

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.



NO. A-267861

216

REPORTERS' DAILY TRANSCRIPT

Tuesday, January 4, 1971

VOLUME 16

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

MARY LOU BRIANDI, CSR
ROGER K. WILLIAMS, CSR
Official Court Reporters

COPY

1 LOS ANGELES, CALIFORNIA, TUESDAY, JANUARY 4, 1971, 10:25 A. M.

2

3 THE COURT: In the case of People versus Davis.

4 Mr. Kuczera, get the jury panel in.

5 Well, let's see, where did we leave off last night?

6 (Whereupon, there was a discussion held off the
7 record.)

8

9 VOIR DIRE EXAMINATION OF

10 JESSE LEE JEFFERY

11 BY THE COURT:

12 Q Mr. Jeffery, would you come forward and take the
13 seat.

14 A Yes, sir.

15 Q Where that microphone is, sir.

16 Mr. Jeffery, would it constitute any hardship
17 to you to serve in this case?

18 A Uh, no, sir.

19 Q What is the nature of your employment?

20 A I am a school bus driver for the L. A. City School
21 District.

22 Q Do you have such views concerning the death
23 penalty that you would automatically refuse to impose it
24 regardless of the evidence?

25 A No, sir.

26 Q Or are your views about the death penalty such
27 that you would automatically vote for it regardless of the
28 evidence upon a conviction of murder of the first degree?

1 A Uh, no.

2 Q Or are your views about it such that you could not
3 be fair and impartial in determining the issue of guilt or
4 innocence in the first phase of the case?

5 A No.

6 Q Do you have such views about the Manson Family or
7 Charles Manson that a person whom the evidence showed to be a
8 a member of the Manson Family would be at a disadvantage in
9 having you as a juror?

10 A No.

11 Q Did you follow the course of the Tate-LaBianca
12 trial?

13 A No, I didn't follow it. I read, you know, portions
14 of it that was in the paper, but I didn't actually follow it.

15 Q You have heard of Charles Manson and the Manson
16 Family?

17 A Yes,

18 Q Do you read the newspaper regularly?

19 A No, just on occasion. I don't take it.

20 Q What is the source of your news, television
21 broadcasts, radio?

22 A Usually it is the radio to and from work.

23 Q All right. Have you heard the name Charles
24 Manson previously in connection with this case, with this
25 indictment that I have read to you?

26 A Not that I can recall of it.

27 Q Have you heard the name Bruce Davis before?

28 A I can't recall.

29 Q Have you heard the name Spahn Ranch before?

1 A Not that I know of.

2 Q Have you heard the name Shorty Shea before I read it
3 in the indictment?

4 A Yes, I remember that.

5 Q What do you remember of that?

6 A I only remember that he was connected in some way in
7 the case, you know, from the news, but, really, I don't know
8 how it was, but the name did ring a bell.

9 THE COURT: Who is this?

10 (Whereupon, the Court conferred with the bailiff
11 up at the bench.)

12 THE COURT: Oh, I see, he's not on the calendar.

13 Q BY THE COURT: It does ring a bell, but you don't
14 remember much about it?

15 A I don't know too much about it, but I just recall
16 that he was in the trial.

17 Q Do you recall any story about people looking for
18 a body?

19 A Seems as though, yes, I -- I -- I think I do.
20 Said that one of the bodies wasn't found or something. But like
21 I say, I don't know the details of it, you know, the thing.

22 Q You don't know whom they were looking for?

23 A No.

24 Q How about the name Hinman? Have you heard the name
25 Gary Hinman?

26 A It was also I have heard it over the news.

27 Q Do you know in what connection you heard it?

28 A No, I don't. All I know is he was in there.

1 Q Let me ask you this, if I were to instruct you
2 you are to disregard anything that you might remember that you
3 do not now remember about this case, Shorty Shea, Gary Hinman,
4 Charles Manson or the Manson Family, could you follow that
5 instruction; would you be able to follow that instruction and
6 set aside such matters for the purpose of making a judgment
7 independently on any issue that you might be called upon to
8 decide in this case?

9 A I could.

10 Q Would you make your judgment independent of such
11 matters that you may have heard, seen or read that you may
12 remember?

13 A Yes, sir.

14 Q And will you be fair and impartial in spite of what
15 you may have heard, seen or read via the news media concerning
16 these things?

17 A Yes, sir.

18 Q All right. You stated to us that you worked as
19 a bus driver.

20 Is there a Mrs. Jeffery?

21 A Yes.

22 Q Is she employed?

23 A Yes.

24 Q What type of work does she do?

25 A Electronics.

26 Q Where?

27 A TRW Systems.

28 Q I see. How long has she been employed?

1 A I think seven years.

2 Q And are you related to or a friend of any law
3 enforcement officer?

4 A No.

5 Q Where do you and Mrs. Jeffers reside?

6 A Southwest L. A.

7 Q It is Jeffery, isn't it?

8 A Jeffery.

9 Q No S on it?

10 A No.

11 Q Have you been a witness in a case, a criminal
12 case?

13 A No, sir.

14 Q Have you or any of your family been a victim of any
15 crime of violence?

16 A No.

17 Q Have you or any of your close friends or relatives
18 been arrested for anything other than a misdemeanor or traffic
19 ticket?

20 A No, sir.

21 Q You served as a juror in a civil case previously?

22 A Uh, no, I was on a criminal case.

23 Q Oh, you were?

24 A Yes, sir.

25 Q And just one?

26 A Just one.

27 Q What was the nature of that case? Without
28 stating -- and without stating what the result was, was there a

1 verdict?

2 A Yes, there was a verdict. It was receiving and
3 selling stolen property, merchandise, and it was a guilty
4 verdict.

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1 And would you be able to set aside whatever you
2 may have learned in the course of that case, and decide this
3 case solely on its evidence, and the Court's instructions in
4 this case?

5 A I could.

6 Q Would you do that?

7 A Yes, sir.

8 THE COURT: Mr. Denny?

9 MR. DENNY: Your Honor, does the Court wish that we go
10 ahead with the full voir dire, including all items at this
11 point, or just publicity?

12 THE COURT: I think so. Everything that I've covered
13 with Mr. Jeffery, you may cover.

14 MR. KAY: Your Honor, there's only one thing I have to
15 bring up, is that we have our regular jurors here this
16 morning. Maybe your Honor wishes to excuse them until
17 tomorrow.

18 THE COURT: Thank you. I did intend to do that.

19 Would you call the 12 who have been sworn into
20 the courtroom? And I'll do that.

21 Any objections, Mr. Denny?

22 MR. DENNY: No, no indeed.

23
24 VOIR DIRE EXAMINATION

25 BY MR. DENNY:

26 Q Mr. Jeffery, before they come in, perhaps I can
27 ask you: How long have you been a bus driver for the School
28 District?

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1 A I have been driving a bus five years. But I
2 have been employed 12 years for the school.

3 Q In what capacity, prior to your bus driving?

4 A I worked in transportation as a garage attendant.

5 Q All right. And what kind of work have you done
6 before that, sir?

7 A I worked for the U. S. Post Office, about eight
8 years.

9 Q All right. Have you ever done any kind of
10 law enforcement work of any kind?

11 A No.

12 THE COURT: You needn't come into the box. You can
13 all stand there.

14 Let me see if I count 12 of you. One, two, three,
15 four, five, -- seven, eight, nine -- twelve. Yes, everybody's
16 here.

17 I can excuse you now until tomorrow morning at
18 9:30. Hopefully, tomorrow morning at 9:30, we can begin
19 the taking of evidence before you.

20 Remember that the admonition still pertains,
21 that you are not to converse amongst yourselves nor with
22 anyone else in connection with this case, nor are you to form
23 or express any opinion on it until it is finally submitted
24 to you.

25 And also, that you -- I'll admonish you again
26 that you are to -- that you are to take active steps to see
27 that you are not exposed to any publicity concerning this case
28 or any other case involving Charles Manson or the Manson

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1 Family.

2 All right. I'll see you tomorrow morning at
3 9:30. You are excused. We are still in the course of
4 trying to select alternate jurors.

5 (Whereupon, the members of the jury exited
6 the courtroom, and the following proceedings
7 were had:)

8 THE COURT: Excuse me just a moment, gentlemen.

9 (Pause in the proceedings.)

10 THE COURT: Go ahead.

11 BY MR. DENNY:

12 Q Sir, have you done any reading in the field of
13 the death penalty?

14 A No, sir.

15 Q Have you ever attended any kind of meetings or
16 anything where that was a topic of discussion? Church
17 meetings or any kind of meetings?

18 A No.

19 Q And have you ever discussed it -- within recent
20 years, that is -- with friends?

21 A No, I haven't discussed it. No, sir.

22 Q Well, it would be fair to say, then, at this
23 point that you have no set views one way or the other concern-
24 ing the death penalty; is that right?

25 A That's correct.

26 Q All right.

27 However, do you feel that if there were a finding
28 of first degree -- a first degree murder verdict in this case--

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1 which is what the People are asking for, obviously -- that
2 you would then automatically, without regard to any other
3 evidence, vote to impose the death penalty?

4 A No, sir.

5 Q In other words, you would wait to make up your
6 mind as to whether that was applicable or not, until you'd
7 heard all the evidence; and, based on the evidence you heard
8 in the case, and whatever argument there might have been,
9 in the penalty phase of the trial, to determine whether either
10 this was the kind of case, or this was the kind of defendant
11 where life or death would be proper; is that correct?

12 A That's right.

13 Q All right. Now, I understand that you said that
14 you got most of your information from the news via the radio,
15 going to and from work; is that correct?

16 A That's correct.

17 Q How about television? Do you --

18 A Not very much news on that, because -- see, I
19 leave home early in the morning, and usually it's dark when
20 I get back, actually.

21 So the 6:00 o'clock news as a rule is off. Because
22 I have been working in the Valley, and I drive through the
23 Valley, and -- well, driving to -- the school bus usually --
24 I don't get off of work until 5:00 or sometimes 6:00 o'clock.

25 And by the time I get through the traffic on my
26 way back, all the news on TV is off when I get home. So --

2a fls.

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1 Q I see. Now, you say that you did not follow the
2 Tate and La Bianca killings and the news of that and the
3 trials involved in that.

4 Did you, however, in listening to your radio,
5 get news flashes, as the news came out concerning the killings
6 and the trial?

7 A Well, yes. I've heard -- that's why I say I've
8 heard, you know, different things on the radio.

9 Q What station do you regularly listen to, going
10 to and from work?

11 A KG -- K --

12 MR. KAY: KGFJ?

13 PROSPECTIVE JUROR JEFFERY: No. 1090, whatever it is.

14 Q BY MR. DENNY: KHJ?

15 A KHJ.

16 Q There we go.

17 All right.

18 And this has news interspersed with the music;
19 not just on a regular hour or half hour, but throughout the
20 broadcast hour; is that right?

21 A That's right,

22 Q All right. Now, sir, do you know the outcome
23 of the Tate and La Bianca case, of the trial?

24 A I really don't. Like I say, I -- I have recalled
25 several incidents where they say, like -- the fact of the
26 matter, I don't even know what happened to -- to --

27 Q Manson?

28 A -- Manson. I don't even know what happened to

1 him, to tell the truth about it, you know.

2 But like I say, I -- I hear it, and -- like I say,
3 it wasn't -- I really wasn't concerned about it. You just
4 hear it and -- but I don't even know what happened to him,
5 to tell the truth about it.

6 Q When's the last time you heard anything about
7 Mr. Manson?

8 A Well, I think the last I even heard about anything
9 was sometime in December. I remember they had something in
10 the paper about somebody had a trial. Now, I don't know who
11 it was.

12 And I think that they found -- the jury found
13 him guilty. But I don't -- I don't remember which one it was.
14 But -- I just remember that.

15 It was last December, sometime -- sometime in
16 December, last month.

17 Q All right. You say you remember seeing this in
18 the paper?

19 A Yeah, I remember seeing it in the news, you know.
20 The headlines and the news.

21 But I didn't read it, myself. I just seen the
22 headlines.

23 Q Well, do you recall whether it was Mr. Manson or
24 anyone else connected with the Manson Family who was found
25 guilty?

26 A Well, I don't know who it was, but --

27 Q Do you know what he was found guilty of?

28 A No. I think -- I -- really, I don't even know

1 how the sentence come out.

2 Q You don't know how what?

3 A Whatever the sentence was. I say: I don't even
4 know how it come out right now. I -- like I say, I just
5 remember they had a headline on the top page, and that's
6 about it.

7 Q Um-hmm. Well, you say that that's the last you
8 heard of Manson. Is it your recollection that this was
9 about Mr. Manson, or about someone connected with Mr. Manson?

10 A Uh -- well, it was my recollection that I think
11 it was about someone connected with him.

12 Q Um-hmm.

13 A That's as far as I could rec -- you know, I think.

14 Q Had you heard, seen or read of anybody else being
15 tried for these same charges? That is, the murder of Gary
16 Hinman and the alleged murder of Shorty Shea? Have you
17 heard, seen or read anything about anyone else, other than
18 Mr. Davis here, being charged with those purported crimes?
19 Or being tried for them?

20 A Well, no. I -- I only remember, when it --
21 sometime ago, I remember something about some ladies that
22 was -- something about some ladies that -- you know, was
23 out on the news. But I don't know nothing about it.

24 Q Um-hmm.

25 A I knew it was some ladies involved, some kind of--
26 you know, that was on the radio.

2b fls.

2b-1

1 Q Yes.

2 A But I don't remember their names, and I can't

3 remember -- you know.

4 Q Did you hear anything or see or read anything,

5 about the time that the Tate and La Bianca cases broke, and

6 Mr. Manson was arrested, and there was some publicity concern-

7 ing Mr. Manson and the Manson Family -- did you hear anything

8 about that time about any views of his about blacks and whites?

9 A Hmmm -- no.

10 Q Did you ever hear it discussed among any of your

11 friends, Manson's philosophy about the blacks and the whites?

12 A Hmm, no, I didn't. I haven't, no.

13 Q Do you have any recollection at all, or any idea

14 at all about anything that may have been said concerning

15 blacks and whites?

16 A No.

17 Q All right. Well, it's your present state of

18 mind, then, that as far as anyone connected with the Manson

19 Family, that they are no more likely to be guilty of any

20 charge than anyone connected with any other group; is that

21 right?

22 A Well, that's correct, yeah. I mean --

23 Q All right. They're clothed with the presumption

24 of innocence, the same as anyone else; is that right?

25 A That's the way I feel, yes.

26 Q All right.

27 Now, sir, I asked a number of the jurors when

28 they first took the box here, as alternates, a number of

1 questions -- well, first of all, did you do any military
2 service?

3 A Yes, sir. Two years.

4 Q And in what branch?

5 A Infantry. 13th Division.

6 Q And when was that, sir?

7 A It was in early '55, when I went in. February of
8 '55.

9 Q And you didn't get over to Korea, then, did you?
10 Or did you?

11 A I got over there, but the work was over. We were
12 just cleaning up a little bit, of course.

13 Q I see. You were not in any action at that point?

14 A Not action, no.

15 Q Well, let me go back again. As I've mentioned to
16 several of the jurors, this questioning about the death
17 penalty is obviously hypothetical at this point. But I do
18 want to ask you -- again, I take it, you've never been in
19 a position where your voice, your vote, your say might
20 determine the life or death of someone, have you?

21 A No.

22 Q And I take it you feel it would take some, perhaps,
23 courage of your conviction to bring in a death penalty; is
24 that right?

25 A Well, I don't know. When you say courage of my
26 convictions, I mean, I -- I could say that I feel like if
27 the evidence weighed it strongly enough, you know, I could
28 do it.

1 Q All right.

2 A But I wouldn't encourage it.

3 Q By the same token, if the evidence were not such
4 that you felt either the case was proper or that this
5 defendant -- assuming he were found guilty, which is an
6 assumption we are going on just to ask the question -- were
7 not the type of defendant that it should be visited on, you
8 would feel it perfectly within your duty as a juror to vote
9 for life; is that right?

10 A Right.

11 Q All right, sir.

12 Now, as far as these other questions that I
13 asked concerning a number of points of law, did you -- do
14 you recall those questions that I asked the other jurors,
15 the first three who were in the box? Particularly Mrs. Ford,
16 I asked her a number of questions.

17 A Yes.

18 Q All right. And would your answers be substan-
19 tially the same as the answers given by those first three
20 jurors?

21 A Yes, I would say so.

22 Q All right. Particularly, now, I am referring to
23 this constitutional provision, that says that a defendant
24 does not -- is not required to put on evidence; is not
25 required to take the stand; and that it would be constitu-
26 tionally impermissible to draw any adverse inference from
27 his choice not to take the stand, or his lawyer's choice.

28 Do you understand that?

1 A Yes, sir.

2 Q And do you feel that that's perfectly proper?

3 A Yes.

4 Q And if, in this case, I make the determination at
5 the time the People rest that I just don't think they have
6 got the berries, and I don't choose to put the defendant on
7 the stand, I take it you would not fill in any gaps in the
8 People's case -- assuming that you see the same gaps that I
9 may see -- you would not fill in any gaps in the case by sort
10 of surmising what evidence might have been produced, if the
11 defendant had taken the stand, or something of that kind;
12 is that right?

2c fls. 13 A That's right.

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1 Q All right. You understand that that would be
2 impermissible; the People's case has got to rise or fall on
3 what they present to you.

4 And if they don't have it, you should vote not
5 guilty. And you will do that; is that right?

6 A That's right.

7 MR. DENNY: All right. Pass for cause.

8
9 VOIR DIRE EXAMINATION

10 BY MR. KAY:

11 Q Mr. Jeffery, I take it from your answers to
12 Mr. Denny's question that you have resolved in your own mind
13 that if you felt that the evidence in this case warranted it,
14 that you could vote for the death penalty against Mr. Davis;
15 is that correct?

16 A That's correct.

17 Q Is there any doubt about that at all in your mind?

18 A No, it's no doubt.

19 Q Well, can you think of any reason why you could
20 not or should not sit on this jury?

21 A No.

22 Q And is it your firm position that the People of
23 the State of California, whom Mr. Manzella and I represent,
24 are entitled to an equal, fair trial with the defense in this
25 case?

26 A Yes.

27 Q Now, did you understand what I told the other
28 jurors yesterday, about the legal burden of proof that the

2c-2

1 prosecution has in this case? In other words, proving the
2 defendant guilty beyond a reasonable doubt?

3 A Yes.

4 Q And do you understand that that, and that alone,
5 is our legal burden, in the guilt phase of this trial?

6 A Yes.

7 Q Now, understanding that, would you hold us to any
8 higher burden of proof? In other words, proving the defendant
9 guilty beyond a shadow of a doubt or to an absolute certainty?
10 Burdens which we don't have?

11 You wouldn't do that, would you?

12 A No.

13 Q Okay. And you understand that once we get to the
14 penalty phase of the trial -- assuming that we do get there --
15 that there is no burden on either side; in other words,
16 Mr. Denny and Mr. Davis don't have to put on any evidence; and
17 Mr. Manzella and I, as representatives of the People of the
18 State of California, don't have to put on any evidence.

19 We can both get up and argue, or we can both put on
20 evidence, or one side can put on evidence and the other side
21 doesn't have to.

22 Do you understand that?

23 A Yes.

24 Q I take it that -- I'm not sure that you answered
25 this question, but have you ever testified in a court of law
26 before, in either a civil or a criminal case?

27 A No.

28 Q And do you know any criminal defense attorneys or

2c-3

1 private investigators?

2 A No.

3 Q And other than the one criminal case, the receiving
4 stolen property case, have you served on any other juries?

5 A No.

6 Q And I take it this has been your only tour of duty
7 on juries?

8 A That's right.

9 Q Have you ever studied law at all?

10 A No.

11 Q Now, do you think you understand the distinction
12 I explained to the other jurors yesterday, between circumstantial
13 and direct evidence?

14 A I do.

15 Q Okay. And you understand, by the Court's
16 instruction, that under the law of the State of California,
17 that circumstantial and direct evidence are entitled to
18 equal weight? In other words, one type of evidence is not
19 favored over the other?

20 Do you have any quarrel with that law?

21 A No.

22 Q And I take it you would follow the judge's
23 instructions on that?

24 A Yes.

25 Q And in Count No. 3 in this case, the murder of
26 Donald Jerome Shea, you've heard me say and Mr. Denny say that
27 Mr. -- that no body would be produced of Mr. Shea's at this
28 trial; no photographs of the body.

2c-4

1 Does that make you want to close your mind to this
2 case? Or are you willing to keep your mind open and let the
3 evidence convince you that Mr. Davis is guilty of the murder of
4 Donald Jerome Shea, beyond a reasonable doubt, if the evidence
5 can do that?

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6 A Yes.

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1 Q And do you have any quarrel with the law in the
2 State of California that allows the prosecution to prove the
3 death of the victim of the murder by circumstantial evidence
4 where they can't find the body? Do you have any quarrel with
5 that law?

6 A No.

7 Q Did you understand what I said to the jurors
8 yesterday about the law of aiding and abetting? Under the law
9 of aiding and abetting in the State of California, a person
10 who, with criminal intent, aids another in the commission of a
11 crime is just as guilty as the person who actually commits
12 the crime?

13 A Yes.

14 Q And did you understand that?

15 A Yes.

16 Q And do you have any quarrel with that law?

17 A No.

18 Q So you understand under the law of aiding and
19 abetting a person can be guilty of first degree murder, although
20 he personally does not strike the fatal blow that killed the
21 victim of the murder; do you understand that?

22 A Yes.

23 Q And do you have any quarrel with that law?

24 A No.

25 Q And if you are selected as an alternate juror in
26 this case, and you take the place of one of the regular
27 jurors, which is the distinct possibility in this case, since
28 it will take probably a month to a month and a half to try,

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1 will you promise me that when you go into the jury room that
2 you will be reasonable?

3 A Yes.

4 Q And you'll express your views to the other jurors
5 and let them explain their views to you, and you'll just
6 be as reasonable as you possibly can; will you promise me that?

7 A Yes.

8 Q Can you think of any reason at all why you
9 couldn't give the People of the State of California a fair trial
10 in this case?

11 A No.

12 MR. KAY: Thank you very much, Mr. Jeffery.

13 Pass for cause, your Honor.

14 THE COURT: Both sides pass for cause?

15 MR. DENNY: Yes, your Honor.

16 THE COURT: It is the peremptory challenge of the
17 defendant.

18 MR. DENNY: Yes, we would like to thank and excuse
19 alternate juror No. 3, Mr. Edmondson.

20 THE COURT: Pick a new name for Mr. Edmondson.

21 THE CLERK: Henry C. Allen, first name H-e-n-r-y,
22 last name A-l-l-e-n.

23 THE COURT: Mr. Jeffery, would you wait outside in the
24 corridor, then, with the other jurors?

25 JUROR JEFFERY: Yes, sir.

26 THE COURT: We'll be working another hour on this,
27 gentlemen, before we recess.

28 You previously had an opportunity to ask a number

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1 of questions in front of the entire panel. I would suggest we
2 try not to repeat so that you can be as precise as possible
3 and move this along.

4
5 VOIR DIRE EXAMINATION OF

6 HENRY C. ALLEN

7 BY THE COURT:

8 Q Mr. Allen?

9 A Yes, sir.

10 Q Pick up that microphone, please.

11 Mr. Allen, would it be any hardship for you to
12 serve in this case?

13 A No, it wouldn't sir.

14 Q What type of work do you do?

15 A Postal clerk.

16 Q Where are you stationed?

17 A Terminal Annex.

18 Q Do you have views about the death penalty that are
19 such that you could not be fair and impartial in determining
20 guilt or innocence?

21 A No, I don't.

22 Q Or are your views about the death penalty such that
23 you would automatically refuse to impose it regardless of the
24 evidence in the case?

25 A No, I wouldn't.

26 Q Or would you automatically impose it, that is vote
27 for it, regardless of the evidence in the case, upon a
28 conviction of murder in the first degree?

3-4

1 A No, I wouldn't.

2 Q Have you ever heard of the defendant Bruce Davis
3 before?

4 A No, I haven't.

5 Q Had you ever heard of the name Shea or Hinman
6 before?

7 A I have.

8 Q All right, tell us what you may have heard about
9 either of those names?

10 A Well, I heard -- I mean, I heard over the radio --
11 I mean, over the T. V. and radio --

12 Q When I say "heard," anything that you may have
13 heard, seen or read about Mr. Shea or Mr. Hinman.

14 A Only through T. V. and radio, but not much. I
15 didn't pay much attention to the case.

16 Q Do you recall what you may have heard about Shea,
17 for example?

18 A (Shakes head.)

19 Let's see, just he was missing, that's all.

20 Q All right. You heard that he was missing and some-
21 one was looking for him?

22 A That's all I heard, that he was missing.

23 Q That he was missing at this time.

24 Do you have any idea one way or the other whether
25 or not he's dead?

26 A No, I don't.

27 Q What about Hinman? What have you heard about that?

28 A Not much.

3-5

1 Q Well --

2 A Not anything at all.

3 Q There's nothing that you can remember?

4 A No, I don't.

5 Q You have heard the name Charles Manson?

6 A Yes, I have.

7 Q And Manson Family?

8 A Uh, that case, that's about all I know.

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1 Q When you say this case, are you referring --

2 A The Manson case.

3 Q -- to the Tate-La Bianca trial?

4 A Yes, that's the only thing. I didn't pay that
5 much attention to that.

6 Q Involving the murder of Sharon Tate?

7 A Yes.

8 Q Have you heard about anyone being prosecuted
9 for the murders of Shea, the alleged murders of Shea and
10 Hinman?

11 A No, I didn't follow the case very much, your
12 Honor.

13 Q Well, listen to the question.

14 Have you heard of anyone other than the defendant,
15 Mr. Davis, being prosecuted for these alleged murders?

16 A No, I haven't.

17 Q Have you heard the name Grogan, Steven Grogan?

18 A No, I haven't.

19 Q Bobby Beausoleil?

20 A I heard the name, but not what about.

21 Q I mean, before I read the indictment? Had you
22 ever heard, seen or read that name?

23 A No, I -- not -- just vaguely. I just -- I've
24 heard the name, but it doesn't ring a bell about anything.

25 Q Had you heard, seen or read anything during the
26 time of that Tate-La Bianca trial concerning Mr. Manson's
27 view or the Manson Family views concerning blacks and whites?

28 A No.

3a-2

1 Q No?

2 A I didn't pay any attention to the trial. I'll be
3 truthful with you about it.

4 Q At this time are you prepared to say that you
5 can set aside anything that you may have heard, seen or read
6 that you can remember, or anything that you may remember
7 during the course of this trial that you have heard, seen
8 or read, can you set that matter aside -- not forget it, but
9 set it aside for the purpose of making any judgment that you
10 might be called upon to make in this case, independent of
11 such matters?

12 A I think I could.

13 Q Are you uncertain when you say, "I think I
14 could" or are you certain --

15 A Well, I'm certain that I can render a fair
16 decision.

17 Q Are you certain that you can set these matters
18 aside?

19 A Yes, I could, sir.

20 Q All right. And would you do that?

21 A I would.

22 Q And would you be fair and impartial?

23 A I would.

24 Q Have you had jury experience before?

25 A No, I haven't.

26 Q And you've been a postal employee for how long?

27 A About 25 years.

28 Q Is there a Mrs. Allen?

1 A Yes, sir.

2 Q What type of work does she do?

3 A She's a waitress.

4 Q In what area?

5 A Wilshire. Uh, uh, Wilshire. She works at the
6 Traveler's Building.

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

9 A No, I am not.

10 Q And you and Mrs. Allen reside in what area of the
11 County?

12 A West Los Angeles.

13 Q Can you think of any reason whatever as to why
14 you couldn't be fair and impartial sitting as a juror?

15 A No, I can't.

16 Q Do you recall those questions that I put to the
17 first three prospective alternate jurors, those general
18 questions?

19 A Yes, I think.

20 Q Would your answers be any different that you can
21 remember?

22 A No, they wouldn't be any different.

23 Q Than their answers?

24 A No.

25 THE COURT: All right.

26 Mr. Denny.

27 MR. DENNY: All right, thank you.

28

VOIR DIRE EXAMINATION

BY MR. DENNY:

Q There were a couple of questions that seemed to be important here from both standpoints that the Court did not ask as far as the general questions go. Just let me tick them off quickly.

Have you ever been a witness in any kind of case?

A No, I haven't.

Q Or yourself or any friend or relative ever been arrested for any crime other than a traffic misdemeanor?

A Yes, I have been arrested for -- we were --

Q Can you hold that microphone up? Point it toward your mouth.

A Yes.

I say, I have been. We were at a club and they arrested us.

Q This is a gambling thing?

A Yeah, gambling thing.

Q What happened to that?

A Well, dismissed.

Q All right.

Is this on just one occasion?

A No, it was more than one. It was about -- it was two times.

Q And each time dismissed?

A No, one time we just found out how much it cost and we just forgot about it. One time we went to

1 court -- went to court about six times and -- I mean, but we
2 kept going back to court, back to court about six times for
3 the same thing. And they still wouldn't set it aside, so we
4 just forgot about it.

5 Q Well, when you say forgot about it, you entered a
6 plea of guilty?

7 A I never did plead guilty to it. It cost us \$22.

8 Q I see. Well, I take it that you may have felt
9 that this might have constituted some harassment?

3b fls. 10 A No, I didn't. I feel that's my right.

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1 Q No, I mean, being required to go back to trial,
2 to go to court all this time?

3 A Well --

4 Q Was this something that you wanted to do or some-
5 thing that was forced on you by the prosecution?

6 A No, it wasn't forced on me. Something I wanted to
7 do.

8 Q Oh, all right.

9 So, did you feel that you were wrongfully or
10 poorly treated by the prosecuting agencies in these two
11 connections?

12 A No, no.

13 Uh, at the time, I think times change. Times
14 change.

15 Q This was sometime back?

16 A Times change. Things work themselves out. It was
17 during -- before chief --

18 Q Chief Davis?

19 A Yeah, that's right.

20 Q In the enlightened reign of Chief Parker?

21 A That's right.

22 Q All right. And how long ago were these two
23 incidents?

24 A About six, seven years ago.

25 Q All right.

26 Now, do you recall was the arrest made by L.A.P.D.
27 or the Sheriff's officers or was it --

28 A It was the L. A. police.

3b-2

1 Q Now, do you have any feelings as a result of
2 those particular incidents?

3 A (Shakes head.)

4 Q Antipathy or antagonism toward the police?

5 A No.

6 Q Do you have any feelings that the police officer
7 should not be given, perhaps, the same credence in his
8 testimony as a layman because he is a police officer?

9 A No, I don't feel that way.

10 Q You judge the quality of his testimony by the
11 same standards?

12 A That's right.

13 Q The quality of the testimony of any other
14 witness according to the criteria the Court tells you may be
15 applicable?

16 A That's the reason I go to court, because I feel
17 that the court will work it out.

18 Q All right. Now, have you or any of your close
19 friends or relatives ever been the victim of any crime?

20 A No.

21 Q Now, sir, can -- I have to ask you a few questions
22 about the death penalty and the hypothetical situation, and
23 we'll get to that.

24 So, have you done any reading in the field of the
25 death penalty?

26 A Not a lot. I've read some of it.

27 Q Is this the type of article where somebody has
28 been executed by the State, has been put to death by the State

3b-3

1 or is it the type of articles that appear concerning the pros
2 or cons of the abolition or retention of the death penalty?

3 A One thing I would like to know is, uh, the death
4 penalty, uh, what would be done if a person gets the death
5 penalty? Does he really get it?

6 Q Well --

7 A Or does he wait a long time?

8 Q Well, I'm not sure that I could tell you at this
9 time, unless the Court wants to tell you that.

10 There is an automatic appeal from the death
11 penalty. I think I could say that. And normally the
12 automatic appeal to our Supreme Court, which is provided for,
13 does take some time. And whether there are appeals after that,
14 I would have to leave up to what you have read about it.

15 The question being asked by you, I assume, this
16 has some affect or bearing, perhaps, on your considerations
17 or deliberations as to whether you would or would not vote to
18 execute a person; is that correct?

19 A No, I would like to know. I mean, like when you
20 sit on a jury and, according to the way things are, you'd like
21 to know when you give a person the death -- I mean, when you
22 vote for the death penalty, as of now, I haven't heard of them
23 executing or putting anybody to death in quite some time.

24 Q Since 1967, that's correct.

25 A So what -- what do they do?

26 Q Well, I'm afraid I can't answer all of those
27 questions at this time. And I'm not sure that we would get
28 into that unless we get to that issue.

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1 Assuming that we get to that issue in this case,
2 there may be some evidence presented as to -- as to that which
3 would help to enlighten you, but at this point you are probably
4 as much in the dark as most of the citizens and a lot of
5 lawyers and a lot of judges, too.

6 THE COURT: Try to concentrate, Mr. Allen, in answering
7 the question at this point that are put to you -- or the
8 questions that are put to you regarding the subject.

9 Q BY MR. DENNY: All right, well, sir, going now to
10 the matter of the death penalty and your own feelings about it.

11 Do you have any feelings, sir, that a person who
12 has been proven to your satisfaction to be guilty of first
13 degree murder, should, without any further consideration of any
14 other evidence, automatically then get the death penalty?

15 A I feel that if he -- if he has committed -- I mean,
16 first degree murder, I think he should be -- should get the
17 death penalty.

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1 Q And this would be your automatic response, to vote
2 for that, assuming that you had found him guilty of first
3 degree murder, and were convinced of his guilt of that beyond
4 a reasonable doubt, and to a moral certainty; is that correct?

5 A Not necessarily automatically.

6 THE COURT: You would look at the evidence that had
7 been submitted, --

8 PROSPECTIVE JUROR ALLEN: That's correct.

9 THE COURT: -- either in the first or the second phase
10 of the trial, before you made any determination?

11 PROSPECTIVE JUROR ALLEN: That's right.

12 Q BY MR. DENNY: Well, let me, if I can, go back.

13 A It couldn't be automatic. Nothing, you know, is
14 automatic.

15 Q Well, that's a catch word here, and this is why
16 I want to get to your understanding of that.

17 It is your feeling, however, that if someone has
18 been found guilty of first degree murder, that person should
19 be given the death penalty; is that correct?

20 A (Pause.) Yes, I think he should -- I mean, if
21 he maliciously kills someone, I think he should get the death
22 penalty.

23 Q And you would so vote, is that right, --

24 A I would so vote.

25 Q -- if you had the opportunity to do so?

26 A I would.

27 Q And if you were convinced that he was guilty,
28 not just of one murder but of two --

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A I would.

Q -- first degree murders, --

A I would.

Q -- you would then vote for the imposition of the death penalty?

A I would.

Q And is it your feeling, no matter what the evidence was that brought you to that verdict? In other words, somebody could be found guilty as -- as has been pointed out here -- of first degree murder by a number of different routes.

He might be found guilty as an accomplice; he might be as a co-conspirator; he may not actually have struck the blow himself, but nevertheless, have been present and aided and abetted in a willful, deliberate, premeditated murder; and therefore, be an accomplice.

He is nevertheless guilty of first degree murder. You've heard those instructions that the Court read?

A That's correct.

Q All right. Now, do you feel -- it is your feeling, if I'm not mistaken, that no matter how he got found guilty of first degree murder, no matter what the evidence was that brought him to the point where he was guilty of first degree murder, your feeling would be at that point that he then should be given the death penalty,--

A That's right.

Q -- having been found guilty?

A That's right.

1 Q And you would so vote?

2 A That's right.

3 Q And when we say "automatically vote," we don't
4 mean that -- you know, he -- you just -- anything, as you say,
5 is not that automatic.

6 A No.

7 Q But having arrived at the verdict of first degree
8 murder, you would then, without regard to any of the other
9 evidence that had brought you to that point, vote for first
10 degree murder -- vote for the death penalty; is that correct?

11 A Yes. Yes.

12 MR. DENNY: All right. I'll challenge the juror under
13 1073, Sub 2.

14 MR. KAY: May I have a moment, your Honor?

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

18 MR. KAY: No, nothing.

19 THE COURT: The Court grants the challenge.

20 MR. DENNY: Thank you very much, sir.

21 THE COURT: Thank you, Mr. Allen.

22 Report to Room -- or, to the 15th floor, will you,
23 of the New Hall of Records, please?

24 MR. KAY: Thank you, Mr. Allen.

25 THE CLERK: Mr. Allen?

26 Mrs. Maria L. Burt; M-a-r-i-a; last name, B-u-r-t.

27 MR. DENNY: Judge -- and this is off the record.

28 THE COURT: All right.

1 (Whereupon, proceedings were had in open court,
2 but outside the presence of any member of the prospec-
3 tive jury panel, which were not reported.)
4

5 VOIR DIRE EXAMINATION OF

6 MRS. MARIA L. BURT

7 BY THE COURT:

8 Q Your name, ma'am?

9 A Maria Burt.

10 Q How do you spell that?

11 A B-u-r-t.
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4a fls.

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1 Q Mrs. Burt, you have been present during all the
2 proceedings yesterday and today?

3 A Yes, I was, sir.

4 Q Would your answers be any different than the
5 majority of jurors whom you heard asked those general
6 questions that I put to them gave?

7 A No, I don't believe so.

8 Q Have you ever been the victim of a crime, or -- of
9 a violent crime, for example, or had a relative or close friend
10 that was the victim of a violent crime?

11 A No.

12 Q Or ever been the defendant in a criminal case, or
13 a witness in a criminal case?

14 A No, sir.

15 Q Have you ever -- would it be any hardship to you
16 to serve in this case?

17 A I'm afraid it would be.

18 Q Tell us about that.

19 A Pardon me?

20 Q Tell us about that.

21 A Well, I did check with my supervisor shortly after
22 your instructions yesterday.

23 Q With whom did you check? What company is that?

24 A Well, I work for TWA. And there seem to be about
25 three of us out now, serving on juries.

26 Q Serving on juries?

27 A Um-hmmm.

28 Q And what did your supervisor say about whether or

4a-2

1 not you'd be paid after your ordinary service of jury duty?

2 A Well, we didn't discuss that. I just told him that
3 there might be the probability of my serving over the 30 days,
4 and he said that it would be a hardship, since it was
5 difficult allowing me to come now.

6 And I didn't go into the salary, of course, but --

7 Q Why not?

8 A Well, I didn't know I was supposed to ask that.

9 Q Well --

10 A It's just a matter of coverage.

11 Q Did you gather from what he said that you might --
12 your job might be in jeopardy if you were to serve that time?

13 A Well, I'm afraid it would be, yes, uh-huh.

14 Q Would that be likely to concern you, and divert
15 your attention?

16 A I'm afraid it would, sir.

17 MR. DENNY: I will stipulate to her excuse, your Honor.

18 MR. KAY: So stipulated, your Honor.

19 THE COURT: We can all understand that, and the Court
20 does excuse you.

21 Report to the 15th floor of the New Hall of
22 Records right away, would you please?

23 PROSPECTIVE JUROR BURT: The 15th floor? All right.

24 MR. KAY: Thank you, Mrs. Burt.

25 THE CLERK: Edward L. Ewell; E-w-e-l-l.

26

27 VOIR DIRE EXAMINATION OF

28 EDWARD L. EWELL

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1 BY THE COURT:

2 Q Mr. Ewell, were you present during all the
3 proceedings yesterday and today, except during the time that
4 you have been excluded, in the last hour?

5 A Yes, sir.

6 Q And would your answers be any different than the
7 majority of jurors whose answers you heard given?

8 A No, I don't think so.

9 Q For example, have you ever been the victim of a
10 violent crime?

11 A Well, I had a brother who was.

12 Q Tell us about that.

13 A Well, he was killed last year. He was shot.

14 Q And was anyone accused of his murder?

15 A They haven't found the person.

16 Q In other words, somebody killed your brother,
17 and they have not yet prosecuted him, --

18 A No.

19 Q -- that person?

20 A No, they haven't found the person, to my knowledge.

21 Q Just found the body?

22 A Yeah. They just found his body.

23 MR. DENNY: Could you hold that microphone up, right
24 toward your mouth, sir?

25 PROSPECTIVE JUROR EWELL: Yes, sir.

26 Q BY THE COURT: Now, does that raise any prejudice in
27 your mind, either way, for or against the defendant who is
28 accused of a murder?

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1 A No.

2 Q Or against the prosecution, who have not succeeded
3 in bringing somebody to justice?

4 A No.

5 Q Pardon?

6 A No, it doesn't.

7 Q Have you yourself ever been arrested for anything
8 other than a minor traffic violation?

9 A No, I haven't.

10 Q Have you had any legal experience?

11 A No.

12 Q Are you a friend or a relative of any law
13 enforcement officer?

14 A No.

15 Q Did I ask you, would it be any hardship to you to
16 serve in this case?

17 A No.

18 Q What type of work do you do?

19 A I am an engineering aide for the Road Department.

20 Q How long have you been so employed?

21 A Oh, about two years, I guess.

22 Q And is there a Mrs. Ewell?

23 A Yes.

24 Q What type of work does she do?

25 A She's a secretary for the bank.

26 Q And how long has she been so employed?

27 A About two years, I guess.

28 Q Secretary for whom, now?

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A The Security Pacific Bank.

Q Have you served as a juror in any type of case?

A No, I haven't.

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1 Q Now, do you have such views about the death
2 penalty that you would automatically refuse to impose it?
3 That is, vote against it, regardless of the evidence that's
4 produced in the case?

5 A No, I don't.

6 Q Or would your views about the penalty be such
7 that you could not be fair and impartial in determining
8 guilt or innocence?

9 A No.

10 Q Or would you, upon a conviction of murder of the
11 first degree, impose the death penalty, regardless of the
12 evidence? Automatically impose the death penalty?

13 Would you vote for the death penalty every time
14 upon a conviction of murder of the first degree? Without
15 regard to the evidence?

16 A No.

17 Q And when the Court instructs you concerning the
18 law in this matter, as the Court will do, do you promise
19 that you will follow those instructions of the Court,
20 regardless of what you may feel should be the law, or what
21 you feel to be the law?

22 A Yes.

23 Q Now, concerning Mr. Davis, have you ever heard
24 of him before?

25 A No, I haven't.

26 Q Had you ever heard of these two alleged victims
27 before? Shea and Hinman?

28 A I think I heard something about it on the news

4b-2

1 once before or something.

2 Q What did you hear and when?

3 A Well, I can't remember what it was. It was just
4 the names, you know, flashing on the news, or something like
5 that.

6 Q And how long ago?

7 A Sometime ago.

8 Q A month, two months? A year?

9 A Oh, about two months, I guess.

10 Q Do you recall having heard, seen or read about
11 anyone else other than Mr. Davis being prosecuted for this
12 case?

13 A No.

14 Q You have heard the name of Manson and the Manson
15 Family?

16 A Yes, I've heard of it.

17 Q Did you follow that Tate-La Bianca case in the
18 course of its prosecution?

19 A No.

20 Q Did you read anything whatever about the case?
21 Read, hear or see anything about it?

22 A No.

23 Q Did you ever hear anything concerning Mr. Manson
24 or the Manson Family and their views towards blacks and
25 whites?

26 A No.

27 Q Did you ever hear of the name Steve Grogan?

28 A I think I heard that on the news once.

1 Q When did you hear that?

2 A Oh, about a month or something like that, before.

3 Q Do you know in what connection you heard it?

4 A No.

5 Q Now, if I were to instruct you that -- Mr. Ewell,
6 that you were to set aside anything that you may have heard,
7 seen or read, via the news media, anything that you may have
8 talked about amongst your friends and relatives concerning Mr.
9 Manson, the Manson Family or this case -- or Mr. Davis --
10 could you -- not forget the matter, but could you set aside
11 such matters as we may have talked about here, for the
12 purpose of rendering a judgment based solely upon the evidence
13 in the case?

14 A Yes.

15 Q You are certain of your ability to do that?

16 A Yes.

17 Q And will you do that?

18 A Yes.

19 Q And can you be fair and impartial in this case?

20 A Yes.

21 THE COURT: Go ahead, Mr. Denny.

22

23

VOIR DIRE EXAMINATION

24

BY MR. DENNY:

25

26 Q Mr. Ewell, did you say whether or not you were
27 friends of or knew anyone in law enforcement?

28

A No, I don't have any friends or know anyone in
law enforcement.

1 Q All right. Have you ever been the victim of a
2 crime or any friend or relative been the victim of a crime,
3 other than this one involving your brother?

4 A No.

5 Q And ever been arrested yourself, or had any
6 friends or relatives been arrested for any offense other
7 than a traffic misdemeanor?

8 A I think I have some cousins that have been
9 in some kind of trouble, but I don't know what it is or
10 anything. I just heard of it.

11 Q All right. Were you living with your brother --
12 or, was he living in the same household with you -- at the
13 time he was killed?

14 A No, he wasn't.

15 Q Were you in any way connected with this, as far as
16 an investigation to determine how he was killed or anything
17 of that kind?

18 A No, I wasn't.

19 Q Did you make any statement to the police concern-
20 ing it?

21 A They asked me some questions about it.

22 Q Were you married at the time, sir?

23 A Yes.

24 Q And you say he was shot?

25 A Yes.

26 Q Were there any witnesses at all to this?

27 A I think there were.
28

5-1

1 Q Well, did they have a particular suspect that they
2 were looking for?

3 A No, I think there were some witnesses when his body
4 was thrown from his car.

5 Q In other words, as far as the killing itself was
6 concerned, to your knowledge, there was no witnesses of the
7 killing, the actual killing?

8 A Right.

9 Q But apparently his body was thrown from the car
10 and some passers-by --

11 A Yes.

12 Q -- some civilians saw that?

13 A Yes. His body was thrown from his car and someone
14 saw that.

15 Q How long ago was this, sir?

16 A I think it was August -- it was August or September.
17 Let me see, '69. No, it must have been '70. '70.
18 1970.

19 Q Just about a year, year and a half ago?

20 A Yes.

21 Q All right.

22 Now, had your brother to your knowledge been
23 in any difficulty with the law prior to this?

24 A No.

25 Q Now, this particular situation here, you say in
26 answer to the judge's question it doesn't prejudice you against
27 the prosecution, because they haven't -- or the police, because
28 they haven't found the killers of your brother.

5-2

1 I -- was he a close brother to you?

2 A Yes.

3 Q Now, how close in years? Older, younger or how
4 close?

5 A Older.

6 Q By how many years?

7 A About three years.

8 Q Have you done anything yourself to attempt to
9 locate those responsible for his death?

10 A No.

11 Q All right. Now, you, if you are chosen to sit on
12 this jury, you are going to be determining the guilt or inno-
13 cence of someone who is charged with, supposedly killing or
14 being involved in killing two people.

15 Do you have any feelings as you sit there that may-
16 be because of the fact of this incident with your brother
17 is so close, both in time and personally to you, as far as your
18 feelings, that you would prefer not to sit on a case, on a
19 murder case?

20 A No.

21 Q You don't think that you would be influenced one
22 way or another, either for or against the defendant charged
23 with murder, as distinguished from your feelings if maybe he
24 was just charged with robbery or car theft or something like
25 that?

26 A No, it wouldn't make any difference.

27 Q All right. Have you done any time in the Service
28 at all?

5-3

1 A Yes.

2 Q In what branch and when?

3 A Army.

4 Q For what period of time?

5 A From October '65 to October '67.

6 Q And did you see active Service anywhere? I mean,

7 when I say "active Service," I mean combat duty anywhere?

8 A Just very small. I was in Vietnam, but I was sent

9 out.

10 Q You were in the Army?

11 A Yes.

12 Q All right. Did you shoot at anybody and try to kill

13 them?

14 A No.

15 Q Anybody shoot at you?

16 A No, I don't think so (laughing).

17 Q All right. Well, we can laugh about it now, I

18 guess.

19 A Yeah, correct.

20 Q All right. Now, sir, as has been indicated by

21 Mr. Manzella and Mr. Katz to the other jurors, they want to

22 convict Mr. Davis on the charges here against him and --

23 MR. KAY: Mr. Kay.

24 MR. DENNY: Who did I say?

25 MR. KAY: "Mr. Katz."

26 MR. DENNY: Oh, I'm sorry. Slipped in a couple of wrong

27 letters there.

28 Q And assuming they do get that wish, they've also

5-4
1 indicated they wish to go for the death penalty in this case.

2 Now, have you done any reading in that field at
3 all?

4 A No, I haven't.

5 Q Have you ever attended any meetings where that was
6 the topic of discussion?

7 A No.

8 Q Do you feel at this time that if, in fact, the
9 defendant was found guilty of all the charges that are charged
10 against him, and he is charged now with two murders that are
11 supposed to have been committed, and conspiracy to commit one
12 of them, all of which are capital offenses, and two of them
13 would be first degree murder; do you feel that if he were
14 convicted of all of those, that then you would automatically
15 impose the death penalty on one convicted of all those charges
16 without --

17 MR. KAY: Well, your Honor.

18 MR. DENNY: If I can finish my question.

19 THE COURT: The objection will be sustained.
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1 BY MR. DENNY: Q Would you feel, sir, if the defendant were found
2 guilty of all of those charges and you were convinced beyond
3 a reasonable doubt and to a moral certainty that he was guilty
4 of all three of those charges, you considered the evidence
5 in getting to that point, that in considering all of that
6 evidence you were convinced of his guilt of all three of
7 those charges, two of them being, then, first degree murder,
8 without any further consideration of the evidence, having
9 found him guilty, would you then vote to impose the death
10 penalty?

11 MR. KAY: Your Honor, I'm going to object again.
12 That's asking him to prejudge the evidence.

13 THE COURT: I'll sustain it.

14 The question is whether you would, upon a conviction
15 of murder of first degree, and conspiracy in the second
16 count to commit murder, automatically impose the death
17 penalty without regard to the evidence, whatever it may be
18 that you may have considered or may hear, if there is any
19 evidence submitted in the second phase, would you do that?
20 Would you automatically do that?

21 That's automatically vote for the death penalty
22 in such case?

23 JUROR EWELL: Not automatically. It would depend on the
24 case itself, what I would do.

25 Q BY MR. DENNY: Well, let me --

26 THE COURT: You understand you can, in that circumstance,
27 look back at the evidence you have examined, if you wish to,
28 in determining guilt or innocence, and you may also examine

5a-2

1 any other evidence that is submitted to you in the penalty
2 phase, if there is any?

3 JUROR EWELL: Oh, I see, yes.

4 Q BY MR. DENNY: Now, let me ask you, let me go
5 back a little bit further on this subject.

6 There may not be -- assuming again, in this
7 hypothetical situation we are talking about, were we ever to
8 get to that, -- obviously if a defendant is acquitted you
9 never get to a penalty phase. If a defendant is found guilty
10 of something less than first degree murder, you never get to
11 a penalty phase.

12 But assuming that the defendant is found guilty
13 of first degree murder, and let's assume the worst as far as
14 I am concerned in this hypothetical situation that we are
15 discussing, that he is found guilty of all three counts and
16 you have considered all the evidence in getting to that point
17 so you are convinced beyond a reasonable doubt and to a moral
18 certainty that he is guilty of two counts of first degree
19 murder, two murders, and conspiracy to commit one of those
20 two murders.

21 Now, there are some people who would say that
22 under those circumstances anybody guilty of one count of
23 first degree murder, much less two counts of first degree
24 murder, but if they're guilty of two counts of first degree
25 murder, then I would, simply by virtue of that, as to how
26 they got there, how they got to that point, I would vote to
27 impose the death penalty.

28 A No.

1 Q That's what I want to find out.

2 A I don't feel that way.

3 Q All right. So as far as you are concerned, a
4 person might have been found guilty of six murders and still
5 you would not necessarily automatically vote for the death
6 penalty --

7 A Depend --

8 Q Automatically.

9 A Depending on what happened and everything.

10 Q All right, sir.

11 Now, when you said you heard about Grogan,
12 about a month ago, do you recall anything about what you
13 heard about Steve Grogan?

14 A No. Everything I heard was on the news. I
15 usually watch the news on the TV in the evenings.

16 Q Well, that's the way most of us get the informa-
17 tion here, but some people remember more about what goes on
18 over that news than others.

19 A No, I couldn't remember what it was about or
20 anything like that.

21 Q All right, sir.

22 Now, if anything occurs, and if you are seated
23 as a juror in this case, and anything occurs as far as evidence
24 from the witness stand that sort of rings a bell in your mind,
25 and you say, "Oh, now I remember what I saw or I read or what
26 I saw on TV," similar to that, do you think you can make a
27 concerted and a successful effort to put that recollection or
28 memory aside and consider, as far as determining the guilt

1 or innocence of Mr. Davis, only what you hear from the
2 witness stand?

3 A Yes. I wouldn't even think about considering
4 what I heard anywhere else.

5 Q Well, it might flash across your mind, but you'd
6 put it away?

7 A It wouldn't make any difference.

8 Q All right.

9 And if anybody brought up something that was not
10 in the evidence, but they say, "I heard on the radio," or
11 something like that, you would tell them that they are not
12 permitted to consider that and you would not consider that
13 in your deliberations in the jury room, is that right?

14 A Uh-huh.
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5b fls.

5b-1

1 Q All right, sir.

2 Now, I asked a number of questions to the three
3 initial alternate jurors that were seated here when you first
4 came into the courtroom.

5 Do you recall the questions I asked? They were
6 mainly on some areas of law.

7 For instance, the defendant's testifying or not
8 testifying, depending on what I deem the state of evidence
9 when the People's case closes.

10 Do you recall some questions about that?

11 A Yes, I do.

12 Q And whether or not a person who merely does an
13 act which furthers a conspiracy, but does not have a
14 criminal intent, would not be guilty; do you remember the
15 questions I asked along that line?

16 A I think so, yes.

17 Q All right.

18 Now, remembering those, would your answers to
19 those questions be the same as the first three jurors?

20 A Well, I don't remember well enough to even
21 answer, to be sure.

22 Q Well, as I was asking those questions were you
23 listening to them?

24 A Yes.

25 Q Can you remember at this point any of those
26 questions which you felt very strongly about one way or
27 another that you might have answered in the negative?

28 A No.

1 Q All right.

2 Do you think you'd have any trouble at all in
3 following the instructions of the Court in this case even
4 though you might disagree with those instructions?

5 A No.

6 MR. DENNY: All right, fine, I'll pass for cause,
7 your Honor.

8
9 VOIR DIRE EXAMINATION

10 BY MR. KAY:

11 Q Mr. Ewell, I take it from your answers to some
12 of Mr. Denny's questions you have determined in your own
13 mind that if you felt the evidence in this case warranted
14 it, that you could vote for the death penalty against Mr.
15 Davis, is that correct?

16 A Yes, I could, if I felt as though the evidence,
17 uh, --

18 Q Warranted it?

19 A Yes.

20 Q In your own mind, if you felt the evidence
21 warranted it, you could vote for the death penalty?

22 A Yes.

23 Q Now, is there any doubt in your mind about that
24 at all, whether or not you would have the courage to come back
25 and face Mr. Davis and tell him for the crimes he has
26 committed he must suffer the death penalty?

27 A No.

28 Q And you understand that, just to clarify a point

1 in Mr. Denny's question, that you can, it is up -- whether or
2 not to impose the death penalty is up to the individual
3 discretion of the jury and each individual juror in that jury,
4 because each -- in order to have a death verdict it must be
5 unanimous. That means all 12 people must agree. That's
6 the same for innocence. In order to find him guilty or
7 innocent, all 12 must agree.

8 Now, you understand in your discretion you can
9 decide, say, given the situation that Mr. Denny gave you,
10 that Mr. Davis was convicted on all three counts, you could
11 decide to give him the death penalty for that reason alone
12 and the facts that were produced to lead to the conviction of
13 Mr. Davis for those murders; do you understand that?

14 A (Nods head.)

15 Q And whether or not you impose the death penalty
16 or not is up to your individual discretion and why you give
17 it or why you don't give it is up to your discretion; do
18 you understand that?

19 A Yes.

20 Q Now, can you think of any reason why you could
21 not or should not sit on this jury, any reason, whatsoever?

22 A No, I don't think so.

23 Q Okay. Do you want to sit on this jury?

24 A Yes, I think so.

25 Q Are you sure of that?

26 A Yes.

27 Q Okay. Do you have any sympathy for Mr. Davis
28 at this time because he is a defendant in this case?

1 A No.

2 Q And did you understand what I told the other
3 jurors yesterday about reasonable doubt and --

4 A Right.

5 Q -- and that being the prosecution's only burden
6 in the guilt phase of the trial?

7 A Yes.

8 Q And realizing that, and that alone is our only
9 legal burden, would you hold us to any higher burden?

10 A No.

11 Q All right.

12 In other words, you understand we don't have to
13 prove Mr. Davis guilty beyond a shadow of a doubt or to an
14 absolute certainty, or beyond all doubt, none of those. Just
15 beyond a reasonable doubt?

16 A Yes.

17 Q Well, let me ask you this: Would you give any
18 less weight to the testimony of a witness because that witness
19 is a police officer? Do you feel any bias or prejudice to
20 any degree, whatsoever, against police officers?

21 A No.

22 Q Have you ever studied law?

23 A No.

5c fls.

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5c-1

1 Q What exactly does an engineering aide -- what do
2 you do as an engineering aide in the Road Department?

3 A I assist the engineers in the related work.
4 Different jobs. Maybe drawings or -- just so many different
5 things.

6 Q What did you do before that, or have you been with
7 them since you got out of the Army?

8 A Well, before that I was working with the postal
9 service.

10 Q I see. And what was your M.O.S. in the Army?

11 A 71B30.

12 THE COURT: You want to translate that for the record?

13 JUROR EWELL: I was a clerk.

14 Q BY MR. KAY: Now, did you understand what I said to
15 the jurors yesterday about the difference between circumstantial
16 and direct evidence?

17 A Yes.

18 Q And do you think that you, in your own mind, under-
19 stand the distinction between circumstantial evidence and
20 direct evidence?

21 A Uh-huh.

22 Q You're sure about that? Do you have any question
23 or are you pretty sure you understand the distinction?

24 A I'm pretty sure.

25 Q Okay, good.

26 You realize under the law of the State of
27 California that both circumstantial and direct evidence are
28 entitled to equal weight under the law. One type of evidence

5c-2

1 is not favored over the other.

2 Do you have any quarrel with that law that says
3 they're both entitled to equal weight?

4 A That's a good question. Uh, it would depend on the
5 circumstantial evidence.

6 Q Well, in other words, are you telling me now that
7 you favor direct evidence over circumstantial evidence?

8 A No, not really. It is that I feel that you may
9 have direct evidence, this is good.

10 Q Uh-huh.

11 A And maybe the circumstantial evidence you have
12 wouldn't weigh the same to me as the direct evidence. It
13 would depend on the person.

14 Q Or on the other hand, you could understand, I'm
15 sure, conceive of the situation where the circumstantial
16 evidence would be --

17 A Yeah.

18 Q -- better than the direct evidence?

19 A Right.

20 Q Say for example if you had an eyewitness to a crime
21 but the eyewitness was, say, blind.

22 A Yeah.

23 Q Or had bad eyesight. That direct evidence --

24 A Right.

25 Q -- wouldn't be very good.

26 THE COURT: Blind eyewitness?

27 MR. KAY: Blind eyewitness, your Honor.

28 MR. DENNY: I've heard of a few, your Honor.

5c-3

1 THE COURT: I suppose it would depend on your view.

2 Q BY MR. KAY: You heard the Court's instruction that
3 you are to weigh direct and circumstantial evidence equally?

4 A Yes.

5 Q Do you have any doubt about that?

6 A No.

7 Q Do you have any quarrel with the law in the State
8 of California that says a defendant can be convicted of first
9 degree murder based on circumstantial evidence alone?

10 A No.

11 Q Okay.

12 You understand some things that can be considered
13 as circumstantial evidence would be a confession of the
14 defendant?

15 A Yes.

16 Q Or fingerprints or ballistics testimony, hand-
17 writing comparisons, these types of things are circumstantial
18 evidence; you understand that?

19 A Yes, uh-huh.

20 Q Now, do you have any quarrel with the law in the
21 State of California that allows the prosecution to prove the
22 death of the victim of the murder by circumstantial evidence,
23 where they can't produce the body or pictures of the body; do
24 you quarrel with that law?

25 A No, it would depend on the evidence, you know.

26 Q Right. Okay. So, in other words, when you have
27 heard from Mr. Denny and myself that in Count No. 3 in this
28 case where Mr. Davis is charged with the murder of Donald

5c-4
1 Jerome Shea, you've heard that the prosecution is not going to
2 be able to produce Mr. Shea's body or photographs of the body
3 in this case or anyone who saw the body in death.

4 Does that make you automatically close your mind
5 to the case or are you willing to keep an open mind and listen
6 to the evidence and let the evidence convince you beyond a
7 reasonable doubt that Mr. Davis is guilty of that crime, if the
8 evidence can do so?

9 A Yes.

10 Q Okay.

11 In other words, will you promise me that you will
12 keep an open mind?

13 A Sure.

14 Q And did you understand, finally, did you under-
15 stand what I told the jurors yesterday about aiding and
16 abetting?

17 That a person who, with criminal intent, aids
18 another in the commission of a crime is just as guilty as a
19 person who actually commits that crime?

20 A (Nods head.)

21 Q Do you have any quarrel with that law?

22 A No.

23 Q So you understand that a person, a defendant can be
24 guilty of first degree murder under the theory of aiding and
25 abetting, although he personally does not strike the fatal
26 blow that killed the victim of the murder; do you have any
27 quarrel with that law?

28 A I don't think I feel too good about that one.

6-1

1 Q You don't think you feel too good about that?

2 A Uh -- I feel -- I don't feel as though to treat
3 someone in a murder would be -- as if you committed it; it would
4 depend on -- you know, to me, what happened, and how it
5 happened, everything.

6 Q Well, if you found that a defendant had aided
7 another in the murder of a victim, under the law of the State
8 of California, that he had aided and abetted in that murder,
9 even though the other defendant was the actual one that struck
10 the fatal blow, would you then refuse to find the aider and
11 abettor guilty of first degree murder, although under the law
12 he might be guilty of first degree murder?

13 Would you refuse to do that because of your
14 feeling against the laws of aiding and abetting?

15 A No. If -- if they were both together, something
16 like that, I wouldn't.

17 Q Well --

18 A If you mean to scheme or something like that,
19 I --

20 Q In other words, if they had schemed together to do
21 something, or if they had conspired --

22 A Yes.

23 Q -- together, then you wouldn't have any problem,
24 I take it?

25 A No.

26 Q Okay. And are you sure about that?

27 A Yes.

28 MR. KAY: Pass for cause, your Honor.

6-2

1 MR. DENNY: Pass for cause.

2 THE COURT: Both sides pass for cause.

3 The peremptory challenge is with the People.

4 (Pause in the proceedings while a discussion off
5 the record ensued at the counsel table between Mr. Kay and
6 Mr. Manzella.)

7 MR. KAY: The People will thank and excuse Mr. Ewell.

8 Thank you, Mr. Ewell.

9 THE COURT: Mr. Ewell, thank you. The 15th floor --

10 PROSPECTIVE JUROR EWELL: All right.

11 THE COURT: -- of the New Hall of Records.

12 THE CLERK: Mrs. Edna V. Corman; E-d-n-a; middle
13 initial V like Victor; last name, C-o-r-m-a-n.

14

15 VOIR DIRE EXAMINATION OF

16 EDNA V. CORMAN

17 BY THE COURT:

18 Q Miss Corman, would it constitute any hardship to
19 you to serve in this case?

20 A Well, I don't know. I -- I live alone, and I don't
21 work. I'm retired.

22 I don't know what you call a hardship.

23 Q Well, that doesn't sound as though it would
24 constitute a hardship. It might be an inconvenience for you to
25 get to and from, but other than that, would there be any
26 hardship? No financial hardship?

27 A I -- no, I don't work anyway.

28 Q All right. And so far as health is concerned, it

6-3

1 wouldn't constitute any hardship that way, that you are able
2 to foresee?

3 A Well, I've been very healthy so far. I never go
4 to the doctor, and I never take aspirins.

5 So, I guess I have nothing to complain about.

6 Q Sounds like a fortunate situation.

7 Do you have such views about the death penalty
8 that you could not be fair and impartial in determining the
9 issue of guilt or innocence?

10 A No. That's one thing I don't have. And I have to
11 tell the truth.

12 Q And do you have such views about the death
13 penalty that you would automatically refuse to impose it,
14 regardless of the evidence?

15 A No. I would have to be sure, that I really
16 thought they had really committed it; they would have to
17 convince me in my own mind.

18 Q I see. And then once having convinced you in your
19 own mind that there has been a murder of the first degree
20 committed, would you automatically vote for the death penalty?

21 A Well, I don't know that I would. I would have to
22 know the circumstances.

23 Q I see. You would look, then, at the evidence that
24 had been submitted in the first phase and the second phase, if
25 any, to determine whether or not you would impose the death
26 penalty?

27 A (Indicating affirmatively.)

28 Q Is that correct?

6-4

1 A I would have to know, yes. I would have to --

2 Q Well, I do not know what you mean when you say,
3 "I would have to know."

4 A Well, I could.

5 Q Did you hear my explanation about the two phases of
6 the case?

7 A Yes.

8 Q All right. Now, let's assume, for the purpose of
9 this question that I am putting to you, that you have arrived
10 in your mind at the point where you were convinced beyond a
11 reasonable doubt that there was a killing of -- which was a
12 murder of the first degree.

13 Do you understand?

14 A Yes.

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1 Q All right. Now, that's -- you are satisfied in
2 your own mind to that extent. Now, I am talking about the
3 second phase, the question of whether or not you would impose
4 the death penalty or grant life imprisonment.

5 I am asking you whether you, upon a conviction
6 of murder of the first degree, the finding of murder of the
7 first degree, you would automatically, without regard to the
8 evidence in the case, impose the death penalty.

9 A No, I would not.

10 Q Nor, I take it, that you would -- from what you've
11 said, that you would not automatically refuse to impose the
12 death penalty?

13 A No, I would not refuse. I would not.

14 Q In either case, would you look at the evidence?

15 A Yes, I would.

16 Q Concerning publicity, have you heard of Mr. Davis
17 before?

18 A No, never heard of him.

19 Q Have you ever heard the name Shea or Hinman
20 before? Heard, seen, or read?

21 A Yes. I don't read, but I hear the TV and the
22 radio.

23 Q Tell us what you have heard, seen or read about
24 either or both of those names.

25 A Well, I -- I heard that they were murdered;
26 and I heard that -- you know, that they thought the Manson
27 Family were connected with the killings.

28 Q With each killing?

6a-2

1 A What?

2 Q With each killing?

3 A Yes.

4 Q All right. And had you ever heard of anyone

5 being prosecuted for the -- for the murders?

6 A Have I ever heard what?

7 Q Have you ever heard of anyone --

8 A No, no.

9 Q -- being prosecuted for the murders?

10 A No, no. I don't read the papers. And if I

11 heard it on TV or radio, I don't remember it.

12 Q All right. When was the last time you read

13 anything about Charles Manson?

14 A I doubt if I ever did read it. I don't take a

15 newspaper.

16 No, I'm sure I never have read about it.

17 Q When was the last time you heard or saw anything

18 on television or radio concerning Mr. Manson?

19 A Oh, I heard that he got the death penalty when --

20 you know.

21 Q That was in connection with the Sharon Tate

22 killings?

23 A Yes.

24 Q All right.

25 Have you heard that he was prosecuted for any

26 other killings, other than the Tate-La Bianca killings?

27 A Not that I know of.

28 Q All right. You had heard about the Manson Family

6a-3

1 and Charles Manson, I take it?

2 A Yes.

3 Q All right. Would somebody whom the evidence
4 would show was a member of that Family, or associated with
5 Mr. Manson, be at any disadvantage in having you as a juror?

6 A I don't see why.

7 Q Would you have any such prejudice against that
8 person, as a result of what you had heard, seen or read,
9 that you could not be fair and impartial?

10 A I don't -- no. No, I wouldn't.

11 Q All right. Have you ever heard the name Steve
12 Grogan?

13 A No. I don't remember. I don't remember ever
14 hearing of that name.

15 Q All right. Bobby Beausoleil? Have you ever
16 heard that name? Other than the time when I read it in the
17 indictment?

18 A I didn't hear you read it.

19 Q All right. Would you be able to follow the
20 instruction of the Court, if I were to tell you that you
21 were not to consider any such matters that you may have
22 heard, seen or read, in determining any question, any
23 question that you might be called upon to decide in the
24 course of this case?

25 A I would be able to follow your instructions.

26 Q And anything that you might have heard, seen or
27 read, you could ignore, in determining anything that you
28 might be called upon to decide in this case; is that right?

1 A That's right.

2 Q And will you do that?

3 A Yes, I would.

4 Q And will you be fair and impartial in the case?

5 A I would, to my best knowledge.

6 Q Have you been a juror before?

7 A Just since I have been called in this time. I
8 was on a civil case over at -- you know, two weeks ago,
9 these two weeks before Christmas, on a damage case.

10 Q I see.

11 And you recognize the difference, do you not,
12 between the burden of proof that was talked about in that
13 case -- that was a civil case?

14 A Yes.

15 Q (Continuing) -- wherein the plaintiff had
16 simply to establish his case by a preponderance of the
17 evidence; do you remember that?

6b fls.

18 A Yes, sir.
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6b-1

1 Q And in this case, you recall from what I've told
2 you now that the People, who are the plaintiffs in the case,
3 this case, have the burden of proving the case beyond a
4 reasonable doubt?

5 A Yes.

6 Q And you understand the difference?

7 A I do.

8 Q Now, will you follow all of the instructions of law
9 that I give you, in the course of this case?

10 A I would.

11 Q Regardless of what your feelings may be concern-
12 ing the law?

13 A I would.

14 Q Are you employed? You stated to us you are not
15 employed.

16 A No.

17 Q All right. And have you ever been married?

18 A Yes.

19 Q And what was Mr. Corman's occupation?

20 A He was a miner in the middle-West. He has been
21 gone for forty years.

22 Q You have been a widow --

23 A Passed away, forty years ago.

24 Q Forty years ago?

25 A Yes.

26 Q Where is your place of residence in Los Angeles
27 County, generally?

28 A Vermont and Franklin.

6b-2

1 Q Can you think of any reason now whatever why you
2 couldn't -- as to why you could not be fair and impartial in
3 the case?

4 A Well, I can't think of any.

5 THE COURT: All right. Mr. Denny?

6
7 VOIR DIRE EXAMINATION

8 BY MR. DENNY:

9 Q Ma'am, what did you do when you worked?

10 A What?

11 Q Do you have trouble hearing?

12 A No, I don't. I didn't think I did.

13 Q Well, I noticed you had some trouble with the
14 Court.

15 A Well, I think I wanted to -- this is my first
16 experience, and I want to be sure that I understand.

17 What did you ask me, where was I employed? Or --

18 Q Have you previously worked?

19 A Oh, yes. After I lost my husband, I worked.

20 Q And what sort of --

21 A Well, I was a seamstress, and I did private dress-
22 making; and then for years I worked in a factory, running a
23 power machine -- you know, a sewing machine.

24 Q All right. And you were last employed when?

25 A Well, I haven't worked for ten years.

26 I think, if I could see you, I could hear better.

27 Q I think so, too, probably.

28 A And I haven't been employed for -- oh, ten years,

1 now.

2 Q Oh.

3 A And I did private dressmaking. The last place I
4 worked in a factory, I think, was the -- was at 17th and
5 Hill, at Hyman's Uniforms.

6 Q All right. Now, you have heard, seen or read
7 something about the Manson Family over the last couple of years,
8 haven't you?

9 A Oh, yes. I hear it on the TV and radio all the
10 time. I don't read the paper.

11 Q All right. So your major --

12 A But I hear it all the time on TV and radio both.

13 Q All right. And have you heard about their involve-
14 ment with drugs?

15 A Oh, yes.

16 Q And do you feel that people who are involved with
17 drugs -- and perhaps the illegal use of drugs -- are therefore
18 probably guilty of any other crime that they're charged with?

19 A Do you mean just because -- I think they could
20 commit any crime with drugs. I don't think they know what
21 they're doing.

22 Yeah, I think they could be, sure.

23 Q Well, do you believe, then, --

24 A I don't know if they're accused of -- if every-
25 thing they're accused of, they do. If they --

26 Q Well, do you feel that people who unlawfully use
27 drugs, then, probably are more likely to be guilty of a crime
28 that they are charged with than any other person who doesn't

1 use drugs?

2 A No. I don't know why they would be, no.

3 Q All right. Now, have you formed any opinions of your
4 own about Mr. Manson, based on what you've seen, heard or read
5 about him?

6 MR. KAY: Well, I'm going to object to that as being
7 irrelevant.

8 PROSPECTIVE JUROR CORMAN: Well, I don't --

9 THE COURT: Well, that objection --

10 PROSPECTIVE JUROR CORMAN: I was glad I didn't have to
11 make any decisions on his case. I never studied it that
12 close. It was a terrible crime, and I thought it was awful;
13 but as far as me -- I don't know what you mean.

14 THE COURT: I'll overrule the objection. It may remain
15 in.

6c fol 16 MR. DENNY: Thank you.

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6c-1

1 BY MR. DENNY:

2 Q Mrs. Corman, the crimes were terrible, and I can
3 understand your not wanting to make a decision.

4 But the crimes that have been charged in this
5 case are terrible crimes, too. Any murder is a terrible
6 crime.

7 A Sure. Sure.

8 Q And the People have in this case charged two
9 murders; have charged the murder of Gary Hinman, and they
10 have charged that Shorty Shea has been murdered.

11 And presumably, they're going to attempt to
12 present testimony at the -- there may be very nasty testimony
13 concerning those murders.

14 Now, do you feel, based on what you have said
15 about not wanting to sit on Mr. Manson's case, that you would
16 prefer not to sit on this type of case?

17 A Well, I don't think it would be very pleasant to
18 sit on it, no. I -- I think maybe that I could do just as
19 good as anybody else, but I don't know whether I could or
20 not.

21 I mean, you know, I would be as fair as I knew
22 how to be, and listen to every word and everything, but I
23 don't think -- I think it would be a very unpleasant job for
24 anybody; don't you?

25 Q Yes, I do, ma'am. I certainly do.

26 A Well, I couldn't answer any other way.

27 Q Well, you could. Some people could just say:

28 "No, things like that upset me so that I don't think I

6c-2

1 could be fair in determining the guilt or innocence of the
2 person charged."

3 A Well, I am a -- I don't like to say I am a real
4 nervous type person, when I don't think I am. I don't think
5 I'd enjoy being here, but I don't think it would affect me in--
6 so, if they question me, I mean, I think I should answer
7 truthfully.

8 But I don't think I'd actually like to be on this
9 jury.

10 Q That's all we can ask.

11 Have you or anyone else close to you ever been
12 the victim of a crime?

13 A No.

14 Q Or any friends or relatives -- or even yourself--
15 ever been charged with any criminal offense?

16 A No.

17 Q All right. Somehow I would expect that answer
18 from you.

19 A Well, sure. You have to ask it, though.

20 I haven't, and I don't know of any of my
21 relatives that have ever been arrested, that I know of.

22 Q All right. Now, ma'am, have you done any reading,
23 yourself, in the field of the death penalty?

24 A About the death penalty?

25 Q Yes.

26 A No, I don't -- I don't read. I don't read very
27 much.

28 I have three books, but they're all religious

1 books. And that's all the magazines I take.

2 I don't take any papers. I don't read much.

3 Q All right. Do you have any feelings yourself
4 that someone who has been found guilty of first degree murder
5 should then automatically, because of the fact that he has
6 been found guilty of first degree murder, no matter how he
7 got there, no matter what the evidence was that got him
8 there, but having once been found guilty of first degree
9 murder, that that person should be given the death penalty?

10 A No, not automatically.

11 Q How about two?

12 A What?

13 Q How about two first degree murders?

14 A Well, I would -- there would have to be a -- I'd
15 have to know.

16 The only one case I ever followed in my life was
17 Ruth Judd's; and I read all about it because I was in Phoenix
18 at the time.

19 And this is the only one that -- you know, of
20 the death sentence cases that I really read.

21 I didn't think that woman should have died. I
22 didn't think she should die.

23 So I don't know what you are asking.

24 MR. KAY: She didn't, did she?

25 PROSPECTIVE JUROR CORMAN: No.

26 Q BY MR. DENNY: She didn't; quite so.

27 Now, all I am asking you is whether, assuming
28 what the People want in this case comes true -- that is,

1 that they are able to present sufficient evidence so 12
2 people feel that they are convinced beyond a reasonable
3 doubt that the defendant is guilty of first degree murder
4 as charged, and conspiracy to commit those murders -- whether,
5 if you sat on that jury, and you voted for guilt of all of
6 those charges, having found the person -- the defendant here,
7 Mr. Davis, guilty of these three charges, two of them being
8 first degree murder, and one being conspiracy to commit murder,
9 whether you would then automatically, having arrived at that
10 point, vote to condemn him to death.

11 Would you do that?

12 A No, I can't say that I would. I would have to
13 know -- you know, the other -- I would have to see what they
14 had, the witnesses had said, and what their -- and whether
15 I believed them or not.

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7-1
1 Q All right.

2 Now, ma'am, you've mentioned that you have three
3 religious books. Although we don't normally get into the
4 realm of religious beliefs or convictions --

5 A I don't take the magazines and read about all of
6 those --

7 THE COURT: Just wait and listen to the question, will
8 you?

9 Q BY MR. DENNY: What magazines are they that you
10 take?

11 A Just Unity, Daily Word News and Guidepost.

12 THE COURT: We're in recess until 9:30 tomorrow morning.

13 MR. DENNY: Thank you, your Honor.

14 THE COURT: Return tomorrow morning at 9:30.

15 JUROR CORMAN: Yes, sir.

16 THE COURT: Advise all the other prospective jurors they
17 are to return at 9:30.

18 THE BAILIFF: Yes, sir.

19 (Whereupon, an adjournment was taken at 12:05
20 P. M., Tuesday, January 4, 1971, to reconvene the following
21 morning, Wednesday, January 5, 1971, at 9:30 A. M.)
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