard of  
21 a case.

22 A Yes. That was selecting a jury. That's the extent  
23 of it, was that they were selecting a jury, and it was taking  
24 some time.

25 Q I see. Are you talking about the Tate-LaBianca  
26 case?

27 A No, I am talking about this case.

28 Q You are talking about this case. You are talking

c-3

1 about the -- you've just heard that they were selecting a jury  
2 for this case; is that what you --

3 A I heard a couple of jurors saying that they were in  
4 the process of being rejected -- or, I've been rejected from a  
5 case that was taking a long time --

6 Q I see.

7 A -- in selecting a jury.

8 Q Had you ever heard the name Bruce Davis before?

9 A No.

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1 Q Or had you ever heard the name Hinman before --  
2 Gary Hinman -- before I read it?

3 A Yes.

4 Q In what way? In what connection?

5 A With the publicity on the Manson case.

6 Q About the same time as that Tate-La Bianca  
7 homicide case?

8 A Between then and now.

9 I don't know exactly what time --

10 Q When was the last time you read anything about  
11 Mr. Manson?

12 A I -- I don't believe I read anything, but I did  
13 hear something on the radio in passing, and I don't -- it was  
14 just a newscast, and I didn't pay too much attention to it.

15 Q How long ago was that? A matter of days, weeks,  
16 months?

17 A Weeks -- a week or something like that. I --

18 Q Have you ever heard of anyone being prosecuted  
19 for these murders, or alleged murders of Shea and Hinman?

20 A Prosecuted?

21 Q Yes.

22 A Anyone other than Davis? Hmmm -- I can't recall.

23 Q Do you know in what connection you heard Mr.  
24 Manson's name?

25 A I believe that he was suspected. That's what I  
26 heard. I don't know if he had come to trial.

27 Q Well, what have you heard about the name Shea?  
28 Heard, seen or read about it?

1 A That he was missing.

2 Q And do you recall that he was looked for in some  
3 particular place?

4 A Yes, on the Spahn Ranch, I believe.

5 Q And the Spahn Ranch is what?

6 A I believe that is where the Manson Family lived.

7 Q And the Manson Family is what group?

8 A It's a group that surrounds Charles Manson.

9 Q Now, could a member of the Manson Family receive a  
10 fair trial from you?

11 A Yes.

12 Q You wouldn't be so prejudiced from what you've  
13 heard, seen or read concerning that Manson Family that you  
14 would not be able to be fair and impartial?

15 A I don't think so.

16 Q Well, what have you heard about Hinman?

17 A Other than today?

18 Q Gary Hinman?

19 A I -- I heard that he was killed.

20 Q Do you -- did you read any of the details, or  
21 hear --

22 A No.

23 Q -- or see any of the details?

24 A No.

25 Q You don't know where it's alleged to have  
26 happened or anything about it?

27 A No. I knew that it was connected at some time  
28 with the Tate-La Bianca -- or, there was a connection assumed

1 or something.

2 I'm not too sure about that.

3 Q Let me ask you this. Is it possible for you,  
4 in your state of mind now, knowing what you have heard,  
5 seen and read about the Manson Family, and the Tate-La  
6 Bianca, and the Hinman-Shea and so forth, is it possible  
7 for you to set aside any such information that you have  
8 previously learned, and make a decision on any issue that  
9 you are called upon to decide in this case, basing your  
10 decision solely on the evidence and the Court's instructions  
11 of law in this case?

12 A Yes.

13 Q Can you do that?

14 A Yes.

6b fls.

6b-1

1 Q What you have to do, in effect, is blank out what  
2 you have learned over a period of months, now, from the press,  
3 radio or television, and decide the case solely on what you hear  
4 and see in the court as evidence.

5 A Right.

6 Q Can you do that?

7 A Yes.

8 Q And will you do that?

9 A Yes.

10 Q And will you be fair and impartial?

11 A Yes.

12 THE COURT: Mr. Denny?

13 MR. DENNY: Thank you.

14

15 VOIR DIRE EXAMINATION

16 BY MR. DENNY:

17 Q Mr. Campbell, do you regularly subscribe to one of  
18 the daily papers here in Los Angeles?

19 A No, I don't.

20 Q Do you see one on a regular basis?

21 A Not -- no, not necessarily.

22 Q And what would you say is your major source of  
23 news?

24 A Television.

25 Q Do you regularly watch television news broadcasts,  
26 morning or evening, or any particular time?

27 A When I have control of the television, I do.

28 Q You have some children, I take it?

6b-2

1 A Yes.

2 Q All right. Well, would you say, on a fairly  
3 regular basis, however, --

4 A Yes.

5 Q -- either morning or evening, you do get news  
6 via the television?

7 A Yes, I do.

8 Q All right. And how about radio? Do you get news  
9 broadcasts over a particular news station or a music station  
10 that plays -- that has news every so often?

11 A The station I listen to has a short broadcast every  
12 hour.

13 Q All right. And do you make something of an effort  
14 to attempt to keep up with the day's happenings? At least in  
15 the world and locally?

16 A I try to. But sometimes I just don't have the time.

17 Q Like us all. All right.

18 Now, sir, as far as the latest thing that you say  
19 you heard about Mr. Manson you say, "I believe Manson was  
20 suspected."

21 Of what?

22 A In connection with the Hinman case.

23 Q In other words, you heard something or saw some-  
24 thing over TV or radio that Manson was suspected of complicity  
25 in the death of Mr. Hinman?

26 A Something of that nature. I think -- I think,  
27 since the publicity of the trial -- the first trial, the Tate-  
28 LaBianca trial -- that I haven't paid too much attention.

1 I didn't -- I did, you know, pay a certain amount  
2 of attention; but since then, things pass through your mind,  
3 either -- you know, through the news media, that doesn't  
4 necessarily register.

5 And I think this was one of the cases.

6 Q Um-hmm.

7 Well, it does register, at least to the extent  
8 that you do make a connection between Gary Hinman and Charlie  
9 Manson; and the fact that Charlie Manson was at least suspected  
10 of -- of something to do with Mr. Hinman's death; is that  
11 right?

12 A Yes. There was something -- I'm not exactly sure  
13 what it was -- but the two names went together.

14 I'm sure there was some connection.  
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1 Q Well, do you recall whether there was also, in  
2 connection with that, the fact that he was being tried or had  
3 been tried for the killing of Gary Hinman?

4 A I -- I think that might be.

5 Q Or had been convicted?

6 A I have a feeling that I even know more than I  
7 suggested. I think that I heard that he had been sentenced  
8 on this case, and I believe he had gotten a life sentence.  
9 This is what I think.

10 Q All right.

11 A Over a death penalty that he had received before.

12 Q Over and above the Tate-La Bianca death penalties  
13 that he had received?

14 A This is why it had stuck in my mind, as I recall  
15 now.

16 Q Right.

17 And do you recall in that connection hearing  
18 whether he was also charged with the alleged murder of Shorty  
19 Shea? Whether he had been tried on that charge or charged on  
20 that with the Hinman killing?

21 A Well, I think that since the original publicity,  
22 the connection of the two names have been put together in  
23 the press so often, that I would think that they're probably  
24 related. And I would think that they're together. That's --

25 Q Well, again, this is perhaps a logical assumption  
26 on your part. Perhaps not.

27 But the thing that I am mainly interested in,  
28 is not only the fact that you make this, as I say, possibly a

7-2

1 logical assumption, but do you recall, now that we've talked  
2 about it, a little about it, having specifically seen, heard  
3 or read recently within the last several weeks of Mr. Manson  
4 having been tried or found guilty or convicted or sentenced  
5 on these two charges together?

6 A I don't know if they were together. I only  
7 recall the name "Hindman" in relation with Mr. Manson,  
8 or in relation to, at the time I heard it.

9 Q I see.

10 A I don't even recall the time at which I heard it.  
11 It was just -- I'm just recalling as I'm sitting here.

12 Q Right. That's what we are trying to help you do,  
13 refresh your recollection to determine just how much you are  
14 able to recall and how far back or how far forward in your  
15 memory these recollections are.

16 Do you recall hearing about Shorty Shea or  
17 stuntman Shorty Shea some couple of years ago when the news  
18 of the Tate-La Bianca cases and the arrest of Mr. Manson  
19 and some others occurred?

20 A Yes, I do, in that they were looking for the man  
21 or that they had reported him missing. I think they --  
22 this sheriff or whoever it was was looking for them and they  
23 had certain leads. And they looked there, and they looked  
24 here, and as far as I know they've never found him. That's  
25 my recollection of Shorty Shea.

26 Q All right. And thinking about that, is that the  
27 last you heard about him or have you heard anything more  
28 recently about Shorty Shea, to your knowledge? Seen, heard



7-3

1 or read, I should say.

2 A I couldn't honestly answer I recall that. I may  
3 have and I may have not. I just -- I'm not sure.

4 Q Uh-huh.

5 A I mean, they could have been together for the way  
6 it was before -- you know, at the time there was much  
7 publicity on the case. Because I think all three or four  
8 cases were suspected of being tied together at the time.

9 Q Well, when you say they could have been together,  
10 I'm not exactly sure of what you mean.

11 A Well, I think at the time much publicity was  
12 given to the Manson case, that he was suspected of being  
13 connected with the Tate-La Bianca, the Hinman case and the  
14 missing of Mr. Shea.

15 Q All right.

16 Well, you do have knowledge of the finding of  
17 guilt of Mr. Manson in the Tate-La Bianca cases, is that  
18 right?

19 A Yes.

20 Q And the sentences that he received there, the  
21 death sentences?

22 A Yes.

23 Q All right.

24 And, now, in addition to that, you have some  
25 information, though somewhat fuzzy, about more recent  
26 proceedings with Mr. Manson involving the Hinman case?

27 A Yes.

28 Q And, again, is it your feeling that because of

1 the connection that there had been previously, that you read  
2 about, that there is then this same connection now in the  
3 newscast that Mr. Manson apparently was tried on, of Mr.  
4 Hinman and possibly Mr. Shea, also?

5 MR. KAY: Well, I'm going to object. I think that's  
6 an ambiguous question. I don't understand it anyway.

7 THE COURT: You --

8 MR. DENNY: Well, let me rephrase it, then.

9 THE COURT: You may rephrase it.  
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7a fls.

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1 Q Knowing about the outcome of the Tate-La Bianca  
2 cases and that those are now, at least separate, and knowing  
3 or having read something about Manson's trial in connection  
4 with the Hirman case, is it your feeling that that case and  
5 the Shea case was tied together in this latest prosecution?

6 A Could have been. I -- I don't know. The only  
7 thing that I say that I recall the late -- the only  
8 publicity or the only news that I had heard was that he was  
9 given a life sentence. And the reason that it struck me was  
10 that he had already been sentenced to die. And they had  
11 given him a life after that.

12 Q All right.

13 Does the name Steve Grogan ring a bell at all to  
14 you?

15 A No.

16 Q Now, sir, if you were to recall any more about  
17 this, either TV newscasts or radio newscasts, however it was  
18 that you got this information, this latest information about  
19 Mr. Manson, and if before the jury were to be impaneled you  
20 read anything more about it, would you be able to tell us,  
21 tell us that?

22 A You mean volunteer?

23 Q Yes, just raise your hand to the Judge.

24 A Sure.

25 Q And say I have thought --

26 A I do understand, yes.

27 Q -- of one additional thing or any other factors;  
28 could you do that?

1 A Yes, sure.

2 Q And you would think about that for us? Think --  
3 think about it, give some thought to that newscast?

4 A (Nods head.)

5 Q So that you can determine in your own mind  
6 whether it is way, way back in your mind and not easily  
7 brought to the fore or whether it is just waiting to pop  
8 out?

9 A Yes.

10 Q Or just waiting to pop out.

11 All right.

12 Now, did you follow, would you say, not avidly,  
13 but at least casually, the course of the Tate and La Bianca  
14 trial?

15 A Not the trial itself, other than what occasionally  
16 came on the television news. I read in the newspaper  
17 accounts the story that -- as they had published it.

18 Q That was --

19 A Not of the trial so much, of the --

20 Q The Susan Atkins --

21 A The --

22 Q The Susan Atkins account that appeared?

23 A Yes, that's right.

24 Q Now, do you have any feeling, sir, as you sit  
25 there, that anyone connected with this Manson Family, with  
26 Charles Manson, anyone who, for an extended period of time,  
27 perhaps, was associated with Mr. Manson, perhaps is more  
28 likely to be sort of criminally oriented than someone not

1 connected with Mr. Manson or the Manson Family?

2 A Not necessarily.

3 Q So that the mere fact of association itself does  
4 not in your mind sort of tar the person associated with the  
5 same brush as Mr. Manson or --

6 A No, I don't --

7 Q -- or the people who were found guilty with him  
8 in the Tate and La Bianca killings; is that right?

9 A No.

10 Q All right, sir.

11 Do you have any feeling at all as you sit there,  
12 for any reason --

13 Well, let me ask you one more thing, as far as  
14 dope or drugs.

15 Have you read some things in connection with this  
16 Tate-La Bianca thing and the Manson Family, et cetera, about  
17 these drugs?

18 A Yes. I believe I had heard that they were on  
19 drugs at the time.

20 Q Well, do you have any feelings yourself about  
21 drugs so that because of those feelings perhaps you might  
22 feel some sort of antipathy toward any person who might  
23 admit on the stand having used drugs?

24 A No.

25 Q Or anyone, if there's evidence that he did use  
26 drugs, that this would influence you against him in any way?

27 A No.

28 Q Except, of course, insofar as his ability to

1 remember, if he's a witness? You'd consider that, I take it,  
2 his drug use in connection with all of the other things that  
3 the Judge will tell you that you may consider in determining  
4 a witness' credibility?

5 A I'm sure.

6 Q But merely because he used drugs, you wouldn't  
7 turn him off and say, "I wouldn't believe him"?

8 A No.

9 Q All right.

10 I have no further questions on this issue, your  
11 Honor.

12  
13 VOIR DIRE EXAMINATION

14 BY MR. KAY:

15 Q Mr. Campbell, let me just ask you in one area that  
16 Mr. Denny brought up.

17 You said that you became aware through the news  
18 media that Mr. Manson got death on the Tate-La Bianca  
19 case, but got life on the Hinman case.

20 Do you think if you sat as a juror in this case  
21 that you could put that knowledge out of your mind, erase it  
22 in your mind; do you think you can do that?

23 A As far as I know there is no connection. I  
24 don't --

25 Q Well, what I am saying is that in this case you  
26 can only consider the evidence that comes from that witness  
27 stand.

28 A Yes.

1 Q Do you understand that?

2 A Yes.

3 Q And the witnesses that testify in the courtroom.

4 So unless somebody testified to the fact that  
5 Mr. Manson or Susan Atkins or somebody got the death penalty  
6 in the Tate-La Bianca case or Mr. Manson got the death penalty  
7 on the Hinman case, you couldn't even consider that, you  
8 couldn't even talk about that in the jury room with the  
9 other jurors; do you understand that?

7b fls. 10 A Yes.

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1 MR. DENNY: I think Mr. Kay, you made a misstatement of the  
2 facts. You said Mr. Manson got the death penalty in the Hinman  
3 case.

4 MR. KAY: Oh, yes, life imprisonment in the Hinman case.

5 Q You understand whatever your outside knowledge is as  
6 far as the Manson Family or Mr. Manson himself or Mr. Davis or  
7 other members of the Family, unless you hear evidence on this  
8 from the witness stand, you can't even consider that in making  
9 your determination as to either the guilt or innocence of  
10 Mr. Davis or as to what penalty he gets in this case; do you  
11 understand that?

12 A Yes.

13 Q And will you do that? Will you not consider your  
14 outside information?

15 A Yes.

16 MR. KAY: I have no further questions on publicity, but I  
17 haven't had the chance to question Mr. Campbell on the death  
18 penalty in front of the entire panel, which I'd want.

19 THE COURT: All right, let's bring the panel back with  
20 the jurors who are in the box.

21 THE BAILIFF: Yes, sir.

22 MR. KAY: Mr. Campbell, I believe you are going to be in  
23 seat No. 1. That's the last seat down there.

24 THE COURT: Thank you, Mr. Kay.

25 (Whereupon, Mr. Denny and Mr. Kay conferred at  
26 counsel table.)

27 MR. KAY: Your Honor, I think Mr. Denny and I have  
28 resolved it, I'll question Mr. Campbell on the death penalty and



7b-2

1 I'll sit down, and Mr. Denny will question the other jurors  
2 generally, and then I'll question them generally.

3 THE COURT: All right. We've covered penalty and  
4 publicity with the other jurors?

5 MR. DENNY: Yes.

6 MR. KAY: That's right.

7 THE COURT: I wonder if you have given any thought to  
8 doing this, all the voir dire, including that of publicity,  
9 with all of the panel present --

10 MR. DENNY: I don't see how we can do that issue, your  
11 Honor, the publicity issue.

12 THE COURT: It would certainly save time.

13 MR. DENNY: Well --

14 THE COURT: Well, that's not the principal consideration.  
15 The thing is I don't believe it would have any appreciable  
16 affect on the panel if you would do it that way, if any at all.

17 MR. DENNY: Well, I couldn't disagree more strongly.  
18 If certain information is made known to them from either side.

19 THE COURT: It may be true, there are some prospective  
20 jurors who have more information than others, and in answering  
21 questions they may very well educate the other prospective  
22 jurors.

23 (Whereupon, the prospective jurors were brought  
24 into the courtroom, and the following proceedings were had:)

25 THE COURT: Mrs. Figueroa, you are No. 5.

26 Mr. Ciochon is No. 6.

27 PROSPECTIVE JUROR DUNKINS: What number am I?

28 MR. KAY: Mrs. Dunkins, I think you are in seat No. 9.

1 THE COURT: Yes, Mrs. Dunkins is No. 8.

2 Mrs. Muldrow, you are -- Mr. Burtiss is No. 8,  
3 I'm sorry, and Mrs. Dunkins is No. 9.

4 Mr. Burtiss is No. 8 and Mrs. Dunkins is No. 9.

5 Now, we have it.

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1 Mr. Kay, you may begin.

2 The record may show that all the prospective  
3 jurors, beyond the rail and in the box, are present.

4 MR. KAY: Mr. Campbell, before I question you very  
5 briefly on the subject of capital punishment, I would like to  
6 direct a few general questions to you, and to you ladies and  
7 gentlemen that are sitting out there.

8 Does anybody have any trouble hearing me up here?  
9 If you do, just raise your hand, and I'll -- I'll get a  
10 microphone, and then we'll all be deaf.

11 Now, ladies and gentlemen, at the outset, let me  
12 encourage Mr. Campbell -- and the rest of you -- when  
13 Mr. Manzella and I ask you questions, to please be as candid  
14 as you can possibly be.

15 I understand that, for a lot of you, that it's  
16 going to be hard, because you are not used to public  
17 speaking, and you probably don't know maybe more than one  
18 other person in this whole courtroom. It might be hard to  
19 speak up now.

20 But, as I have told some of the jurors that have  
21 suffered with us here for a week or more, I imagine it would  
22 be much harder to speak up in the jury room, when your co-  
23 jurors know that you were asked a question during this voir  
24 dire phase of the trial, while we were selecting a jury,  
25 when you were asked a question about the death penalty or some  
26 other subject, and you failed to speak up at that time.

27 Also, it would be a violation of your oath not to  
28 speak up now. And believe me, nobody here is going to bite

8-2

1 you or do anything bad to you. We just want to find out what  
2 your views are.

3 This is the last chance that either Mr. Manzella  
4 or I or Mr. Denny will get to find out what your thoughts are.  
5 And we want to get twelve fair and impartial jurors. That's  
6 the main thing we're interested in.

7 Now, to make our position absolutely clear, just  
8 as we want you to be candid with us, we want to be candid with  
9 you.

10 If the jury which is impaneled to try this case  
11 convicts Mr. Davis of either first degree murder or conspiracy  
12 to commit murder -- or both -- during the penalty phase of the  
13 trial, Mr. Manzella and I will vigorously urge the jury to  
14 return a verdict condemning Mr. Davis to death in this case,  
15 for the crimes that he has committed.

16 Let me encourage you again, if I ask you a  
17 question and you don't understand it, don't answer it. Just  
18 tell me that you don't understand it. Could I repeat it?  
19 Could I rephrase?

20 You don't have to answer one of our questions yes  
21 or no. If you want to explain your answer, feel perfectly  
22 free to do so.

23 And chiefly, let me encourage you, if you give an  
24 answer -- say, on the death penalty, if today you tell me  
25 that, "Well, Mr. Kay, I think I could vote for the death  
26 penalty," and then over the weekend, you think about it, and  
27 you think about it -- and I'm sure you are all going to think  
28 about it; you should think about it -- and you think about it.

8-3

1 and you change your mind, well, if you come back here Monday,  
2 and you are seated on the jury, don't hesitate to raise your  
3 hand and say, "Mr. Kay, I thought about it, and I told you or  
4 Mr. Manzella or the judge that I could vote for the death  
5 penalty, but I -- I just -- I just couldn't now. And I  
6 realized that over the weekend, when I did a lot of more  
7 thinking about it."

8 Don't hesitate to do that, if you change your  
9 mind on that question or any other question.

8a fol

8a-1

1 Now, Mr. -- and also, I would ask you -- the last  
2 question I'm going to direct generally to you, is that while  
3 I'm questioning Mr. Campbell, and I am just going to briefly  
4 question him on capital punishment, then I'm going to sit  
5 down, and then Mr. Denny is going to question a couple of  
6 jurors, generally, and then either Mr. Manzella or I will  
7 question the jurors generally, after Mr. Denny.

8 But mentally ask yourself the same questions that  
9 I am going to ask the jurors. And also, that Mr. Denny's  
10 going to ask the jurors. Because at least where I am  
11 concerned -- and where Mr. Manzella is concerned, we won't have  
12 to go through all the same questions again, when you get up  
13 on the -- in the jury box.

14 We can ask you, "Did you hear such and such a  
15 question? Did you understand what we were talking about?  
16 Would your answer be any different?"

17 Because I am going to give some examples when I  
18 question the jurors generally, and I -- I don't want to have  
19 to repeat them -- except that I will, if you didn't under-  
20 stand; and I will ask you if you understood my example.

21  
22 VOIR DIRE EXAMINATION OF  
23 LAWRENCE CAMPBELL

24 BY MR. KAY:

25 Q Now, Mr. Campbell, you were questioned by Mr.  
26 Denny on the death penalty, and I think you made your answers  
27 pretty clear, so I am not going to ask you specifically too  
28 many questions.

8a-2

1 I do believe that it's your position that you have  
2 resolved in your own mind that, if you felt the evidence  
3 warranted it in this case, that you could vote for a verdict  
4 of death, --

5 A Yes.

6 Q -- is that true?

7 And you understand that in that death penalty  
8 case, a capital case, a crime for which the punishment could  
9 be life imprisonment or death, in order to reach a verdict  
10 of death, all 12 jurors must be unanimous; they must all  
11 agree.

12 So that means that each individual juror partici-  
13 pates in that verdict, because unless each juror votes for  
14 death, you don't get a death verdict.

15 Do you understand that?

16 A Yes.

17 Q And understanding that, are you willing to  
18 participate in such a case, where you might have to decide  
19 whether or not Mr. Davis will get life imprisonment or death  
20 in the gas chamber?

21 A Yes.

22 Q Now, knowing that if you found the defendant,  
23 Mr. Davis, guilty of first degree murder, that you would have  
24 to face this issue of deciding whether or not to give him  
25 life imprisonment or death, would you even consider finding  
26 him guilty of second degree murder, for instance, or some  
27 charge less than first degree murder, to avoid the responsibility  
28 of making this decision as to whether he gets life or death?

8a-3

1 A I would ask you to repeat that, please.

2 Q All right. Knowing that if you convicted Mr.

3 Davis of first degree murder -- and let me explain this first:

4 That only if Mr. Davis is convicted of first degree murder

5 and/or conspiracy to commit murder do you face the issue of

6 whether or not he gets life or death?

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1 In other words, if he's convicted of, say,  
2 second degree murder on both the Hinman and Shea murders, and  
3 found, say, not guilty on the conspiracy to commit murder, then  
4 you wouldn't face the issue of the death penalty.

5 But if he's convicted of first degree murder on  
6 either or both the Hinman and Shea murders, or if he's con-  
7 victed of conspiracy to commit murder, then you would have to  
8 face the issue of determining whether or not he got life  
9 imprisonment or suffered the death penalty.

10 Do you understand that?

11 A Yes.

12 Q Okay. Now, realizing this, that if you found him  
13 guilty of first degree murder or conspiracy to commit murder --  
14 or both -- that you would have to make a determination as  
15 to whether or not he got life imprisonment or suffered the  
16 death penalty, would you even consider finding him guilty of  
17 anything less than first degree murder, and conspiracy to  
18 commit murder, for the sole reason that you'd want to avoid  
19 the responsibility of moving into the penalty phase of the  
20 trial, and having to make the determination of whether he got  
21 life or death?

22 A No.

23 Q And do you feel that any moral or religious belief  
24 that you presently hold would prevent you from voting for the  
25 death penalty in this case?

26 A No.

27 Q Do you have any close friend or relative who  
28 opposes the death penalty, who you feel might attempt to exert

8b-2

1 pressure on you to vote for life imprisonment, if you were  
2 selected as a juror in this case?

3 A No.

4 Q And I take it that you are willing to assume the  
5 serious responsibility that goes along with being a juror in this  
6 case?

7 A Yes.

8 MR. KAY: Thank you. I'll pass on the death penalty issue  
9 with this juror, your Honor.

10 Thank you very much, Mr. Campbell.

11 THE COURT: Mr. Denny? You may begin the general voir  
12 dire of those jurors who have not been questioned.

13 MR. DENNY: Thank you, your Honor.

14  
15 VOIR DIRE EXAMINATION

16 BY MR. DENNY:

17 Q Mr. Campbell, you are the last one, but you are  
18 number one in the box so I'll direct a few questions to you, if  
19 I may, sir.

20 Sir, the judge read you some questions, instructed  
21 you on evidence, direct evidence and circumstantial evidence,  
22 that in effect, where the People's case rests chiefly or solely  
23 on circumstantial evidence, you are not permitted to find the  
24 defendant guilty, unless the proved circumstances are not only  
25 consistent with guilt, but are irreconcilable with any other  
26 rational decision.

27 Now, part of circumstantial evidence sometimes, in  
28 a juror's mind, consists of association. And one of the

8b-3

1 instructions that the judge didn't give you -- but that is  
2 part of that -- is that you cannot find a person guilty of  
3 any crime, if the only thing that is shown by the People is  
4 association with other people who may be criminals, who may  
5 have committed the crime that you are talking about.

6 But if the People established only association,  
7 that in and of itself is not sufficient to find a person  
8 guilty.

9 Now, do you understand that?

8c fol

10 A Yes, I do.

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1 Q And would you, in this case, be able in good  
2 conscience to return a verdict of acquittal, if the only  
3 thing that the People demonstrated by their evidence -- even  
4 if there was an awful lot of it -- was simply association,  
5 and nothing more, with people who may have committed some  
6 crime?

7 Would you be able to return a verdict of  
8 acquittal, --

9 A Yes, sir.

10 Q -- of not guilty?

11 A Yes, sir.

12 Q And feel you were doing your duty in doing so;  
13 is that right?

14 A Of course.

15 Q And also, there's another area of law here,  
16 particularly in connection with conspiracy cases, where you  
17 may have a bunch of people conspiring to commit a crime,  
18 and the evidence shows that the defendant in a particular  
19 case -- the case that you're interested in -- the defendant  
20 did some act which helped further the object of the  
21 conspiracy, but he didn't have the requisite criminal  
22 intent; he didn't share the criminal intent with the other  
23 conspirators.

24 He did an act, but it wasn't done from the  
25 standpoint of joining in that conspiratorial intent that is  
26 necessary.

27 And if the People show that, and nothing more,  
28 that in and of itself is not sufficient to make that defendant

8c-2

1 guilty of the conspiracy.

2 Do you understand that?

3 A Yes.

4 Q And if the People in this case show only that --  
5 only that the defendant may have done some act, but did it  
6 without the requisite criminal intent -- or, there was no  
7 evidence to show his requisite criminal intent -- and they  
8 presented that and only that, would you have any reluctance  
9 in acquitting him?

10 A No.

11 Q You would feel you were doing your duty in that  
12 respect; is that right?

13 A Yes.

14 Q Now, going once more to this idea of circumstan-  
15 tial evidence, the People obviously are interested somewhat  
16 in whether or not you feel it's fair that the State of  
17 California, under the rules of law that it operates by,  
18 permits a jury to find a person guilty of first degree  
19 murder, if there's no body?

20 Because in one of these counts, the -- Count III,  
21 pertaining to Shorty Shea, the body has never been found.

22 There's a question as to whether he's even dead  
23 or not.

24 But, say the People are going to try to show  
25 to you that, despite the fact that there's no body --

26 MR. KAY: Well, your Honor, I'm going to object.  
27 There might be a question in Mr. Denny's mind, but he might  
28 stand alone on that.

8c-3

1 I would ask that his gratuitous comment be  
2 stricken.

3 THE COURT: Well --

4 MR. DENNY: Well, I'm not sure --

5 THE COURT: -- it is an observation by Mr. Denny;  
6 but I am sure that what he meant was that it is the burden  
7 of the People to establish that Mr. Shea is dead.

8 MR. DENNY: If I misspoke myself, that's certainly what  
9 I intended to say, your Honor.

10 THE COURT: Very well.

11 Q BY MR. DENNY: In other words --

12 THE COURT: The objection is sustained, and his remark  
13 is stricken.

14 MR. KAY: Thank you, your Honor.

15 MR. DENNY: All right.

16 Q Now, do you understand that under the law,  
17 the People can prosecute a man for murder, without producing  
18 a body? Do you understand that?

19 A Only since you've told me.

20 Q Well --

21 A I didn't know that.

22 Q Well, that is a fact.

23 Now, do you feel, sir, that there is anything  
24 unfair about prosecuting a man for murder, without a body?

25 A I don't know.

26 Q Well, if the law says that you can do that, would  
27 you follow that law?

28 A Yes.

1           Q     All right.

2                 Now, the law goes even further. And, as the Judge  
3 has told you, there is direct evidence, generally direct  
4 evidence -- although the instruction is a little confusing,  
5 direct evidence means generally what you can see, hear and  
6 touch, what somebody has observed, what somebody has heard  
7 directly in the commission of a crime.

8                 Now, there's direct evidence and there's circum-  
9 stantial evidence. Now, the circumstantial evidence -- for  
10 instance, the little kid in the cooky jar. The mother sees  
11 him in the cooky jar, and sees his hand in the cooky jar,  
12 and she has told him not to take cookies, and she sees him  
13 taking cookies out, that's direct evidence. She sees him.

14                 If, on the other hand, she goes out of the room,  
15 she comes back in, and the cooky jar, which was full, now is  
16 half full, and her little son is there with cooky crumbs  
17 all over his mouth, and holding his tummy, that's circum-  
18 stantial evidence that -- that he's been into the cooky jar.

19                 Do you understand?

20           A     Yes.

21  
22  
23  
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9-1

1 Q But she didn't see him, nobody saw him.

2 A Yes.

3 Q All right.

4 Now, in a murder case, the People sometimes, if  
5 they don't have a body, they have to prove the death by  
6 circumstantial evidence. And the law of California permits  
7 the prosecution, and it is the only way they can do it without  
8 a body, to establish, if they can, a murder by circumstantial  
9 evidence.

10 Now, knowing that is the law, do you feel there is  
11 anything unfair about that?

12 A No.

13 Q And assuming that is the law, would you follow that  
14 law as it is given to you by the Court in looking at the  
15 evidence in this case?

16 A Yes.

17 Q Understanding, of course, that there is this  
18 additional fact, as the Court read to you, when the People's  
19 case rests chiefly or primarily on circumstantial evidence,  
20 and then there are two views of the evidence, two interpreta-  
21 tions, one of which points to the defendant's guilt and the  
22 other of which points to the defendant's innocence, when it is  
23 a circumstantial evidence case, and both of these interpreta-  
24 tions are reasonable from the evidence, the jury must adopt  
25 that pointing to the defendant's innocence and reject that  
26 pointing to the defendant's guilt.

27 Do you understand that?

28 A Yes, I do.



9-2

1 Q And in this case, if there are proved circumstances,  
2 and one reasonable interpretation might be that the defendant's  
3 guilt -- that they point to the defendant's guilt, but another  
4 equally reasonable interpretation points to the defendant's  
5 innocence or is consistent with innocent conduct, would you have  
6 any reluctance, whatsoever, in adopting that view which points  
7 to his innocence and voting not guilty?

8 A No.

9 Q And you would feel that you were doing your duty as  
10 a juror in so voting?

11 A Yes.

12 Q Is that correct?

13 A Yes, I would.

14 Q All right, sir.

15 Now, you've answered a question of Mr. Kay as to  
16 whether or not you would even consider voting second degree  
17 murder or acquittal simply to avoid the harrowing experience  
18 of determining whether a man should live or die based on your  
19 vote. And you said no, that you wouldn't -- you would do that;  
20 is that correct?

21 A Yes.

22 Q I take it, however, that if you felt by the  
23 evidence that the evidence did not disclose first degree murder,  
24 and if under the instructions of the Court it showed second  
25 degree or something less or it just didn't measure up to proof  
26 beyond a reasonable doubt and to a moral certainty, that you  
27 would have no hesitancy or reluctance, whatsoever, in voting  
28 not guilty; is that correct?

9-3

1 A Yes.

2 Q Not to avoid the death penalty, but just simply  
3 because the People hadn't met their burden of proof; is that  
4 right?

5 A That's right.

6 Q And you would feel that you were doing your duty  
7 as a juror in that case, is that right?

8 A Yes, I would.

9 Q Now, I'm not sure whether it was while you had  
10 been on the panel or not, but a number of jurors have been  
11 asked, and I think you may have been asked, although you've  
12 indicated, I think earlier in your answers that you did not  
13 have any friends in law enforcement; is that correct?

14 A That's correct.

15 Q And never been a subject of a criminal charge?

16 A No.

17 Q Or anyone close to you?

18 A No.

19 Q Well, let me ask you, then, whether you would tend  
20 to give more weight to the testimony of a police officer than  
21 you would to a layman, a non-police officer, simply by virtue  
22 of the fact that the man was a police officer?

23 A No, I wouldn't.

24 Q In other words, you understand they are human,  
25 they can error or they can err or they can lie just like any  
26 other humans?

27 A Absolutely.

28 Q Under the right circumstances or the wrong

9-4

1 circumstances.

2 And you would judge their credibility by the same  
3 standards that the judge gives you to vote, to determine the  
4 credibility of any witness; is that right?

5 A Yes, that's right.

6 Q All right.

7 Now, there is one, one type of witness, however,  
8 when the judge talked about an accomplice.

9 An accomplice is an aider and abettor. One who  
10 helps in the commission of a crime.

11 And if a person testifies from the stand, and you  
12 find that they are an accomplice, and the judge will instruct  
13 you as to what an accomplice is, -- but if you find that they  
14 are an accomplice or he or she is an accomplice, then, there is  
15 a further instruction that you must view the testimony of an  
16 accomplice with caution. And you can imagine why. There are  
17 all sorts of reasons why. And if that occurs in this case,  
18 and you receive such an instruction, will you be able to look  
19 with the required caution that the judge is going to tell you  
20 about at the testimony of an accomplice?

21 A Yes.

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1 Q And judge that in addition to all the other  
2 factors that the Judge will tell you you must use in  
3 determining the credibility of any other witness?

4 A Yes, I could.

5 Q Now, you understand, sir, -- I take it that --  
6 I tell you -- let me, if I may, just have you pass the  
7 microphone up to Mrs. Dunkins, who is the No. 9 juror  
8 there.

9  
10 VOIR DIRE EXAMINATION OF  
11 NORMA L. DUNKINS

12 BY MR. DENNY:

13 Q Mrs. Dunkins.

14 A Yes.

15 Q You understand that it is one of the basic  
16 foundations of our law that a defendant in a criminal action  
17 does not have to prove anything; do you understand that?

18 A Yes.

19 Q The entire burden of proof is on the State to  
20 prove any defendant, whether it is in a small misdemeanor  
21 case, in a traffic case or anything up to murder or treason,  
22 perjury, robbery, anything --

23 A Yes.

24 Q -- to prove that defendant --

25 A Guilty.

26 Q -- guilty beyond a reasonable doubt and to a  
27 moral certainty, your moral certainty; do you understand  
28 that?

9a-2

1 A Yes.

2 Q And obviously it is not an impossible burden. It  
3 is not proof beyond all possible doubt, but it is a very  
4 heavy burden. And you appreciate that?

5 A Yes.

6 Q Now, you understand, of course, that in this  
7 state a defendant, as of this time, before any evidence is  
8 in, is presumed to be innocent?

9 A Yes.

10 Q And further, that a defendant is not required to  
11 produce any evidence, is not required to call any witnesses,  
12 is not required to take the stand himself and testify; do  
13 you understand that?

14 A Yes.

15 Q And that if the prosecution doesn't meet its  
16 burden or if the defense attorney feels it doesn't necessarily  
17 meet the burden or the defense attorney says, "Look, that's  
18 all they've got, I'm not going to put on any evidence. I'm  
19 not going to rebut anything. I'm not going to call the  
20 defendant."

21 You understand he doesn't have to?

22 A I understand.

23 Q He can say to the jury, "Hey, look, if this is all  
24 there is, you can just acquit the defendant, because it is  
25 not enough."

26 A Yes.

27 Q Now, do you have any feelings, as you sit there,  
28 that perhaps in any case where a person is charged with a

1 crime, he must be guilty or the probabilities are he's  
2 guilty if he doesn't take the stand in his own defense?

3 A No.

4 Q You understand that under our Constitution he  
5 doesn't have to and you cannot draw any adverse inference  
6 against him if he fails to or if his attorney doesn't call  
7 him to the stand; do you understand that?

8 A Yes, I do.

9 THE COURT: We'll come back to Mrs. Dunkins on Monday  
10 morning.

11 MR. KAY: Your Honor, I believe it was going to be  
12 Monday afternoon, because of your matter --

13 THE COURT: Oh, yes. We have matters to conduct in --  
14 during the course of Monday morning, by reason of which the  
15 Court cannot get to this case.

16 And, accordingly, the Court will excuse you  
17 until 1:45 on Monday afternoon.

18 MR. DENNY: Your Honor, I think some of the jurors  
19 again are having a little trouble hearing you.

20 THE COURT: Thank you.

21 The Court then will excuse you until 1:45 on  
22 Monday afternoon.

23 Did everybody -- can everybody hear me now?

24 Remember the admonition that I have heretofore  
25 given this group. I believe I have given it to everyone  
26 before, and that is that you are not to discuss this case  
27 amongst yourselves, nor with anyone else, nor permit anyone  
28 to discuss it with you, nor are you to form or express any

1 opinion about the matter until it is finally submitted to  
2 you, should you be chosen as a juror.

3 Two or three of you indicated to Mr. Kuczera,  
4 the bailiff, that you would like to be excused in this matter  
5 for one reason or another. But the Court has conferred with  
6 all counsel, and until we can do it in orderly fashion --  
7 in other words, until your name is chosen from the box and  
8 you're put in the jury box and asked questions, the Court does  
9 not believe it would be proper to excuse you.

10 So, accordingly, those of you who have asked to  
11 be excused, the Court is not going to grant your request unless  
12 and until the Court excuses you, after you've been placed  
13 in that jury box and the Court sees sufficient reason for  
14 your excuse.

15 Will those of you who might have financial  
16 problems, remember -- in serving two months, remember to  
17 inquire of your employer so you'll have that information  
18 for me on Monday afternoon, should you be chosen.

19 Good night. I'll see you, and have pleasant  
20 weekends all of you.

21 I'll see you on Monday.

22 MR. DENNY: Your Honor, before the -- I've been cut off.

23 Could we approach the bench before the jurors are  
24 excused a moment?

25 THE COURT: Yes.

26 MR. DENNY: Without the reporter. That's all right.

27 THE COURT: Generally for your guidance, if you are  
28 selected as a juror in the case, we'll run from about 9:30

1 until 12:00, recess until 1:30 or 2:00 o'clock, and then we'll  
2 work until 4:30. But I'm going to let you get on the freeway  
3 earlier today.

4 (Whereupon, proceedings were had at the bench  
5 among Court and counsel, outside the hearing  
6 of the prospective jurors, which were not  
7 reported.)

8 THE COURT: Ladies and gentlemen, the Court would order  
9 you that you are not to see, hear or read anything whatsoever  
10 concerning this case, concerning Charles Manson, the Manson  
11 Family. You are to take positive steps. You have the  
12 affirmative obligation under this order of the Court to take  
13 steps to avoid such matters, such publicity.

14 All right, then, I think that takes care of it.  
15 I'll see you at 1:45 on Monday afternoon.

16 (Whereupon, at 3:35 o'clock p.m. an adjournment  
17 was taken, these proceedings to be resumed at  
18 1:45 o'clock p.m., Monday, December 13, 1971.)  
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