

SUPREME COURT OF THE STATE OF CALIFORNIA

THE PEOPLE OF THE STATE OF CALIFORNIA,

Plaintiff-Respondent,

vs.

CHARLES MANSON, SUSAN ATKINS, LESLIE  
VAN HOUTEN AND PATRICIA KRENWINKEL,

Defendants-Appellants.

NO.

3014

APPEAL FROM THE SUPERIOR COURT OF LOS ANGELES COUNTY

HON. CHARLES H. OLDER, JUDGE PRESIDING

REPORTER'S TRANSCRIPT ON APPEAL

APPEARANCES

For Plaintiff-Respondent:

THE STATE ATTORNEY GENERAL  
600 State Building  
Los Angeles, California 90012

For Defendant-Appellant  
Charles Manson:

IRVING KANAREK, Esq.

For Defendant-Appellant  
Susan Atkins:

DAYE SHINN, Esq.

For Defendant-Appellant  
Leslie Van Houten:

LESLIE VAN HOUTEN  
In Propria Persona

For Defendant-Appellant  
Patricia Krenwinkel:

PATRICIA KRENWINKEL  
In Propria Persona

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Pages 3901 to 4200

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1 On the other hand, if there is a verdict  
2 of murder in the first degree as to any defendant, then  
3 there will be a further proceeding on the question of  
4 penalty, and at that time the jury must decide which  
5 of the two alternative penalties provided by law, that  
6 is, life imprisonment or death, should be imposed.

7 Under the law of the State of California,  
8 the Legislature has not formulated any rules or standards  
9 to guide the jury in that determination but leaves the  
10 selection of the penalty, if there is a penalty phase,  
11 to the absolute discretion of the jurors.

12 I am going to ask each of you eventually,  
13 as you are individually examined, some questions regard-  
14 ing the death penalty, but, in the meantime, I would  
15 like for each of you to be thinking in your own minds  
16 as to what your honestly held opinions and beliefs are  
17 in relation to the matters that I have already mentioned.

18 We are conducting a portion of the examina-  
19 tion of the prospective jurors in chambers and we are  
20 going to retire to chambers at this time to continue  
21 that examination.

22 Before we adjourn for the day, and whenever  
23 the Court does recess, the Court is going to admonish  
24 the jury not to converse among themselves -- and this  
25 goes also for the prospective jurors -- not to converse  
26 among themselves nor with anyone else on any subject

1 relating to the case, nor to form or express any opinion  
2 regarding the case until it is finally submitted to them.

3 And there is a further admonition which is  
4 extremely important in any case which has received  
5 publicity or which is receiving publicity that you not  
6 read, watch or listen to any news reports so long as you  
7 are connected with the case in any way.

8 I would like each of you to promise me that  
9 you will follow these admonitions.

10 Are you all willing and do you so promise  
11 that you will follow these admonitions?

12 Thank you, ladies and gentlemen.

13 We are now going to retire into chambers,  
14 as I mentioned, and continue with the voir dire examination,  
15 which is simply an examination conducted by the Court and  
16 the attorneys to determine if there is any legal cause  
17 why any of you should not sit as jurors or alternate  
18 jurors in this case, and to insure that both sides have  
19 a fair and impartial jury.

20 I will ask the parties and the attorneys  
21 to join me in chambers and then we will continue with  
22 the examination.

23 (Recess.)

23 fls.

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1 (The following proceedings were had in the  
2 chambers of the court, all defendants and their counsel  
3 being present, the District Attorneys being present, out-  
4 side the presence and hearing of the members of the jury  
5 and the prospective alternate jurors:)

6 THE COURT: All parties and counsel are present.

7 (Mr. Porter resumes his seat.)

8  
9 VOIR DIRE EXAMINATION OF MR. PORTER

10 BY THE COURT:

11 Q Mr. Porter, would you tell me again who your  
12 employer is?

13 A KCOP Television.

14 Q Do you know what the policy of your employer  
15 is with regard to payment of your compensation if your jury  
16 service should be prolonged?

17 A I am not really sure, to be honest about it.  
18 I think they do, but I am not positive.

19 Q All right.

20 A Their contract is a little bit loose, so I'm  
21 not sure.

22 Q Are you a union employee?

23 A Yes, we have a small union.

24 Q Now, you were one of those persons who raised  
25 his hand, were you not, when I asked, I believe it was  
26 yesterday, whether any of the prospective jurors believed



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1 they could not be fair and impartial?

2 A Yes, I was.

3 Q And would you tell us now the reason why you  
4 raised your hand.

5 A Well, to be honest about it I would have to say  
6 that to start out in the case I would be somewhat partial  
7 in the case after having read all the newspaper articles on  
8 them.

9 That is not to say I would not try to be fair  
10 about it, but I would have to say that, I guess to sum it  
11 up, I mean I feel in my mind more like there is a greater  
12 chance of their being guilty than I do of their being  
13 innocent.

14 In other words, I would not start out feeling  
15 completely open about the case.

16 Q Did you ever hear or read anything which  
17 appeared to be a statement made by any of the defendants in  
18 this case?

19 A Well, yes, I did, I read the one that supposedly  
20 the girl told, I don't know if that was a statement or what.

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1 Q When you say the girl, you mean one of  
2 the defendants in this case?

3 A Yes, I do.

4 Q Do you remember which defendant?

5 A Not for sure, no.

6 Q Are you now familiar with the names of  
7 the defendants?

8 A Yes.

9 Q All right.

10 There is Miss Krenwinkel on the far end --

11 A Yes.

12 Q -- and Miss Van Houten in the center --

13 A Yes.

14 Q -- and Miss Atkins.

15 A Yes.

16 Q Does that at all refresh your recollection  
17 as to which one it was?

18 A Well, I think it was Miss Atkins, but I  
19 am not sure. It was quite a long while ago, when  
20 everything was happening, that I read it, so I couldn't  
21 be sure.

22 Q Was this in the newspaper?

23 A Yes, it was.

24 Q Do you remember which newspaper?

25 A The Los Angeles Times, I believe.

26 Q Now, what was the substance of the statement

1 that you read?

2 A Well, it was just describing what happened  
3 the night of the different murders that were supposed  
4 to have taken place.

5 Q In other words, did it appear to be an  
6 eyewitness statement by someone who was present at the  
7 time of the killing?

8 A No. It appeared to be more like a  
9 confession, from what I remember.

10 Q And did it describe the killings them-  
11 selves?

12 A Yes, it did.

13 Q And the persons who were present?

14 A Yes.

15 THE COURT: All right.

16 Any questions?

17 MR. REINER: No questions.

18 MR. FITZGERALD: No questions.

19  
20 VOIR DIRE EXAMINATION OF MR. PORTER

21 BY MR. STOVITZ:

22 Q Mr. Porter, how old are you?

23 A 25.

24 Q What do you do for KCOP?

25 A Video tape maintenance and operations.

26 Q Who is their main newscaster there?

1 A Bill Johns.

2 Q Have you ever watched any of his newscasts?

3 A Well, not too many, really.

4 Every once in a while I see one of them  
5 because I am there, but I mean I wouldn't turn it on  
6 if I was home.

7 MR. STOVITZ: All right.

8 THE COURT: Anything further?

9 MR. STOVITZ: No.

10 THE COURT: All right, Mr. Porter. I will ask you  
11 then to go back into the courtroom, and will you refrain  
12 from discussing with anyone what has been said in here?

13 MR. PORTER: Yes.

14 THE COURT: Thank you.

15 (Whereupon Mr. Porter leaves the court's  
16 chambers.)

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1 MR. FITZGERALD: Challenge the juror for cause.  
2 under Penal Code Section 1073, Paragraph 2. Actual bias.

3 MR. REINER: Join.

4 MR. KANAREK: Join.

5 MR. SHINN: Join.

6 THE COURT: The challenge will be allowed.

7 Mr. Porter will be excused for cause.

8 MR. KANAREK: Your Honor, I have two points that  
9 I would like to make at this time.

10 I didn't want to interrupt the Court when the  
11 Court was speaking to the mass media, but I cannot agree  
12 with the Court, and I say it with respect to the Court,  
13 that I cannot agree --

14 THE COURT: I don't expect you to agree with me,  
15 Mr. Kanarek.

16 MR. KANAREK: Someone might, in the future, deem it to  
17 be a finding of fact.

18 I just want --

19 THE COURT: A finding of fact?

20 MR. KANAREK: Someone might advocate that your Honor  
21 made a finding of fact that none of those prospective  
22 jurors, that is, those that are -- pardon me -- none that  
23 have purportedly been sworn for the regular jury panel --  
24 have heard the confession, because it is my belief that  
25 they all have heard the confession, and it is my experience  
26 that the triggering off of a memory in a human mind is such,



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1 in a trial, the fact that they haven't enunciated it while  
2 sitting before your Honor is one thing, but it is my belief  
3 that during these proceedings that this will be triggered  
4 off in their mind, even assuming arguendo that they were  
5 candid with the Court, and I don't believe they were, but  
6 I don't want anyone to say that that is a finding of fact,  
7 which is not accepted.

8 May I request the Court to inform us as to  
9 what your Honor has found or done in connection with the  
10 interview of Paul Caruso today? I mean, to this point?

11 MR. STOVITZ: Our silence does not mean consent, your  
12 Honor, to Mr. Kanarek's statement.

13 THE COURT: Of course, this constantly rehashing of  
14 the same comments over and over again on the record does not  
15 change anything, Mr. Kanarek. You have stated your views  
16 now on a number of occasions.

17 I have stated my views with regard to the  
18 composition of the jury. The record will speak for itself  
19 as to the voir dire examination of these jurors, which was  
20 conducted under oath. They were under oath. In my opinion,  
21 they answered the questions frankly, honestly and sincerely.

22 None of those 12 jurors have read or heard of  
23 Susan Atkins' confession or any other statement of any  
24 defendant.

25 In my opinion, they are fair and impartial.

26 MR. KANAREK: Well, your Honor, I think that there is --

1 THE COURT: There is no answer required now.

2 I don't want to prolong this.

3 MR. KANAREK: Very well.

4 THE COURT: There is nothing pending, but I simply  
5 wanted to answer your comments.

6 MR. KANAREK: May I respond to your Honor?

7 THE COURT: No. Let's call the next prospective  
8 juror.

9 THE CLERK: Has Mr. Porter been excused?

10 THE COURT: Yes, Mr. Porter has been excused for  
11 cause.

12 MR. KANAREK: May I have a response to the other  
13 request?

14 THE COURT: We are not going to keep this up,  
15 Mr. Kanarek.

16 MR. KANAREK: The other request as to what your  
17 Honor has done in connection with the interview of Paul  
18 Caruso.

19 THE COURT: You were present when I did it.  
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1 MR. KANAREK: No, I mean, your Honor has evidently  
2 had phone calls.

3 THE COURT: Well, what my phone calls are of no  
4 concern of yours, Mr. Kanarek.

5 MR. STOVITZ: I was wondering, your Honor, if whether  
6 or not on Monday or Tuesday if we are still in selection of  
7 the alternate jurors whether or not your Honor can give  
8 consideration to working, say, from 6:00 to 9:00 for the  
9 jurors' sake.

10 THE COURT: I gave consideration to all kinds of  
11 things, Mr. Stovitz.

12 (Prospective alternate juror enters the  
13 chambers of the court.)

14 THE COURT: Good afternoon, sir.

15 THE CLERK: The prospective alternate juror's name  
16 is R. H. McGowan, last name M-c-G-o-w-a-n.

17  
18 VOIR DIRE EXAMINATION OF MR. MC GOWAN  
19 BY THE COURT:

20 Q Mr. McGowan, if you were selected as an  
21 alternate juror in this case would you be able to serve?

22 A No, I don't think so.

23 This is my second week, and I had 20 days,  
24 and I don't think I would have a job if I were selected  
25 as an alternate juror.

26 Q What is your job, sir?

1 A Jig builder for Fan Steel in Torrance.

2 Q Do you know what that company's policy is  
3 with respect to the payment of your compensation if your  
4 jury service extends beyond that 20 days?

5 A No, sir, I don't. I haven't had a chance  
6 to discuss it with the personnel manager.

7 Q Are you a member of a union?

8 A No, there is no union.

9 Q Could you determine what the policy is before  
10 you come back tomorrow?

11 A Well, I have to pick up my check today.

12 Q Today?

13 A Yes.

14 Q Could you determine that or ask someone in  
15 charge there?

16 A Yes, Mr. Essex is in charge of personnel.  
17 I can ask him this afternoon.

18 Q Tell him that the Court has inquired because  
19 you are a prospective juror in this case.

20 We are concerned with what their policy is  
21 about payment of compensation in case you were selected  
22 in a case that went on, say, three or four months.

23 Would you let me know in the morning when  
24 you come back?

25 A I will.

26 Q All right, Mr. McGowan, now aside from what

1 you already told me, is there any other reason that you  
2 could not serve as an alternate juror in this case?

3 A No other reason.

4 Q Do you entertain such conscientious opinions  
5 regarding the death penalty that you would be unable to  
6 make an impartial decision as to any defendant's guilt  
7 regardless of the evidence in the case?

8 A No.

9 Q Do you entertain such conscientious opinions  
10 regarding the death penalty that you would automatically  
11 refuse to impose it without regard to the evidence in the  
12 case?

13 A No.

14 Q On the other hand would you automatically  
15 impose it in every case without listening to the evidence?

16 A No.

17 Q That is, make up your mind to impose it in  
18 every case without listening to the evidence?

19 You would not do that?

20 A No, I would not.

21 Q You then, as I understand what you are  
22 saying, you would be willing to listen to all of the  
23 evidence in the case and if the case should get to  
24 the penalty phase after listening to all of that evidence,  
25 that you would then make up your mind as to which of the  
26 two penalties was the appropriate penalty for this case,



1 is that right?

2 A Yes.

3 Q Have you made any attempt to follow this  
4 case in the newspapers or on television or any other way?

5 A No, I work -- I sleep during the day and  
6 I work the second shift, and other than the news flashes  
7 and things like this, it has been just vague.

8 Q Do you read a newspaper regularly?

25a fls. 9 A No, I cancelled the Times.

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1 Q How long ago?

2 A About October of '69. They increased their  
3 rates 50 cents, and I did not think it was justified.

4 Q And I take it, then, you don't read any other  
5 newspaper on a daily basis?

6 A I don't read any home delivery paper.

7 Q Do you watch television news reports regularly?

8 A Well, when I wake up it is time to go to work  
9 and when I come home it is 2:00 o'clock at night so I don't  
10 have much chance of watching.

11 Sometimes, like the weekends, I get the 11:00  
12 o'clock news at night.

13 Q Before you came into this case did you know  
14 the names of the defendants in this case?

15 A Mr. Manson's, I heard of that when it first  
16 happened.

17 Q When he was first arrested?

18 A Yes.

19 Q Did you know the names of the female defendants?

20 A No, not too well.

21 I heard some of their names called but their  
22 names are odd, I did not try to remember.

23 Q Have you ever read or heard anything that  
24 seemed to you to be a description by someone who was  
25 actually there when the killings were taking place or any  
26 of the killings?

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A No.

Q Have you ever read or heard anything which seemed to be a statement made by one of the defendants, any of the defendants?

A No, I have heard no statements made by any of the defendants.

Q Have you formed any opinion as to the guilt or innocence of any of the defendants in this case?

A I haven't followed the case that closely.

Q Do you think that if you were selected as a juror that you could give the defendants the benefit of the presumption of innocence?

A Yes.

Q Do you recall I told the panel this afternoon -- Did you come in this afternoon?

A I have been here all day.

Q You came in yesterday then?

A Yes.

Q Do you recall my telling the prospective jurors that in every criminal case the defendant is entitled to the presumption of innocence.

In other words, he is presumed to be innocent, and that presumption lasts until the People are able to prove his guilt beyond a reasonable doubt, if they are able to do so.

A Yes.

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Q Now, would you be willing to follow that?

A Yes.

Q And if the People were unable to prove guilt beyond a reasonable doubt would you then be willing and would you vote to acquit the defendant or defendants, as the case may be?

A Yes.

Q On the other hand, if the People were able to prove guilt beyond a reasonable doubt as to any defendant, would you then be willing and would you vote a verdict of guilty as to that defendant?

A Yes.

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1 Q Do you know of any reason why you could not  
2 be fair and impartial if you were selected as a juror?

3 A No.

4 THE COURT: Mr. Fitzgerald.

5 MR. FITZGERALD: No questions, your Honor.

6 THE COURT: Mr. Reiner.

7 MR. REINER: No questions, your Honor.

8 THE COURT: Mr. Shinn.

9 MR. SHINN: No questions, your Honor.

10 THE COURT: Mr. Kanarek.

11 MR. KANAREK: No questions, thank you, your Honor.

12 MR. STOVITZ: With the permission of the Court may I  
13 ask this question?

14  
15 VOIR DIRE EXAMINATION OF MR. MC GOWAN  
16 BY MR. STOVITZ:

17 Q Mr. McGowan, sometimes it happens that a juror  
18 wants to tell us something here in chambers that they  
19 would not want to tell us outside in open court.

20 Can you think of anything in your background  
21 or anything, like that that you might want to tell us here in  
22 chambers that you may feel free to tell us?

23 A None other than what the Judge says, I have to  
24 inquire as to what the company will allow me. This is the  
25 only thing that is on my mind.

26 Q Do you have any little children at home or



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1 anything like that?

2 A Yes, I have children at home.

3 Q What are their ages?

4 A From 14 to 16 years of age.

5 Q Does your wife work at all?

6 A Me and my wife has been separated since  
7 September of 1965.

8 Q Do you take care of the children?

9 A My mother takes care of the children.

10 Q Your mother does?

11 A They are attending summer school now.

12 Q So if it is okay with your boss to continue  
13 paying you, you would be willing to serve, is that right?

14 A Yes.

15 MR. STOVITZ: I have no further questions.

16 THE COURT: All right, Mr. McGowan, I will ask you  
17 to go back into the courtroom then and would you refrain  
18 from discussing with anybody what has been said in here.

19 MR. MC GOWAN: Yes.

20 THE COURT: All right, sir. Then you let me know  
21 in the morning, will you, about what you have been able to  
22 find out about your employment.

23 MR. MC GOWAN: Yes.

24 THE COURT: I think in view of the fact that it is  
25 ten after 4:00 now we should adjourn.

26 We don't know whether Mr. McGowan is going to

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1 have a hardship problem or not until the morning, and we  
2 don't have time to fully examine another prospective  
3 juror.

4 So we will go back into the courtroom and I  
5 will admonish the jury before we adjourn.

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1 (The following proceedings occurred in  
2 open court, all defendants, counsel, jury and prospective  
3 jurors being present:)

4 THE COURT: All parties and counsel are present,  
5 the jury is in the jury box, and the prospective jurors  
6 are present.

7 We will adjourn at this time, ladies and  
8 gentlemen, until 9:00 o'clock tomorrow morning.

9 Again, remember the admonitions.

10 Do not converse among yourselves nor  
11 with anyone else on any subject relating to this case,  
12 nor form or express any opinions regarding the case  
13 until it is finally submitted to you.

14 And do not read, watch or listen to any  
15 news reports concerning the case so long as you are  
16 connected in any way with the case.

17 9:00 o'clock tomorrow morning, please.

18 (Whereupon at 4:15 o'clock p.m. court  
19 was in recess until 9:00 o'clock a.m. of the  
20 following day, Friday, July 17, 1970.)  
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LOS ANGELES, CALIFORNIA, FRIDAY, JULY 17, 1970

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(The following proceedings were had in the chambers of the court, all defendants and their counsel being present, Deputies District Attorney being present as well as Ronald Hughes, Esq.)

THE COURT: All parties and counsel are present.

I have been handed a document entitled Notice of Motion To Substitute Counsel of Record.

It appears to have been signed by Leslie Van Houten.

Is that correct, Miss Van Houten?

DEFENDANT VAN HOUTEN: Yes.

THE COURT: And which purports to be a motion to substitute Mr. Ronald Hughes in place of Mr. Ira Reiner as attorney of record.

I notice that Mr. -- first off, that Mr. Hughes was formerly the attorney for Mr. Manson.

Is that right, sir?

MR. HUGHES: That is correct, your Honor.

THE COURT: Which, of course, immediately raises the question of a possible conflict of interest.

DEFENDANT VAN HOUTEN: At the time I hired Mr. Reiner he was on his own, you know -- at the time I hired Mr. Reiner he was also a prospective lawyer for Mr. Manson.

1 MR. HUGHES: Your Honor, I can represent to the Court  
2 that there is no conflict between the defendants, Miss  
3 Van Houten and Mr. Manson.

4 THE COURT: Well, you can make the representation. I  
5 don't know whether I accept it as being true or not.

6 MR. HUGHES: I believe, your Honor, that Mr. Reiner  
7 will agree with that, that back in March of this year at  
8 the time that I became Mr. Manson's attorney, that Mr. Reiner  
9 was actively seeking to be Mr. Manson's attorney at that  
10 time, although at that time he was also representing --  
11 already representing Miss Van Houten, and at that time I  
12 do not believe that he felt that there was any conflict.



2  
1 THE COURT: Well, assuming the substitution is  
2 permitted, are you prepared to proceed?

3 MR. HUGHES: I am prepared to proceed right now,  
4 your Honor. I am familiar with the case. I have talked  
5 with Miss Van Houten on several occasions. I am familiar  
6 with the indictment against her, the charges that have  
7 been brought against her, and I have seen the evidence and  
8 I am up to date; and also I have read some of the proceedings  
9 since the time I left the case on June 15th, or a little  
10 earlier than that, actually.

11 THE COURT: What about preparations for trial? Had  
12 you undertaken preparations before --

13 MR. HUGHES: I am completely prepared for trial at  
14 this time, your Honor.

15 THE COURT: I am sorry, I didn't hear you.

16 MR. HUGHES: I am completely prepared for trial at this  
17 time.

18 THE COURT: In other words, there would be no  
19 continuance involved or request for continuance?

20 MR. HUGHES: I would not seek or request any  
21 continuance, your Honor.

22 I believe, your Honor, that this primarily is  
23 based upon what I would term and what Miss Van Houten has  
24 termed irreconcilable differences between herself and  
25 Mr. Reiner in the course and tactics which he proposes and  
26 which she proposes in the course of the trial.

1 Is that right, Miss Van Houten?

2 DEFENDANT VAN HOUTEN: Yes, that is right.

3 MR. HUGHES: Would you agree, Mr. Reiner?

4 THE COURT: If you were appointed, that is, if you  
5 were substituted as attorney of record -- and I want the  
6 record to be perfectly clear that if the substitution is  
7 approved by the Court, that this is not an appointment  
8 under 987a of the Penal Code.

9 MR. HUGHES: I understand that.

2A 10 THE COURT: You would not be entitled to any  
11 compensation whatever from the Court.

12 MR. HUGHES: I understand.

13 THE COURT: Or by virtue of any approval or order of  
14 the Court. This is strictly a private arrangement between  
15 you and Miss Van Houten.

16 MR. HUGHES: Yes, your Honor, I understand that.

17 THE COURT: If you are substituted in, Mr. Hughes,  
18 are you prepared to come in and act as an attorney and not  
19 simply -- the reason I am raising this question is because  
20 of your last statement.

21 The mere fact that an attorney, for example,  
22 -- if such is the fact, and I don't know if it is or not --  
23 disagrees with his client as to the conduct of the trial  
24 does not constitute an irreconcilable difference which  
25 would warrant a substitution in the middle of the trial. ✓

26 The attorney is in charge of the case. It is

1 not uncommon for attorneys and their clients to disagree  
2 as to the way a trial is handled.

3 The function of the attorney is to provide a  
4 professional representation for the client with skill,  
5 knowledge and ability to defend a client in his own best  
6 interest. Sometimes the client is the most incapable of  
7 judging what is best for him or her.

8 MR. HUGHES: I understand that, your Honor, and  
9 I believe I would have Miss Van Houten's best interest at  
10 heart and that I would be representing her as a professional  
11 attorney notwithstanding the --

12 THE COURT: Would you be prepared to exercise your  
13 own best judgment in her defense?

14 MR. HUGHES: Yes.

15 THE COURT: Now, Miss Van Houten, as you know,  
16 Mr. Hughes, at one time, represented Mr. Manson.

17 DEFENDANT VAN HOUTEN: Yes.

18 THE COURT: Who is a co-defendant in this case.

19 MISS VAN HOUTEN: Yes.

20 THE COURT: I have no way of knowing, because I  
21 don't know what the evidence is going to be, whether or not  
22 a possible conflict of interest may develop as between the  
23 defendants.

24 MISS VAN HOUTEN: Yes.

25 THE COURT: In other words, your interests and  
26 Mr. Manson's interests in this case may not exactly coincide.

1 Do you understand what I am saying?

2 MISS VAN HOUTEN: Yes, I understand what you are  
3 saying.

4 THE COURT: It might very well occur, and I don't  
5 know whether it will or not, that your defense and his  
6 defense are not exactly parallel, and that something that  
7 you or your attorney may urge or want to urge in your  
8 defense would be detrimental to Mr. Manson, or vice versa.

9 Do you understand?

10 DEFENDANT VAN HOUTEN: Yes.

11 THE COURT: Now, Mr. Hughes, since he has represented  
12 Mr. Manson, would he be in a position of possibly urging on your  
13 behalf a defense or some portion of a defense which would  
14 be inconsistent with what he would have done had he remained  
15 an attorney for Mr. Manson.

16 Do you understand that?

17 DEFENDANT VAN HOUTEN: Yes.

18 THE COURT: Or the other side of that coin is that  
19 conceivably, because of what he already knows about  
20 Mr. Manson's case, there is a possibility that this  
21 could in some way prejudice your defense.

22 Do you understand?

23 DEFENDANT VAN HOUTEN: Yes, I understand what you are  
24 saying.

3-1

1 THE COURT: I am not saying that he would do this  
2 consciously, but by virtue of the position that he has been  
3 placed in, do you understand that?

4 DEFENDANT VAN HOUTEN: Yes.

5 THE COURT: Now, knowing all of this is it still your  
6 desire that Mr. Hughes represent you?

7 DEFENDANT VAN HOUTEN: Yes. I don't see that there  
8 would be any conflict of interest.

9 THE COURT: Well, the fact that you may not see it  
10 does not mean it may not exist or possibly exist.

11 Have you had a chance to discuss this,  
12 Mr. Kanarek, with Mr. Manson, as to what his feelings are  
13 about a possible conflict that could arise as a result of  
14 the substitution of Mr. Hughes?

15 MR. KANAREK: Mr. Manson does not oppose it, your  
16 Honor.

17 THE COURT: Is that correct, Mr. Manson?

18 MR. MANSON: That is correct.

19 THE COURT: You have heard what I just said to  
20 Miss Van Houten about a possible conflict arising because  
21 of the representation.

22 It may develop during the case that your  
23 interests and Miss Van Houten's interests or the interests  
24 of any other defendant do not exactly coincide as far as  
25 the strategy or the tactics of the defense are concerned.

26 MR. MANSON: I will accept that.

1 THE COURT: You may be at different places different  
2 times; the facts might apply to one of you and not the  
3 other in such a way that one piece of evidence might be  
4 useful as being used in the defense of one of you, but  
5 might be harmful as against the other.

6 There are any possible number of combinations  
7 that I am not aware of, but what I want you to be aware of  
8 is the possibility that such could occur, and since Mr.  
9 Hughes has had the position that he has had, conceivably he  
10 may be in possession of information affecting you which he  
11 might now be obligated to use in defense of  
12 Miss Van Houten, which conceivably could be detrimental  
13 to you.

14 Do you understand that?

15 MR. MANSON: Yes, sir.

16 THE COURT: Now, knowing all of these things do you  
17 have any objection to Mr. Hughes being Miss Van Houten's  
18 attorney?

19 DEFENDANT MANSON: I have no objection.

20 THE COURT: You understand that when he becomes  
21 Miss Van Houten's attorney he owes 100 per cent allegiance  
22 to her, and he has no allegiance to you whatever.

23 DEFENDANT MANSON: We accept that.

24 THE COURT: To the extent that there is any conflict  
25 he would be opposing you, notwithstanding the fact he  
26 formerly represented you.

1 DEFENDANT MANSON: I could accept that, too.

2 THE COURT: Does anyone else wish to be heard in  
3 this matter?

4 MR. STOVITZ: Just speaking as amicus curiae, your  
5 Honor, I know that Miss Van Houten has graduated from high  
6 school. At least I think she has.

7 I know she should be made aware of Mr. Reiner's  
8 background with respect to what murder cases he has  
9 been involved in, and Mr. Hughes' background as to what  
10 criminal cases he has defended.

11 Although Mr. Hughes appears to be of my age,  
12 I believe --

13 MR. HUGHES: I will volunteer --

14 MR. MANSON: We all know these things, he just wants to  
15 bring this out.

16 MR. STOVITZ: I don't think the record knows these  
17 facts:

18 Miss Van Houten should be made aware of these  
19 facts. Mr. Hughes appears to be 45, is it, or 42 --

20 MR. HUGHES: 35. ✓

21 MR. STOVITZ: Are you 35!

22 MR. HUGHES: Yes, I am not your age, really.

23 MR. STOVITZ: He has just within the last year and  
24 a half --

25 MR. HUGHES: Within the last year past.

26 MR. STOVITZ: Within the year been admitted to the ✓

1 practice of law in the State of California.

2 Prior to that I don't believe he was admitted  
3 to practice in any other state.

4 He did work for a short time in the Public  
5 Defender's Office, is that right?

6 MR. HUGHES: That is correct.

7 MR. STOVITZ: As a clerk.

8 MR. HUGHES: Law clerk.

9 MR. STOVITZ: To my knowledge, being head of trials  
10 in the District Attorney's Office, I have not heard of  
11 Mr. Hughes defending any felony cases in the past year and a  
12 half.

13 THE COURT: Are you acquainted, Miss Van Houten, with  
14 these facts?

15 DEFENDANT VAN HOUTEN: Yes, I am very familiar with  
16 it.

17 THE COURT: You understand that relatively speaking  
18 Mr. Hughes has not had a great deal of experience in the  
19 criminal field?

20 DEFENDANT VAN HOUTEN: Yes.

21 THE COURT: That does not disqualify him because  
22 everyone has to start sometime.

23 DEFENDANT VAN HOUTEN: Right.

24 THE COURT: On the other hand, you should bear this  
25 in mind, that this is a case which has complications of  
26 many different kinds.



1           You need an attorney who has the intelligence,  
2           the ability and capacity and desire to represent you to the  
3           fullest.

4           (Defendant Van Houten nods in the affirmative.)

5           THE COURT: There are many attorneys in the criminal  
6           field who have far more experience than Mr. Hughes in  
7           murder cases and all types of cases.

8           Notwithstanding all of this you still wish to  
9           have Mr. Hughes as your attorney?

10          DEFENDANT VAN HOUTEN: Yes, I do.

3a-1

1 MR. STOVITZ: Before your Honor makes a final  
2 ruling, may we have about a ten-minute recess that I may  
3 hit the books -- we have a brief on this particular  
4 point that was recently prepared on another matter.

5 I would like to recheck the cases on it.

6 MR. HUGHES: Your Honor, I would object to the  
7 District Attorney's Office interjecting themselves  
8 between the attorney-client relationship at this point.

9 MR. STOVITZ: We are not trying to interfere with  
10 the attorney-client relationship. We feel that the  
11 proper administration of justice --

12 THE COURT: There is no attorney-client relation-  
13 ship yet, Mr. Hughes. That is the point at issue, and  
14 this is the time for anyone who has an interest in this  
15 matter to be heard, not afterward.

16 MR. HUGHES: It seems, however, your Honor, rather  
17 strange that the District Attorney's Office would take  
18 an interest who the attorney for any particular defendant  
19 is in any particular case, and I believe that the  
20 record reflects that they actually in this case, they  
21 have taken an active and awkward position towards  
22 every attorney who has appeared, or toward many of the  
23 attorneys who have appeared.

24 They have taken a position of trying to  
25 exclude Mr. Kanarek from representing Mr. Manson.

26 They took various devious positions which

3a-2

1 perhaps the Court is not aware of to exclude Mr.  
2 Fitzgerald, and surely there is no more capable --

3 MR. BUGLIOSI: Will you articulate that for the  
4 record?

5 MR. STOVITZ: We oppose that statement.

6 THE COURT: We are getting far afield. The question  
7 now is whether or not this motion to substitute you for  
8 Mr. Reiner should be approved by the Court.

9 MR. HUGHES: Yes, I understand, your Honor.

10 THE COURT: I see no objection to considering all  
11 of the aspects of this and permitting the People to  
12 consider the aspects of this too.

13 They have a legitimate interest in the outcome  
14 of this trial, and I see no objection to letting them  
15 throw whatever light they can before the Court makes its  
16 decision.

17 MR. HUGHES: For that matter I don't see that the  
18 Court -- I did not think that the District Attorney's  
19 Office then would mind having any light thrown on the  
20 opposition they threw in the path of Mr. Fitzgerald at  
21 the time --

22 THE COURT: Except that it has nothing to do with  
23 what the Court is now considering.

24 MR. HUGHES: It tends to show that the District  
25 Attorney's Office in this particular case has a tradition  
26 of interfering.

3a-3

1 MR. BUGLIOSI: For the record, we never made any  
2 direct or indirect effort to have Mr. Fitzgerald removed  
3 from this case. There is no doubt in my mind about that.  
4 I have been on this case since its very inception.

5 There has never been an effort to have Mr.  
6 Fitzgerald removed from the case.

7 MR. STOVITZ: The only possible exception was Mr.  
8 Fitzgerald was in the Public Defender's Office, and when  
9 the Public Defender was first appointed in the case I  
10 think I did state in the record that there may be a  
11 conflict of interest because the Public Defender's Office  
12 represented Robert Beausoleil.

13 The Court with that in mind asked Mr.  
14 Fitzgerald to look into that conflict.

15 That is the only statement directly or  
16 indirectly that could be attributed to trying to block  
17 the Public Defender or Mr. Fitzgerald coming into the  
18 case.

19 I just make the Court familiar with that  
20 initial contact.

21 I was aware of the Public Defender, Leon  
22 Salter, representing Robert Beausoleil.

23 THE COURT: All right, then, you are requesting --

24 MR. STOVITZ: -- a ten-minute recess.

25 THE COURT: -- a brief recess.

26 Do you wish to be heard on this matter,

3a-4

1 Mr. Reiner?

2 MR. REINER: I don't know if there is anything I  
3 can ethically say at this point.

4 THE COURT: I am not asking you to say anything. I  
5 am just giving you the opportunity if you want to.

6 MR. REINER: Very well, I have nothing to state.

7 THE COURT: All right, then, we will recess for  
8 15 minutes.

9 MR. STOVITZ: Before the recess, so the record is  
10 abundantly clear, Mr. Hughes is going to come in, he  
11 has not asked for a continuance. He made the representa-  
12 tion to the Court as an officer of the Court that he is  
13 familiar with all of the proceedings that have taken  
14 place to date, and he is also familiar with the evidence  
15 in the case because he previously prepared his representa-  
16 tion for Mr. Manson.

17 Is that right, Counsel?

18 MR. HUGHES: I believe I made that abundantly clear,  
19 Mr. Stovitz. Yes, that's right.

20 MR. STOVITZ: I just wanted to double check.

21 THE COURT: All right, we will recess then for  
22 15 minutes.

23 (Recess.)  
24  
25  
26

4 fls.

4-1  
1 (The following proceedings occurred in chambers,  
2 all defendants and all counsel, including Mr. Hughes,  
3 present:)

4 THE COURT: All parties and counsel are present.

5 MR. STOVITZ: We have not been able to find any  
6 cases that would be particularly on point, your Honor. We  
7 will submit the matter.

8 MR. REINER: Your Honor, before the Court rules,  
9 perhaps I should indicate this.

10 Mr. Hughes stated that there appeared to be  
11 certain irreconcilable differences between myself and  
12 Miss Van Houten, and I suppose that that is true.

13 Miss Van Houten has indicated in open court  
14 that it is her desire that I remain mute, that I not ask  
15 questions on voir dire, that I not exercise peremptory  
16 challenges, and presumably continue to remain mute.

17 It is my view of competent and ethical practice  
18 that I cannot accept such instruction.

19 I indicated to her that I cannot and would not  
20 accept such instruction.

21 She feels very strongly that that is what she  
22 wants and, for that reason, there is a difference between  
23 Miss Van Houten and myself, and it is an irreconcilable  
24 difference.

25 THE COURT: That is the reason that I asked  
26 Mr. Hughes the question as to whether or not he intends to

1 DEFENDANT VAN HOUTEN: Your Honor --

2 THE COURT: -- and is willing to pursue a vigorous  
3 defense as an independent attorney in this case.

4 MR. HUGHES: Your Honor, Miss Van Houten and I plan  
5 to win this case.

6 THE COURT: That isn't what I asked you, sir. Your  
7 plan to win it may not encompass putting on any defense  
8 whatever.

9 What I want to know is whether you are  
10 prepared to act in accordance with all of your responsi-  
11 bilities as a lawyer.

12 MR. HUGHES: Yes, I am, your Honor.



5-1

1 THE COURT: Do you wish to say something, Miss  
2 Van Houten?

3 DEFENDANT VAN HOUTEN: I was just going to say  
4 that Mr. Reiner is in one way, he is dividing the  
5 defense up, and that is the difference.

6 THE COURT: I don't understand what you mean.  
7 What do you mean, dividing the defense up?

8 DEFENDANT VAN HOUTEN: Well, he says the difference  
9 was because I asked him to be quiet, you know.

10 That is just one part of it.

11 He is like dividing up the defense.

12 THE COURT: Now, Mr. Manson, so the record will  
13 be perfectly clear, I understand from what you said  
14 before that notwithstanding everything as I have stated  
15 it to you this morning, that you have no objection to  
16 the substitution of Mr. Hughes for Mr. Reiner as Miss  
17 Van Houten's attorney, is that correct?

18 DEFENDANT MANSON: No, your Honor.

19 The only thing I like to see --

20 THE COURT: My question was, is that correct?

21 DEFENDANT MANSON: Yes, that's correct.

22 THE COURT: All right.

23 DEFENDANT MANSON: If all the attorneys are happy  
24 together, then they can offer a better defense in front  
25 of the Judge in the court, that is the primary reason.

26 THE COURT: But you have in mind everything that



1 I said to you about the possibility of a conflict of  
2 interest somewhere along the line?

3 DEFENDANT MANSON: Yes, sir.

4 THE COURT: Notwithstanding all of that you are  
5 not objecting to the substitution, is that correct?

6 DEFENDANT MANSON: No, I don't object.

7 THE COURT: You do not object?

8 DEFENDANT MANSON: No.

9 THE COURT: All right.

10 Anything further?

11 MR. STOVITZ: Submit it.

12 MR. REINER: Nothing further.

13 THE COURT: All right, the motion to substitute  
14 Mr. Ronald Hughes in place of Mr. Ira Reiner is granted. ✓

15 Mr. Reiner is relieved as attorney of  
16 record for Miss Van Houten.

17 MR. REINER: May I be excused?

18 MR. STOVITZ: Is there going to be some sort of  
19 arrangement made for the delivery of the Grand Jury  
20 transcript and the daily voir dire transcripts?

21 MR. REINER: Yes.

22 MR. STOVITZ: Also, I don't know, I was not  
23 present at the time Mr. Reiner was substituted in for  
24 Mr. Part, but at that time I believe certain medical  
25 reports of a confidential nature were turned over  
26 from Mr. Part to Mr. Reiner.

1 I think these, too, though not requested by  
2 Mr. Reiner, should be turned over to Mr. Hughes.

3 Also, in the event that we furnished any  
4 discovery, so that there will not have to be a duplication  
5 of efforts, if Mr. Reiner would want to turn those over  
6 we would appreciate it.

7 THE COURT: Can we have an agreement on that,  
8 gentlemen?

9 MR. REINER: Surely, I will make available to Mr.  
10 Hughes all of the transcripts and all of the matters of  
11 discovery.

12 THE COURT: Mr. Hughes, you'd better be listening  
13 to this.

14 MR. HUGHES: Yes.

15 THE COURT: This directly concerns you.

16 MR. REINER: I will repeat that.

17 I will make available to Mr. Hughes all of  
18 the transcripts in my possession and all the items of  
19 discovery in my possession, with reference to the medical  
20 reports alluded to by Mr. Stovitz, those were never made  
21 available to counsel. The Court kept them sealed.

22 THE COURT: As of the noon hour today?

23 MR. REINER: No, your Honor, I can make them available  
24 over the weekend.

25 MR. HUGHES: I can come to your office today.

26 MR. REINER: They won't be at the office. I don't

1 expect that you will have need for 22 volumes of  
2 transcript between now and Monday anyway.

3 But I will make available everything I have.  
4 Probably tomorrow is as good a day as any.

5 In the meantime I think everything I have is  
6 in Mr. Fitzgerald's possession, if you need anything  
7 today.

8 MR. HUGHES: May I have a moment privately with  
9 Mr. Reiner.

10 (Pause.)

11 THE COURT: Yes, Miss Van Houten?

12 DEFENDANT VAN HOUTEN: I made some tapes with one  
13 of my original attorneys, Mr. Part, and they were handed  
14 over to Mr. Reiner and I asked him to destroy them.

15 Have they been?

16 MR. REINER: Yes, they have been destroyed quite  
17 some time ago. ✓

18 THE COURT: All right, anything further then,  
19 gentlemen?

20 Now, I believe that the jury and the prospec-  
21 tive jurors should be apprised of the substitution, so  
22 if any of them know Mr. Hughes, that that can be communi-  
23 cated to the parties.

24 So I think that we should go into open court  
25 at this time, announce the substitution and then we can  
26 resume the voir dire in chambers.

1                   The Clerk will file the notice of motion to  
2 substitute Mr. Hughes as attorney of record.  
3  
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26

6 fls.

6-1 1 (The following proceedings occurred in open  
2 court, all parties and counsel, the jury and prospective  
3 alternate jurors present;)

4 THE COURT: All parties and counsel are present. The  
5 jury is present.

6 Ladies and gentlemen, there has been a sub-  
7 stitution of attorneys for the defendant Leslie Van Houten.  
8 Mr. Ronald Hughes has been substituted as the attorney of  
9 record in place of Mr. Ira Reiner for Leslie Van Houten.

10 Mr. Hughes, would you stand up and face the jury  
11 and the prospective jurors?

12 MR. HUGHES: Good morning.

13 THE COURT: Do any of you know Mr. Hughes?

14 (No response from anyone.)

15 THE COURT: Very well.

16 We will then resume with our voir dire  
17 examination in chambers and I will ask all parties and  
18 counsel to join me in chambers.

19 (The following proceedings occurred in chambers,  
20 all counsel and the defendants present.)

21 THE COURT: For the record, all parties and counsel  
22 are present.

23 The last prospective juror we were examining  
24 yesterday was Mr. McGowan.

25 Mr. McGowan had indicated that he might have a  
26 hardship problem with respect to his employment compensation,

-2  
1 and I think that we should call him back in at this time  
2 to find out if he has learned anything from his employer.

3 (Mr. McGowan enters court's chambers.)

4 THE COURT: Good morning, Mr. McGowan.

5 MR. MCGOWAN: Good morning, your Honor.

6  
7 VOIR DIRE EXAMINATION OF MR. MCGOWAN

8 BY THE COURT:

9 Q Were you able to find out anything from your  
10 employer, Mr. McGowan?

11 A When I got there they had closed. I was able  
12 to pick up my check and from my check I am able to deter-  
13 mine that they are not paying me for jury duty now, for  
14 last week. I only drew one day and I worked that day.

15 The personnel office was closed when I got there.

16 THE COURT: Will there be a stipulation, gentlemen?

17 MR. STOVITZ: May I inquire?

18 THE COURT: Yes.

19  
20 VOIR DIRE EXAMINATION OF MR. MCGOWAN

21 BY MR. STOVITZ:

22 Q Mr. McGowan, if you were not paid, sir, would  
23 this create an unbearable financial hardship on you?

24 A Well, it has already. This is my second week  
25 on jury duty and I only received \$36 for one day's salary,  
26 and all my bills and things are going on.

0-3  
1 Although I didn't turn in the slip from court,  
2 I don't know if I am going to get paid for jury duty or not.

3 MR. STOVITZ: We will stipulate, your Honor.

4 Mr. Fitzgerald indicated on behalf of all  
5 defendants that he will stipulate, and the People will join  
6 in the stipulation.

7 MR. FITZGERALD: So stipulated.

8 MR. KANAREK: So stipulated.

9 MR. SHINN: So stipulated.

10 MR. HUGHES: So stipulate.

11 THE COURT: All right, Mr. McGowan. Then you will be  
12 excused.

13 Will you refrain from discussing anything that  
14 is said in here?

15 MR. MCGOWAN: Yes.

16 THE COURT: You are excused from further jury  
17 service.

18 MR. MCGOWAN: Thank you.

19 (Mr. McGowan leaves the Court's chambers.)

20 THE COURT: The record will show that Mr. McGowan  
21 was excused by stipulation of all counsel for hardship  
22 reasons.



7-1

1 (A prospective alternate juror enters the  
2 room.)

3 THE CLERK: The prospective alternate juror's name is  
4 Mrs. Anna H. Klowden, A-n-n-a, K-l-o-w-d-e-n.

5  
6 VOIR DIRE EXAMINATION OF MRS. ANNA H. KLOWDEN  
7 BY THE COURT:

8 Q Mrs. Klowden, if you were selected as an  
9 alternate juror in this case would you be able to serve?

10 A No.

11 Q Keep your voice up, please, so everyone in the  
12 room can hear.

13 A No, I would not.

14 Q What is your situation?

15 A Can I say frankly?

16 Q I want you to say it frankly.

17 A I am prejudiced.

18 Q I am not talking now about your state of mind.  
19 I am just trying to find out if it would be an undue hard-  
20 ship.

21 I will get to the other.

22 A I have another responsibility. I have a small  
23 job that I have got to look after.

24 I am the volunteer chairman for the Thrift Shop  
25 for the Gateways Hospital, and there are four shops and I  
26 am in charge of the volunteers.



1 I am afraid if I wasn't present to keep them  
2 organized it would be a hardship in that particular  
3 facility.

4 Q All right, now, I understand from what you said  
5 that you feel that you are prejudiced in this case.

6 A I am afraid I am.

7 Q Does that mean that you have formed some opinion  
8 as to the guilt or innocence of one or more of the defendants?

9 A Well, I am very emotionally moved.

10 MR. KANAREK: Could she speak up.

11 MRS. KLOWDEN: I am very emotionally affected by it.

12 Q BY THE COURT: Affected how? What is your  
13 present state of mind with respect to the defendants?

14 Do you think they are more likely to be guilty  
15 than innocent?

16 A Yes.

17 Q Is that because of the nature of the --

18 A Yes.

19 Q -- of what you heard about the case?

20 A Yes.

21 Q Would you feel that way about any criminal case  
22 that received some publicity?

23 A Oh, no, no, I would not.

24 Q What is the difference about this case?

25 A It is horrible.

26 Q You mean the way the people were killed?

1 A Uh-huh. I am very deeply --

2 Q Suppose instead of these four people who were  
3 arrested as defendants in this case, some other four  
4 people were arrested, would you feel the same way about  
5 them?

6 A Well, if there were no confession I would not  
7 feel that way. Since there was a confession --

8 Q By whom?

9 A By one of the young ladies.

10 Q Which one, do you remember?

11 A I cannot remember the name exactly.

12 Q Well, their names -- do you know their  
13 names now, the names of the female defendants?

14 There is Leslie Van Houten, Patricia Krenwinkel  
15 and Susan Atkins?

16 A I think it was Miss Patricia Krenwinkel who  
17 made the confession.

18 The paper gave it wide publicity. I read the  
19 papers very carefully.

20 I read the morning paper from page to page  
21 every morning.

22 Q Which paper was this?

23 A The Times, and somehow every word of the  
24 confession is still in my memory, and I don't think I can  
25 discount it.

26 THE COURT: All right. Any questions?

1 MR. FITZGERALD: No.

2 MR. HUGHES: No.

3 MR. SHINN: No.

4 MR. KANAREK: No.

5 MR. STOVITZ: No.

6 THE COURT: All right, thank you, I will ask you to  
7 go back in the courtroom, Mrs. Klowden.

8 Will you refrain from discussing what was said  
9 in here?

10 MRS. KLOWDEN: I certainly will, thank you.

11 (Mrs. Klowden leaves the chambers of the court.)

12 MR. FITZGERALD: I will challenge the juror for cause  
13 on the grounds of actual prejudice.

14 MR. KANAREK: Join.

15 MR. HUGHES: Join.

16 MR. SHINN: Join.

17 MR. STOVITZ: The People will stipulate, your Honor.

18 THE COURT: The challenge is allowed.

19 Mrs. Klowden will be excused for cause.

20 (A prospective alternate juror enters the  
21 room.)

22 THE CLERK: The prospective alternate juror's name is  
23 Joe E. Fuller. J-o-e, F-u-l-l-e-r.  
24  
25  
26

## VOIR DIRE EXAMINATION OF JOE E. FULLER

BY THE COURT:

Q Mr. Fuller, if you were selected as an alternate juror in this case would you be able to serve?

A Well, I don't think my company will go for it.

Q Who is your employer?

A North-American Aviation. They will only go for 21 days.

Q Is this something that you have ascertained for yourself?

A Well, it is written on our pay slip that we bring to court that we can go for 21 days.

Q How long have you been on jury service now?

A I have been on two weeks.

MR. FITZGERALD: There will be a stipulation.

MR. HUGHES: So stipulated.

MR. KANAREK: So stipulated.

MR. SHINN: So stipulated.

THE COURT: All right, you will be excused, Mr. Fuller.

Will you refrain from discussing the conversation in here?

MR. FULLER: Yes.

THE COURT: Very well, by stipulation of all counsel Mr. Fuller is excused.

8-1

1 (Whereupon another prospective juror enters  
2 the Court's chambers.)

3 MISS CHASON: Good morning.

4 THE COURT: Good morning.

5 THE CLERK: The prospective alternate juror's name  
6 is Miss Frances Chason; F-r-a-n-c-e-s, C-h-a-s-o-n.

7  
8 VOIR DIRE EXAMINATION OF MISS CHASON

9 BY THE COURT:

10 Q Miss Chason, if you were selected as an  
11 alternate juror in this case, would you be able to serve?

12 A I believe so.

13 Q I'm going to ask you the same questions I  
14 have put to other jurors regarding their opinions as  
15 to the death penalty.

16 Have you had an opportunity to think about  
17 your own views on this subject?

18 A Well, to be truthful, I really haven't  
19 given it any thought because I have never had occasion  
20 to deal with anything of this sort.

21 I feel that I would judge as I sat if I was  
22 seated.

8a fls.

8a-1

1 Q I am going to put two or more specific  
2 questions to you.

3 A Good.

4 Q So we would like to have your honest  
5 opinion and belief, if you hold any opinions with respect  
6 to these matters.

7 A Yes, sir.

8 Q First, do you entertain such conscientious  
9 opinions regarding the death penalty that you would be  
10 unable to make an impartial decision as to any defendant's  
11 guilt regardless of the evidence in the case?

12 A No, I have no opinion at all in that  
13 connection.

14 MR. KANAREK: Could she speak up just a little  
15 bit?

16 MISS CHASON: Yes.

17 THE COURT: Keep your voice up, please.

18 MR. KANAREK: May the last answer be read?

19 THE COURT: Yes.

20 (The answer was read by the reporter.)

21 MR. KANAREK: Thank you.

22 THE COURT: The question is whether or not,  
23 by reason of any opinions regarding the death penalty,  
24 you would be unable to be impartial as to the determination  
25 of any defendant's guilt or innocence.

26 A No, I wouldn't be able to be impartial. I

8a-2

would just judge according to what was presented.

Q In other words, you would be willing and you are able to be impartial?

A Truly.

Q Now, the second question is: Do you entertain such conscientious opinions regarding the death penalty that you would automatically refuse to impose it without regard to the evidence?

A No, I don't think so.

Q On the other hand, Miss Chason, would you automatically impose it in every case?

A No, I would not.

Q Without considering the evidence?

A I would not.

Q Then you would be willing to hear all of the evidence in the case, and if the case does get to the stage where the jury is called upon to decide the penalty, only after listening to all of the evidence would you then make up your mind; is that right?

A Certainly.

Q Assuming you were able to make up your mind.

A Well, I hope so.

Q Very well.

Now, we want to know what, if anything, you have learned about this case, Miss Chason, over the past months.

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A Yes.

Q Have you lived in Los Angeles County continuously?

A Since 1948.

Q You weren't away during the past year?

A Just on a trip to Puerto Rico.

Q That is what I wanted to know.

A Yes.

I made a trip to the Virgin Islands before I came home.

Q During what period?

A I was called for the jury in June and I telephoned because I had my plans already made for my trip, and I was assigned July 13th as my day.

8b fls.



8b-1

1 Q What I want to know is what period were you  
2 out of the United States, out of California?

3 A For about a week, the middle of June; just  
4 the middle to the end of June.

5 Q 1970?

6 A Yes.

7 Q Do you subscribe to a daily newspaper?

8 A I do not.

9 Q Do you read a newspaper on a regular basis?

10 A I utilize the Christian Science Monitor.

11 That is my paper and my church.

12 Q Do you watch television news reports?

13 A Occasionally.

14 Q Do you listen to the radio news reports?

15 A No.

16 Q When did you first learn that there had been  
17 some killings which are the subject of this particular  
18 case?

19 A Just over TV.

20 Q Well, when was that? Do you remember?

21 A Oh, several months back. A long time ago.

22 I really, to be frank and truthful, I read  
23 nothing about the case because I am not interested in  
24 the tabloids, so to speak.

25 The paper I read does not carry these stories.  
that

26 Q At some time you did learn/there had been

1 some killings?

2 A Yes. By listening to the news, you see.  
3 It is always interspersed and you, therefore, are just  
4 bound to hear things.

5 I couldn't say that I haven't heard anything.

6 Q Keep your voice up, please.

7 A I will do the best I can.

8 Q Now, you did subsequently learn that these  
9 defendants had been arrested and charged with these  
10 offenses?

11 A I don't know their names. I know there was  
12 such a thing, that it happened, but I don't know the  
13 people involved nor their names.

14 Q Before you came into this case, did you  
15 know the names of any of the defendants?

16 A I did not, except the name of Manson, which  
17 you couldn't help but hear on TV.

18 Q That is just what I want to know.

19 A That is it.

20 Q Except for Manson, did you know the name of  
21 any of the other defendants?

22 A No, sir.

23 Q Did you know the names of any of the victims?

24 A I believe I heard the Tate name. That is  
25 the only one.

26 Q Sharon Tate?

1 A Yes.

2 Q Any of the others?

3 A No.

4 Q Have you formed any opinion as to the guilt  
5 or innocence of any of the defendants in this case?

6 A No, I really haven't given it any thought.

7 Q Have you ever read or heard anything which  
8 appeared to be a description by someone who was actually  
9 present at the time any of these killings occurred?

10 A No, I have not.

11 Q Have you ever read or heard anything which  
12 appeared to be a statement made by anyone of these  
13 defendants?

14 A No, I have not.

15 Q Do you know of any reason why you could not  
16 be entirely impartial if you were called upon to act as  
17 a juror in this case?

18 A I do not.

19 Q Do you think that you could put aside whatever  
20 you have heard or read about the case and decide the  
21 case solely on the evidence that is introduced during  
22 the trial?

23 A I believe so.

24 Q Do you have any question about that?

25 A No, sir.

26 Q Would you promise the Court to do so if you

1 were selected to serve?

2 A I would.

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4 8c fls.  
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1 THE COURT: Mr. Fitzgerald?

2 MR. FITZGERALD: Thank you.

3  
4 VOIR DIRE EXAMINATION OF MISS CHASON

5 BY MR. FITZGERALD:

6 Q Miss Chason, you have heard Mr. Manson's name  
7 on radio?

8 A Yes.

9 Q Is that correct?

10 A That's right.

11 Q Have you seen references to him on television?

12 A On TV, yes. Whenever the news comes on.

13 Q Have you also read about him, perhaps, in the  
14 Christian Science Monitor, or anywhere?

15 A No, not at all.

16 Q Would you be able to give Mr. Manson a fair  
17 trial?

18 A I believe I could listen to the evidence and  
19 then decide.

20 I believe in a fair trial, certainly.

21 Q But could you give him a fair trial?

22 A Certainly.

23 Q Do you have any preconceived notions that he is  
24 more likely to be guilty than innocent?

25 A I don't know the case. Therefore, I couldn't  
26 say.

8C2  
1 Q Have you ever heard of any of the attorneys in  
2 this case; specifically, Mr. Kanarek?

3 A No. I don't know any attorneys.

4 MR. FITZGERALD: Thank you. I have nothing further.

5 MR. SHINN: No questions, your Honor.

6 THE COURT: The order in which we have been proceeding,  
7 Mr. Hughes, is that Mr. Fitzgerald has been asking questions  
8 first, then Mr. Reiner was second. So, if you wish to  
9 follow that procedure?

10 MR. HUGHES: I have no questions.

11 THE COURT: Mr. Shinn?

12 MR. SHINN: No questions.

13 THE COURT: Mr. Kanarek?

14 MR. KANAREK: No questions.

15 THE COURT: Mr. Stovitz?

16 MR. STOVITZ: Yes. With permission of the Court.

17  
18 VOIR DIRE EXAMINATION OF MISS CHASON

19 BY MR. STOVITZ:

20 Q Miss Chason, sometimes jurors feel more  
21 comfortable telling us things here in chambers than they do  
22 out in court.

23 Is there anything about your personal life or  
24 anything that you might want to tell us about yourself so  
25 that you would be able to show us, you know, sort of like,  
26 oh, any little thing that might have happened in your life

1 that would cause you to be prejudiced one way or the  
2 other?

3 A No, I know of no prejudice.

4 I am a Civil Service retiree and free lance  
5 doing tax work when tax time comes around. I am single and  
6 I live alone.

7 Is there anything else? I will answer all  
8 questions.

9 MR. STOVITZ: Thank you very much. No questions.

10 THE COURT: Then I will ask you if you will go back  
11 into the courtroom, Miss Chason, and will you refrain from  
12 discussing with anyone what has been said in here this  
13 morning.

14 MISS CHASON: Most assuredly.

15 THE COURT: Thank you.

16 MR. FITZGERALD: Thank you.

17 (Whereupon, Miss Chason leaves the Court's  
18 chambers.)

19 THE COURT: Now, according to my records, the next  
20 prospective alternate to be examined here in chambers would  
21 be Mr. Ramirez; is that correct?

22 MR. FITZGERALD: Correct.

23 THE COURT: All right.

24 We haven't given the jury a recess yet. I  
25 think we probably should do that at this time.

26 We will take a 15-minute recess.

(Recess.)



9-1  
1 (The following proceedings were had in the  
2 chambers of the Court, all defendants and all counsel  
3 being present.

4 THE COURT: All parties and counsel are present.

5 Would you bring in Mr. Ramirez, please, the  
6 No. 5 alternate.

7 (Mr. Ramirez enters the chambers of the court.)  
8

9 VOIR DIRE EXAMINATION OF MR. ARTHUR E. RAMIREZ  
10 BY THE COURT:

11 Q Good morning, Mr. Ramirez.

12 A Good morning.

13 Q Mr. Ramirez, if you were selected as an  
14 alternate juror in this case would you be able to serve,  
15 sir?

16 A I would, your Honor.

17 Q All right. I'm going to ask you now some  
18 questions regarding your opinions on the death penalty.

19 Have you had a chance to think about these  
20 matters?

21 A I have.

22 Q The first question is this:

23 Do you entertain such conscientious opinions  
24 regarding the death penalty that you would be unable to  
25 make an impartial decision as to any defendant's guilt  
26 regardless of the evidence in the case?

1 A No, your Honor.

2 Q Do you entertain such conscientious opinions  
3 regarding the death penalty that you would automatically  
4 refuse to impose it without regard to the evidence in the  
5 case?

6 A No, your Honor.

7 Q On the other hand, would you automatically  
8 vote to impose it in every case without considering the  
9 evidence in the case?

10 A No.

11 Q In other words, you would be willing to listen  
12 to all of the evidence in the case, and then make up your  
13 mind on the question of penalty if the case should get to  
14 that point.

15 Is that right?

16 A Yes.

17 Q Now, we want to find out what, if anything, you  
18 may have learned about this case over the past months.

19 Have you resided in Los Angeles continuously  
20 since last August?

21 A No, in Gardena. That is part of L.A. County.

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10-1

1 Q Do you subscribe to a daily newspaper?

2 A The Los Angeles Times.

3 Q Do you read that regularly?

4 A Yes, sir.

5 Q Have you made any conscious effort to follow  
6 this particular case in the newspaper or on television?

7 A Not particularly.

8 Q Do you watch television news reports?

9 A Very seldom.

10 Q Do you remember when you first learned about  
11 this; that is, about the killings that are the subject of  
12 this case?

13 When did you first hear about it or read about  
14 it?

15 A It was probably following -- after the sensa-  
16 tion.

17 Q All right.

18 A The headlines.

19 Q Then at some later time, Mr. Ramirez, did you  
20 learn that these defendants had been arrested and charged  
21 with the offenses?

22 A Yes, I read that.

23 Q Have you formed any opinion as to the guilt  
24 or innocence of any of the defendants?

25 A At this point I can't say I have.

26 Q Have you ever read or heard anything which

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1 seemed to be a description by somebody who was actually  
2 at the scene of one or more of these killings?

3 A I believe I read something, but I was confused  
4 as to who it was that had been at the scene.

5 Q Now, when I say "at the scene," I mean at the  
6 scene at the time.

7 A The scene at the time?

8 Q Of one or more of the killings.

9 A Yes. But I don't remember who it said in the  
10 newspaper.

11 Q Did it appear to be one or more of the  
12 defendants who was making a statement, or was this someone  
13 else?

14 A No. I just say that I read in the newspaper  
15 where there was supposed to have been someone up there at  
16 the scene but I don't recall just which one that it said  
17 in the newspaper. I didn't pay that close attention.

18 Q All right.

19 Now, I am not talking about the description  
20 in the newspapers immediately after the bodies were  
21 discovered.

22 A This was after the alleged --

23 Q I am not talking about that.

24 I am talking about a later statement which  
25 appeared to you to have been made by someone who was  
26 present at the time of the killing or killings.

1           A     No, I don't recall that.

2                     Like I just said, like what I recall, in the  
3 newspaper it stated that there had been -- there had been  
4 someone at the scene that had seen this. That is as far  
5 as I recall.

6           Q     Are you talking about someone who was at the  
7 scene when the bodies were discovered, by whoever discovered  
8 them? Is that what you mean, Mr. Ramirez?

9           A     No, I meant in the newspaper. It described  
10 someone of the alleged defendants had been at the scene.  
11 This is the part that I am saying.

12                     I didn't pay that much attention to it.  
13 I really didn't.

14           Q     Do you remember who was making the statement?

15           A     This was just a report in the newspaper that  
16 someone was seen there, but I don't recall which one of  
17 the defendants they were referring to that had been there  
10a fls. at the scene of the crime.

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1 Q Was it one of these four defendants?

2 A It might have been. Possibly. It had to be  
3 one of them.

4 That is what I say, I don't recall which one it  
5 stated in the newspapers.

6 Q Have you ever read or heard any statement  
7 which seemed to be a statement of one of these defendants?

8 A Not particularly, your Honor. I didn't pay  
9 that much attention.

10 THE COURT: Any questions, Mr. Fitzgerald?

11 MR. FITZGERALD: Yes, your Honor.

12

13 VOIR DIRE EXAMINATION

14 BY MR. FITZGERALD:

15 Q Have you heard about any of the defendants on  
16 the radio?

17 A Yes, I have.

18 Q Have you seen references to them on television?

19 A Yes, I have.

20 Q Do you know anything from those sources about  
21 the defendants and their background?

22 A Not too much.

23 Q Let's take the defendants individually.

24 Could you tell us what you have heard, read or  
25 seen about Mr. Manson?

26 A Well, all I remember hearing -- it was mostly

0A2  
1 hearing, I didn't see too much on television -- they had  
2 moved to some little ranch where there was a Family that  
3 they called, and that he was the leader, I guess.

4 Q And what did the Family consist of, if anything?

5 A A group of individuals, so far as I know.

6 Q And how were they composed?

7 A In which manner are you asking? Composed in  
8 which way?

9 Q In terms of sex.

10 A That, I don't know.

11 Q Were they all men?

12 A No. They were men and women; girls and boys;  
13 whichever.

14 Q Do you know anything else about Mr. Manson?

15 A In which way?

16 Q Did you read, hear, or see anything about  
17 Mr. Manson's good character?

18 A No.

19 Q Did you read, see, or hear anything about  
20 Mr. Manson's bad character?

21 A That I can't say either, because like I said,  
22 I didn't pay that much attention.

23 Q Have you heard anything about Susan Atkins?

24 A The only time that I recall reading about her  
25 is when she was supposed to have done something in court  
26 here, and I didn't read all that even.



11-1

1 Q Susan Atkins did something within the court?

2 A As far as I can remember.

3 Q What about Patricia Krenwinkel, have you read,  
4 seen or heard anything about her?

5 A Just that she was one of the defendants.

6 Q And do you know why she is a defendant in this  
7 case or why she has been arrested?

8 A Well, just from what I heard in the courtroom.  
9 Like I say, when it first came out in the  
10 newspapers.

11 Q What about Leslie Van Houten, have you ever  
12 heard anything about her?

13 A The same thing, what I read in the newspaper  
14 and what I heard in the court.

15 MR. FITZGERALD: I have nothing further.

16 THE COURT: Mr. Hughes?

17 MR. HUGHES: No questions, your Honor.

18 THE COURT: Mr. Shinn?

19 MR. SHINN: Yes, your Honor.

20  
21 VOIR DIRE EXAMINATION OF MR. RAMIREZ

22 BY :MR. SHINN:

23 Q Did you read the papers the last couple of  
24 days?

25 A Yes, I have.

26 Q Did you read anything about this case?

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A No, I did not.

Q Did you watch TV the last couple of days?

A Yes, I have.

Q Did you hear anything about this case in the last couple of days?

A No.

Q Nothing at all?

A No.

Q Did you hear anything about Mr. Kanarek --  
Do you know Mr. Kanarek?

A Yes, I know him on sight.

Q The attorney for Mr. Manson?

A Yes.

Q Did you hear, say the last couple of weeks or recently --

A One article I remember reading where he got admonished for coming in late, or something like that, that's all I can remember.

Q Was it in the newspapers?

A I think it was in the newspapers -- as a matter of fact I did not read it, I think my wife was reading it and she was telling me about it.

Q But you don't recall anything else about Mr. Kanarek?

A No.

MR. SHINN: No further questions.

1 THE COURT: Mr. Kanarek?  
2 MR. KANAREK: No questions.

3 VOIR DIRE EXAMINATION OF MR. RAMIREZ

4 BY MR. STOVITZ:

5 Q What is your business or occupation?

6 A I am a machine shop foreman.

7 Q For whom, sir?

8 A Hughes Aircraft.

9 Q And you mentioned a wife. Do you also have  
10 children?

11 A Yes, I have.

12 Q What are their approximate ages?

13 A I have two daughters at home, one is 18 and  
14 one is 20.

15 Q Now, very often jurors are freer to tell us  
16 things about their own personal background, the backgrounds  
17 of their children and relatives, here in chambers, that  
18 they are reluctant to tell us out in open court.

19 Can you tell us anything about your background  
20 here which would cause either side to know whether or not  
21 you could be fully free to decide this case on the merits.

22 Did any of your daughters ever get in any  
23 trouble or anything like that?

24 A None.

25 Q Did any of your relatives get into any  
26 trouble or anything like that?

1           A       What do you mean by trouble, drunken driving,  
2 or something like that?

3           Q       Nothing serious.

4           A       Nothing serious, no homicides.

5           Q       You don't have brothers or relatives that  
6 are police officers?

7           A       My brother's stepson is a police officer with  
8 the Gardena Police.

9           Q       And now you know the difference between rumor  
10 and fact, right?

11          A       I do.

12          Q       And do you think that you could put all rumors  
13 aside on this case and decide this case only on the  
14 evidence that you hear in this courtroom?

15          A       Yes.

16          Q       Do you understand that if you are selected  
17 as an alternate juror you are going to have to take an  
18 oath to do that?

19          A       Yes, I understand.

11a fls.

LA-1

1 Q And then if one of the jurors becomes ill and  
2 you take over for one of the regular jurors, that oath  
3 becomes all the more important, you understand that?

4 A Yes.

5 Q If you give your promise to the Court to fulfill  
6 that oath, will you do that?

7 A Yes.

8 Q Beyond any reasonable doubt?

9 A Yes.

10 MR. STOVITZ: No further questions.

11 VOIR DIRE EXAMINATION OF MR. RAMIREZ

12 BY THE COURT:

13 Q Mr. Ramirez, I am still not clear about some  
14 of the things that you said, and I want to ask you some  
15 more questions.

16 Now, to be specific, do you know what a  
17 confession is?

18 A I do.

19 Q Have you read or heard anything concerning  
20 this case at all that makes you think that you were reading  
21 or hearing a confession of anybody?

22 A The only time I heard it, your Honor, was right  
23 here in the courtroom, one of the defense attorneys said  
24 something about one of the girls is ready to confess that  
25 she had something to do with it.

26 Q That is something you heard in the courtroom?

1102

1 A Yes.

2 Q From one of the defense attorneys?

3 A Yes, he was asking, "Would you separate the  
4 fact from the evidence --"

5 Q Was this when he was questioning some of the  
6 prospective jurors?

7 A Yes.

8 Q That is not what I am referring to.

9 What I am referring to is whether or not you  
10 have ever heard or read anything that caused you to  
11 believe that it was one of the defendants speaking about the  
12 events that occurred.

13 A No, I don't recall reading that.

14 Q You don't recall any such thing?

15 A No, sir.

16 Q But I think you said that you had read or  
17 heard something which seemed to place one or more of the  
18 defendants at the scene.

19 A I can say that is what I read, but I don't  
20 recall exactly the article stating which one of the  
21 defendants was at the scene.

22 Q Well, now, you know, of course, that the defen-  
23 dants are charged with having committed these offenses.

24 A Yes.

25 Q The State has charged them in an indictment with  
26 having been at the scene and committing the offenses?



1A3

1 A Yes.

2 Q Now, are you talking about something other than  
3 that?

4 A No, that is what I referred to so far as  
5 the article stated.

6 Q Did it state just that they were charged with  
7 the offenses?

8 A That they were charged with the offenses and  
9 were supposedly at the scene of the crime.

10 Q Did the article indicate the basis for that  
11 statement? Did it describe any fact?

12 A The only thing I can recall, your Honor, is that  
13 they had taken -- I don't remember again which one of the  
14 members appeared at the scene -- and they were supposed to  
15 have picked out where some of the garments were supposed to  
16 have been thrown out at the side of the road or something.

17 And that is the basis I am referring to.

18 Q Keep your voice up. I cannot hear you.

19 A That is the basis on which I am saying it,  
20 that particular article, I think they had taken one of the  
21 defendants to the scene of the crime and they were looking  
22 for evidence and I think there was some garments or some-  
23 thing that they had thrown over the side.

24 Q Did the article seem to indicate that whoever  
25 this defendant was had admitted being there?

26 A Yes, it is obvious that they had admitted being



1 there because the record was they had taken the police  
2 officers to the scene, not to the scene, but where they  
3 had thrown these garments.

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1 THE COURT: Any further questions?

2  
3 VOIR DIRE EXAMINATION (Reopened)

4 BY MR. STOVITZ:

5 Q Mr. Ramirez, assume for the moment -- this is  
6 just hypothetical -- that in the trial here you hear from  
7 the evidence that some independent person, a newspaper  
8 reporter for instance, found the garments all by himself.

9 Do you think you could block out what you  
10 think you remember about this newspaper article and just  
11 concentrate on the evidence in the case?

12 A I believe I could.

13 Q Do you think that you could eliminate  
14 completely any traces of that newspaper article and say  
15 to yourself "Well, I must have been wrong because here  
16 I hear testimony under oath, and the newspaper article  
17 was not under oath"?

18 A How far can you block it out?

19 Q Well, this is what we are asking you.

20 Can you do it?

21 Your oath will be to decide --

22 A Under oath and under instruction by the  
23 Court I believe I could.

24 MR. STOVITZ: I have no further questions.

25 THE COURT: All right, I will ask you to go back  
26 into the courtroom, Mr. Ramirez. Will you refrain from

1 discussing with anyone what has been said in here?

2 MR. RAMIREZ: Yes, your Honor.

3 THE COURT: Thank you very much.

4 (Mr. Ramirez leaves the chambers of the  
5 court.)

6 MR. FITZGERALD: We will challenge the juror for  
7 cause, because of his exposure to inflammatory pretrial  
8 publicity.

9 In connection with the challenge for cause  
10 I might point out to the Court that one of the defendants,  
11 Susan Atkins, was removed from the Los Angeles County  
12 Jail for women on Sunday, December 14th, in the company  
13 of Los Angeles police officers, and transported to the  
14 Benedict Canyon area in the City of Los Angeles where there  
15 was a search for certain items of physical evidence that  
16 Susan Atkins had revealed to the police, there being a  
17 possibility of their location.

18 It was also clear from the published account  
19 of Susan Atkins' so-called confession in the Los Angeles  
20 Times that physical items of evidence were disposed of  
21 in the Benedict Canyon area.

22 If I may be presumptuous, I think what the  
23 prospective juror, Mr. Ramirez, was referring to when  
24 he said he read an account -- I agree with Mr. Ramirez  
25 that obviously implicit in that search is the idea  
26 or the premise that she was present at the time the murders

1 were committed, and knew where the items of physical  
2 evidence were disposed of, and how they were disposed  
3 of.

4 MR. SHINN: Join in the motion.

5 MR. STOVITZ: I submit, your Honor, that the actual  
6 evidence that will be revealed at the trial will be that  
7 none of the defendants were present when the clothes or  
8 the murder gun was found.

9 That there was such a report in the newspapers  
10 of Miss Atkins being removed to look for the items.

11 I believe that the account was very sketchy  
12 at that time.

13 I believe that the juror's answers to the  
14 questions that he had followed the case very little and  
15 that he would be governed by the evidence, should control  
16 in this particular instance and that the challenge for  
17 cause should be disallowed.

18 THE COURT: Well, he does seem to be somewhat  
19 jumbled about what he has read and heard.

20 But it would appear to me that there is a  
21 good chance that he has read or heard about an alleged  
22 confession, and he so indicated.

23 Because of that I am going to allow the  
24 challenge.

25 Mr. Ramirez will be excused for cause.

26 MR. KANAREK: I think the record should reveal I

1 join with Mr. Fitzgerald on that challenge.

2 THE COURT: It really doesn't make any difference.  
3 It has been allowed.

4 MR. KANAREK: Yes, your Honor.  
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1 MR. FITZGERALD: I would ask the Court, and I apologize  
2 gize to the Court, but Mr. Kanarek pointed out to me that  
3 I inadvertently failed to challenge Miss Francis Chason,  
4 the previous juror, for cause, and I wonder if your Honor  
5 would entertain a challenge for cause.

6 The basis of the challenge for cause is her  
7 mere exposure to inflammatory pretrial publicity.

8 MR. KANAREK: Join.

9 MR. SHINN: Join.

10 MR. HUGHES: Join.

11 THE COURT: The record will show that the challenge  
12 has been made on behalf of all defendants.

13 MR. STOVITZ: We will oppose the challenge.

14 THE COURT: The challenge is disallowed.

15 It appears to me that Miss Frances Chason has  
16 had little exposure to pretrial publicity, knows nothing  
17 about any confession, alleged or real, on the part of any  
18 of the defendants, and can and will be fair and impartial  
19 if selected as an alternate juror or as a juror.

20 Mr. Ramirez has been excused, so would you send  
21 in the next prospective juror.

22 THE CLERK: Yes, sir.

23 (Another prospective juror enters the Court's  
24 chambers.)

25 THE COURT: Good morning.

26 MRS. O'Neal: Good morning.

THE CLERK: The prospective alternate juror's name is

1 Mrs. Evelyn O'Neal.

2 The name is spelled as follows: E-v-e-l-y-n,  
3 O apostrophe N-e-a-l.

4  
5 VOIR DIRE EXAMINATION OF MRS. EVELYN O'NEAL  
6 BY THE COURT:

7 Q Mrs. O'Neal, you were one of those  
8 prospective jurors who stood up and gave your name when I  
9 asked if there was anyone who could not be fair and  
10 impartial?

11 A That's right.

12 Q Would you tell us what that belief is based on?

13 A Well, your Honor, if it was one murder, I  
14 would say that there might be some doubt, but when there  
15 are seven, there is no doubt in my mind.

16 Q Doubt as to what?

17 A That they were committed and by these people.

18 Q Well, I don't think anybody seriously  
19 contends that they weren't committed, that seven people  
20 didn't die, but what causes you to believe that these  
21 defendants committed the offenses?

22 A Why are they here?

23 Q Well, would your feeling be the same in any  
24 criminal case: Why is the defendant before the Court?  
25 Or is there something special about this case, Mrs. O'Neal?

26 A No. I was up on another case the other day,



1 a rape case, and I felt the same way, that the defendant had  
2 committed the crime before I ever got up into the jury,  
3 for the simple reason that no sensible woman would drag her  
4 name through the mud if it hadn't actually been committed.

5 Q You believe then that every time that there is  
6 a charge of rape that the defendant is therefore guilty?

7 A Well, the Judge said certain things that led me  
8 to believe that this person had committed other crimes.  
9 In fact, he said he had committed other crimes.

10 Whether they were the same crime or not, that  
11 I don't know. It could have been the same crime.

12 Q I am not talking about this particular defendant,  
13 Mrs. O'Neal, but do you believe that every time some woman  
14 charges a man with rape that he is therefore guilty?

15 A Well, if she was any sort of a decent woman she  
16 wouldn't want her name drug through the mud. For what  
17 reason?

18 Q Do you believe that every time a person is  
19 charged with murder he is therefore probably guilty?

20 A No. No, not necessarily.

12A

12a-1

1 Q But if he is charged with seven murders,  
2 then he is very probably guilty?

3 A Yes, and especially at two different places,  
4 the same people.

5 Q Do you believe, then, that you would be  
6 unable to give these defendants the presumption of  
7 innocence?

8 A I do.

9 Q And you would require them to prove their  
10 innocence?

11 A I do. They would have to.

12 Q Incidentally, did you sit as a juror in that  
13 rape case?

14 A No. I was excused.

15 THE COURT: All right. Thank you, Mrs. O'Neal.  
16 I will ask you to go back into the courtroom.

17 Will you refrain from discussing with anyone  
18 what has been said here?

19 MRS. O'NEAL: Yes.

20 (Whereupon Mrs. O'Neal leaves the court's  
21 chambers.)

22 MR. FITZGERALD: We will challenge the juror  
23 for cause, actual bias, your Honor.

24 MR. KANAREK: Join, your Honor.

25 MR. HUGHES: Join.

26 MR. SHINN: Join.

12a-32

1 THE COURT: The challenge is allowed. Mrs. O'Neal  
2 is excused for cause.

3 MR. STOVITZ: May we suggest that the juror be  
4 referred to the civil department, your Honor?

5 (Whereupon another prospective juror enters  
6 the court's chambers.)

7 THE COURT: Good morning.

8 MR. BURRIS: Good morning.

9 THE CLERK: The prospective alternate juror's name  
10 is Noan Burris; N-o-a-n, B-u-r-r-i-s.

11  
12 VOIR DIRE EXAMINATION OF MR. BURRIS  
13 BY THE COURT:

14 Q Mr. Burris, you are one of those prospective  
15 jurors who stood up and gave your name when I asked if  
16 there was anyone who could not be fair and impartial;  
17 is that right?

18 A That's right.

19 Q And what is that belief based on, sir?

20 A On the fact that I believe they are guilty  
21 before I ever sat there, so that lets me out.

22 Q Why do you so believe?

23 A Because of the news that I have heard.

24 I don't know why I believe things, but if  
25 there are certain things I believe, I believe them.

26 Q And would you require the defendants to prove

1       their innocence to you before you would acquit them,  
2       or do you think it is possible?

3           A       I don't think it is possible, sir.

4           Q       Regardless of what the evidence is, you think  
5       they are guilty?

6           A       Right.

7           THE COURT: All right. You may go back into the  
8       courtroom now, Mr. Burris.

9                   Will you refrain from discussing what occurred  
10       in here?

11          MR. BURRIS: Yes.

12                   (Whereupon Mr. Burris leaves the court's  
13       chambers.)

14          MR. FITZGERALD: Challenge the prospective juror  
15       for cause, your Honor. Actual bias.

16          MR. KANAREK: Join.

17          MR. HUGHES: Join.

18          MR. SHINN: Join.

19          THE COURT: The challenge will be allowed. Mr.  
20       Burris excused for cause.

21   alternate  
22                   (Whereupon another prospective/juror enters  
23       the court's chambers.)

24          THE COURT: Good morning, sir.

25          MR. GARNER: Good morning, your Honor.

26          THE CLERK: The prospective alternate juror's name  
      is Douglas H. Garner; D-o-u-g-l-a-s, G-a-r-n-e-r.

## VOIR DIRE EXAMINATION OF MR. GARNER

BY THE COURT:

Q Mr. Garner, if you were selected as an alternate juror in this case would you be able to serve?

A I would have my doubts, healthwise.

Q What is your situation, sir?

A I am on an anticoagulant and I am required to have a laboratory test every 30 days.

Q Well, if arrangements could be made for that, that is, to transport you to wherever --

A Well, that is possible, yes.

Q Where is this done? In a doctor's office?

A At the hospital.

Q Which hospital?

A Santa Fe.

Q Santa Fe?

A Yes.

Q Where is that?

A 610 South St. Louis.

Q In the City of Los Angeles?

A Yes.

12 b fls.<sup>21</sup>

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12B-1

1 Q If arrangements could be made to transport you  
2 to the hospital for that on a monthly basis, Mr. Garner,  
3 would that take care of the problem?

4 A Oh, I think --

5 Q Of course, there would be a doctor either in  
6 the hotel or available on short notice at all times.

7 A Yes.

8 Q For any juror or alternate juror.

9 A Yes, sir.

10 Q Apart from that, is there --

11 A My job would suffer.

12 Q Are you self-employed?

13 A No.

14 Q Whom do you work for?

15 A The Santa Fe Railway.

16 Q Do you know what their policy is with respect to  
17 continuing your compensation while you are on jury service?

18 A Oh, I feel that the first 30 days are  
19 compensated, but after that I am not sure.

20 Q Is this something that you could ascertain some  
21 time between now and this afternoon?

22 A Yes, I believe so.

23 Q All right. Would you do that?

24 A All right.

25 Q Please.

26 In the meantime, we will go ahead and ask you

12B2

1 some other questions.

2 A All right.

3 Q I am going to ask you the same questions  
4 regarding the death penalty that I put to the other  
5 prospective jurors.

6 A Yes, sir.

7 Q Did you hear and understand everything that I  
8 said to the panel yesterday?

9 Did you just come in yesterday?

10 A No. I have been here about four days now.

11 Q Have you heard and understood everything that  
12 has been said?

13 A Yes, I believe so.

14 Q All right.

15 Do you entertain such conscientious opinions  
16 regarding the death penalty that you would be unable to  
17 make an impartial decision as to any defendant's guilt  
18 regardless of the evidence in the case?

19 A No.

20 Q Do you entertain such conscientious opinions  
21 regarding the death penalty that you would automatically  
22 refuse to impose it without regard to the evidence in the  
23 case?

24 A No.

25 Q On the other hand, would you automatically  
26 vote to impose it in every case without considering the

2B3

1 evidence in the case?

2 A No.

3 Q So, then, you would be willing to listen to all  
4 of the evidence, and if the case gets to the penalty phase,  
5 after hearing all of the evidence, you would then make up  
6 your mind as to which penalty should be imposed; is that  
7 right?

8 A Yes.

9 Q Have you lived continuously in Los Angeles  
10 County since last August?

11 A Yes.

12 Q Have you made any conscious effort to follow  
13 this case in the newspapers or on television or radio?

14 A No. Just when it happened to appear, I might  
15 have listened to the news.

16 Q Do you subscribe to a daily newspaper?

17 A I take the Times, yes.

18 Q Do you watch television news reports?

19 A Not always. Occasionally.

20 Q When did you first learn about the killings  
21 that are the subject of this case? Was that shortly after  
22 they happened?

23 A Yes.

24 Q And then did you, at some time later, learn that  
25 these defendants had been arrested and charged with the  
26 offenses?



12B4

1 A Yes.

2 Q Have you formed any opinion at this time as to  
3 the guilt or innocence of any of the defendants?

4 A That is a difficult question.

5 Q You know, of course, that they have been charged  
6 with the offense.

7 A Yes, I realize that.

8 Q It may very well raise the question in anyone's  
9 mind as to whether or not they are guilty.

10 A Yes.

11 Q Or why they are before the Court.

12 A Right.

13 Q But aside from the fact that they have been  
14 charged with the offenses and they are before the Court to  
15 stand trial, Mr. Garner, have you read or heard of any facts  
16 which would cause you to believe that they are directly  
17 connected with the commission of those offenses?

18 A Well, no, other than the accounts that I have  
19 read that seemed to give that impression.

20 Q That is what I am talking about.

21 A Yes.

22

23

24

25

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12C

12c-1 1

2 Q When you say they seemed to give that  
3 impression, what do you mean?

4 Do you recall any particular statements or  
5 the substance of any of these accounts that causes you  
6 to think that that was the impression they were giving?

7 A Well, it seems to me that one of the females  
8 confessed to a certain amount of participation in the  
9 crime and naming these other people.

10 Q Is that something that you read?

11 A Yes.

12 Q You read this where, in the Times?

13 A I believe so, yes.

14 THE COURT: Any questions, Mr. Fitzgerald?

15 MR. FITZGERALD: No, your Honor.

16 THE COURT: Mr. Hughes?

17 MR. HUGHES: No questions, your Honor.

18 THE COURT: Mr. Shinn?

19 MR. SHINN: No questions, your Honor.

20 THE COURT: Mr. Kanarek?

21 MR. KANAREK: No. No questions, your Honor.

22 THE COURT: All right.

23 I will ask you to go back into the courtroom,  
24 Mr. Garner, and will you refrain from discussing with  
25 anyone what has been said in here?

26 MR. GARNER: Certainly.

THE COURT: Thank you.

(Whereupon Mr. Garner leaves the court's

1 chambers.)

2 MR. FITZGERALD: Challenge the juror for cause, your  
3 Honor.

4 MR. SHINN: Join, your Honor.

5 MR. HUGHES: Join, your Honor.

6 MR. KANAREK: Join.

7 THE COURT: The challenge will be allowed. Mr. Garner  
8 is excused for cause.

9 MR. STOVITZ: While we are waiting, did your Honor  
10 catch the "Tate-La Bianca trial uses no extra jurors"?

11 THE COURT: No, I didn't.

12 MR. STOVITZ: A report from the Jury Commissioner.  
13 No extra jurors have been summoned because of this trial.

14 Perhaps we should send out an SOS for about  
15 four or 500 extra.

16 (Whereupon another prospective alternate juror  
17 enters the court's chambers.)

18 THE COURT: Good morning.

19 MR. HALL: Good morning.

20 THE CLERK: The prospective alternate juror's name  
21 is Jesse E. Hall; J-e-s-s-e, H-a-l-l.

22  
23 VOIR DIRE EXAMINATION OF MR. HALL

24 BY THE COURT:

25 Q Mr. Hall, you indicated, I believe, yesterday,  
26 or on some earlier day, that you could not be fair and

impartial in this case.

A I am afraid that is true.

I have read in the papers and I have seen --

Q Keep your voice up, please.

A From what I have seen on television and read  
in the papers, I have already formed an opinion which  
would be hard for me to disregard.

13 fls.

13-1

1 Q Would you be willing and able to give to the  
2 defendants the benefit of the presumption of innocence?

3 A I would try, but as I say it would be difficult.

4 Q Have you formed an opinion that they are more  
5 likely to be guilty than innocent?

6 A I think I have, yes.

7 Q Is this based on anything that you read or  
8 heard which would seem to you to be a statement by any of  
9 the defendants?

10 A I could not say what the source was now, it has  
11 been some time ago, but I have read quite a bit about it in  
12 the paper and saw it on television newscasts. But I don't  
13 know what the sources were.

14 Q If you were selected as a juror would you  
15 require the defendants to prove their innocence?

16 A Well, this is what bothers me. I should say no,  
17 but that is probably the position I am in.

18 Q No one is being critical of you. We are just  
19 trying to find out what your actual beliefs are.

20 A I can say I am sure they are innocent until they  
21 are proven guilty, but I may feel the other way, and I  
22 suspect that I do feel that way.

23 Q Suppose that you had been charged with a crimi-  
24 nal offense and you were here before the Court to stand  
25 trial, would you want someone on your jury having the same  
26 frame of mind as you now have?

3-2

1 A I don't think so.

2 THE COURT: All right, sir.

3 Any questions?

4 MR. FITZGERALD: No questions.

5 MR. HUGHES: No questions.

6 MR. SHINN: No questions.

7 MR. KANAREK: No questions.

8 THE COURT: All right, thank you, Mr. Hall, I will  
9 ask you to go back into the courtroom, and would you  
10 refrain from discussing with anyone what has occurred here?

11 MR. HALL: Yes.

12 (Mr. Hall leaves the chambers of the court.)

13 MR. FITZGERALD: Challenge the juror for cause on  
14 the grounds of actual bias.

15 MR. HUGHES: Join.

16 MR. SHIN: Join.

17 MR. KANAREK: Join.

18 THE COURT: The challenge is allowed. Mr. Hall is  
19 excused for cause.

20 (A prospective juror enters the chambers of the  
21 court.)

22 THE CLERK: The name of the prospective alternate  
23 juror is Louis W. Holland. L-o-u-i-s, H-o-l-l-a-n-d.

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13-3

## VOIR DIRE EXAMINATION OF LOUIS W. HOLLAND

BY THE COURT:

Q Are you any relation to Judge Holland?

A No, sir, unfortunately.

Q Mr. Holland, if you were selected as an alternate juror in this case would you be able to serve?

A Not personally, no. I have personal reasons.

Q Would you tell us what your situation is?

A Well, my wife is anticipating visiting her family and leaving the children at home. She is doing that in August.

Q You have minor children?

A Yes, teen-agers.

Q Is there anyone else that could care for them?

A We have no relatives here.

Q What is your employment?

A Flight engineer, Lockheed Aircraft, Burbank.

Q Do you know what Lockheed's policy is with respect to payment of compensation to employees called to jury service?

A Only for the normal 30-day period.

Q If your compensation ceased after 30 days, would that be a hardship as far as you are concerned?

A Yes, sir, it would.

THE COURT: Any stipulation?



1 MR. STOVITZ: I would like to ask just one question.

2  
3 VOIR DIRE EXAMINATION OF MR. LOUIS W. HOLLAND

4 BY MR. STOVITZ:

5 Q Mr. Holland, is it possible to have your  
6 child -- is it one child or two?

7 A One.

8 Q To go back with your wife to visit the relatives?

9 A Most anything would be possible, but in this  
10 case I would say no.

11 He has a part-time job and like everyone else  
12 he is trying to struggle along with the money he can make  
13 on his own.

14 Q How old is this boy?

15 A 17.

16 MR. STOVITZ: If the defendants are willing to  
17 stipulate, we will.

18 MR. FITZGERALD: We will stipulate.

19 MR. HUGHES: So stipulated.

20 MR. SHINN: So stipulated.

21 MR. KANAREK: So stipulated.

22 THE COURT: You will be excused, Mr. Holland, thank  
23 you.

24 Will you refrain from discussing with anyone  
25 what occurred in here?

26 MR. HOLLAND: Yes, sir.

(Mr. Holland leaves the chambers of the court.)

13a-1

(A prospective alternate juror enters the chambers of the court.)

THE CLERK: The name of the prospective alternate juror is Mrs. Gloria L. Overton. G-l-o-r-i-a; last name Q-v-e-r-t-o-n.

VOIR DIRE EXAMINATION OF MRS. OVERTON  
BY THE COURT:

Q Mrs. Overton, if you were selected as an alternate juror in this case would you be able to serve?

A Well, I am working and I have been given time off already for jury duty.

Q Will you raise your voice?

A I am working and I have been given time off for jury duty. I don't know how it would affect my job.

Q Who is your employer?

A I work for Cal. State College.

Q That is one of the State Colleges?

A Yes.

I've only been there four months. I am just learning the job.

I really don't know the whole thing yet.

Q Are you a teacher?

A No, I am just a clerk-typist. I am working in the library office.

MR. KANAREK: What were those last several words?

13a-2

1 THE REPORTER: "I am working in the library office."

2 MR. KANAREK: Thank you.

3 BY THE COURT:

4 Q Now, Mrs. Overton, I am going to ask you the  
5 same questions I have put to the other prospective jurors  
6 regarding the death penalty.

7 Do you entertain such conscientious opinions  
8 regarding the death penalty that you would be unable to  
9 make an impartial decision as to any of the defendants'  
10 guilt regardless of the evidence in the case?

11 A I don't think I could vote for the death  
12 penalty.

13 Q Well, that was not what I asked you.

14 A If I understood your question.

15 Q I am asking you now whether your beliefs  
16 regarding the death penalty would prevent you from  
17 being impartial in deciding the question of guilt?

18 A Oh, no, no.

19 Q Now, you understand if you were a member of this  
20 jury and if there should be a conviction of one or more of  
21 the defendants of murder in the first degree, then there  
22 would be a second phase or a penalty trial.

23 Do you understand that?

24 A Yes.

25 Q And in that trial the jury would then have to  
26 determine which of the two punishments provided by law,

1 life imprisonment or death, should be imposed?

2 A Yes.

3 Q Now, knowing that, and knowing that if there  
4 was a verdict of murder in the first degree you would then  
5 be called upon to make that decision, do you still think  
6 that you can be impartial on the question of deciding  
7 each defendant's guilt?

8 A Well, I could be impartial, yes. I don't  
9 quite understand you.

10 Q Well, you see, if you were convinced that the  
11 evidence otherwise showed that a particular defendant was  
12 guilty of murder in the first degree, and the jury  
13 rendered such a verdict, then you, along with all of the  
14 other jurors, would be called upon to decide the question  
15 of penalty.

16 A Yes.

17 Q In other words, you would then be faced with  
18 the problem of making that decision?

19 A Yes.

20 Q Now, do you believe that because you might be  
21 faced with that problem that you would tend to find the  
22 defendant not guilty so you might never be faced with  
23 that problem even though the evidence might point otherwise?

24 A I am afraid I might because I am used -- I  
25 just cannot say that I think someone should die regardless  
26 of what my feelings that they deserve it or not.

1 Q You think there is a strong likelihood that  
2 you might not be impartial for that reason?

3 A Yes.

4 Q I'm talking now on the question of guilt.

5 A Oh, guilt?

6 Q Yes, that is what we have been talking about.

7 A No.

8 Q You have understood everything I said so  
9 far?

10 A I am not sure whether I do or not. This is  
11 the first time I have ever been on a jury panel.

12 Q That is all right. These are matters that  
13 most people are not familiar with.

14 It is understandable that you might not  
15 understand everything I am saying.

16 The first part of the trial will be devoted  
17 to determining whether the defendants are guilty or not  
18 guilty.

19 Do you understand that?

20 A I understand that.

21 Q During that portion of the trial the jury  
22 should not consider in any way the question of penalty or  
23 punishment because that has no part in the determination  
24 of whether or not he or she is guilty or not guilty.

25 Do you understand?

26 A I do.

1           Q     However, sometimes people feel so strongly  
2 about the death penalty that it may affect their ability  
3 to be impartial in determining the question of guilt.

4                     That is what I am asking you now.

5           A     No, that would not affect my feelings.

6           Q     You could be impartial on the question of  
7 guilt?

8           A     No.

9           Q     I said you could be impartial on the question  
10 of guilt?

11          A     No, I would not be impartial on the question  
12 of guilt.

13          Q     You know what I mean by the word, impartial,  
14 that means not partial?

15          A     Yes.

13b fls.

13B-1

1 Q I am not sure you understand what I am saying.  
2 Could you be fair in determining the guilt of  
3 the defendants?

4 A Yes.

5 Q And not let your beliefs about the death  
6 penalty influence your decision on the guilt?

7 A Yes.

8 Q You could be fair?

9 A Yes.

10 Q All right, now, the second question goes to the  
11 penalty phase of the trial, if there is one, and there may  
12 be one.

13 It will depend on what the jury verdict is.

14 Do you entertain such conscientious opinions  
15 regarding the death penalty that you would automatically  
16 refuse to impose it without regard to the evidence in the  
17 case?

18 A Yes.

19 Q Are you saying now that you have made up your  
20 mind at this point that regardless of what the evidence  
21 showed you would never vote for the death penalty, is that  
22 what you are saying?

23 A That is the way I feel right now.

24 Q Can you think of any circumstances or any  
25 facts where you would be willing, first, to listen to all  
26 of the evidence, and then make up your mind whether to vote

13B2

1 for life imprisonment or death?

2 A No, I am a very emotional person and I  
3 think this would be too much for me, to have that on my  
4 conscience, regardless of the verdict.

5 Q Well, is that because of your beliefs about  
6 the death penalty or do you believe the responsibility is  
7 too great, or what?

8 A I just don't know how to say it, I wish I had  
9 not got on anything like this because I hadn't even thought  
10 about it.

11 Q Well, would you rather not be a juror in this  
12 case?

13 A Yes, I would rather not be a juror in this case  
14 or in any murder case.

15 Q And is that because you don't think you can dis-  
16 charge your duties as a juror?

17 A Right. I am just too emotional and too nervous.

18 Q Well, I think that is probably true of many  
19 people who serve on juries, particularly in death penalty  
20 cases, but they do it even though they don't like to do it.

21 Now, do you think you could do it even though  
22 you don't like to do it?

23 A Well, I am here. I would have to do it, I  
24 guess, if I were told to do it.

25 Q In other words, you would try to do your duty  
26 the best way you could?



3B3

1 A I would try to do my duty, right.

2 Q All right, do you have any opinion about the  
3 death penalty at all, one way or the other; are you for it  
4 or against it, in the abstract?

5 A In the abstract, as long as I don't have to  
6 make the decision, I don't think about it too much.

7 I mean, I have not given it that much thought.

8 Q All right now, let's say that you were a  
9 juror in a case where you did have to make a decision; there  
10 was a penalty phase of the trial, would you be able to  
11 listen to the evidence and then make your decision?

12 A Yes.

13 Q You might not like it, but you could do it?

14 A You mean and would I have to vote for the  
15 death penalty?

16 Q No, you would not have to vote one way or the  
17 other. The law says that it is up to the absolute dis-  
18 cretion of every juror to make the decision for himself.

19 What I want to know is have you already made  
20 that decision or would you be willing to listen to the  
21 evidence and then make the decision?

22 A Definitely I would listen to the evidence and  
23 then make the decision.

24

25

26

13C-1

1 Q All right, now, have you consciously tried  
2 to follow this case in the newspapers or on the television  
3 news reports, the radio?

4 A I read about it but I haven't -- I am not  
5 that interested in that sort of thing.

6 Q Do you subscribe to a daily newspaper?

7 A Yes.

8 Q What paper is that?

9 A The Times.

10 Q Did you first read about this case in the Times?

11 A Yes.

12 Q Was that shortly after the deaths were  
13 discovered?

14 A Yes.

15 Q And then did you later read or hear that these  
16 defendants had been arrested and charged with the offenses?

17 A I did not know about all three of the girls.

18 Q Before you came into this court you had not  
19 heard about the girls?

20 A I did not realize there was going to be three  
21 girls, no.

22 Q Had you ever heard the name Leslie Van Houten  
23 before you came into this case?

24 A No.

25 Q Susan Atkins?

26 A Yes.

13C2

1 Q Where did you hear that?

2 A I have read it in the paper and heard it on  
3 television.

4 Q Do you remember in what context you read it  
5 or heard it, what was being said about it?

6 A I am not sure if she was the one that wrote the  
7 article for the paper.

8 Q What article is that?

9 A The Times had a big --

10 Q What did it say?

11 A The details of the whole crime.

12 Q In other words, an eye witness account, is that  
13 what you mean?

14 A Yes.

15 Q Of someone who was there?

16 A Right.

17 Q Who told who else was there?

18 A Yes.

19 THE COURT: Any questions?

20 MR. FITZGERALD: No questions.

21 MR. HUGHES: No questions.

22 MR. SHINN: No questions.

23 MR. KANAREK: No questions.

24 MR. STOVITZ: We do have questions on another  
25 subject matter which we will, of course, take up outside  
26 of the presence of the juror if the anticipated event does

1 not occur.

2 THE COURT: Mrs. Overton, I will ask you to go back  
3 in the courtroom, please.

4 Would you refrain from discussing with anyone  
5 anything that has been said here this morning?

6 MRS. OVERTON: Yes.

7 THE COURT: Thank you.

8 MRS. OVERTON: Could I state one thing: My husband  
9 is a Superior Court clerk. Would that have anything to do  
10 with it?

11 THE COURT: In this County?

12 MRS. OVERTON: Yes.

13 THE COURT: In a criminal department?

14 MRS. OVERTON: No, he works in Department 95.

15 THE COURT: No, that does not necessarily disqualify  
16 you. It might disqualify him, but not you.

17 MRS. OVERTON: Well, okay.

18 MR. KANAREK: Thank you.

19 (Mrs. Overton leaves the chambers of the court.)

20 MR. FITZGERALD: We will interpose the challenge for  
21 cause.

22 MR. HUGHES: Join in the challenge.

23 MR. SHINN: Join in the challenge.

24 MR. KANAREK: Join in the challenge.

25 THE COURT: The challenge will be allowed.

26 Mrs. Overton will be excused for cause.

1 Did you want to say something else now,  
2 Mr. Stovitz?

3 (Off-the-record discussion.)

4 (A prospective alternate juror enters the  
5 chambers of the court.)

6 THE CLERK: The name of the prospective alternate  
7 juror is Albert M. Cohen, A-l-b-e-r-t; last name, C-o-h-e-n.

8  
9 VOIR DIRE EXAMINATION OF ALBERT M. COHEN

10 BY THE COURT:

11 Q Mr. Cohen, if you were selected as an alternate  
12 juror in this case would you be able to serve?

13 A No, sir, I would not.

14 Q Would you keep your voice up, please, and would  
15 you tell us what your situation is.

16 A Well, I am employed with the Internal Revenue  
17 Service, Federal Government.

18 I carry an inventory of work process. I have a  
19 special project I am working on and I have waivers of prior  
20 years I have to process and get out.

21 THE COURT: There might be a lot of people that might  
22 be glad to see you get jury service.

23 MR. FITZGERALD: We are willing to stipulate.

24 MR. HUGHES: So stipulated.

25 MR. SHINN: So stipulated.

26 MR. KANAREK: So stipulated.

1 MR. STOVITZ: So stipulated.

2 THE COURT: Are you asking, then, to be excused,  
3 Mr. Cohen?

4 MR. COHEN: Yes, sir.

5 THE COURT: You will be excused. Will you refrain  
6 from discussing with anyone what has been said in here  
7 this morning?

8 MR. COHEN: Yes, sir, I will.

9 THE COURT: All right, thank you.

10 (Mr. Cohen leaves the chambers of the court.)  
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14-1

1 (Whereupon another prospective alternate juror  
2 enters the court's chambers.)

3 THE CLERK: The name of the prospective alternate  
4 juror is Mrs. Victoria Kampman; V-i-c-t-o-r-i-a,  
5 K-a-m-p-m-a-n.

6  
7 VOIR DIRE EXAMINATION OF MRS. KAMPMAN  
8 BY THE COURT:

9 Q Mrs. Kampman, if you were selected as an  
10 alternate juror in this case would you be able to serve?

11 A Yes, I believe I could.

12 Q Would you please keep your voice up so everyone  
13 in the room can hear you.

14 A Yes, I could.

15 Q All right.

16 Now, I am going to ask you the same questions  
17 that I put to the other prospective jurors regarding the  
18 death penalty.

19 Have you had a chance to think about these  
20 matters?

21 A Yes, I have.

22 Q Do you entertain such conscientious opinions  
23 regarding the death penalty that you would be unable  
24 to make an impartial decision as to any defendant's  
25 guilt regardless of the evidence in the case?

26 A No, I don't.



14-2

1 Q Do you entertain such conscientious opinions  
2 regarding the death penalty that you would automatically  
3 refuse to impose it without regard to the evidence in  
4 the case?

5 A No, I don't.

6 Q On the other hand, would you automatically  
7 vote to impose it in every case without regard to the  
8 evidence?

9 A No, I wouldn't.

10 Q Would you be willing to listen to all the  
11 evidence in the case and consider it, and then make up  
12 your mind, if it becomes necessary, on the question of  
13 penalty?

14 A I don't understand.

15 Q Did you understand it?

16 A No.

17 Q All right.

18 You understand that only if there is a  
19 conviction of one or more of the defendants of murder in  
20 the first degree will there be a penalty phase?

21 A Yes.

22 Q If there is a penalty phase and if you were  
23 called into the box as a juror, you, along with the other  
24 jurors, would then have to determine which of the two  
25 punishments, that is, life imprisonment or death, should  
26 be imposed.



14-3

1 Do you understand that?

2 A Yes.

3 Q Now, if such should be the case, would you be  
4 willing to listen and consider all of the evidence in  
5 the case before you made your decision as to which of  
6 the penalties should be imposed?

7 A Yes, I would.

8 Q In other words, you haven't made up your mind  
9 in advance?

10 A No. I have an open mind.

11 Q Have you made any conscious effort to follow  
12 this case in the newspaper or on television or by listening  
13 to the radio?

14 A Well, I can't help but listen to the radio  
15 because I put it on.

16 Q Do you read any newspaper on a regular basis?

17 A Not too much.

18 Q Do you subscribe to any paper?

19 A The Times. I like the Times.

20 Q Keep your voice up, please.

21 A Yes, sir.

22 Q When did you first learn about the deaths  
23 that are the subject of this case?

24 A I heard about it on TV in Chicago last  
25 summer. I was in Chicago.

26 Q How long were you back there?

14-4

1 A Three months.

2 Q And you came back when?

3 A Oh, about the end of August.

4 Q You returned to Los Angeles the end of August?

5 A Yes.

6 Q Then did you later learn that these defendants  
7 had been arrested for these offenses?

8 A I heard that somebody was arrested but I don't  
9 know who. I wasn't interested.

10 Q Keep your voice up, please.

11 A I heard that they were arrested but I didn't  
12 know who or what. I was not interested.

14a fls.

14A-1

1 Q Have you, at this time, formed any opinion as  
2 to the guilt or innocence of any of the defendants?

3 A No, I have not.

4 Q Have you ever read or heard any description by  
5 anyone who appeared to have been present at the time that  
6 any of these people were killed?

7 A No, I have not.

8 Q Have you ever read or heard anything that has  
9 been said by any of these defendants?

10 A No, I have not.

11 Q Do you know of any reason why you could not  
12 be fair and impartial if you were selected as a juror in  
13 this case?

14 A No, I do not.

15 Q Now, you have heard me tell the panel when you  
16 came into court that in every criminal case the defendant  
17 is entitled to the presumption of innocence.

18 Did you hear me say that?

19 A Yes, I did.

20 Q And that presumption continues until his guilt  
21 is proved beyond a reasonable doubt.

22 Do you understand that?

23 A Yes, I do.

24 Q Would you be willing to give each of the  
25 defendants the benefit of that presumption of innocence?

26 A Yes, I would.

1 Q And if the People were unable to prove guilt  
2 beyond a reasonable doubt, would you then vote for an  
3 acquittal?

4 A Yes, I would.

5 Q On the other hand, if the People were unable  
6 to prove guilt beyond a reasonable doubt, would you vote a  
7 verdict of guilty?

8 A Yes, I would.

9 THE COURT: Mr. Fitzgerald?

10 MR. FITZGERALD: Thank you.

11  
12 VOIR DIRE EXAMINATION OF MRS. KAMPMAN

13 BY MR. FITZGERALD:

14 Q Is anything you have read going to influence you,  
15 do you think, Mrs. Kampman, in arriving at a verdict?

16 A No, I don't think so.

17 Q Have you heard anything about Mr. Manson?

18 A No, I have not. Just --

19 Q Have you read anything about him?

20 A In the Times once in a while, like they would  
21 quote him in the paper, that he was a bearded hippie.

22 Q A bearded hippie?

23 A Yes.

24 Q Anything else?

25 A No.

26 Q Anything about his background or history?

1 A No.

2 Q Anything about his powers?

3 A No.

4 Q Do you think you could be just as fair and  
5 impartial in evaluating Mr. Manson as you could any other  
6 young man?

7 A Yes, I would.

8 Q And you have read nothing about the female  
9 defendants in this case?

10 A No, I have not.

11 FITZGERALD: Thank you.

12 Oh, one moment.

13 Q Have you heard about Mr. Kanarek?

14 A (Pause.)

15 Q Do you know who Mr. Kanarek is, first of all?

16 A Prior to when I was called here, I did not.

17 Q You didn't read, see, or hear anything in  
18 connection with Mr. Kanarek?

19 A No, I have not.

20 MR. FITZGERALD: No questions. No further questions,  
21 excuse me.

22 THE COURT: Mr. Hughes?

23 MR. HUGHES: No questions.

24 THE COURT: Mr. Shinn?

25 MR. SHINN: No questions.

26 MR. STOVITZ: No questions, your Honor.

1 MR. KANAREK: No.

2 THE COURT: All right.

3 Mrs. Kampman, I will ask you, then, to go  
4 back into court, and would you sit in seat No. 5 for the  
5 alternate jurors.

6 Would you refrain from discussing with anyone  
7 what has been said in here this morning?

8 MRS. KAMPMAN: Yes.

9 THE COURT: Thank you very much.

10 MRS. KAMPMAN: You are welcome.

11 (Whereupon, Mrs. Kampman leaves the Court's  
12 chambers.)

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14b-1 1

2 MR. FITZGERALD: Challenge the juror for cause  
3 because of her exposure to prejudicial pretrial publicity.

4 MR. SHINN: Join.

5 MR. HUGHES: Join.

6 MR. KANAREK: Join.

7 MR. STOVITZ: We will oppose the challenge, your  
8 Honor.

9 THE COURT: I find no basis for allowing a  
10 challenge for cause as to this prospective alternate  
11 juror and the challenge will be disallowed.

12 I believe we will recess at this time,  
13 gentlemen, for the noon hour.

14 I am going to come out into open court and  
15 admonish the panel again, the usual admonishment, before  
16 we recess.

17 So, we will go back into open court.

18 MR. FITZGERALD: There will be publicity in connec-  
19 tion with the substitution of attorneys, obviously. I  
20 would appreciate<sup>it</sup>/if the Court would emphasize in its  
21 admonishment to the jury about reading, hearing, and so  
22 on.

23 MR. STOVITZ: I think the Court should --

24 THE COURT: I will give the usual admonishment,  
25 including that.

26 MR. STOVITZ: And would the Court give the further  
admonishment about the fact that they aren't to draw

14b-2

1 any conclusions about the fact that there was a substitution  
2 of attorneys?

3 MR. FITZGERALD: Yes. Would your Honor do that? I  
4 think it would be helpful.

5 (Whereupon the following proceedings occurred  
6 in open court, all defendants, counsel, jury and prospec-  
7 tive alternate jurors present:)

8 THE COURT: All parties and counsel are present. The  
9 jury is in the jury box.

10 Ladies and gentlemen, we will recess at this  
11 time until 1:45 this afternoon.

12 Do not converse among yourselves or with anyone  
13 else on any subject relating to this case nor form or  
14 express any opinion regarding the case until it is finally  
15 submitted to you.

16 Do not read, watch or listen to any news  
17 reports concerning the case so long as you are connected  
18 in any way with this case.

19 Now, with respect to the substitution of  
20 attorneys this morning, that is, the substitution of  
21 Mr. Ronald Hughes for Mr. Reiner as attorney for Miss Van  
22 Houten, this is not an uncommon circumstance in a trial,  
23 and you should not speculate as to the reasons for it or  
24 draw any conclusions therefrom.

25 1:45 this afternoon.

26 (Whereupon at 11:57 o'clock a.m. the court  
stood in recess.)



15-1 1 LOS ANGELES, CALIFORNIA, FRIDAY, JULY 17, 1970 ✓

2 1:52 P.M.

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4 (The following proceedings were had in the  
5 chambers of the court, all defendants and all counsel being  
6 present.)

7 THE COURT: All parties and counsel are present.  
8 Let's bring in the next prospective juror.

9 (Prospective alternate juror enters the  
10 chambers of the court.)

11  
12 VOIR DIRE EXAMINATION OF MISS DONNA MELINKOFF  
13 BY THE COURT:

14 Q You are Miss Donna Melinkoff?

15 A Yes.

16 Q Miss Melinkoff, if you were selected as an  
17 alternate juror in this case would you be able to serve?

18 A Yes, I would.

19 Q All right, I am going to ask you the same  
20 questions I put to the other prospective jurors regarding  
21 the death penalty.

22 Have you had a chance to think about those  
23 questions?

24 A Yes, I have.

25 Q Do you entertain such conscientious opinions  
26 regarding the death penalty that you would be unable to

1 make an impartial decision as to any defendant's guilt  
2 regardless of the evidence in the case?

3 A No, I do not.

4 Q Do you entertain such conscientious opinions  
5 regarding the death penalty that you would automatically  
6 refuse to impose it without regard to the evidence in the  
7 case?

8 A No, I do not.

9 Q On the other hand, would you automatically  
10 vote to impose it in every case without respect to the  
11 evidence in the case?

12 A No.

13 Q Would you be willing to consider all of the  
14 evidence in the case and then make up your mind on the  
15 question of penalty, assuming that the case gets to the  
16 penalty phase?

17 A I would.

18 Q Now, we want to know what you may have learned  
19 about this case over the past months from news, television,  
20 radio, and so forth.

21 Do you subscribe to a daily newspaper?

22 A I do.

23 Q What paper is that?

24 A The Los Angeles Times.

25

26

16-1

1 Q Have you made any conscious effort to keep  
2 up with the news reports concerning this case?

3 A No, I have not.

4 Q Have you been in this county continuously  
5 since last August?

6 A I have.

7 Q When did you first learn about this case?

8 A Let me tell you: I have sat in this  
9 courtroom so long and I have heard so much that I am  
10 unclear what I knew before I came in.

11 I would assume that I first learned of the  
12 case at the time that the first stories came out, which  
13 would be August of '69.

14 Q All right.

15 And then at some later date, Miss Melinkoff,  
16 did you learn that these defendants had been arrested  
17 and charged with the offenses?

18 A Yes. At a later date.

19 Q Now, at this particular moment, have you  
20 formed any opinion as to the guilt or innocence of any  
21 of the defendants?

22 A No, I have not.

23 Q Have you ever read or heard any statement  
24 or description -- and I am not suggesting there has  
25 been such -- but have you ever heard or read of any  
26 statement that appeared to be a description by someone

1 who was present at the time of any of the killings?

2 A I do recall an article appearing in the L. A.  
3 Times which did have that appearance. I did not read the  
4 complete article.

16a fls.

16a-1

1 Q Well, when you say it had that appearance,  
2 what did you think it was?

3 A A story to sell newspapers.

4 Q Well, I am not asking you for the purpose that  
5 the Times may have published it, but what did you think  
6 that the story itself was about? What was the substance of  
7 what you read?

8 A It was allegedly an account of the events that  
9 occurred at the time that the crimes took place.

10 Q By whom?

11 A Who was giving the account?

12 Q Yes. Whose account was it?

13 A Well, in view of the time -- one of the persons  
14 arrested and charged with the crime.

15 Q One of these defendants?

16 A Yes.

17 Q Was it Mr. Manson?

18 A No, it was not.

19 Q One of the girls?

20 A Yes, it was.

21 Q Do you remember which one of the girls?

22 A I believe it was Miss Atkins.

23 Q Susan Atkins?

24 A Yes.

25 THE COURT: All right.

26 Any questions, Mr. Fitzgerald?

16a2

1 MR. FITZGERALD: No.

2 MR. HUGHES: No questions.

3 THE COURT: Mr. Shinn?

4 MR. SHINN: No questions.

5 THE COURT: Mr. Kanarek?

6 MR. KANAREK: No questions.

7 THE COURT: Mr. Stovitz?

8 MR. STOVITZ: Yes, sir.

9  
10 VOIR DIRE EXAMINATION OF MISS MELINKOFF

11 BY MR. STOVITZ:

12 Q What is your business or occupation,  
13 Miss Melinkoff?

14 A I am a social worker with the Los Angeles  
15 County Department of Public Social Services.

16 Q I take it you are less than 30 years of age; is  
17 that right?

18 A Yes, I am.

19 Q If the Court were to ask you to promise to  
20 disregard that which you read in the newspapers, Miss  
21 Melinkoff, do you think you could retain that promise and  
22 decide this case solely on the evidence?

23 A I could.

24 Q Do you have any question in your mind that you  
25 could do that?

26 A I do not.

1623

1 Q You have been in this courtroom for, what?  
2 Three weeks?

3 A Four weeks.

4 Q Four weeks?

5 A Yes.

6 Q I take it that you were on the second panel  
7 that came over; is that correct?

8 A I was.

9 Q You have, from time to time, looked at Mr.  
10 Manson; is that right?

11 A Yes.

12 Q And he has looked at you?

13 A Yes.

14 Q Has there been anything that he has portrayed  
15 in his eyes that has refreshed your memory as to the con-  
16 tents of that article?

17 A No.

18 MR. KANAREK: May I have that question read back,  
19 your Honor?

20 THE COURT: Yes, Mr. Kanarek; but if you want to  
21 participate in the proceedings, would you listen to them?

22 MR. KANAREK: I am sorry. I was conferring with  
23 Mr. Fitzgerald; I do admit that.

24 THE COURT: Read the question.

25 (The question was read by the reporter.)  
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MR. KANAREK: Your Honor, that is most prejudicial. I would ask that he be cited for misconduct for that statement, your Honor.

THE COURT: Overruled.

You may answer the question.

MR. STOVITZ: Q Have you looked at Mr. Manson's eyes from time to time?

A I have.

Q And did he give you the appearance that he was smiling at you?

A On occasion.

Q And did you give him the appearance that you were smiling back at him?

A I believe I have.

Q Did any of that conduct refresh your memory as to the contents of the article that you read? Anything about his powers from his eyes, or anything like that?

A No.

Q From time to time have you looked at Miss Susan Atkins?

A I have.

Q And did she look at you?

A She has.

16c f133.



16c-1

1 Q Has anything that went forth that way refreshed  
2 your memory as to the contents of that article?

3 A Nothing.

4 Q From what you have read and seen in the  
5 newspapers or on television, Miss Melinkoff, do you know  
6 how the police sort of arrested these defendants, why  
7 they arrested these defendants?

8 A No, I do not.

9 MR. STOVITZ: I have no further questions.

10 THE COURT: All right.

11 Miss Melinkoff, I will ask you to go back into  
12 the courtroom and will you refrain from discussing with  
13 anyone what has been said in here today?

14 (Whereupon Miss Melinkoff leaves the court's  
15 chambers.)

16 MR. FITZGERALD: We will not challenge the juror.

17 MR. STOVITZ: I take it that the "we" is an editorial  
18 we, or do you speak for all defendants?

19 MR. FITZGERALD: No. I am referring to all the  
20 defendants.

21 The defense will not exercise a challenge.

22 THE COURT: She has indicated that she read a  
23 portion at least and is aware of the confession of Susan  
24 Atkins.

25 You heard that, did you not?

26 MR. FITZGERALD: I did hear that.

1 But what we feel is taking place, your Honor,  
2 is that it is getting almost impossible to find a jury  
3 that hasn't been exposed in one facet or another to  
4 extremely prejudicial pretrial publicity.

5 We think this is a fair juror and we think  
6 we ought to alter our position about challenging some  
7 of these jurors for cause, otherwise we will never get  
8 to trial.

9 THE COURT: I don't think that is true at all.

10 MR. KANAREK: My position, again, is this. It is  
11 a relative position. My position is that it is impossible  
12 to get a fair jury, and since your Honor insists on going  
13 ahead --

16d fls.13

16D-1

1 THE COURT: Mr. Kanarek, unless you are making a  
2 motion or an objection or you are seeking some relief,  
3 I am not really interested at this point in some more  
4 conversation on the same subjects that we have gone over  
5 many times before.

6 Are you making a motion or an objection of some  
7 kind?

8 MR. KANAREK: Mr. Fitzgerald made a comment, and I  
9 wanted to point out that I have a slightly divergent atti-  
10 tude on this.

11 My position is that since you can't get any  
12 fair jury, you have to take that which is most fair, and  
13 that is why we are not challenging.

14 THE COURT: Mr. Kanarek, I do not want the record to be  
15 cluttered up with repetitious statements.

16 Now, you have made your position clear on many  
17 occasions. Unless you have something new to say, there is  
18 no point in going over it all over again.

19 Are you challenging this juror?

20 MR. KANAREK: No, your Honor.

21 I join with Mr. Fitzgerald in not challenging.

22 THE COURT: Then there is no necessity to make any  
23 statement about it.

24 MR. HUGHES: I join with Mr. Fitzgerald also.

25 MR. SHINN: Join also.

26 THE COURT: You join in not challenging; is that what

1 you are doing?

2 MR. HUGHES: That is correct, your Honor.

3 MR. SHINN: Yes.

4 THE COURT: Are the People challenging this prospective  
5 juror?

6 MR. BUGLIOSI: I just asked the Court to exercise its  
7 own challenge.

8 MR. STOVITZ: If the defense attorneys, on behalf of  
9 their clients, with their clients present here, if they are  
10 not seeking to challenge this juror, fine.

11 We have other ways, if we desire to excuse this  
12 juror, to do something.

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1 MR. BUGLIOSI: The only thing I think the Court  
2 has on the record, the prospective juror has been  
3 exposed to a confession by one of these defendants.

4 The Court was not going to let that party  
5 sit on the jury. I can understand why the Court has  
6 taken that position, so irrespective of the defense's  
7 position, I should think the Court on its own would excuse  
8 a juror like this.

9 THE COURT: Well, I don't --

10 MR. KANAREK: I might say this, your Honor, if I  
11 may.

12 THE COURT: You can say it after I finish what I'm  
13 going to say, Mr. Kanarek.

14 MR. KANAREK: Very well, your Honor.

15 THE COURT: I don't think that any juror is  
16 disqualified as a matter of law simply because he has  
17 heard or even read a confession.

18 I consider that in this case there was no  
19 necessity for having a juror on the jury who had read  
20 or heard about it, and that is the reason I determined  
21 not to do so.

22 But I do not want to get placed in the  
23 position of excusing a juror that the defendants want  
24 even if it is for their best interest, and then having  
25 that raised later as a ground of error.

26 MR. BUGLIOSI: I think the Court's position is very

1 well taken.

2 THE COURT: I am not going to excuse this juror  
3 if no defendant is willing to challenge her, notwith-  
4 standing her statements.

5 I don't think she is legally disqualified by  
6 virtue of what she said.

7 MR. BUGLIOSI: No.

8 THE COURT: So if that is some kind of a ploy on  
9 the part of the defendants, I am not going to --

10 MR. FITZGERALD: It is a ploy. We are here to  
11 ploy; we are here to strategically, tactically and  
12 equitably represent our clients.

13 THE COURT: Then I want the record to clearly  
14 reflect that you are doing this with full knowledge of  
15 what you are doing, and the reasons you are doing it.

16 MR. FITZGERALD: I am doing it with full knowledge  
17 and I will offer to stipulate she may remain on this jury,  
18 period, and if the prosecution would like to call our  
19 bluff about the ploy, let her sit on the jury. We are  
20 perfectly happy.

21 I think she is a fair juror.

22 THE COURT: Very well. But I want the record also  
23 to show that I have not changed my opinion that it would  
24 be safer for the defendants not to have such a juror.

25 Of course she is not legally disqualified.  
26 If a challenge for cause were interposed by the defendants

1 I would be consistent in line with what I have said and  
2 done in the past, I would sustain that challenge on the  
3 basis of her statements.

4 MR. FITZGERALD: We think your Honor's position is  
5 forthright. I think your Honor's position is intelligent  
6 and it is reasonable.

7 It is simply that we want to evaluate each  
8 juror by his or her own self.

9 THE COURT: All right, as long as that is clearly  
10 understood and the record so reflects, we will proceed  
11 then.

12 Now, my notes indicate that all of the six  
13 prospective alternate jurors have been examined in chambers  
14 by all counsel, that is, that all counsel who care to  
15 examine, and unless there is some other reason why we  
16 should not, we will go back into court at this time where  
17 you can continue your voir dire examination.

18 MR. STOVITZ: Are we going to go to 4:15 today, your  
19 Honor?

20 THE COURT: Is that a leading question, Mr. Stovitz?

21 MR. STOVITZ: It is leading and suggestive that, seeing  
22 it is Friday afternoon, the traffic on the freeways the  
23 Court can take judicial notice of is heavier than on other  
24 days.

25 Balancing the equities, if we can recess at

26 4:00 --



1 THE COURT: Any objection?

2 MR. KANAREK: I have no objection, your Honor, except  
3 that I believe probably Mr. Stovitz has some place he wishes  
4 to go.

5 I don't think he is being candid with the  
6 Court. I have no objection.

7 MR. STOVITZ: I'm going to be downtown for the ball  
8 game tonight, Counsel.

9 THE COURT: What better reason would there be to  
10 suggest an early adjournment than having some place to go?

11 MR. KANAREK: I certainly would not oppose an early  
12 adjournment, your Honor, but I believe in being candid with  
13 the Court.

14 MR. STOVITZ: Let the chips fall where they may, eh,  
15 Mr. Kanarek.

16 THE COURT: I believe that is a reasonable suggestion.  
17 Unless some counsel has objection to it we will adjourn  
18 at 4:00 o'clock.

19 MR. KANAREK: Thank you, your Honor.

20 MR. STOVITZ: Thank you.

17a fls.



17A-1

1 (The following proceedings were had in open  
2 court in the presence and hearing of the jurors and the  
3 prospective alternate jurors, all defendants and all coun-  
4 sel being present:)

5 THE COURT: All parties and counsel are present;  
6 all of the jurors are in the jury box.

7 Do you wish to examine further, Mr. Fitzgerald?

8 MR. FITZGERALD: No, your Honor. I will pass these  
9 prospective alternate jurors for cause.

10 THE COURT: Very well.

11 Mr. Hughes?

12 MR. HUGHES: I have no questions and I will pass them  
13 for cause, your Honor.

14 THE COURT: Mr. Shinn?

15 MR. SHINN: I will pass for cause, your Honor.

16 THE COURT: Mr. Kanarek?

17 MR. KANAREK: We accept the six prospective alter-  
18 nates, your Honor.

19 THE COURT: Mr. Bugliosi?

20  
21 VOIR DIRE EXAMINATION OF ALTERNATE JURORS

22 BY MR. BUGLIOSI:

23 Q Unfortunately, ladies and gentlemen, I am going  
24 to be a little more gabby than all of the defense counsel  
25 put together.

26 Your Honor, may I again address one general  
question to all of the prospective jurors seated in the

17a2  
1 courtroom?

2 THE COURT: Yes, you may.

3 Do all of the people in the courtroom hear what  
4 is being said, can you all hear?

5 (Many jurors indicate in the negative.)

6 THE COURT: Will you turn the volume up a little,  
7 please, Mr. Bugliosi.

8 MR. BUGLIOSI: Can you hear me now?

9 (Prospective jurors indicate in the affirmative.)

10 Q BY MR. BUGLIOSI: Those of you who are now  
11 seated out in the spectators' section of the courtroom, when  
12 I ask questions of those six alternate jurors now seated in  
13 the jury box or in the site of the jury box, will you  
14 promise me that you will mentally ask yourselves the same  
15 questions, so if and when you are seated up in the jury box  
16 I will not have to go over the question with you again.

17 Do you all promise to do that?

18 (All indicate in the affirmative.)

19 Q Thank you. Do you all understand what I just  
20 said?

21 (All indicate in the affirmative.)

22 Q Ladies and gentlemen, and I am referring now to  
23 you six, in a trial as long and protracted as this trial  
24 promises to be, there is always a possibility that one or  
25 more of the regular jurors might become ill -- let's hope  
26 they don't -- but they might become ill during the conduct

1 of the trial, or unable to continue as a juror for various  
2 reasons.

3 If that happens, then it becomes necessary for  
4 one or more of you to replace the regular juror, as you  
5 understand.

6 You will see, then, that the role of the  
7 alternate juror is an extremely important one.

8 It is not beyond reason to believe that one of  
9 you conceivably would end up on the regular jury, so with  
10 this in mind will you promise if you are selected as an  
11 alternate juror to listen very carefully to the evidence  
12 that comes from that witness stand so in the event you are  
13 required to replace a regular juror you will be able to  
14 step right in without any difficulty whatsoever.

15 Do you all promise to do that?

16 A Yes.

17b-1

Q Mr. Schneider, do you have any children, sir?

A Yes, sir.

Q How old are they?

A 19, 21 and 24.

Q Would you indicate their gender, male or female, whether they are married or single and where they work?

A One works at Douglas Aircraft and the other one goes to college.

Q What college?

A Fullerton.

Q They are not married, anyone of them?

A No.

MR. BUGLIOSI: Thank you, Mr. Schneider.

VOIR DIRE EXAMINATION OF MISS CHASON

BY MR. BUGLIOSI:

Q Miss Chason, do you have any children?

A No, I do not.

MR. BUGLIOSI: Mrs. Kampman, do you have any children?

A Yes, I have two children.

Q How old are they?

A 21 and 23.

Q And are they married?

A No, they are not.

Q What are they doing at the present time, are

1 they employed or are they going to school?

2 A They are going to San Fernando Valley State.

3 Q Both of them are going to San Fernando Valley  
4 State College?

5 A Yes.

6 Q Have either one of them ever mentioned my  
7 name with respect to a prosecution of a felony, of  
8 state students a couple of months ago?

9 A No.

10 Q Do you know my name?

11 A No, I do not.

12 Q My name is Bugliosi, you know it now?

13 A Yes.

14 Q Have you ever heard that name around the  
15 household?

16 A No, I did not.

17 Q Are you aware of the prosecution of Valley  
18 State students recently?

19 A I know about the militancy but I didn't know  
20 about the prosecution.

21 Q If the jury in this case returns a verdict  
22 of first degree murder against these defendants, it is  
23 the intention of the prosecution during the penalty trial  
24 to ask for the death penalty for all these defendants.

25 You all understand that?

26 There is another defendant named in the

1 indictment, his name is Charles Watson. He is presently  
2 back in Texas.

3 MR. FITZGERALD: Objection, your Honor, I don't  
4 have any information that Mr. Watson is in Texas.  
5 I think that assumes facts not in evidence, your Honor.

6 THE COURT: Objection sustained.

7 MR. BUGLIOSI: As you can see, Mr. Watson is not  
8 presently at the counsel table.

9 Apparently he will have to be tried separately  
10 from these defendants.

11 MR. KANAREK: Your Honor, may we approach the bench,  
12 your Honor?

13 MR. BUGLIOSI: Your Honor, this is not a big issue,  
14 Mr. Watson is not at the counsel table and I<sup>am</sup> merely  
15 informing these people he is going to be tried separately.

16 MR. KANAREK: Your Honor, may we approach the  
17 bench?

18 THE COURT: Very well.

19 (The following proceedings were had at the  
20 bench out of the hearing of the members of the jury and  
21 the prospective alternate jurors:)

22 MR. KANAREK: Your Honor --

23 THE COURT: Yes, state your objection.

24 MR. KANAREK: I object. This is improper voir  
25 dire, your Honor, and I ask for a mistrial.

26 THE COURT: What is improper about it?

1 MR. KANAREK: Whether he is going to be tried is  
2 one thing, your Honor. It is one thing for him to be  
3 a percipient witness or something of that type, but  
4 whether the District Attorney intends to try him or not  
5 has no probative value as far as voir dire is concerned,  
6 absolutely not.

7 MR. STOVITZ: The point of this, your Honor, is  
8 we want this jury to concentrate on the guilt or innocence  
9 of the four defendants before them, not to speculate on  
10 someone else's guilt.

11 That is the purport of the question.

12 MR. KANAREK: That is a different matter.

13 THE COURT: What has been said so far that you  
14 object to?

15 MR. KANAREK: I object to his statement that Mr.  
16 Watson is going to be tried.

17 I object to that, your Honor.

18 Furthermore, it is not in evidence. He may  
19 never be tried.

20 THE COURT: Well, the point is he is not going to  
21 be tried in this case whether he is tried at all, it is  
22 obvious he is not going to be tried in this case.

23 MR. KANAREK: But the point is the prosecution's  
24 motivation towards Mr. Watson has nothing to do with  
25 this voir dire.

26 THE COURT: I think you are reading something into



1 it -- I don't know what you are reading into it, but  
2 what has been said so far is perfectly harmless.

3 It is simply an obvious fact that he is not  
4 going to be tried in this case.

5 MR. BUGLIOSI: The purpose of it is for clarification  
6 of the jury.

7 The Appellate Court repeatedly makes the  
8 statement that the jurors should know what is going on  
9 and they should be told certain things.

10 THE COURT: The objection is overruled, let's  
11 proceed.

12 (The following proceedings were had in open  
13 court in the presence and hearing of the jury and the  
14 prospective alternate jurors:)

15 MR. BUGLIOSI: I'd better repeat myself.

16 The other defendant I was referring to, his  
17 name is Charles Watson, as you can see he is not presently  
18 being tried with these defendants.

19 If he is tried at all it will have to be  
20 in a separate trial from this particular trial right  
21 here.

22 I would like to ask you some questions now  
23 about the death penalty and several other subjects.

24 Most of the questions I'm going to ask are  
25 going to be asked of you collectively as a group, but  
26 if my question pertains to you individually, then I want



1 you to raise your hand and I will address myself to you  
2 alone.

3 And if I ask a question which does not speci-  
4 fically pinpoint your problem, that does suggest something  
5 or touch upon a subject that you think I ought to know  
6 about, I would also want you to raise your hand so I will  
18 fls. 7 be able to question you further about the subject.

18-1

I want to make one initial observation.

For some of you, this is the first time that you have been in a court of law. You are probably a little hesitant about raising your hand and speaking out freely. It is a crowded courtroom; most, if not all of the people, you do not know. So you are a little tense.

But let me say this: I think it should be much more difficult later on back in the jury room in front of your co-jurors to express your views upon a particular subject when your co-jurors know that either the Court or defense counsel or Mr. Stovitz or I asked you a question which should have prompted you to speak out and, of course, it would be a violation of your oath not to speak out at the present time.

Do you all understand that?

MISS BROOME: Yes.

MISS ABBATECOLA: Yes.

MR. SCHNEIDER: Yes.

MISS CHASON: Yes.

MISS KAMPMAN: Yes.

MISS MELINKOFF: Yes.

18A-1

1 Q So when I ask you questions about the death  
2 penalty or any other subject, please feel very free to  
3 speak out.

4 Now is the time to do it, not later on.

5 Even though a particular question of mine  
6 easily lends itself to a yes or no answer, don't feel so  
7 restricted. You are perfectly welcome to elaborate on or  
8 qualify any particular given yes or no answer.

9 Do you all understand that?

10 MISS BROOME: Yes.

11 MISS ABBATECOLA: Yes.

12 MR. SCHNEIDER: Yes.

13 MISS CHASON: Yes.

14 MISS KAMPMAN: Yes.

15 MISS MELINKOFF: Yes.

16 MR. BUGLIOSI: In fact, I would encourage it.

17 His Honor clearly went over this area, but  
18 because of its importance and because of the fact that none  
19 of you are, I assume, lawyers, I am going to go over it  
20 again for emphasis so that there is no question in your  
21 mind about what we are talking about.

22 In all of my questions of you, rather than  
23 prefacing my question by saying "assuming you are going to  
24 end up a regular juror," rather than prefacing my question,  
25 I am just going to assume -- or you should assume -- that  
26 you will be seated as a regular juror eventually; although,

18a2  
1 of course, that might never happen.

2 Do you all realize -- and if you don't realize,  
3 tell me now -- that if one or more of these defendants are  
4 convicted of first-degree murder, there will follow a  
5 second trial called a penalty trial, and in the penalty  
6 trial you will also be the jury.

7 Do you understand that?

8 Do you understand that, Mr.Schneider?

9 MR. SCHNEIDER: Yes.

10 MR. BUGLIOSI: You realize that it is only during the  
11 penalty trial, that is, the second trial, that you will be  
12 permitted to pass on the question of life imprisonment as  
13 opposed to the death penalty.

14 Do you all understand that?

15 MISS BROOME: Yes.

16 MISS ABBATECOLA: Yes.

17 MR. SCHNEIDER: Yes.

18 MISS CHASON: Yes.

19 MISS KAMPMAN: Yes.

20 MISS MELINKOFF: Yes.

18B-1

1 MR. BUGLIOSI: Do you understand further that if these  
2 defendants are found to be not guilty of the charges  
3 against them, or they are found to be guilty of some degree  
4 of criminal homicide lesser than first-degree murder, such  
5 as second-degree murder, the question of the death penalty  
6 will never arise.

7 Do you understand that they have to first be  
8 convicted of first-degree murder before the issue of the  
9 death penalty arises.

10 Do you all understand that?

11 MISS BROOME: Yes.

12 MISS ABBATECOLA: Yes.

13 MR. SCHNEIDER: Yes.

14 MISS CHASON: Yes.

15 MISS KAMPMAN: Yes.

16 MISS MELINKOFF: Yes.

17 MR. BUGLIOSI: Do you understand further that during  
18 the first trial, during the trial when you folks will have  
19 to determine the guilt or innocence of these defendants,  
20 you will not be permitted to consider or discuss during  
21 your deliberations the question of the death penalty. It  
22 is not applicable during the first trial.

23 Do you all understand that?

24 MISS BROOME: Yes.

25 MISS ABBATECOLA: Yes.

26 MR. SCHNEIDER: Yes.

MISS CHASON: Yes.

18b2  
1 MISS KAMPMAN: Yes.

2 MISS MELINKOFF: Yes.

3 MR. BUGLIOSI: With respect to what is or what is  
4 not a proper case for the imposition of the death penalty,  
5 neither his Honor nor defense counsel nor Mr. Stovitz nor I  
6 can tell you that, for the simple reason that there is no  
7 legal definition of what is or what is not a proper case for  
8 the imposition of the death penalty.

9 The law as it presently exists leaves it up to  
10 the absolute discretion of the jury to decide that issue.  
11 There are no guidelines or standards for you to follow.

12 The state of the law as it presently exists  
13 leaves it up to each individual juror's individual decision  
14 whether he or she feels that the circumstances are suffi-  
15 ciently aggravating to warrant the imposition of the death  
16 penalty.

17 Do you all understand that?

18 MISS BROOME: Yes.

19 MISS ABATECOLA: Yes.

20 MR. SCHNEIDER: Yes.

21 MISS CHASON: Yes.

22 MISS KAMPMAN: Yes.

23 MISS MELINKOFF: Yes.

24 MR. BUGLIOSI: I want to make it abundantly clear that  
25 the law states no preference for the death penalty over life  
26 imprisonment or for life imprisonment over the death penalty.

1 Most of the questions I will ask, as I  
2 indicated, will be collective questions, although I have  
3 one or two here that I will be asking you individually.

4 Do any of you belong to or contribute to or  
5 support any organization which has as its objective or  
6 one of its objectives the abolition or the suspension of the  
7 death penalty in the State of California?

8 MISS BROOME: No.

9 MISS ABATECOLA: No.

10 MR. SCHNEIDER: No.

11 MISS CHASON: No.

12 MISS KAMPMAN: No.

13 MISS MELINKOFF: No.

14 MR. BUGLIOSI: Do any of you feel that the religious  
15 doctrines of any church that you may belong to would prevent  
16 you from voting for a verdict of death?

17 Miss Chason, I believe you said that you  
18 belong to the Christian Science Church?

19 MISS CHASON: Yes.

20 MR. BUGLIOSI: Forgive my ignorance, but do they  
21 have any tenets at all on that in the Christian Science  
22 Church?

23 MISS CHASON: No.

24 MR. BUGLIOSI: They have not taken any position on  
25 the death penalty?

26 MISS CHASON: No.

MR. BUGLIOSI: Thank you.

1 Are any of you opposed to the death penalty?

2 Are any of you against the death penalty?

3 MISS ABBATECOLA: Yes.

4 MR. BUGLIOSI: Yes, Miss Abbatecola?

5 MISS ABBATECOLA: I am opposed. It all depends.

6 I can't say for sure, but I am not completely for it.

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18c-1

1 MR. BUGLIOSI: Would you elaborate on that a little  
2 bit in a narrative fashion, what your state of mind is,  
3 in respect to the death penalty, Miss Abbatecola?

4 I think at one time you indicated that your  
5 position on the death penalty has changed from time to  
6 time; is that correct?

7 MISS ABBATECOLA: Well, I believe that there  
8 has to be something else besides -- if there isn't a  
9 death penalty, I don't believe that a convicted murderer  
10 should maybe be allowed, in ten, 15 or 20 years, to --

11 MR. FITZGERALD: May we approach the bench?

12 MISS ABBATECOLA: So I have decided, as far as that  
13 goes --

14 THE COURT: Very well.

15 (Whereupon all counsel approach the bench and  
16 the following proceedings occurred at the bench outside  
17 of the hearing of the jury and the prospective alternate  
18 jurors:)

19 MR. FITZGERALD: In open court the prospective  
20 jury panel has received something indirectly that they  
21 could not receive directly.

22 I am referring to Miss Abbatecola's statement  
23 that in the absence of a death penalty there would have to  
24 be some sort of governmental measures not to allow a  
25 convicted murderer to be on the street within 20 years.

26 This is the same problem we raised with the

1 Court on a number of occasions earlier, the problem of  
2 the Morris Instruction.

3 I feel that if we get into an area where we  
4 ask jurors the basis of their feelings or opinions in  
5 favor of the death penalty or against the death penalty,  
6 that we are frequently going to get this type of response,  
7 and if we get this type of response, it is our position  
8 that it will infect the jury in accordance with the theory  
9 that something once received in your head cannot be  
10 easily erased.

11 We have a problem of creating some error.  
12 I think that during the course of the trial, if the  
13 prosecutor were to say in argument, your Honor, that a  
14 convicted murderer may get out in 15 or 20 years, it  
15 would be reversible error per se under People vs. Morris.

16 I suggest that a prospective juror saying it  
17 has the same effect, to wit, it infects the prospective  
18 members of the jury on the panel.

19 MR. STOVITZ: Your Honor --

20 MR. KANAREK: If I may, before Mr. Stovitz answers.

21 THE COURT: Are you making some objection, Mr.  
22 Kanarek?

23 MR. KANAREK: Yes, your Honor, I am.

24 First, I am making a motion to admonish the  
25 jury not to consider the last question and answer for  
26 any purpose.

1                   Furthermore, your Honor, I ask your Honor to  
2                   cite the prosecution for misconduct. They are deliberately  
3                   doing this to infect the entire prospective jury panel.

4                   We went into chambers and in chambers, your  
5                   Honor, we inquired concerning the death penalty.

6                   Mr. Bugliosi deliberately injects this out  
7                   in open court, and it is an issue that as far as the jury  
8                   is concerned has already been decided in chambers.

9                   I ask your Honor to cite him for misconduct.

10                  THE COURT: There is no evidence whatever that this  
11                  was not done spontaneously. The answer was spontaneous.  
12                  There is no suggestion that this was a conscious or  
13                  deliberate thing.

14                  The question was asked, I think, why she  
15                  opposed the death penalty, and she popped out with this  
16                  answer.

17                  MR. KANAREK: Your Honor, this entire subject  
18                  matter has been covered. That is one of the reasons  
19                  your Honor asked it in chambers.

20                  THE COURT: You are objecting to the answer?

21                  MR. KANAREK: I would object to the question and  
22                  the answer.

23                  I would ask that your Honor admonish Mr.  
24                  Bugliosi not to go into anything in regard to the death  
25                  penalty.

26                  He had an opportunity to do it in chambers,

1 your Honor, and he is deliberately doing it here for the  
2 very purpose in connection with --  
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18d fls. 4

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18D-1

1 THE COURT: I am inclined to agree with the latter  
2 part, that since you had an opportunity in chambers to do  
3 it, Mr. Bugliosi, you would run the risk of getting  
4 spontaneous, unsolicited answers of this kind.

5 MR. BUGLIOSI: I will not ask the other jurors on the  
6 basis of their position.

7 I thought that it had been established that  
8 the voir dire on the death penalty would be in open court  
9 except for the Court's two preliminary questions, but I  
10 will not hereafter ask any of the jurors for their basis,  
11 you know, for their opposition.

12 THE COURT: I will admonish the jury that Miss  
13 Abbatecola's statement does not constitute the law of this  
14 state; that they are to disregard the statement entirely,  
15 and the Court will instruct the jurors fully on the law at  
16 the proper time.

17 MR. KANAREK: I am afraid that admonishment will not  
18 suffice, your Honor, and I ask for a mistrial.

19 I ask that all these jurors presently in the  
20 courtroom be dismissed from any consideration in this case,  
21 whether it be by mistrial or what; that the Court order  
22 all the jurors out of the room.

23 If the Supreme Court of the State of  
24 California in People vs. Morris can reverse that in that  
25 particular case on this point of law, then it is apparent  
26 that this same principle applies in this court and,

18D2

1 therefore, these jurors, having heard what has happened,  
2 it is our position that Mr. Manson cannot get a fair trial.

3 THE COURT: I hardly think that anyone in the court-  
4 room believes that Miss Abbatecola is any fountainhead of  
5 law or that her words carry any authority.

6 I am going to admonish them that such is not  
7 the case.

8 I don't think that any harm has been done. An  
9 admonition will easily cure any misapprehension or any  
10 question that may have been raised in any person's mind.

11 MR. FITZGERALD: I will join in Mr. Kanarek's motion.

12 MR. HUGHES: Join in the motion.

13 MR. SHINN: Join, too.

14 THE COURT: The motion will be denied.

15 (Whereupon, all counsel return to their  
16 respective places at counsel table and the following  
17 proceedings occurred in open court within the presence and  
18 hearing of the jury and prospective alternate jurors:)

19 THE COURT: Ladies and gentlemen, I admonish you that  
20 the statement that was contained in Miss Abbatecola's  
21 answer, which I'm sure she was sincere in giving, does  
22 not constitute the law of this State, and you are  
23 admonished to disregard that statement entirely since it  
24 does not constitute the law.

25 This Court will instruct you fully on the law  
26 applicable to this case at the proper time.

18D3

1           You are not to speculate on anything she may  
2 have said in her answer.

3           All right, let's proceed, Mr. Bugliosi.

4           MR. BUGLIOSI: Thank you.

5           Miss Abbatecola, is it your present position  
6 that you are opposed to the death penalty?

7           MISS ABBATECOLA: At the present time, I would say  
8 that I don't really know what I believe regarding that.

9           I would say I am for the death penalty but --

10          MR. BUGLIOSI: Neutral?

11          MISS ABBATECOLA: But I would render it if I felt it  
12 absolutely necessary.

13          MR. BUGLIOSI: In other words, you can conceive of  
14 circumstances wherein you would be willing to vote for a  
15 verdict of death; is that correct, Miss Abbatecola?

16          MISS ABBATECOLA: Yes.

17          MR. BUGLIOSI: Miss Melinkoff, I am not a mind reader,  
18 but when I asked that question there was something in your  
19 eyes that indicated to me that perhaps you are opposed to  
20 the death penalty.

21                 Is that right?

22          MISS MELINKOFF: Yes. My position is not too much  
23 unlike the other young lady.

24                 I think that in a good many circumstances I  
25 would be opposed to the imposition of the death penalty,  
26 but I can conceive of their being circumstances where I

1 would be willing to impose it.

2 MR. BUGLIOSI: Okay. Thank you.

3 What about the other four of you?

4 MR. SCHNEIDER: I am in agreement.

5 MR. BUGLIOSI: Mr. Schneider?

6 MR. SCHNEIDER: Yes.

7 MR. BUGLIOSI: Now, I think it is probably a fact  
8 that many people are not opposed to the death penalty but  
9 they personally do not want to sit as a juror on a case  
10 where the death penalty is involved and return a verdict of  
11 death. In other words, they want to let someone else do it,  
12 "Let George do it."

13 Certainly, no one can criticize that type of a  
14 person. It is not an enjoyable task, it is not easy for  
15 any juror to come back into this courtroom and, in effect,  
16 by his verdict, tell a defendant that he must die.

17 With that in mind, I do want to ask each of you  
18 this individual question.



18e-1

1 I will start out with you, Miss Broome.

2 Let me mentally transport you, if you will,  
3 three or four months from now. You are back in the jury  
4 room. Let's assume that these defendants have been  
5 convicted of first degree murder and, as the saying goes,  
6 all the chips are on the line.

7 Let's also assume that you felt that under  
8 all of the circumstances and reviewing all of the evidence,  
9 that you felt this was a proper case for the imposition of  
10 the death penalty.

11 Do you think that you would personally have the  
12 courage and would you be willing to come back into this  
13 courtroom with a verdict of death?

14 MISS BROOME: Yes, I would.

15 MR. BUGLIOSI: Okay.

16 Now, again, now is the time to speak out.

17 How about you, Mr. Schneider?

18 MR. SCHNEIDER: Yes, I would also.

19 MR. BUGLIOSI: Miss Abbatecola?

20 MISS ABBATECOLA: Yes, I would.

21 MR. BUGLIOSI: Miss Chason?

22 MISS CHASON: Yes, I would.

23 MR. BUGLIOSI: Miss Kampman?

24 MISS KAMPMAN: Yes, I would.

25 MR. BUGLIOSI: And Miss Melinkoff?

26 MISS MELINKOFF: Yes, I would.

1 MR. BUGLIOSI: Thank you.

2 You will notice that three of these defendants,  
3 Susan Atkins, Patricia Krenwinkel and Leslie Van Houten,  
4 are females.

5 Now and then a juror will say that under no  
6 circumstances would they ever vote for the death penalty  
7 for a female.

8 Are any of you of that frame of mind?

9 MISS BROOME: No.

10 MISS ABBATECOLA: No.

11 MR. SCHNEIDER: No.

12 MISS CHASON: No.

13 MISS KAMPMAN: No.

14 MISS MELINKOFF: No.

15 MR. BUGLIOSI: You understand my question?

16 You will also notice that these same three  
17 defendants, although they are adult -- make no mistake  
18 about that -- they are young adults.

19 Are any of you of the frame of mind that you  
20 would never, under any circumstances, return a verdict  
21 of guilt as to these three defendants solely because of  
22 their age?

23 MISS BROOME: No.

24 MISS ABBATECOLA: No.

25 MR. SCHNEIDER: No.

26 MISS CHASON: No.

1 MISS KAMPMAN: No.

2 MISS MELINKOFF: No.

3 MR. BUGLIOSI: Are any of you of such a frame of  
4 mind that if a particular defendant did not personally  
5 kill anyone you would never return a verdict of death  
6 as to that defendant?

7 Do you understand my question?

8 MISS BROOME: Yes.

9 MISS ABBATECOLA: Yes.

10 MR. SCHNEIDER: Yes.

11 MISS CHASON: Yes.

12 MISS MELINKOFF: Yes.

13 MISS KAMPMAN: No.

14 MR. BUGLIOSI: Miss Chason, you did not understand  
15 my question?

16 MISS CHASON: I am Miss Chason.

17 MR. BUGLIOSI: I am sorry.

18 Miss Kampman?

19 MISS KAMPMAN: No, I didn't understand.

20 MR. BUGLIOSI: Okay.

21 A person, Miss Kampman, may be convicted of  
22 first degree murder even though he is not the actual killer.

23 Do you understand that?

24 MISS KAMPMAN: Yes.

25 MR. BUGLIOSI: Now, taking that type of a person,  
26 and let's assume that he has been, or she has been,

1 convicted of first degree murder.

2 Can you conceive of circumstances wherein you  
3 would be willing to return a verdict of death?

4 MISS KAMPMAN: Yes.

5 MR. BUGLIOSI: As to that particular individual  
6 even though the evidence at the trial showed that he was  
7 not the actual killer?

8 Can you conceive of circumstances like that?

9 MISS KAMPMAN: Yes.

10 MR. BUGLIOSI: Now, I would like to ask some  
11 questions not about the death penalty -- we are through  
12 with that -- I suppose you are all very happy we are  
13 through with that particular subject -- but about other  
14 issues that if you are selected as a juror you are going  
15 to be intimately involved with in this case.

16 As you know, there are eight counts to this  
17 Grand Jury indictment.

18 Mr. Manson, Susan Atkins and Patricia Kren-  
19 winkel are charged with seven counts of murder. Leslie  
20 Van Houten, on the other hand, is only charged with two  
21 counts of murder, Count VI and VII.

22 All of the defendants, however, are charged  
23 in the eighth count with the crime of conspiracy to commit  
24 murder.

25 At the conclusion of the evidence in this case,  
26 but before you deliberate, his Honor is going to instruct

1 on the law applicable to this case.

2 Among other things, he will undoubtedly  
3 instruct you on the law of conspiracy.

4 Now, if his Honor instructs you that a  
5 conspiracy is an agreement between two or more persons  
6 to commit a crime followed by an overt act to carry out  
7 the object of the conspiracy, will you follow the Court's  
8 instruction on that?

9 MISS BROOME: Yes.

10 MISS ABBATECOLA: Yes.

11 MR. SCHNEIDER: Yes.

12 MISS CHASON: Yes.

13 MISS KAMPMAN: Yes.

14 MISS MELINKOFF: Yes.

15 MR. BUGLIOSI: If his Honor further instructs you  
16 that once a conspiracy is formed, each member of that  
17 conspiracy is criminally responsible for the crime committed  
18 by his co-conspirators if those crimes were committed to  
19 further the object of the conspiracy, will you follow the  
20 Court's instruction on that?

21 MISS BROOME: Yes.

22 MISS ABBATECOLA: Yes.

23 MR. SCHNEIDER: Yes.

24 MISS CHASON: Yes.

25 MISS KAMPMAN: Yes.

26 MISS MELINKOFF: Yes.

18F-1

1 MR. BUGLIOSI: I will give you a brief example  
2 because I think examples are always good to illustrate a  
3 point.

4 Let's assume that Parties A, B and C conspired  
5 to commit a bank robbery. In other words, they got  
6 together and they agreed that they were going to rob this  
7 bank.

8 But let's assume further that only parties B and  
9 C actually committed the robbery.

10 A, being a co-conspirator, would be equally  
11 guilty of that robbery even though he, himself, did not  
12 commit the robbery and even though he may not have been  
13 even present at the scene, he may have been somewhere else.

14 Do each of you feel that you understand that  
15 rule of conspiracy at least to the extent to which I have  
16 explained it in the example?

17 MISS BROOME: Yes.

18 MISS ABBATECOLA: Yes.

19 MR. SCHNEIDER: Yes.

20 MISS CHASON: Yes.

21 MISS KAMPMAN: Yes.

22 MISS MELINKOFF: Yes.

23 MR. BUGLIOSI: Do any of you disagree with that  
24 rule of conspiracy?

25 Do any of you have any prejudices against it?

26 Are you with me now? Are you keeping time to



3F2  
1 the same drummer that I am keeping time to with respect to  
2 this conspiracy issue?

3 Do you understand what I am talking about?

4 MISS BROOME: Yes.

5 MISS ABBATECOLA: Yes.

6 MR. SCHNEIDER: Yes.

7 MR. CHASON: Yes.

8 MISS KAMPMAN: Yes.

9 MISS MELINKOFF: Yes.

10 MR. BUGLIOSI: Lawyers always give a fancy name to  
11 legal concepts so that they are the only ones that under-  
12 stand what they are talking about, and they call this theory  
13 the vicarious liability theory of conspiracy.

14 But forgetting about the name, do you under-  
15 stand that example I gave you?

16 MISS BROOME: Yes.

17 MISS ABBATECOLA: Yes.

18 MR. SCHNEIDER: Yes.

19 MISS CHASON: Yes.

20 MISS KAMPMAN: Yes.

21 MISS MELINKOFF: Yes.

22 MR. BUGLIOSI: I would like to ask each of you this  
23 question, then. I think, thereafter, my questions will be  
24 collective.

25 Miss Broome, can you promise me that you will  
26 unhesitatingly and without any reservation whatsoever follow

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1 the Court's instructions on that rule of conspiracy if you  
2 find it applicable to the facts in this case?

3 MISS BROOME: Yes.

4 MR. BUGLIOSI: Mr. Schneider, how about you, sir?

5 MR. SCHNEIDER: Yes.

6 MR. BUGLIOSI: Miss Abbatecola?

7 MISS ABBATECOLA: Yes.

8 MR. BUGLIOSI: Miss Chason?

9 MISS CHASON: Yes.

10 MR. BUGLIOSI: Miss Kampman?

11 MISS KAMPMAN: Yes.

12 MR. BUGLIOSI: Miss Melinkoff?

13 MISS MELINKOFF: Yes.

14 MR. BUGLIOSI: You have heard the Court and defense  
15 counsel tell you that the prosecution has the burden of  
16 proving the guilt of these defendants beyond a reasonable  
17 doubt.

18 You have heard the Court and defense counsel.  
19 I don't know if defense counsel have said it yet to you  
20 prospective alternates, but defense counsel certainly  
21 mentioned it earlier to the regular jurors.

22 Now, would any of you require any burden of the  
23 prosecution over and above that which the law requires?

24 MISS BROOME: No.

25 MISS ABBATECOLA: No.

26 MR. SCHNEIDER: No.



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MISS CHASON: No.

MISS KAMPMAN: No.

MISS MELINKOFF: No.

MR. BUGLIOSI: Am I correct in assuming, then, that none of you would require that we prove the guilt of these defendants beyond anything more than simply a reasonable doubt?

Am I correct in assuming that?

Do you all understand that in all criminal trials, whether we are prosecuting a defendant for murder or whether the crime is petty theft, drunk driving, assault and battery, no matter what the crime is, the prosecution has the same identical burden of proof, to prove a defendant's guilt beyond a reasonable doubt, not beyond all doubt, because his Honor will instruct you later on that everything relating to human affairs and dependent upon moral evidence is open to some possible or imaginary doubt.

So we have the same burden of proof regardless of the crime.

Do you all understand that?

MISS BROOME: Yes.

MISS ABBATECOLA: Yes.

MR. SCHNEIDER: Yes.

MISS CHASON: Yes.

MISS KAMPMAN: Yes.

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MISS MELINKOFF: Yes.

MR. BUGLIOSI: Do you understand that our burden of proof is no greater in a murder case than it is, for instance, in a petty theft case?

Do you understand that?

Are any of you of such a frame of mind that you would say to yourself, "Gee whiz, murder is probably a thousand times more, or infinitely more, serious than petty theft; therefore, the prosecution in a murder case should have a much, much greater burden of proof."

Do any of you feel that way?

MISS BROOME: No.

MR. SCHNEIDER: No.

MISS CHASON: No.

MISS KAMPMAN: No.

MISS MELINKOFF: No.

MISS ABBATECOLA: Yes.

MR. BUGLIOSI: You do feel that way?

MISS ABBATECOLA: Somewhat, absolutely.

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2 MR. BUGLIOSI: You feel that the more serious the  
3 crime the greater the burden the prosecution should have?

4 MISS ABBATECOLA: Yes.

5 MR. BUGLIOSI: Okay.

6 If the Court instructs you, however, Miss  
7 Abbatecola, that the burden of proof is identical regard-  
8 less of the crime, will you follow the Court's instruction  
9 on that?

10 MISS ABBATECOLA: Yes.

11 MR. BUGLIOSI: And if the Court tells you that the  
12 prosecution only has the burden of removing reasonable  
13 doubts of the guilt of these defendants from your mind,  
14 not all doubt, will you follow the Court's instruction on  
15 that?

16 MISS ABBATECOLA: Yes.

17 MR. BUGLIOSI: I appreciate your candor, Miss Abbatecola.  
18 This is what we want from jurors. We want you to speak up.  
19 None of us are mind readers, so if you don't tell us what  
20 is on your mind, there is no way in the world we can know.  
21 All we can do is guess.

22 I take it, then, that none of you would  
23 hesitate to come back into this courtroom with a verdict  
24 of guilty of first degree murder if we prove the guilt  
25 of the defendants beyond a reasonable doubt.

26 Am I correct in assuming that?

MISS BROOME: Yes.

1 MISS ABBATECOLA: Yes.

2 MR. SCHNEIDER: Yes.

3 MISS CHASON: Yes.

4 MISS KAMPMAN: Yes.

5 MISS MELINKOFF: Yes.

6 MR. BUGLIOSI: Without asking you to prejudge the  
7 evidence, the prosecution in this case is going to rely  
8 on circumstantial evidence as well as direct evidence.

9 I guess you could say that circumstantial  
10 evidence is all evidence other than eyewitness testimony,  
11 eyewitness testimony being direct evidence.

12 His Honor will instruct you that the  
13 crimes of murder and conspiracy to commit murder can  
14 be proven by circumstantial evidence.

15 I think he will further -- in fact, I am  
16 relatively sure that he will instruct you that the law  
17 shows no preference for direct evidence over circum-  
18 stantial evidence as a means of proof.

19 If he instructs you to that effect, will you  
20 follow the Court's instruction on that?

21 MISS BROOME: Yes.

22 MISS ABBATECOLA: Yes.

23 MR. SCHNEIDER: Yes.

24 MISS CHASON: Yes.

25 MISS KAMPMAN: Yes.

26 MISS MELINKOFF: Yes.

1 MR. BUGLIOSI: Before asking you whether or not  
2 you are opposed to sitting as a juror on a case where  
3 the People rely in part on circumstantial evidence,  
4 let me briefly indicate to you the distinction between  
5 circumstantial evidence and direct evidence so that you  
6 will be better equipped to answer my question.

7 Direct evidence is evidence which proves a  
8 fact in issue without the necessity of drawing any  
9 inferences; whereas, circumstantial evidence, on the  
10 other hand, is evidence that tends to prove a fact in  
11 issue by proving another fact.

12 Now, to illustrate this distinction, let me  
13 give you a brief example showing the difference between  
14 the two types of evidence.

15 Let's assume that a television repair shop  
16 has been burglarized in the depth of night, and one  
17 television set has been stolen.

18 About an hour later, a man by the name of  
19 Emil Weisner -- don't ask me where I got that name --  
20 is stopped in his car by the police for a traffic  
21 violation, and the police find the stolen TV set in  
22 Emil's car.

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1 Now, the TV set being in Mr. Weisner's car is  
2 a fact in and of itself, but it is circumstantial evidence  
3 of the ultimate fact that it may have been Mr. Weisner who  
4 took that set.

5 Now, if the police or some third party had  
6 actually seen Mr. Weisner break into the TV repair shop in  
7 the middle of the night and remove the television set, of  
8 course that would be direct evidence.

9 With that very brief legal background, and it  
10 is precious little background, by the nature of things  
11 we cannot go into it in depth at this time, are any of you  
12 opposed to sitting as a juror on a case where the People  
13 rely in part on circumstantial evidence?

14 I am sorry, Miss Abbatecola.

15 MISS ABBATECOLA: I must say something. Yesterday  
16 during the questioning you had asked if I had remembered a  
17 type of --

18 THE COURT: Just a moment, before you answer that  
19 question, before you state what you were going to state.

20 Will counsel approach the bench, please.

21 (The following proceedings were had at the  
22 bench out of the hearing of the jurors and the prospective  
23 alternate jurors.)

24 THE COURT: I have a feeling of what she is about to  
25 say, that she may have read or heard about the confession.

26 Do you have any objection to my having her come

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1 up here and ask her what it is she was going to say, before she  
2 says it?

3 MR. FITZGERALD: Absolutely not.

4 MR. BUGLIOSI: It is a good idea. God only knows  
5 what she's going to say.

6 I thought she would talk about publicity or  
7 something -- well, that would be it.

8 THE COURT: All right.

9 Is that agreeable, Mr. Kanarek?

10 MR. KANAREK: Your Honor, I would ask it be done in  
11 chambers.

12 THE COURT: I don't think it is necessary to do it  
13 in chambers unless it turns out to be something long and  
14 involved.

15 MR. KANAREK: She may have spoken to other people  
16 about it, your Honor.

17 THE COURT: Let's find out what it is first.

18 MR. KANAREK: Very well.

19 THE COURT: I was simply going to have her come up.

20 MR. FITZGERALD: Fine.

21 THE COURT: I don't want to keep the answer from you,  
22 I want to know what it is before she blurts it out.

23 MR. STOVITZ: Mr. Kanarek can stay.

24 THE COURT: If it is something we don't want the  
25 rest of the jurors to hear we can go into chambers and  
26 explore it fully.



193 1 MR. KANAREK: Very well.

2 THE COURT: (In open court) Miss Abbatecola,  
3 would you be good enough to come up to the bench for a  
4 moment, please.

5 (Miss Abbatecola approaches the bench where the  
6 following proceedings were had out of the hearing of the  
7 jury and the prospective alternate jurors.)

8 THE COURT: I was somewhat apprehensive about what  
9 you were about to say, and I wanted to have you come up  
10 here first and tell me what it is.

11 MISS ABBATECOLA: Okay. Yesterday there was a big  
12 point made if I had read anything like a confession, and I  
13 said no because I did not recall.

14 But, you know, the question was stressed and I  
15 began thinking about it afterwards, and I had read an  
16 article, I don't remember by what girl who was in prison,  
17 who had told another cell-mate, and if that would in any way,  
18 you know, influence what had happened regarding the Biancas,  
19 and that type of thing.

20 THE COURT: Then I think because of this we'd better  
21 go back into chambers and give the attorneys a chance to  
22 hear what you have to say.

23 MISS ABBATECOLA: Okay.

24 THE COURT: And to ask you further questions if they  
25 want to.

26 MISS ABBATECOLA: Okay.



1 THE COURT: We will retire to chambers at this time.  
2 I will ask all the defendants and counsel to join me and  
3 then, Miss Abbatecola, if you wait a moment I will have the  
4 bailiff escort you in.

5 (The following proceedings were had in the  
6 chambers of the court out of the presence and hearing of  
7 the jury and the prospective alternate jurors, all of the  
8 defendants and all counsel being present, Miss Abbatecola  
9 also being present.)

10 THE COURT: The record will show all parties and  
11 counsel are present.

12 Would you bring in Miss Abbatecola, please.  
13

14 VOIR DIRE EXAMINATION OF MISS ABBATECOLA

15 BY THE COURT:

16 Q Now, Miss Abbatecola, I understand that, from  
17 what you told me at the bench, just a few moments ago, that  
18 you now recall after thinking further upon the questions  
19 asked to you by the Court and counsel yesterday, that you  
20 have read an article in the newspaper, is that right?

21 A Yes.  
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1 Q At some time in the past which appeared  
2 to be a statement by whom?

3 A I don't recall.

4 Q One of the defendants?

5 A Right, I think it was Miss Atkins.

6 Q You think it was Miss AtKins?

7 A Yes.

8 Q And what did her statement purport to  
9 relate?

10 A Well, I don't recall, but she was in the  
11 prison ward; she had told her cellmate about the two  
12 murders, and the reasoning behind it supposedly.

13 Q And you did read all of the statement, did  
14 you?

15 A Yes, what I recall of it.

16 Q Now, did the killings that she was referring  
17 to in that article, did you understand those to be  
18 victims in this case?

19 A Yes.

20 Q Do you remember the names by any chance?

21 A The victims?

22 Q Yes.

23 A The same victims -- you want me to name  
24 the victims.

25 Q If you remember the names as referred to  
26 by her in that article.

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1 A Well, Sharon Polanski, Mr. and Mrs. Bianca,  
2 Abigail --

3 Q That is enough, I just wanted to make sure  
4 you were talking about what I thought you were talking  
5 about.

6 A Yes.

7 THE COURT: Do you wish to ask any questions,  
8 Mr. Fitzgerald?

9 MR. FITZGERALD: No, your Honor, I will defer  
10 to Mr. Shinn.

11 THE COURT: Mr. Hughes, do you have any questions?

12 MR. HUGHES: No questions, your Honor.

13 THE COURT: Mr. Shinn?

14 MR. SHINN: Yes, your Honor.

15  
16 VOIR DIRE EXAMINATION OF MISS ABBATECOLA  
17 BY MR. SHINN:

18 Q You said that you read something about one  
19 of the girls?

20 A Yes.

21 Q What did you read, the newspaper?

22 A Yes.

23 Q And did you talk with someone yesterday or  
24 last night?

25 A No, not at all.

26 Q Now, how did it refresh your memory?

1           A       Because I was giving every question that  
2 I recall a great deal of thought, and then I asked  
3 myself how did I remember certain things about, you  
4 know, the motive or whatever, supposed motive.

5                   And then I recalled this article and  
6 immediately I thought I should say something then, but  
7 I thought I would wait for -- you might have gotten  
8 another juror in my place, and I did not want to bring  
9 it up in open court because of the other jurors out  
10 there.

11           Q       In other words, you did not discuss this  
12 matter with anyone yesterday, last night or this  
13 morning?

14           A       No, absolutely not.

15           Q       And do you recall reading a newspaper or  
16 magazine?

17           A       Yes, when I said I know a great deal about  
18 the case, and after the questioning, maybe I don't  
19 know -- or I had read as much as I thought I read,  
20 because I did not specifically read the articles --  
21 I never went out of my way to read anything about the  
22 case.

23           Q       As far as you know you think you read it in  
24 a newspaper or a magazine?

25           A       I know I did read it in the newspaper.  
26 I believe the day the story came out.

1 Q And do you recall reading any magazine articles  
2 regarding this case?

3 A The ones I mentioned yesterday.

4 I cannot even remember which ones, because  
5 I did not make any special reason for remembering anything  
6 about the case.

7 MR. SHINN: I have no further questions.

8 THE COURT: Any questions, Mr. Kanarek?

9 MR. KANAREK: No, your Honor.

10 THE COURT: Any questions, Mr. Stovitz?

11 MR. STOVITZ: I have no questions at this time.

12 However, I am anticipating that the defendants--

13 THE COURT: Anything further, gentlemen?

14 MR. FITZGERALD: No.

15 MR. SHINN: No.

16 MR. HUGHES: No.

17 MR. KANAREK: No.

18 THE COURT: I will ask you to go back into court,  
19 Miss Abbatecola.

20 Now, regardless of what happens will you  
21 refrain from discussing with anyone what has been said  
22 in here, particularly if any more questions are asked  
23 of you in open court?

24 Do not refer to this or any statements of the  
25 defendants or any confession or anything like that.

26 We are trying to keep that from the rest of

1 the prospective jurors who have not heard that.

2 MISS ABBATECOLA: I understand.

3 THE COURT: All right, thank you very much.

4 (Miss Abbatecola leaves the chambers of the  
19b fls. 5 court.)

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1 MR. FITZGERALD: May we just have one moment to con-  
2 fer?

3 MR. STOVITZ: Your Honor might want to check this  
4 juror's answers yesterday.

5 I think she was completely candid yesterday,  
6 that she was exposed to a great deal of information from  
7 the press.

8 MR. BUGLIOSI: If the defense moved to excuse this  
9 person, will the Court wait until I complete my voir dire?  
10 Otherwise -- well, I guess we can excuse her now and then  
11 I would continue my voir dire with only five, that would be  
12 preferable to bringing a person in at this time  
13 in the middle of my voir dire.

14 MR. FITZGERALD: We have had an opportunity to dis-  
15 cuss it among ourselves, and I think our brief discussion  
16 has been intelligent, and we have taken into consideration  
17 aspects of the evidence that are likely to be introduced  
18 during the course of the trial, and we think we are making  
19 an intelligent judgment, your Honor.

20 We choose not to challenge this juror for cause,  
21 if the Court please.

22 MR. STOVITZ: I take it you are speaking for all  
23 defendants?

24 MR. FITZGERALD: Yes, we just discussed it.

25 MR. STOVITZ: May the record show that yesterday  
26 there was a specific challenge for cause made by the

19B2 1 defense due to the juror's statement that she had read  
2 extensively.

3 I take it by your statement now you are not  
4 challenging for cause; that you are withdrawing your request  
5 yesterday of challenging for cause.

6 MR. KANAREK: Your Honor, may I just --

7 THE COURT: Just a moment, let Mr. Fitzgerald  
8 finish.

9 MR. FITZGERALD: I haven't checked the record, but  
10 I suspect Mr. Stovitz is correct and I will accept his  
11 representation.

12 If the record reflects that this juror was  
13 previously challenged for cause because of her exposure  
14 to prejudicial pretrial publicity, we would ask leave of  
15 the Court to withdraw that challenge.

16 MR. KANAREK: Yes, your Honor, as far as we are  
17 concerned we may paraphrase the Court previously, con-  
18 sistency being the hobgoblin of small minds, we do not  
19 join, and again it is on a relative basis, your Honor.

20 Our position is that because we are forced to  
21 go to trial, this --

22 THE COURT: What do you mean "forced"? Who is  
23 forcing you?

24 MR. KANAREK: Mr. Manson is here. The point is that  
25 we cannot get a fair trial in any event.

26 THE COURT: What do you mean by that?



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MR. KANAREK: Pardon?

THE COURT: What do you mean by that?

MR. KANAREK: I am saying, your Honor, we have to choose the least reprehensible of the jurors.

THE COURT: You do not have to select this juror, sir. You may exercise a challenge.

MR. KANAREK: We are not choosing to.

THE COURT: Then don't say you are forced to do something.

MR. KANAREK: In the sense Mr. Manson is forced to go to trial. Mr. Manson is forced to go to trial.

THE COURT: Yes, there was a challenge for cause as to Miss Abbatecola on Page 3806 of the transcript.

Mr. Fitzgerald said, "We will challenge the juror for cause, actual bias, 1073, P.C., Paragraph 2."

That was joined in by Mr. Reiner, Mr. Shinn and Mr. Kanarek.

The People opposed it. There was some further discussion.

The Court said, "I don't see any basis for a challenge for cause here."

There was some further colloquy between Court and counsel, and statements made, and eventually the Court disallowed the challenge.

MR. STOVITZ: Since the defendants have changed their position, the People now reserve their right to change our

1 position.

2 We do not oppose a challenge for cause if one  
3 is to be made or if the Court desires to exercise its own  
4 discretion and excuse the juror for cause.

5 THE COURT: Are you making a challenge for cause?

6 MR. STOVITZ: We do not believe that this juror will  
7 be unfair to the People.

8 However, we believe that it may very well be  
9 that Susan Atkins may not take the witness stand.

10 It may very well be that in our introduction of  
11 Roni Howard and Virginia Graham's testimony, that their  
12 testimony will be restricted only as to what Susan  
13 Atkins allegedly said to them.

14 This juror may have triggered in her mind, just  
15 as it was triggered in her mind last night, thinking about  
16 her answers, the fact that Susan Atkins said more in her,  
17 quotes, jailhouse confession.

18 For instance, the juror even read there was a  
19 motive attributed by Susan Atkins to her step.

20 This may come back to the juror. The juror may  
21 try to be as honest as possible, but I feel out of an  
22 abundance of caution that this juror has been exposed to a  
23 pretrial confession which, if we do introduce -- and we  
24 will endeavor to introduce it, we will limit it, it will not  
25 be the full newspaper account.

26 I think it was either the Hollywood Citizen News,

1 or the Long Beach paper or some paper that carried the  
2 Virginia Graham story, or the Roni Howard story, rather --  
3 it was Roni Howard's story.

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1 THE COURT: That is the long way of answering a  
2 simple question.

3 All I want to know is are you exercising a  
4 challenge?

5 MR. STOVITZ: We do not believe that this juror  
6 will be prejudiced against the People.

7 I don't see how we can say we challenge this  
8 juror for cause, because there would have to be a  
9 challenge for bias towards our interest.

10 MR. BUGLIOSI: We are not challenging her for cause.

11 THE COURT: Now, I take it that the defendants are  
12 changing their position, that is, withdrawing the  
13 challenge previously made to Miss Abbatecola for the  
14 reason they believe that no grounds exist for the exercise  
15 of a challenge for cause as to her, and that she can be  
16 a fair and impartial juror.

17 Is that correct?

18 MR. FITZGERALD: Yes, the defendant's position is  
19 that she can be a fair and impartial juror under the  
20 circumstances. We legitimately believe that.

21 About your Honor's observation that there is  
22 no basis for challenging for cause, I would not like to  
23 necessarily agree with that, although I would say that  
24 we are certainly going into this with our eyes open and  
25 we discussed this amongst ourselves and we feel she can  
26 be fair and impartial under the circumstances.

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THE COURT: All I am saying is that you --

MR. FITZGERALD: We are aware of challenges for cause.

THE COURT: You are not aware of some ground and withholding it, I take it?

MR. FITZGERALD: That's correct.

THE COURT: I assume you are doing your duty and if you had a good ground to challenge her for cause, in the best interest of your clients you would exercise the challenge.

MR. FITZGERALD: We would.

THE COURT: Since you are not doing it I assume you have no such cause or are not aware of such.

MR. FITZGERALD: That is correct.

THE COURT: Do you all agree with that statement?

MR. KANAREK: I agree with it but not to belabor it, your Honor, I am not challenging.

I refer your Honor to my previous challenge.

THE COURT: Do you agree with that statement?

MR. KANAREK: I agree, I agree.

THE COURT: In that event then Miss Abbatecola will not be excused.

Now, is there any reason why -- we will take a recess, but is there any reason why we should not resume voir dire examination in court?

MR. STOVITZ: None whatsoever.

THE COURT: All right, we will take a 15-minute recess.

(Recess taken until 3:25 o'clock p.m. after

1 which the following proceedings were had in open court  
2 in the presence and hearing of the jury and the prospective  
3 alternate jurors, all defendants and all counsel being  
4 present:)

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1 THE COURT: All parties and counsel are present.

2 All of the jurors and alternate jurors are  
3 present.

4 You may continue, Mr. Bugliosi.

5 MR. BUGLIOSI: Thank you, your Honor.

6 Q In the trial of these defendants the prosecution  
7 will not offer eye-witness testimony to all seven murders.

8 We will offer for your consideration and your  
9 evaluation eye-witness testimony to some of the murders in  
10 this case, but not all seven.

11 Are any of you in such a frame of mind that you  
12 would never under any circumstances convict any defendant of  
13 murder unless the prosecution offered eye witnesses to those  
14 murders?

15 Are any of you in that frame of mind? Do you  
16 understand my question?

17 Are any of you of such a frame of mind that  
18 before you would convict any defendant of murder you would  
19 require of the prosecution that they produce a certain  
20 type of evidence against that defendant such as a con-  
21 fession, or fingerprints, or what-have-you?

22 Do you understand my question?

23 In other words, now and then a person will be  
24 heard to say, "I will never convict anyone of murder  
25 unless he confesses." I am just giving you an example.

26 Are any of you of that frame of mind?

1           Here is a question which I don't like to ask,  
2 but in the nature of things I have to ask it:

3           Have any of you or anyone in your family or  
4 any close friends or relatives ever been charged with or  
5 accused in any fashion whatsoever, not necessarily legally,  
6 but accused in any fashion whatsoever of the crimes of mur-  
7 der or conspiracy to commit murder?

8           Have any of you or anyone in your family, or  
9 close friends or relatives ever worked for the Public  
10 Defender's Officer here in Los Angeles or elsewhere, or  
11 for any criminal defense attorney?

12           Is any member of your family or any close  
13 friend or relative presently a criminal defense attorney?

14           Yes, Miss Melinkoff.

15           MISS MELINKOFF: I have a cousin who is a professor  
16 of law at UCLA and I believe a volunteer counsel for the  
17 ACLU and he does do defense work.

18           MR. BUGLIOSI: Is that Mr. Abrams?

19           MISS MELINKOFF: No, Mr. Nimmer.

20           MR. BUGLIOSI: Mr. Nimmer.

21           MISS MELINKOFF: Yes.

22           MR. BUGLIOSI: Is his first name Ralph?

23           MISS MELINKOFF: Melvin.

24           MR. BUGLIOSI: Melvin Nimmer. I'm sorry. I know who  
25 he is, but I just temporarily forgot his name.

26           Have any of you ever met or spoken to or been



1 represented by or had any type of association with the  
2 following attorneys:

3 Charles Holopeter, Richard Walton, Marvin  
4 Part, Karl Ransom, Leon Salter, Donald Barnett, Richard  
5 Caballero, Paul Caruso, Luke McKissack, Alan Steinberg,  
6 Gary Fleishman and Ronald Goldman.

7 Do any of those names ring a bell?

8 MISS ABBATECOLA: I heard some of them.

9 MR. BUGLIOSI: You heard the names, but you have not  
10 had any association with any of them?

11 MISS ABBATECOLA: No.

12 MR. BUGLIOSI: Now, there might be evidence at this  
13 trial, ladies and gentlemen, that another party other than  
14 Linda Kasabian -- you probably heard her name, she's gonna  
15 be a witness for the prosecution and she is presently  
16 charged with the same murders as these defendants are.

17 There may be evidence that another party in  
18 addition to Linda Kasabian and Charles Watson, whom I  
19 previously referred to, was with these defendants during  
20 the alleged commissions of some of these crimes with which  
21 they are presently being charged.

22 Now, if the evidence at the trial shows this,  
23 do you realize that the reason this other party is not  
24 presently being tried with these defendants should be of no  
25 concern to you during your deliberations.

26 That there may be a multitude of reasons for

1 that, none of which should legitimately concern you back  
2 in that jury room.

3 Do you understand that?

4 MISS CHASON: You mentioned somebody's name just  
5 now and I have never heard of that person.

6 MR. BUGLIOSI: I mentioned the names, Linda Kasabian --

7 MISS CHASON: I never heard of her.

8 MR. BUGLIOSI: And Charles Watson, and I said there  
9 might be another party in addition to those two, the  
10 evidence might show another party might have been with  
11 these defendants during the commission of some of these  
12 crimes.

13 Did you understand the rest of my question?

14 MISS CHASON: Yes, I did.

15 MR. BUGLIOSI: If the Court instructs you that the  
16 prosecution does not have the burden, does not have the  
17 burden of proving a motive of these defendants for  
18 committing these murders --

19 In other words, we do not have the burden of  
20 proving the reason why they committed these murders --

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1 MR. KANAREK: Your Honor, I must object, no one has  
2 been convicted of committing any murders.

3 THE COURT: The question had not been finished,  
4 Mr. Kanarek.

5 Wait until the question is finished then you  
6 may interpose an objection if you care to.

7 MR. BUGLIOSI: If the Court instructs you that we  
8 do not have the burden of proving the motive for these  
9 murders, will you follow the Court's instruction on that?

10 If the Court instructs you, however, that the  
11 prosecution has the right to offer evidence of motive,  
12 and if we do offer evidence of motive, you may consider  
13 this evidence as circumstantial evidence of the guilt of  
14 these defendants, will you follow the Court's instruction  
15 on that?

16 Did you understand my last question?

17 In other words, we do not have any burden,  
18 but we have the right to offer evidence of motive, do you  
19 understand that?

20 I only have a few more sheets of paper left  
21 here, so you will all be happy to hear that.

22 I think the Court has indicated that we might  
23 go home early today, probably 4:00 o'clock.

24 At the end of this case, but before you retire  
25 to the jury room, as I have already indicated, the Court,  
26 his Honor, is going to instruct you in the law applicable

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1 to this case.

2 If the law given to you by the Judge is  
3 different from what you thought the law was, or different  
4 from what you think the law should be, do you nevertheless  
5 follow your oath, set aside your personal beliefs, follow  
6 the law as given to you by the Judge.

7 Do you all promise that?

8 Do you all understand that as a juror in this  
9 case you and your co-jurors are the sole and exclusive  
10 judges of the facts in this case, and you are also the  
11 sole and exclusive judges of the credibility of the  
12 witnesses; that is, whether they are telling the truth or  
13 not.

14 Do you understand that?

15 Do you understand that in determining  
16 credibility you have the right to take into consideration  
17 such factors as the witness's demeanor on the witness stand,  
18 the witness's manner of testifying, the witness's interest  
19 in the outcome of the case, any bias or prejudice that  
20 witness may have for or against the prosecution or defense?

21 Do you understand that?

22 You are not just limited to what they say,  
23 but the manner in which they say it and their background  
24 and several other factors.

25 Do you realize further that after you listen  
26 to the testimony of a witness and observe that witness's

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1 demeanor, et cetera, it is perfectly permissible and in  
2 fact to be expected that you will sometimes give more  
3 weight to the testimony of one witness than the testimony  
4 of an opposing witness on the same point.

5 Do you understand that?

6 Let us assume now that two things -- that  
7 you are selected as a juror and, No. 2, you are back in  
8 the jury room deliberating, and, No. 3, actually you  
9 find that your view is a minority view back there and  
10 most of the other jurors are entertaining a view different  
11 from yours.

12 I take it that none of you would be, shall  
13 we say, inflexible, but rather you would listen very  
14 carefully to the views expressed by your co-jurors and  
15 if you found these views to be reasonable and persuasive  
16 you would at least reconsider your position.

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1 Am I correct in assuming that?

2 Do each of you understand that whenever any of  
3 the defense counsel say that they want you to give their  
4 clients a fair trial, and the defendants certainly are  
5 entitled to a fair trial, that the prosecution, that is,  
6 the People of the State of California, are also entitled to  
7 a fair trial?

8 Do you understand that?

9 If you are selected as a juror on this case do  
10 you all feel you can give the People of the State of  
11 California a fair trial?

12 Is there any doubt in any of your minds about  
13 that?

14 Can any of you think of any reason not already  
15 touched upon why you think you might not be able to give  
16 the People of the State of California a fair trial?

17 Can any of you think of any reason not already  
18 touched upon by his Honor or defense counsel or myself  
19 why you feel you would rather not sit as a juror on this  
20 case?

21 The one final question, I probably commenced  
22 my questioning of you, oh, I don't know, 40 or 45 minutes  
23 ago, and I'm sure some of you or all of you have thought  
24 over the answers that you gave to some of my questions.

25 Have any of you had any second thoughts or  
26 change of mind to your answers to any of the questions that

1 I asked?

2 For instance, Mr. Schneider, you indicated  
3 your position on the death penalty. Have you done any  
4 more thinking about that, sir, your basic position --  
5 correct me if I'm wrong -- is that you are basically  
6 opposed to the death penalty but you would be willing to  
7 come back with a verdict of death if you thought the  
8 circumstances merit it.

9 Is that your position, sir?

10 MR. SCHNEIDER: Yes.

11 MR. BUGLIOSI: And that is also the position of  
12 Miss Abbatecola, and Miss Melinkoff.

13 That is not the position of Miss Broome,  
14 Miss Chason, and Mrs. Kampman, is that correct?

15 MISS CHASON: I am Miss Chason.

16 MR. BUGLIOSI: Are you opposed to the death penalty?

17 MISS CHASON: I did not say I was opposed to it.  
18 I indicated I would have to hear the case before I made a  
19 decision.

20 Is that the answer you wanted? I mean, is that  
21 correct? I don't understand.

22 MR. BUGLIOSI: Actually you don't quite know what  
23 answer I do want. Actually, the answer I want is your  
24 state of mind. I want to know.

25 MISS CHASON: I would judge the case fairly.

26 MR. BUGLIOSI: I don't want to put any words in your

1 mouth or I don't want to suggest anything.

2 In other words, you don't have an opposition to  
3 the death penalty.

4 MISS CHASON: No.

5 MR. BUGLIOSI: Is that also true of Mrs. Kampman?

6 MISS KAMPMAN: No, I do not have any objection to the  
7 death penalty.

8 MR. BUGLIOSI: Thank you very much, ladies and  
9 gentlemen.

10 THE COURT: Do the people pass for cause?

11 MR. STOVITZ: Yes, your Honor.

12 THE COURT: The People may exercise a peremptory  
13 challenge.

14 MR. BUGLIOSI: The People thank and excuse Miss  
15 Melinkoff.

16 THE COURT: Thank you, Miss Melinkoff, you will be  
17 excused.

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1 THE CLERK: Mrs. Jean P. Covalt; J-e-a-n,  
2 C-o-v-a-l-t.

3 THE COURT: I will ask counsel and the parties  
4 to join me again in chambers.

5 MR. STOVITZ: Would your Honor think that questions  
6 on hardship might be asked here? Maybe it might  
7 facilitate some movement.

8 THE COURT: We will take it up in chambers, Mr.  
9 Stovitz.

10 MR. STOVITZ: All right.

11 THE COURT: Then I will ask the bailiff to  
12 escort Mrs. Covalt in.

13 (Whereupon the following proceedings occurred  
14 in chambers, all defendants and counsel being present:)

15 THE COURT: Is Mr. Stovitz coming in?

16 MR. BUGLIOSI: I thought he was. We can proceed  
17 in his absence.

18 MR. KANAREK: He is busy with the press.

19 MR. BUGLIOSI: Here he is.

20 THE COURT: All parties and counsel are present.

21 Would you ask Mrs. Covalt to come in,  
22 please.

23 (Mrs. Covalt enters the court's chambers.)

24 THE COURT: Good afternoon.

25 MRS. COVALT: Good afternoon.  
26

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## VOIR DIRE EXAMINATION OF MRS. COVALT

BY THE COURT:

Q Mrs. Covalt, I believe my notes indicate that when your panel was asked if there were any of the prospective jurors who believed they could not be fair and impartial, that you did stand up, did you not?

A That's right.

Q Would you tell us what your belief is based upon?

A Well, I am afraid I have a preconceived feeling of guilt on the part of the accused.

Q Is this something that results from what you have read or heard about the case?

A Yes, I suppose it comes from what I have read about it. Also from -- I don't know how much you want me to commit myself.

Q Well, you can speak freely. All we are interested in is --

A I feel that --

Q -- no one is here to criticize your views. They are your own personal beliefs and you are entitled to them.

All we want to do is make sure that we understand what your beliefs are.

A Yes.

I don't believe that I would be an impartial

1 juror in this case.

2 Q Would you feel this way about any criminal case  
3 in which you were called as a juror, or is there something  
4 special about this case?

5 A I don't know of anything special, but I have a  
6 feeling -- I feel that the man is -- to my way of thinking,  
7 I feel that he is sick and he is guilty.

8 Q You will have to keep your voice up, Miss  
9 Covalt.

10 A Yes, I am sorry.

11 THE COURT: Read the answer.

12 If this is not your answer, Miss Covalt, let  
13 us know.

14 (The answer was read by the reporter.)

15 THE COURT: Q Now, does this feeling that he is  
16 guilty result because of the fact that he has been arrested  
17 and charged with the offenses, or does it stem from something  
18 else?

19 A No. I have no other information than what has  
20 appeared in print.

21 Q Well, that is what we want to know.

22 A Yes.

23 Q What information are you basing it on?

24 A Of course, I have no other source of information.

25 Q But that doesn't tell us what you do know.

26 What have you learned from the press or

1 television or from whatever source? What causes you to  
2 think --

3 A I don't know that I can pinpoint it to any  
4 particular account.

5 Q Did you ever read anything, for example, in  
6 which Mr. Manson said he was guilty?

7 A No, I think not. I don't recall that in the  
8 press.

9 Q Did you ever read any statement by any of the  
10 defendants?

11 A No.

12 Q I beg your pardon?

13 The question is whether you have read or heard  
14 anything by anyone --

15 A Not a confession --

16 Q Wait until I finish the question.

17 A All right.

18 Q Have you read or heard any statement by any of  
19 these defendants about any subject whatever?

20 A There again, I can't pinpoint particular  
21 statements, but I just read --

22 Q I'm not asking you about a statement, but have  
23 you ever read or heard any statement, no matter what it  
24 said.

25 A Well, the account in the press, no, did not assume  
26 guilt.

1                   Let's put it as an emotional reaction then  
2                   that I have, right or wrong.

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1 Q What we are trying to do is find out upon what  
2 that reaction is based, Mrs. Covalt.

3 Have you ever read or heard any statement which  
4 you thought was a statement made by any of the defendants in  
5 this case?

6 A No, I don't believe so.

7 Q Have you ever read or heard anything which  
8 appeared to be a description by someone -- anybody -- who  
9 was present at the time any of the persons were killed?

10 A Well, one of the girls whose name I don't  
11 recall, the one who presented State's evidence, of course,  
12 appeared in the press.

13 Q You are saying now that you read a statement by  
14 one of the girl defendants; is that right?

15 A One of the participants, let's say, had con-  
16 fessed, as I understand it.

17 Q By participants --

18 A As I understand it.

19 Q -- whom do you mean?

20 Do you know the name of the person that you  
21 are talking about?

22 A I am not certain of which one of the girls.

23 Q Is it one of the defendants in this case?

24 A That I don't know.

25 Q I am afraid I don't understand your statement  
26 then.

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1 Are you saying that someone who has no  
2 connection with this case said something which appeared in  
3 the paper and appeared to you to be a confession?

4 A Well, the young woman who first brought to the  
5 attention -- who first brought the case -- pointed out the  
6 location of the Family, that first broke the case.

7 Q Now you are talking about someone who is not a  
8 defendant in this case; is that right?

9 A (Pause.)

10 Q Do you know who the defendants are in this case,  
11 Mrs. Covalt?

12 A (Pause.)

13 Q There is Mr. Manson --

14 A Of course.

15 Q There is Leslie Van Houten --

16 A Yes.

17 Q There is Patricia Krenwinkel and --

18 A Yes.

19 Q -- Susan Atkins.

20 A Yes.

21 Q Are you referring to someone other than these  
22 four?

23 A Well, it was Linda --

24 Q Kasabian?

25 A Yes, Kasabian.

26 Q What about Linda Kasabian? She is a defendant

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1 in this case.

2 A Yes.

3 Q But she is not going to be tried with the other  
4 defendants.

5 Did you read a statement? Was it an account  
6 given by her?

7 A Well, I understand it was; that she is the one  
8 who first confessed her involvement in the case.

9 Q Did you read this statement?

10 A Yes.

11 Q Did the statement reveal the names of any other  
12 persons who were present with her?

13 A Well, I think there were several participating  
14 in the --

15 Q How do you know that?

16 A Well, that is my understanding from her account.

17 THE COURT: Any questions, Mr. Fitzgerald?

18 MR. FITZGERALD: No, your Honor.

19 MR. HUGHES: No questions, your Honor.

20 MR. KANAREK: No questions.

21 THE COURT: Mr. Shinn?

22 MR. SHINN: No questions.

23 THE COURT: Mr. Stovitz?

24 MR. STOVITZ: None, your Honor.

25 THE COURT: All right.

26 I will ask you, then, to go back into the



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1 courtroom, Mrs. Covalt.

2 Will you refrain from discussing with anyone  
3 what has been said here today?

4 MRS. COVALT: Yes. Surely.

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1 THE COURT: Before you do go, let me ask you. I  
2 don't think I asked you this question.

3  
4 VOIR DIRE EXAMINATION OF MRS. COVALT

5 BY THE COURT:

6 Q If you were selected as a prospective juror in  
7 this case, would you be able to serve?

8 A No, I would not.

9 Q Why not?

10 A Well, we have vacation plans beginning August  
11 10th.

12 Q August 10th?

13 A Yes.

14 Q Your husband and yourself?

15 A Yes.

16 Q How long is your vacation?

17 A Two weeks.

18 THE COURT: All right. Thank you. And please  
19 refrain from discussing what was said.

20 MRS. COVALT: Thank you.

21 (Mrs. Covalt leaves the court's chambers.)

22 MR. FITZGERALD: Challenge the juror for actual  
23 bias, your Honor.

24 MR. SHINN: Join.

25 MR. HUGHES: Join, your Honor.

26 MR. KANAREK: Yes, your Honor.

1 I don't know if it is appropriate at this time,  
2 Your Honor --

3 THE COURT: It is not appropriate while I am  
4 considering a challenge.

5 MR. KANAREK: Oh, I am sorry. I am sorry.

6 THE COURT: Unless you are arguing on the challenge.

7 MR. KANAREK: No. I am sorry, your Honor.

8 THE COURT: The challenge will be allowed.

9 Mrs. Covalt will be excused for cause.

10 Now, Mr. Kanarek?

11 MR. KANAREK: Your Honor, I would like to point out  
12 to the Court that Mr. Manson is not getting his mail.  
13 They have put a hold on his mail.

14 THE COURT: How do you know that?

15 MR. KANAREK: Mr. Manson tells me that, your Honor.

16 THE COURT: How do you know that he has any mail?

17 MR. KANAREK: Well, you are certainly welcome to  
18 have colloquy with Mr. Manson.

19 THE COURT: I am just trying to get some facts.

20 MR. KANAREK: People come to visit Mr. Manson and  
21 they say that they sent letters some weeks ago, and the  
22 letters haven't been received by him.

23 Evidently, the senior deputy who is in charge  
24 at any particular time has informed Mr. Manson there is a  
25 hold on his mail.

26 THE COURT: Did he inform him for what reason?

1 it is being held?

2 MR. KANAREK: They don't give Mr. Manson any  
3 reason. They just tell him.

4 THE COURT: I will ask the bailiff to check into that.

5 While you were out of the room, Mr. Murray,  
6 Mr. Kanarek stated that Mr. Manson's mail is being withheld  
7 for some reason or other.

8 Would you investigate this and report back to  
9 me as to the reason, if it is being held, and if so, why?

10 THE BAILIFF: Yes, sir.

11 THE COURT: All right.

12 I think we have time to at least begin with one  
13 more prospective alternate juror.

14 (A prospective alternate juror enters the  
15 court's chambers.)

16 THE COURT: Good afternoon, sir.

17 MR. THORNTON: Good afternoon.

18 THE CLERK: The name of the prospective alternate  
19 juror is Kenneth F. Thornton; K-e-n-n-e-t-h, T-h-o-r-n-t-o-n.

20  
21 VOIR DIRE EXAMINATION OF KENNETH F. THORNTON  
22 BY THE COURT:

23 Q Mr. Thornton, if you were selected as an  
24 alternate juror in this case, would you be able to serve?

25 A Well, I wouldn't get, after my 20 days was  
26 up, I wouldn't get paid for it.

1 Q Where do you work?

2 A Douglas Aircraft.

3 Q Douglas?

4 A Yes.

5 Q Do they have a policy of not paying their  
6 employees for service beyond the 20-day period?

7 A Yes.

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1 Q And do you rely on that income?

2 A Yes, I do.

3 Q Are you married?

4 A No, I am not.

5 THE COURT: Any stipulation, gentlemen?

6 MR. FITZGERALD: We will stipulate.

7 MR. KANAREK: Stipulate, your Honor.

8 MR. SHINN: Yes.

9 MR. HUGHES: Stipulate.

10 MR. STOVITZ: Stipulate.

11 THE COURT: You will be excused then, Mr. Thornton.

12 Thank you very much.

13 Will you refrain from discussing what has  
14 been said here with anyone?

15 MR. THORNTON: Yes.

16 (Whereupon Mr. Thornton leaves the Court's  
17 chambers.)

18 THE COURT: Mr. Thornton will be excused by  
19 stipulation of all parties.

20 (Another prospective alternate juror entered  
21 the court's chambers.)

22 THE COURT: Good afternoon, sir.

23 MR. SPIRO: Good afternoon, your Honor.

24 THE CLERK: The name of the prospective alternate  
25 juror is Eugene Spiro; E-u-g-e-n-e, S-p-i-r-o.  
26

20c-2

## VOIR DIRE EXAMINATION OF MR. EUGENE SPIRO

BY THE COURT:

Q Mr. Spiro, if you were selected as an alternate juror in this case, would you be able to serve?

A It would make a hardship on me, your Honor.

Q Would you keep your voice up, please?

A It would make a hardship on me because I am working.

Q Where do you work?

A I work for the Bank of America.

Q Bank of America?

A Yes.

Q Do you know what the bank's policy is with regard to paying compensation for jury service?

A They allow 20 days, or 30 -- 20 working days -- for jury service. This is what I know.

Q Then do they stop the compensation after that?

A I really don't know. I never had a chance to find out.

Q I see.

Now, if they kept your compensation going, then would you be able to serve?

A Well, I have other reasons also.

Q What is that?

A It would be a hardship on me to stay away that long. My wife isn't too well.



20c-3

1 Mostly for the reason that my wife isn't well.

2 Q Keep your voice up, please.

3 A She needs me at home, and it would be just  
4 very much of a hardship on me if I would have to stay  
5 that long.

6 In other words, your Honor, I would be worried,  
7 more worried not to see my family.

8 Q You think that you might not be able to  
9 concentrate on both the trial and your problems at home?

10 A I might not.

11 She is constantly ill, and not to see her would  
12 be a hardship on me definitely.

13 MR. FITZGERALD: May I ask a question?

14 THE COURT: Yes.

15 MR. FITZGERALD: Thank you.

16  
17 VOIR DIRE EXAMINATION OF MR. SPIRO

18 BY MR. FITZGERALD:

19 Q How old are you and your wife?

20 A I myself am 64. My wife is 60.

21 Q Do you live alone?

22 A I live with my family.

23 Q I mean, you and your wife live alone?

24 A I have a son.

25 Q Does he reside with you?

26 A Yes.

20d fls.



200  
1 Q I am not sure as to the nature of the  
2 hardship with your wife.

3 Is it simply that you don't want to be  
4 separated from her, Mr. Spiro?

5 A My wife is not well. She is not a well person.  
6 She has sinus headaches and arthritic pains. And  
7 especially in the evenings, she is in bed around 7:00  
8 o'clock practically every night.

9 Q Does she rely on you for some kind of medical  
10 care?

11 A Well, yes. I help her along.

12 MR. FITZGERALD: We will stipulate.

13 MR. STOVITZ: So stipulated.

14 MR. KANAREK: So stipulate.

15 MR. HUGHES: Stipulate.

16 MR. SHINN: So stipulate.

17 THE COURT: You will be excused then, Mr. Spiro.

18 Will you refrain from discussing with anyone  
19 what has been said in here?

20 MR. SPIRO: Yes, sir.

21 (Mr. Spiro leaves the court's chambers.)

22 THE COURT: I don't think we will have time to  
23 take anyone else this afternoon. So, we will go back in  
24 the courtroom and I will admonish the jury before adjourning  
25 for the day.

26 (Whereupon, the following proceedings were had

1 in open court, all defendants, counsel, jury and  
2 prospective alternate jurors being present.)

3 THE COURT: All parties and counsel are present,  
4 all of the jurors and alternate jurors are present.

5 We will adjourn at this time, ladies and  
6 gentlemen, until 9:00 a.m. Monday morning.

7 Again, please remember the admonitions.  
8 Do not converse among yourselves nor with anyone else on  
9 any subject relating to this case, nor form or express any  
10 opinion regarding the case until it is finally submitted  
11 to you.

12 And additionally, do not read, watch or listen  
13 to any news report concerning the case so long as you  
14 have any connection with this case.

15 9:00 o'clock on Monday morning.

16 Have a good weekend.

17 (Whereupon, at 4:01 p.m. the court was in  
18 adjournment.)

1 LOS ANGELES, CALIFORNIA, MONDAY, JULY 20, 1970

2 9:08 o'clock a.m.

3 - - - -

4 (The following proceedings were had in the  
5 chambers of the Court out of the presence and hearing of  
6 the jurors and prospective alternate jurors, all defendants  
7 and all counsel being present:)

8 THE COURT: The record will show all parties and  
9 counsel are present.

10 I have two notes from prospective alternate  
11 juror No. 3, Miss Catherine Abbatecola, which counsel  
12 should look at for their information.

13 Incidentally, Mr. Hughes, are you familiar  
14 with the publicity order in the case?

15 MR. HUGHES: Yes, I am, your Honor.

16 THE COURT: And as augmented? There has been an  
17 augmentation.

18 MR. HUGHES: I don't believe I am familiar with the  
19 augmentation.

20 THE COURT: Very well. You should familiarize  
21 yourself with that.

22 MR. FITZGERALD: There is a matter I would like to  
23 call to the Court's attention:

24 It is an article that appeared in yesterday's  
25 Herald-Examiner, Sunday Edition, Sunday, July 19th.

26 It is an article referred to as "The Trial of

1 Charles Manson and His Family."

2 I wonder if the Court has seen this article.

3 THE COURT: No, I haven't.

4 MR. FITZGERALD: I wonder if I might hand it to  
5 your Honor.

6 (Article handed to the Court.)

7 It appears to cover at least two entire  
8 pages in the Sunday Herald-Examiner, pages A-5 and A-6,  
9 I believe.

10 This report includes photographs of all the  
11 defendants as well as photographs -- a photograph of the  
12 Judge.

13 The article purports to set out the evidence  
14 against the respective defendants, including references  
15 to statements made by Miss Atkins to her former attorney,  
16 Richard Caballero, to and before the Grand Jury of Los  
17 Angeles County, and statements she allegedly made to  
18 inmates in the Los Angeles County Jail.

19 I also have, your Honor, what appears to be  
20 some sort of a banner. It appears to be approximately  
21 ten inches long by about 14 inches wide, and it says  
22 "Sunday Herald-Examiner."

23 And in large bold type it says "The Trial of  
24 Charles Manson and His Family."

25 And this was an advertisement that was used  
26 to display the Sunday Herald-Examiner.

1                   The evidentiary import of that small bill-  
2 board or poster is that the Herald-Examiner apparently  
3 was attempting to call attention, or as much attention  
4 as possible to the article.

2 fls.

2-1

1 Now, obviously, the article is extremely  
2 prejudicial if any members of the prospective alternate  
3 jury panel has read it.

4 Your Honor certainly admonished these jurors  
5 on Friday not to read or submit themselves to any of the  
6 publicity by way of newspaper, radio, or television.  
7 I might point out, however, that this is the Sunday Edition  
8 of the paper, it is the second largest metropolitan news-  
9 paper in Los Angeles, and it has a widespread circulation,  
10 although I haven't recently read any newspaper readership  
11 study.

12 It seems to me that because the paper is  
13 generally available to the public from approximately  
14 Saturday in the a.m. through Sunday evening that there is  
15 a great deal of exposure to the public, and I suggest  
16 that perhaps -- or even more than perhaps -- I am  
17 suggesting that some members of the alternate jury panel  
18 have indeed been infected. It would appear that if a  
19 family subscribes to the Los Angeles Herald-Examiner  
20 Sunday Edition, it would be difficult to avoid it.

21 THE COURT: Anything further?

22 MR. FITZGERALD: Well, I don't want to be absurd,  
23 your Honor, but I think that in light of this type of  
24 publicity, particularly this article in a major metropoli-  
25 tan Sunday newspaper, that I am going to request on behalf  
26 of Patricia Krenwinkel that your Honor consider and that

1 your Honor sequester the entire prospective alternate  
2 jury panel.

3 I know of no way that we can otherwise  
4 insure that these prospective jurors just won't be  
5 subjected to this material in the future.

2q fls.



2a-1

1 Secondly, I think perhaps an inquiry on the  
2 part of the Court might be in order to determine if, in  
3 fact, any members of the prospective alternate jury panel  
4 have read this particular article.

5 THE COURT: Well, I think we should continue with  
6 our selection of the alternate jurors. Of course, that is  
7 a legitimate area of inquiry, if anyone has read it. That  
8 fact can certainly be brought out.

9 I don't think there is any need to question  
10 the panel as a whole, because we are going to have the  
11 individuals in and we can examine them in chambers.

12 MR. STOVITZ: I have no objection, if you want to  
13 requestion the six out there that we have already questioned  
14 here concerning this one point. It seems that we did that  
15 on some other matter that came up when your Honor thought  
16 that the Susan Atkins' statement was that material and  
17 we called back each of the jurors and questioned them on  
18 that.

19 THE COURT: Well, I think we should just proceed  
20 with our selection, and if anyone does want to call back  
21 the alternates to ask them about this article, I have no  
22 objection.

23 MR. STOVITZ: For instance, Miss Abbatecola, the  
24 juror that submitted the two notes, I think that she  
25 should be questioned in chambers to clarify her knowledge  
26 of the La Blancas.



1 THE COURT: Well, yes, of course. That is another  
2 matter. I agree.

3 She apparently is trying to tell us something,  
4 I am not sure what at the moment.

5 Do you want to call in Miss Abbatecola first?

6 Does anybody have any preference on that? I  
7 think probably it would be a good idea to call in Miss  
8 Abbatecola and find out what is on her mind in view of  
9 the notes that she has submitted.

10 Do you want the newspapers back?

11 MR. FITZGERALD: Would the Court mark them?

12 I bear in mind what the Court said recently  
13 that your Honor doesn't want to clutter up the files with  
14 every newspaper article, but I think this is one that is  
15 of tremendous importance inasmuch as we are still in the  
16 process of selecting alternate jurors.

17 THE COURT: It is really only important if someone  
18 read it, someone connected with this case. It doesn't  
19 make any difference if someone who has no connection with  
20 the case read it.

21 MR. FITZGERALD: It is simply for the coherence of  
22 the record, if we are going to refer to it in questioning  
23 prospective alternate jurors. It would be helpful if  
24 any reviewing court had the availability of the exhibit.

25 THE COURT: All right. We will mark it.  
26

2b-1

1 MR. STOVITZ: This is a good example of the fact  
2 that you can't believe everything you read in the news-  
3 papers. They have got a fact in there that is completely  
4 erroneous. They list me as 50 years of age. I am 46.

5 MR. KANAREK: Mr. Stovitz fails to perceive that this  
6 entire matter concerning Mr. Manson is erroneous.

7 THE CLERK: Are we ready yet?

8 THE COURT: Before you bring her in, Mr. Darrow,  
9 we will mark the copy of the Los Angeles Herald-Examiner  
10 for Sunday, July 19th, 1970, and a copy of this --

11 MR. KANAREK: It is a placard, your Honor, that was  
12 on every -- I can't say every, but I believe --

13 THE COURT: Did you obtain it, Mr. Kanarek?

14 MR. KANAREK: Yes.

15 THE COURT: Where did you obtain it?

16 MR. KANAREK: I obtained it from the stand at the  
17 United Airlines -- adjacent to the United Airlines gates  
18 at the Los Angeles International Airport. It is the area  
19 just as you go in the doors off the street on your way  
20 to the gates.

21 THE COURT: All right. These will be marked for  
22 identification.

23 Would you bring in Miss Abbatecola?

24 (Prospective alternate juror Miss Catherine  
25 Abbatecola enters the Court's chambers.)

26 THE COURT: Good morning.

1 MISS ABBATECOLA: Good morning, your Honor.

2  
3 VOIR DIRE EXAMINATION OF MISS ABBATECOLA  
4 BY THE COURT:

5 Q I have your two notes, Miss Abbatecola.  
6 I am not sure I understand what you are referring to  
7 when you talk about a psychiatric examination of the  
8 defendant.

9 What are you referring to?

10 A Well, I heard in other cases that it is  
11 done sometimes.

3 fls.

3-1

1 Q What does that have to do with you?

2 A Well, I was just wondering if any mention was  
3 going to be made.

4 As I said, I was wondering if I have a right to  
5 know; it was just curiosity, I guess.

6 Q It may well be that there will be psychiatric  
7 testimony in the case. I have no way of knowing at this  
8 point.

9 A I see.

10 Q If there is you will hear it if you are on the  
11 jury or one of the alternate jurors.

12 Now, there is another note here --

13 A Right.

14 Q -- I received this morning from you in which  
15 you asked to speak with me and counsel regarding information  
16 about your family and the La Blancas.

17 A Right. I was informed this weekend, because I  
18 had no way of knowing before, that my grandfather knew  
19 Mr. La Bianca, although I was a child when my grandfather  
20 died, so I never heard the name.

21 Also about 15 years ago in, I guess, Mr.  
22 La Bianca is in some way connected with Gateway Food  
23 Stores. My uncle was a salesman, and about eight or nine  
24 years ago my brother was a box boy at Gateway, although I  
25 don't think my brother ever met Mr. La Bianca, and I never  
26 heard the name before.

3-2

1 But I just thought you should be aware of it.

2 Q I appreciate that. That is the sort of  
3 information that all counsel would like to hear.

4 Sometimes it has some significance; sometimes  
5 it doesn't, but we want to hear it so we can determine  
6 whether it does or not.

7 Now, does anyone wish to question Miss  
8 Abbatecola?

9 MR. FITZGERALD: No, your Honor.

10 MR. HUGHES: No, your Honor.

11 MR. SHINN: No, your Honor.

12 MR. KANAREK: We have no desire for any questions,  
13 your Honor.

14 THE COURT: Now, Miss Abbatecola, did you have any  
15 occasion to read any newspaper over the weekend?

16 THE WITNESS: No, I have not spoken about the case  
17 with anyone.

18 Q That is not what I asked. I asked you if you  
19 read a newspaper.

20 A I read parts of the Times.

21 Q Did you by any chance look at or read the  
22 Los Angeles Herald Examiner yesterday?

23 A No.

24 Q For yesterday?

25 A No.

26 Q Now, is there anything else you wish to talk

3-3

1 about as long as you are in here?

2 A No, other than that I have disclosed everything  
3 I can think of.

4 Q I take it, then, that you are still able to  
5 serve as an alternate juror if you are selected?

6 A If I am selected.

7 THE COURT: All right, and please do not forget the  
8 admonitions which have been previously given to you about  
9 talking with anyone else, and so forth, particularly  
10 reading, watching, or listening to any newspaper reports  
11 concerning the case.

12 All right, I will ask you then to go back into  
13 the courtroom and we will call in the next prospective  
14 alternate juror.

15 Thank you, Miss Abbatecola.

16  
17 (Miss Abbatecola leaves the chambers of the  
18 court.)

19 MR. FITZGERALD: If the Court will entertain a  
20 stipulation, all counsel are willing to stipulate she may  
21 be removed, your Honor.

22 MR. STOVITZ: Yes, your Honor, People will so stipu-  
23 late.

24 MR. HUGHES: So stipulated.

25 MR. SHINN: So stipulated.

26 MR. KANAREK: So stipulated, and also on the basis of

3-4  
1 cause, because of the fact she heard it, she read the  
2 Susan Atkins' confession, or remembered it.

3 THE COURT: Well, you passed the other day when that  
4 fact was mentioned.

5 MR. KANAREK: Yes, your Honor, I am saying again  
6 on a relative basis we have to take people in this case  
7 that, to my knowledge, has never happened before --

8 THE COURT: You don't have to explain it. I just  
9 commented on the fact that the other day when this fact was  
10 fully known you passed her for cause.

11 MR. KANAREK: Because of the reason enunciated, your  
12 Honor.

13 THE COURT: All right, Miss Abbatecola will be  
14 excused by stipulation of all counsel.

15 (A prospective alternate juror enters the  
16 chambers of the Court.)

17 THE COURT: Good morning, sir.

18 THE CLERK: The prospective alternate juror's name is  
19 Milton B. Horenstein, M-i-l-t-o-n, H-o-r-e-n-s-t-e-i-n.

20  
21 VOIR DIRE EXAMINATION OF MILTON B. HORENSTEIN  
22 BY THE COURT:

23 Q Mr. Horenstein, you did stand up the other day  
24 to give your name when I asked if there are any prospective  
25 jurors who could not be fair and impartial in this case.

26 A Yes, sir.

3-5

1 Q What was your reason, may I ask?

2 A Well, the newspaper articles on that, TV; I  
3 sort of formed an opinion on that from the newspapers and  
4 the TV.

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3A-1  
1 Q You believe that you could not be fair and  
2 impartial in this case and base your decision solely on the  
3 evidence that came out during the trial?

4 A Well, that changes the picture. I mean, this  
5 was a matter of opinion, without being on the basis of  
6 being put on a jury.

7 But it would -- naturally it would have to be  
8 on the evidence.

9 Q Do you think you would be able to put aside  
10 what you already have read or heard and decide the case  
11 solely on the evidence that came out during the trial?

12 A To a good extent.

13 Q Well, I don't know what you mean by that.

14 In order to be qualified to sit as a juror,  
15 or an alternate juror, you should first have to be fair  
16 and impartial, and any decision or opinions that you reach  
17 in the case would have to be based solely on the evidence  
18 that came out during the trial.

19 Now, do you think that you would be able to do  
20 that?

21 A Well, that was the point that I meant, from the  
22 type of work I do I can have an opinion but I have to  
23 judge on all the evidence of what I find.

24 Q Are you telling me you would be able to do that?

25 A I believe so. There is one drawback.

26 Q Keep your voice up, please, so everyone can

1 hear you.

2 A There is, incidentally, one drawback:

3 I had to receive a postponement for jury duty  
4 because of the fact that I was getting shots, allergy shots.  
5 I still am.

6 Q How often?

7 A Once a week.

8 Q Well, if you were selected, could that be done,  
9 say, at the hotel; the doctor could come to the hotel and  
10 give the shot?

11 A Yes, I believe so.

12 Q Have you ever read or heard anything with  
13 regard to this case that appeared to be a description by  
14 someone who was actually present at the time any of the  
15 persons were killed?

16 A No.

17 Q Do you understand what I am saying by an eye  
18 witness?

19 A Yes, an eye witness account.

20 Q You never heard or read anything?

21 A Not that I recall.

22 Q Have you ever read or heard anything that  
23 appeared to be a statement made by one of these defendants  
24 about anything at all?

25 A Yes.

26 Q What was that?

1 A A confession.

2 Q Well, that is what I was referring to in the  
3 first place.

4 Whose confession was it?

5 A Miss Atkins.

6 Q And you understand from that that she was  
7 present?

8 A Uh-huh.

9 Q At the time of the killings or some of the  
10 killings?

11 A That's right.

12 Q That is what I meant in the first place.

13 A Oh, I'm sorry.

14 THE COURT: Any questions?

15 MR. FITZGERALD: No, your Honor.

16 THE COURT: Mr. Hughes?

17 MR. HUGHES: No, your Honor.

18 THE COURT: Mr. Shinn?

19 MR. SHINN: No questions, your Honor.

20 MR. KANAREK: No questions, your Honor.

21

22 VOIR DIRE EXAMINATION OF MR. HORENSTEIN

23 BY MR. STOVITZ:

24 Q What is your business or occupation, sir?

25 A I am the supervising collection investigator  
26 for the County of Los Angeles.

1 MR. STOVITZ: No questions.

2 THE COURT: All right, sir, I will ask you to go back  
3 in the courtroom, please, and will you refrain from dis-  
4 cussing with anyone what has been said in here this morning?

5 MR. HORENSTEIN: Yes, sir.

6 THE COURT: Thank you.

7 (Mr. Horenstein leaves the chambers of the  
8 court.)

9 MR. FITZGERALD: The defendants will interpose a  
10 challenge for cause, actual bias, Penal Code Section 1073,  
11 Paragraph 2.

12 MR. HUGHES: Join, your Honor.

13 MR. SHINN: Join, your Honor.

14 MR. KANAREK: Join, your Honor.

15 MR. STOVITZ: Join.

16 THE COURT: All right, the challenge will be allowed.

17 Mr. Horenstein will be excused for cause.

18  
19  
20  
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24  
25  
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3b-1

1 (A prospective alternate juror enters the  
2 chambers of the court.)

3 THE COURT: Good morning.

4 THE CLERK: The name of the prospective alternate  
5 juror is Dennis A. Fricker, D-e-n-n-i-s, F-r-i-c-k-e-r.

6  
7 VOIR DIRE EXAMINATION OF MR. FRICKER

8 BY THE COURT:

9 Q Mr. Fricker, if you were selected as an  
10 alternate juror in this case would you be able to serve?

11 A It would be hard.

12 Q What is your situation?

13 A I get paid for 35 days.

14 Q Who is your employer?

15 A The Post Office.

16 Q Well, the Post Office as far as I know  
17 continues compensation of anyone whose jury service  
18 extends beyond that period?

19 A I looked it up. It only said for 35 days.  
20 That is what I thought anyway.

21 THE COURT: I don't believe so. Has anyone else  
22 had experience with Post Office employees?

23 It has always been my understanding they get  
24 paid just as any other Government employee.

25 MR. STOVITZ: None of the other Post Office  
26 employees raised that point. I assume by their silence

3b-2

1 it was held by them at any rate they are paid continually.

2 THE COURT: How long have you been with the Post  
3 Office?

4 THE WITNESS: Seven years.

5 BY THE COURT:

6 Q That is something we can check and you can  
7 also check.

8 A I came here Monday and I checked Tuesday.  
9 I went over there in the morning and read 35 days on the  
10 jury, 30 calendar days or 35 days on the jury, I'm  
11 pretty sure.

12 Q Well, would you check further on that with  
13 your supervisor or manager?

14 A Yes.

15 Q Apart from that, is there any other reason  
16 why you would not be able to serve?

17 A I guess not, not really.

18 Q All right. Then would you check on that just  
19 to make sure.

20 A Yes.

21 Q We don't want to create any undue hardship,  
22 but I believe that you will find your compensation will  
23 continue.

24 Now, I'm going to ask you the same questions  
25 regarding the death penalty that I put to the other  
26 prospective jurors.

3b-3

1 Do you entertain such conscientious opinions  
2 regarding the death penalty that you would be unable  
3 to make an impartial decision as to any defendant's  
4 guilt without regard to the evidence in the case?

5 A Just guilt you mean?

6 Q Just on the question of guilt.

7 A No.

8 Q The answer is no?

9 A I would not be prejudiced.

10 Q You would be able to make an impartial  
11 decision?

12 A Yes.

13 Q Do you entertain such conscientious opinions  
14 regarding the death penalty that you would automatically  
15 refuse to impose it without regard to the evidence in  
16 the case?

17 A I don't know. I have been thinking about it  
18 like you said, and I would find it awfully hard to do.

19 Q Well, would you on the other hand automatically  
20 impose the death penalty in every case without regard to  
21 the evidence?

22 A No.

23 Q All right, would it be fair to say that you  
24 would be willing to listen to all of the evidence in  
25 the case, now, assuming it gets to the question of  
26 penalty, and the case may never get that far, you



3b-4

4fls.

1 understand?

2 A Yes.

3 Q But if it gets to the question of penalty,  
4 which means there will have been a conviction of murder  
5 in the first degree of at least one of these defendants,  
6 are you then willing to listen to all of the evidence  
7 and then make up your mind on the question of penalty,  
8 or have you already made up your mind?

9 That is what we are trying to find out.

10 A That is what I was trying to find out myself  
11 over last weekend. I don't know.

12 I just -- even if a person was convicted of  
13 first degree murder, I don't know, I just don't know  
14 that I could actually, you know, say, give him the death  
15 sentence.

16 Q Can you think of any case or any set of  
17 facts or circumstances where you would consider imposing  
18 the death penalty?

19 A I have in the past, but it was only a moment's  
20 anger or something, you know, reading something in the  
21 paper, or like when Kennedy was assassinated, or something  
22 like that, you know.

23 But the more you think about it afterwards,  
24 I don't know, it wouldn't make me any better than the  
25 person convicted of it, I don't think, to actually do  
26 this, even though it was sanctioned and it was all legal.



1 Q Do you think that this belief or opinion of  
2 yours has reached the point where you would, in every  
3 case, automatically refuse to impose the death penalty?  
4 Or would you wait until the end and consider all of the  
5 evidence and then make your decision?

6 A Well, I don't think any consideration would  
7 lead me to want to give the death sentence, after  
8 thinking about it.

9 Q Well, we will go on to another subject for  
10 the moment.

11 Have you formed any opinion as to the guilt  
12 or innocence of any of the defendants?

13 A No.

14 Q Do you read a daily newspaper on a regular  
15 basis?

16 A Yes.

17 Q You will have to answer audibly.

18 A Yes.

19 Q What paper is that?

20 A The Independent Press-Telegram of Long  
21 Beach.

22 Q Long Beach?

23 A Yes.

24 Q Keep your voice up, please, because all  
25 these lawyers in here have to hear everything you say,  
26 Mr. Fricker.

1 A Yes.

2 Q Have you ever read or heard anything which  
3 seemed to be a description by someone who was actually  
4 present when any of these killings took place?

5 A Not that I can remember.

6 Q Have you ever read or heard anything which  
7 seemed to be a statement made by one of the defendants,  
8 one or more of the defendants, about anything?

9 A I don't think so.

10 I remember reading it, but it was quite a  
11 while ago -- something, I know.

12 Q Reading what?

13 A About the arrests. But I think that was about  
14 a year ago, wasn't it? Something like that.

15 I don't remember what I read about it actually.

16 Q I believe that the defendants were arrested  
17 somewhere around December.

18 Is that correct?

19 MR. FITZGERALD: That is correct.

20 THE COURT: Q Now, of course, at the time that  
21 they were arrested there was some publicity in which their  
22 names were given.

23 A Yes.

24 Q And the charges were described.

25 A Yes.

26 Q Is that what you are referring to?

1 A Yes.

2 Q Do you believe that if you were selected in  
3 this case that you could put aside whatever you have read  
4 or heard about the case and decide the case solely on  
5 the evidence that came out during the trial?

6 A Yes.

4a fls.

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1 Q Do you have any question about your ability to  
2 be fair and impartial, Mr. Fricker?

3 A No.

4 Q Now, you may recall that when your panel first  
5 came into the courtroom, I made some remarks to them,  
6 including the statement that in every criminal case a  
7 defendant is presumed to be innocent --

8 A Yes.

9 Q -- until his guilt is proved beyond a reasonable  
10 doubt.

11 A Yes.

12 Q Do you remember that?

13 A Yes.

14 Q Would you be willing to give each of the  
15 defendants in this case the benefit of that presumption of  
16 innocence?

17 A Yes.

18 Q And if the People were unable to prove the  
19 guilt of any defendant beyond a reasonable doubt,  
20 Mr. Fricker, would you then vote for an acquittal?

21 A Yes.

22 Q On the other hand, if they were able to prove  
23 guilt beyond a reasonable doubt, you would then vote for a  
24 verdict of guilty?

25 A Yes.

26 Q Now to get back to this death penalty matter,

4a2

1 Mr. Fricker.

2 What we have to ascertain -- and you don't  
3 have to justify your opinion in any way; everybody is  
4 entitled to his own opinion; we are really not interested  
5 in whether you think one way or the other, as long as we  
6 know what it is you think -- do you understand?

7 A Yes.

8 Q We are not here to criticize anyone's opinions  
9 but only to determine what they are.

10 A Yes, sir.

11 Q Would you say that your opinion with respect  
12 to the death penalty is such that you still have some  
13 question in your mind as to whether or not you could impose  
14 it in any case, or have you unalterably made up your mind  
15 at this point so that you could say that you would never  
16 impose it in any case?

17 I know that is a difficult question but can you  
18 answer it?

19 A I just don't want to be in a position to have  
20 to give it.

21 Q Well --

22 A I don't know if I can be talked into it or not.  
23 I don't know.

24 Q You realize that if you were selected as an  
25 alternate juror, you could conceivably end up on the jury of  
26 12 who has to make that decision, do you not?

4a3

1 A Yes.

2 Q Now, I don't suppose there are very many  
3 people who look forward with any degree of enthusiasm to  
4 being faced with having to make that decision. It is a  
5 difficult decision to make. Yet, obviously, someone has  
6 to make it.

7 A Yes.

8 Q If it becomes necessary.

9 A Yes, sir.

10 Q Notwithstanding your reluctance to make it,  
11 Mr. Fricker, do you think that you could make it?

12 A No, I really don't think I could.

13 Q Well, I am not sure that I understand your  
14 answer.

15 Suppose you were on the jury and that you  
16 determined that one or more of the defendants was guilty  
17 beyond a reasonable doubt and you so voted. Now we come to  
18 the second phase or the penalty phase of the trial.

19 A Yes.

20 Q What would happen so far as you were concerned?  
21 Would you just refuse to do anything? Or would you have  
22 your mind made up before you ever heard any evidence or  
23 arguments on the question of penalty? Or would you listen  
24 to the evidence and the arguments of counsel and the Court's  
25 instructions and then make up your mind as to what you are  
26 to do?

4a4  
1 A I think my mind is pretty well made up that  
2 I wouldn't give the death sentence.

3 Q Do you have any question about that as to  
4 whether or not your mind is made up?

5 A No, not really.

6 THE COURT: Do you care to examine, Mr. Fitzgerald?

7 MR. FITZGERALD: Yes, your Honor, if I might.

8  
9 VOIR DIRE EXAMINATION OF MR. FRICKER

10 BY MR. FITZGERALD:

11 Q You understand, Mr. Fricker, that in the event  
12 you get to some second phase of the trial, you don't need  
13 to impose a death penalty.

14 A Right.

15 Q But would you keep an open mind and just  
16 listen to the evidence that might be introduced at any  
17 kind of a trial like that?

18 A What do you mean?

19 Q Would you listen to the evidence?

20 A Would I listen to the evidence during the  
21 trial, or on the penalty?

22 Q Well, there may be two trials is what the  
23 Judge is trying to point out to you.

24 A Yes.

25 Q The trial on guilt or innocence, and then maybe  
26 some penalty trial to follow.

A Yes.



4b-1

1 Q In which evidence in aggravation of the  
2 offense is introduced and evidence in mitigation is  
3 introduced, and there may be witnesses called at the  
4 second trial.

5 Could you listen to the evidence, Mr. Fricker?

6 A Yes, I could listen to it.

7 Q Could you discuss that evidence with your  
8 fellow jurors in the jury room?

9 A Yes.

10 MR. FITZGERALD: I have nothing further.

11  
12 VOIR DIRE EXAMINATION OF MR. FRICKER  
13 BY THE COURT:

14 Q When you say you would listen to the evidence,  
15 he doesn't mean just listen politely because you don't  
16 have any choice, Mr. Fricker, he is talking about listen-  
17 ing with an open mind and considering what is being said  
18 and then making your decision.

19 Do you understand that?

20 A Yes? But I am afraid I would be listening,  
21 though, just waiting for my turn to also talk against the  
22 death penalty.

23 Q In other words, while you were listening all  
24 this time, would your mind have already been made up?

25 A Yes, sir, I am afraid so. I don't think I  
26 could be persuaded to change it, to give the death sentence.



4b-2

1 Q So, when you say you would be listening, you  
2 would be listening merely out of courtesy, is that right,  
3 because you didn't have any choice?

4 A Yes, I am afraid so.

5 Q But you would already know what your decision  
6 was going to be on the question of imposing the death  
7 penalty?

8 A Yes.

9 THE COURT: Any questions?

10 MR. HUGHES: Yes.

11  
12 VOIR DIRE EXAMINATION OF MR. FRICKER

13 BY MR. HUGHES:

14 Q Might there not indeed, Mr. Fricker -- is it  
15 Flicker or Fricker?

16 A Fricker.

17 Q Might there not indeed be some possibility  
18 that you would listen to this evidence in some particular  
19 case and would possibly vote for the death penalty?

20 A Possibly only if I was ganged up on and browbeaten  
21 into it, if you know what I mean.

22 MR. HUGHES: No further questions.

23 MR. SHINN: No questions.

24 MR. KANAREK: No questions, your Honor.

25 THE COURT: Mr. Stovitz?

26 MR. STOVITZ: Yes, sir.

## VOIR DIRE EXAMINATION OF MR. FRICKER

BY MR. STOVITZ:

Q Mr. Fricker, how old are you, sir?

A How old am I?

Q Yes.

A 27.

Q Are you married?

A Yes, sir.

Q Now, assume a situation where -- do you have any children?

A Yes.

Q Assume a situation where a man came in and raped and murdered your wife and killed your children. Do you think that in that case the jury should give the man the death penalty?

MR. KANAREK: Improper voir dire, your Honor.

MR. STOVITZ: I agree, your Honor. I am trying to get to this man's frame of mind. I agree it is improper voir dire.

THE COURT: The objection is sustained.

MR. STOVITZ: Q Mr. Fricker, we want to know your frame of mind.

We don't want to know some hypothetical case.

We want to know your frame of mind.

Do you think that you are so prejudiced --

1 and I use the term, you know, not in any demeaning manner --  
2 is your mind so well made up that you would in no case  
3 ever vote for the death penalty?

4 A If I was on the jury in the circumstances you  
5 said, I would vote for the death penalty, probably because  
6 I would probably want to kill him; but under no circum-  
7 stances, I don't think, do I have the right to take someone  
8 else's life.

9 Under certain circumstances I might want to  
10 take someone's life.

11 Q All right. Now, you are on this jury.

12 A Yes.

13 Q And let's assume that the State has proven  
14 the defendants and each of them guilty of the various  
15 counts of murder that they are charged with. And let's  
16 assume that the circumstances are very aggravating.  
17 And let's assume that their guilt is not only beyond  
18 a reasonable doubt but conclusive.

19 Would you, in this case, consider the imposition  
20 of the death penalty?

21 A No.

4c fls.

4C-1

1 Q So that in no case would you ever consider  
2 giving these defendants the death penalty?

3 A No.

4 Q When you say no, do you mean that you agree  
5 with my statement, or you would not give them the death  
6 penalty?

7 A I would not give the death penalty.

8 Q To any of these defendants?

9 A No.

10 MR. STOVITZ: I have no further questions.

11 THE COURT: Anything further?

12 MR. HUGHES: No.

13 MR. FITZGERALD: No.

14 MR. SHINN: No.

15 MR. KANAREK: No.

16 THE COURT: We will ask you to go back into the  
17 courtroom, Mr. Fricker.

18 Will you refrain from discussing with anyone  
19 what has been said in here this morning?

20 MR. FRICKER: Yes, sir.

21 (Whereupon, Mr. Fricker leaves the court's  
22 chambers.)

23 THE COURT: Is there going to be any challenge with  
24 respect to Mr. Fricker?

25 MR. BUGLIOSI: No.

26 MR. STOVITZ: Not for cause, your Honor.

4c2  
1 THE COURT: Very well.

2 (Whereupon, another prospective juror enters the  
3 court's chambers.)

4 THE COURT: Good morning, sir.

5 MR. MATTIS: Good morning.

6 THE CLERK: The name of the prospective alternate  
7 juror is Kenneth L. Mattis; K-e-n-n-e-t-h, M-a-t-t-i-s.

8  
9 VOIR DIRE EXAMINATION OF KENNETH L. MATTIS  
10 BY THE COURT:

11 Q Mr. Mattis, if you were selected as an alter-  
12 nate juror in this case, would you be able to serve?

13 A I don't think so. I am an Internal Revenue  
14 agent and the cases that I have in process I don't believe  
15 could be deferred for the length of time that I would be  
16 here.

17 MR. HUGHES: Could that answer be read back?  
18 I wasn't able to hear Mr. Mattis.

19 MR. MATTIS: I am an --

20 THE COURT: That is all right. We will have it read.  
21 Please keep your voice up.

22 (The answer was read by the reporter.)

23 MR. HUGHES: Thank you.

24 THE COURT: Q Mr. Mattis, are you employed out of  
25 the Los Angeles office here?

26 MR. MATTIS: West Covina.

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Q West Covina?

A Yes.

Q I am going to put to you the questions regarding the death penalty that I put to the other prospective jurors.

Do you entertain such conscientious opinions regarding the death penalty that you would be unable to make an impartial decision as to any defendant's guilt without regard to the evidence in the case?

A Well, I haven't really thought about it until last week, until you told us to, and I am of the opinion that I would be opposed to the death penalty.

Q This question is not asking about imposing it. It is whether or not by reason of your opinions you would be unable to be impartial on the question of guilt.

A I think I could be impartial.

Q Now, the second question goes to the penalty itself.

Do you entertain such conscientious opinions regarding the death penalty that you would automatically refuse to impose it without regard to the evidence in the case?

A Well, again, since I have thought about it last week, I think I would be opposed to the death penalty in any -- under any circumstances.

Q Would you say that you have unalterably made up

1 your mind on that? Or would you be willing to listen to  
2 all of the evidence and then decide the question of penalty?

3 A No, I think it is a matter of conscience.

4 We generally follow the rule that killing is  
5 wrong in any instance, and I would think it would follow  
6 through the death penalty.

7 Q That is not an answer to the question that I  
8 asked you.

9 What I want to know is whether you have now  
10 made up your mind so that regardless of what kind of a case  
11 it was, what the circumstances were, what the evidence was,  
12 under no circumstances would you vote for the death penalty,  
13 or whether, on the other hand, you would be willing to  
14 listen to all the evidence and then decide whether or not to  
15 vote for the death penalty or life imprisonment.

16 A I don't think I could vote for the death  
17 penalty under any circumstances. Life imprisonment  
18 possibly, but if I listen to the case, regardless of the  
19 type of case or the evidence that was presented, I would  
20 feel that I couldn't vote for the death penalty.

21 Q Have you formed any opinion about any of the  
22 defendants in this case with regard to whether or not they  
23 are guilty or not guilty?

24 A I don't really think so.

25 As far as the three girls are concerned, I know  
26 absolutely nothing about them. As far as Mr. Manson is  
concerned, I read something some month or so ago.



4d-1

1 MR. STOVITZ: I couldn't hear you, sir.

2 MR. MATTIS: I read something a month or so ago in  
3 one of the magazines, but I don't think I formed any  
4 opinion.

5 BY THE COURT:

6 Q What was it that you read?

7 A I think it was either Life or Time, because  
8 those are the only two magazines we get; and I think they  
9 had an article, four or five pages, about the case.

10 I don't, again, recall specifically what it  
11 was about exactly.

12 Q Well, was this about his past life? The way  
13 he lives? Or did it have anything to do with the alleged  
14 crimes? What was the substance of the story?

15 A I think it might have had to do with the way  
16 he lived but I just don't recall.

17 Q Have you ever read or heard anything which  
18 seemed to be a description by someone who was actually  
19 present at the time any of the killings took place?

20 A No.

21 Q Have you ever read or heard anything which  
22 seemed to be a statement by one of the defendants about  
23 anything at all, any of the defendants?

24 A No, not that I recall.

25 Q The story that you read about Mr. Manson,  
26 that did not purport to be a statement by Mr. Manson but



4d-2

1 was somebody else describing him; is that right?

2 A I believe it was an article by one of the  
3 reporters for the magazine.

4 Again, it was a month or so ago and I just  
5 don't recall what the substance of the article was.

6 Q Have you ever read anything, any statement by  
7 any of the female defendants?

8 A No.

9 Q Did you read any newspaper over the weekend?

10 A The San Gabriel Tribune.

11 That is the one that we get.

12 Q Any other paper?

13 A Well, we also get the Whittier Daily News.

14 Q Do you read the Times, the Los Angeles Times?

15 A Well, I was glancing through this morning's.

16 Q What about yesterday?

17 A No.

18 Q What about the Los Angeles Herald-Examiner?

19 A No.

20 Q You didn't read that, yesterday's Herald-  
21 Examiner?

22 A No.

23 Q Do you believe that you would be able to  
24 put aside whatever you may have learned about this case  
25 and decide the case solely on the evidence that comes  
26 out during the trial?

1 A I think that would be possible, yes.

2 Q Well, it is possible. I want to know whether  
3 you can do it?

4 A Well, I think I can do it, yes.

5 Q Do you have any question about that?

6 A No. No question.

7 Q Would you be willing to give each of the  
8 defendants in this case the benefit of the presumption of  
9 innocence?

5 fls. 10 A Yes.

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5-1 1 Q And acquit them unless the People were able to  
2 prove their guilt beyond a reasonable doubt?

3 A Yes.

4 Q On the other hand, if the People were able to  
5 prove guilt beyond a reasonable doubt as to any defendant  
6 would you then vote a verdict of guilty as to that  
7 defendant?

8 A Yes.

9 THE COURT: Do you have any questions, Mr. Fitzgerald?

10 MR. FITZGERALD: Yes, your Honor.

11  
12 VOIR DIRE EXAMINATION OF MR. MATTIS

13 BY MR. FITZGERALD:

14 Q Do you subscribe to the Los Angeles Times?

15 A No.

16 Q You do not?

17 A No.

18 Q Do you read it on a regular basis, sir?

19 A Fairly regular since I have been down here, I  
20 read it each morning, but otherwise very infrequently.

21 Q In other words, you mentioned that you read  
22 occasionally.

23 Have you read anything about this case or the  
24 defendants in this case?

25 A If I have, it has not left any impression.

26 Q But have you, as far as you know, read or seen

1 anything in the newspapers?

2 A I would presume at some time I saw something  
3 about them.

4 Q And you read something about them in the  
5 magazines, is that correct?

6 A Yes.

7 Q You also, I take it, have seen news reports on  
8 television in connection with these defendants and this  
9 case?

10 A I believe so.

11 Q What about radio?

12 A I usually have the news on going to and from  
13 work, so I probably did.

14 Q Because of what you have read or seen or heard  
15 about Mr. Manson, is that going to influence you in arriving  
16 at a verdict?

17 A I don't think so.

18 Q Is there any hesitancy on your part?  
19 You used the term "I don't think so."

20 A Well, only for the reason that in the case of  
21 Mr. Manson I have read something, so I have, I guess, some  
22 slight feeling in his case as opposed to the three girls.

23 Q Do you recall what it was that you read, or do  
24 you have an impression of what you read?

25 A It was a Life or Time magazine article.

26 Again, I believe it dealt with the way

1 Mr. Manson lives, but I don't really recall.

2 Q Did it contain some allegation of fact?

3 A I just recall a long article, and I read the  
4 article, and what the contents of it was I just don't  
5 remember.

6 Q Even though you don't remember the contents,  
7 you have formed a slight opinion, is that right?

8 A Well, I have talked with my wife some, because  
9 it so happened that when the crime took place we were out  
10 of the city, and it made headlines in the city we were  
11 in.

12 And it rang some bell to that extent.

13 Q And I take it your wife does not personally  
14 know Mr. Manson nor does she know anybody who personally  
15 knows him?

16 A No.

17 Q So would it be fair to say that what your wife  
18 knows is based on what she has heard, read or seen about  
19 this case from the media?

20 A Definitely.

21 Q You talked it over, and as a result of those  
22 conversations you have formed a slight opinion, you think?

23 A Well, all I can say I am more conscious of  
24 Mr. Manson's existence than I am of anybody else's  
25 because I have seen some reports about him.

26 Q What is the nature of that opinion?

1           A       I guess it is not the way I would want to live,  
2 the way he lives. That is about it.

3                   I don't have any --

4           Q       Now, you may have formed some opinion about his  
5 life style, the way he lives, the way he acts, whatever?

6           A       Yes.

7           Q       But what we are concerned about is an opinion  
8 concerning his innocence or guilt.

9                   Do you have an opinion in that regard? Have you  
10 formed an opinion at all in that regard?

11          A       I don't think I have formed an opinion in that  
12 regard.

13          Q       Have you formed a slight opinion?

14          A       The slight opinion would be I would think that  
15 he could have been capable of doing it, but if he did or  
16 did not --

17          THE COURT: He what?

18          THE PROSPECTIVE JUROR: He could have been capable of  
19 performing such a thing, but if he did or did not I don't  
20 know.

21          Q       BY MR. FITZGERALD: You have not formed any  
22 opinion about that?

23          A       I don't think so.

24          Q       Do you recall what you read that led you to  
25 believe that he would be capable of it?

26          A       Again, I have not read anything about him in --

1 it used to be a month or two, and what it was specifically  
2 I just don't remember.

3 Q Are you going to let any opinion you might have  
4 in connection with his life style or how he lives influence  
5 you in arriving at a verdict on innocence or guilt?

6 A I don't think that would influence me at all.

5A

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1 Q Based on your feeling in connection with his  
2 life style, and based on your wife's feeling, do you think  
3 it would be more typical for you to be impartial?

4 A I could conceive of instances where it might  
5 be easier to be impartial, but I don't know.

6 Q Would it present any impediment to impartiality?

7 A Well, I don't think so. I think I can be  
8 impartial.

9 Q Well, if the evidence so indicated could you  
10 acquit Mr. Manson?

11 A No question, I think so.

12 Q If the prosecution did not prove to you beyond  
13 a reasonable doubt, I take it you would vote for an  
14 acquittal?

15 A Yes.

16 Q Is there any reason at all to believe that  
17 you would not?

18 A No.

19 MR. FITZGERALD: I have nothing further.

20 MR. HUGHES: No questions.

21 THE COURT: Mr. Shinn?

22  
23  
24 BY MR. SHINN:

25 Q Mr. Matthews?

26 A Mattis.

OF  
VOIR DIRE EXAMINATION/MR. MATTIS



5a-2

1 Q I'm sorry, have you read anything about this  
2 case in the last couple of days or weeks?

3 A No, not other than the fact you go through a  
4 paper, you see a headline, you cannot avoid the headline.

5 THE COURT: Keep your voice up, please, Mr. Mattis,  
6 it is hard to hear you.

7 BY MR. SHINN:

8 Q Do you know Mr. Kanarek?

9 A No, I don't know if I am looking at the right  
10 person now.

11 Q You did not see his picture or read about him,  
12 say, last week?

13 A No.

14 Q The first time you saw Mr. Kanarek was when he  
15 was introduced in court?

16 A I presume this is Mr. Kanarek?

17 Q Yes.

18 A As far as I know last week was the first time  
19 I saw him.

20 MR. SHINN: I have nothing further, your Honor.

21 THE COURT: Mr. Kanarek?

22 MR. KANAREK: No questions.

23 THE COURT: Mr. Stovitz.  
24  
25  
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5a-3

## VOIR DIRE EXAMINATION OF MR. MATTIS

BY MR. STOVITZ:

Q Sir, are you asking the Court to excuse you because of your work hardship?

A Yes.

Q Is it possible for someone else over there in the Department of Internal Revenue to take over your assignments?

A It is possible but not too practical I think, because of the type of case, and the length of time we have been involved in it, it would require my assistance in any case to complete it, to whoever they did assign.

Q Don't you have two people working on every case over there?

A We do in some instances, but generally we have one man per case, generally.

Q Now, with respect to your views on capital punishment, is this a religious belief or a philosophical belief?

A Well, you might say it is religious but I would say it is just more the feeling of our family; that is the way we raise our children, and the way we feel, that killing is wrong.

Like I say, until last week I never really thought about whether I was or was not for the death penalty, but on thinking about it I think it is just a

5a-4

1 strain that we use in our family.

2 Q What church, if any, do you belong to?

3 A St. Louis of Francis, a Catholic church.

4 Q You know of no principle of the Catholic  
5 church that has as one of its beliefs the suppression of  
6 the death penalty?

7 A Not as far as I know.

8 Q Now, can you envision any case whatsoever  
9 in which you yourself would return a death penalty?

10 A I think I have to answer no to that. I think  
11 I would have to say no to that.

12 Q So in the event that any of these defendants  
13 here, including Mr. Manson, was convicted of first  
14 degree murder, and the trial proceeded to the penalty  
15 stage and you were one of the jurors on that case, you  
16 would then cause a deadlock or a hung jury, is that  
17 right?

18 MR. KANAREK: That is assuming that the other people  
19 would not see the merit, your Honor.

20 That is an unfair question.

21 MR. STOVITZ: I will reframe the question.

22 Q The other jurors were voting for the death  
23 penalty, you would then cause a deadlock, is that right?

24 MR. KANAREK: The tone of that question is improper  
25 voir dire, your Honor.

26 THE COURT: Well, I think the question is unfair.

1 It is probably unclear in the juror's mind.

2 MR. STOVITZ: I will reframe the question.

3 BY MR. STOVITZ:

4 Q Assume for the moment that anyone of these  
5 defendants were convicted of first degree murder, involv-  
6 ing the killing of seven people.

7 Assume furthermore that you were then selected to  
8 sit in the jury to decide the penalty and you heard the  
9 evidence and you now went back into the jury room and  
10 11 of the jurors were voting for a return of the death  
11 penalty.

12 Do you have that set of facts in mind?

13 A Yes.

14 Q Would you automatically insist upon voting  
15 for life imprisonment?

16 A I think I would have to say yes to that  
17 because, again, upon thinking about it I think I have  
18 to feel that causing of death is wrong for any reason,  
19 whether it be a legal reason or any other reason.

20 Q All right, now, with respect to the Life  
21 magazine article, were you getting Life magazine in  
22 December of 1969?

23 A We have been getting Life magazine for a  
24 good number of years. I am sure we were.

5b fls. 25

26

5B-1

1 Q Do you remember whether or not the particular  
2 magazine that had four or five pages on Mr. Manson, had a  
3 picture of Mr. Manson on the front cover?

4 A No.

5 Q You cannot remember that?

6 A I don't recall.

7 Q In this article did it just talk about  
8 Mr. Manson or did it talk about some of his followers?

9 A Well, I think it was about the way he lived,  
10 so I presume it talked about his followers.

11 MR. FITZGERALD: It assumes facts not in evidence.  
12 We object. "Mr. Manson's followers."

13 Q BY MR. STOVITZ: Well, associates.

14 A I don't recall, I don't recall. I think it did  
15 but I don't recall.

16 Q Were these associates girls or boys or a  
17 combination of both?

18 A I don't recall.

19 Q Did it talk about the forthcoming trial?

20 A I don't think so, but I don't recall again.

21 Q You think you read the article about a month or  
22 two months ago?

23 A Whenever it appeared, and I am guessing around  
24 two months ago.

25 Q The reason I ask it, are you in the habit of  
26 keeping Life magazines in the house and then going back and

5B2  
1 reading old issues?

2 A No, no, we keep it there for about a month.

3 Q So if this article came out in December you  
4 probably read it either in December or January.

5 A I would have read it when it first arrived  
6 and that would have been the end of it.

7 MR. STOVITZ: I have no further questions, your  
8 Honor.

9 MR. BUGLIOSI: I have some questions, your Honor.

10  
11 VOIR DIRE EXAMINATION OF MR. MATTIS

12 BY MR. BUGLIOSI:

13 Q Mr. Mattis, you are opposed to the death penalty,  
14 is that correct, sir?

15 A Yes.

16 Q Is your opposition to the death penalty of such  
17 a nature that it would cause you to automatically vote  
18 against the death penalty for these defendants irrespective  
19 of the evidence in this case?

20 A Well, if I understand the question, if you mean  
21 could I vote for the death penalty, the answer is I could  
22 not vote for the death penalty under any circumstances,  
23 whatever the evidence is.

24 Q You cannot conceive of any circumstances where  
25 you would be willing to vote for the death penalty against  
26 thesedefendants, is that correct?

5B3

1 A I cannot think of any.

2 Q You cannot what?

3 A I cannot think of any.

4 MR. BUGLIOSI: No further questions.

5 THE COURT: All right, I will ask you to go back into  
6 the courtroom, Mr. Mattis, and will you refrain from dis-  
7 cussing with anybody what has been said in this room.

8 MR. MATTIS: Yes.

9 THE COURT: All right.

10 (Mr. Mattis leaves the chambers of the court.)

11 MR. BUGLIOSI: Your Honor, I believe the applicable  
12 section is 1089, or something, I forget the section --

13 THE COURT: Never mind the section. What is the  
14 question?

15 MR. BUGLIOSI: Has the Court decided how many  
16 peremptories the prosecution is going to have with respect  
17 to the alternates.

18 The way I read that section I believe it is  
19 1089, we have 36, even though the defendants might not  
20 exercise 36.

21 THE COURT: Well, the section unfortunately, like so  
22 many sections, is ambiguous.

23 It says, if I recall, that the People get the  
24 number of peremptories equal to the number of alternate  
25 jurors selected plus an additional number equal to all of  
26 the other peremptories allowed the defendants.



1 And what does "allowed" mean?

2 MR. BUGLIOSI: Does allowed mean the number they are  
3 entitled to or the number they exercise?

4 THE COURT: I don't know.

5 MR. BUGLIOSI: I think the Court's determination  
6 on this issue will influence somewhat our exercise of these  
7 peremptories at this particular stage right now.

8 I would like to have some vague idea of what the  
9 outer limits are going to be as far as the number of our  
10 peremptories is concerned.

11 THE COURT: Just a moment. That same language is  
12 used in Section 1070.5.

13 MR. BUGLIOSI: Right, same language about "allow."

14 THE COURT: My interpretation would be, and I cannot  
15 claim that it is based on any law I have read on the sub-  
16 ject, would be that the People are allowed the same number  
17 of challenges -- that that word "allowed" means the same  
18 number that the defendants in fact use or exercise, or  
19 whether than the total which they potentially might use or  
20 do not use.

21 MR. BUGLIOSI: I have always been under the impression,  
22 your Honor, that whether or not they exercise their number  
23 of peremptories, that is irrelevant to the number of  
24 peremptories the People have.

25 Again, I have no authority on the point, but --

26 THE COURT: Well, you would have six in any event, no



1 matter what they did.

2 MR. BUGLIOSI: Right now, if we only have six we would  
3 like to know right now.

4 THE COURT: Just as under 1070.5, you would have 20  
5 in any event, no matter what the defendants jointly or  
6 individually used.

7 I think the same principle should carry over.

8 In other words, six is the basic number, and  
9 you will get some additional ones or not, depending on  
10 what the defendants did.

11 MR. BUGLIOSI: Is the Court's preliminary  
12 determination that if the defendants do not exercise any  
13 peremptories, the prosecution has a total then of six  
14 peremptories, no more?

15 THE COURT: Well, let's look at it another way:

16 What would you have if there were only one  
17 defendant?

18 MR. BUGLIOSI: We would have six.

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5c-1

1 THE COURT: That is the way I view it.

2 In other words, if there were only one defendant  
3 each side would have six; if there were six alternates to  
4 be selected, no problem there.

5 And I think the same thing should hold. The  
6 People get six regardless of what the defendants do.

7 MR. BUGLIOSI: Six for each defendant?

8 THE COURT: No, excuse me, the People get six regard-  
9 less of what the defendants do.

10 I am talking now about joint defendants.

11 The People get six plus whatever number -- the  
12 section unfortunately could be interpreted several different  
13 ways. You could interpret it to mean the defendants have  
14 six which must be exercised jointly, for example.

15 It does not say so, but it could be interpreted  
16 that way, plus six additional individually.

17 But I think the clearest interpretation of it,  
18 in view of the fact that it is ambiguous, is that the People  
19 have six in this case, since there have been alternates  
20 selected in any case, regardless of what the defendants do,  
21 the defendants have six each which they may or may not  
22 exercise, and the People have an additional number equal  
23 to the number of challenges actually exercised by the  
24 defendants.

25 MR. STOVITZ: Of course we disagree with that  
26 interpretation.

5c-2

1 In that case the word "used" would be the  
2 word, rather than allowed.

3 "Allowed" is permissive.

4 THE COURT: What it says is when two or more  
5 defendants are tried jointly each defendant shall be  
6 entitled to as many peremptory challenges to such alternate  
7 jurors as there are alternate jurors called. The prosecu-  
8 tion shall be entitled to additional peremptory challenges  
9 equal to the number of additional separate challenges  
10 allowed the defendant or defendants to such alternate  
11 jurors.

12 MR. STOVITZ: We submit the word "allowed" there is  
13 permissive and therefore -- they did not use the word  
14 "used," "all the alternate peremptories used."

15 MR. BUGLIOSI: In other words, "allowed" would have  
16 to mean permissive, your Honor, because if the defendants  
17 choose to exercise their number of peremptories, I guess  
18 it is 24 in this case, I don't think the proper language  
19 would be that the Court allowed them to exercise these  
20 peremptories.

21 As a matter of law, as a matter of right they  
22 have the power to exercise the peremptories, and the  
23 Court could not say "I'm not going to let you do it."

24 So I don't think the Court would ever be in  
25 a position to allow the defendants to exercise the  
26 peremptories they are entitled to under Section 1089, I

5c-3

1 think when they use the word "allowed," as Mr. Stovitz  
2 is saying, they are talking about the fact that the  
3 defendants are permitted; that they have a right to use  
4 a certain number of peremptory challenges.

5 Whether or not they exercise that right,  
6 does not affect the number of challenges the People have.

7 I would think that both sides, I know the  
8 prosecution for sure, <sup>they</sup> /should do some research in that area.

9 I think we are negligent in not having done  
10 some already, I'm referring to the People, your Honor.

11 It makes a big difference whether we have six  
12 peremptories at this point or 24.

13 It is something I think we should know right  
14 now and -- not after we exercise our sixth peremptory.

15 THE COURT: Well --

16 MR. BUGLIOSI: I don't think, your Honor, that the  
17 People should be bound by the number of peremptories  
18 exercised by the defendants. It just does not seem to be  
19 good law.

20 We are entitled to a certain number of  
21 peremptories, I would think, irrespective of what the  
22 defendants do.

23 It is a matter of discretion on the part of  
24 the defense which jurors they want to excuse. Maybe they  
25 don't want to excuse any.

26 I don't think the number of challenges to be

1 exercised by the People should be dependent upon the  
2 number of defense challenges exercised.

3 I don't think we are subject to their whims.  
4 They have an unbridled discretion to exercise as many as  
5 they want under the law. I don't think the People are in  
6 any way bound or affected by the number they use.

7 THE COURT: This is all very interesting but let's  
8 see if we can find some law on the subject.

9 MR. BUGLIOSI: Yes, yes, right, right.

10 THE COURT: Will one of you go up in the jury room  
11 on the top of the stairs here and get 85 Cal. App.,  
12 there is a case cited in Fricke that may throw some light  
13 on it.

14 MR. STOVITZ: What is the name of it?

15 THE COURT: People vs. Pilbro.

16 MR. STOVITZ: It may shed more light on it. I read  
17 that Pilbro case.

18 MR. KANAREK: Just plain Cal. App., your Honor?

19 THE COURT: Yes.

20 (Volume handed to the Court.)

21 THE COURT: Well, in this case, the statement is  
22 made that the challenges are allowed by law to the  
23 State, and the number to be exercised is not made  
24 dependent on the number of challenges exercised by the  
25 defendants.

26 MR. BUGLIOSI: Is that 1070.5 or 1089?

1 MR. STOVITZ: At that time there was no 1070.5,  
2 1089 covered both issues.

3 THE COURT: It was 1070 at that time.

4 MR. STOVITZ: But 1089 at that time covered  
5 additional challenges for joint defendants.

6 May I be excused to get an ALR, your Honor,  
7 I think there is some language in there.

8 THE COURT: We will take a recess at this time for  
9 15 minutes.

10 (Recess.)  
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6-1  
1 (The following proceedings occurred in  
2 chambers, all defendants and counsel present:)

3 THE COURT: All parties and counsel are present.

4 MR. KANAREK: Your Honor, I apologize for being late.  
5 I was downstairs at the coffee machine and I didn't  
6 realize the time, your Honor.

7 THE COURT: All right.

8 Were you able to find anything?

9 MR. STOVITZ: I am reading 21 ALR 3rd dealing with  
10 peremptory challenges. They primarily deal with the  
11 rights of defendants to peremptory challenges.

12 The word "allowed" is always meant that the  
13 defendants may have those. In other words, they are allowed  
14 by statute and not by the Court.

15 The ones that are given, it would seem that the  
16 interpretation is that the People are entitled to 24  
17 challenges.

18 Not that we are intending to exercise 24  
19 challenges or delay the trial in any respect, your Honor.

20 In the case of Mr. Mattis, no matter which way  
21 the Court resolves this issue, we intend to challenge him  
22 for cause under Witherspoon and actual implied bias.

23 In the case of the previous juror, if the  
24 Court were to interpret it that we are entitled to only six,  
25 we would prefer to question the juror and show that he has,  
26 in fact, made up his mind so unequivocally that he also



6-2

1 should be challenged under Witherspoon.

2 However, as a matter of saving time, we thought  
3 that rather than, you know, try to show that the juror is  
4 biased in some other way, we would just use a peremptory.

5 MR. BUGLIOSI: Well, I don't know about that. I don't  
6 concur with what Mr. Stovitz is saying at all, your Honor.

7 THE COURT: The only case on the subject that I have  
8 been able to find is People vs. Pilbro, which would indi-  
9 cate that the People are entitled to everything that the  
10 statute says they are entitled to regardless of what the  
11 defendants do.

12 That would appear to indicate in this case  
13 that they are entitled to six plus an additional number  
14 equal to the number of defendants times the number of  
15 alternate jurors being selected, which would be 24.

16 MR. STOVITZ: Yes. 24.

17 THE COURT: You could even interpret it to be six  
18 plus 24.

19 MR. STOVITZ: I think six times four is the inter-  
20 pretation that I gave it.

21 THE COURT: The literal language would indicate that  
22 it is 30 under that interpretation of People vs. Pilbro.

23 MR. BUGLIOSI: The Court's position is that at this  
24 point we would have at least 24; is that correct?

25 THE COURT: Under the authority of that case, I  
26 would say yes.



6-3  
1 MR. BUGLIOSI: Thank you.

2 THE COURT: I Shepardized the case and I was unable to  
3 find any other case on that point.

4 It was cited in People vs. King on a question  
5 raised by the defendants in that case as to their own  
6 exercise of challenges. It was their contention that there  
7 was a denial of equal protection as to the general class of  
8 defendants with regard to the use of the peremptory  
9 challenges, but was not cited on the point with respect to  
10 the People's peremptories.

11 MR. BUGLIOSI: For the record, your Honor, irrespec-  
12 tive of the Court's ruling which it has just enunciated,  
13 there are many reasons, multiple reasons, why the People  
14 might excuse Mr. Fricker peremptorily, reasons over and  
15 above and beyond and in addition to the position that he  
16 took on the death penalty.

6A

6a-1

1 THE COURT: I think his position on the death  
2 penalty is equivocal. I think taking the totality of  
3 what he has said, he is not clear in his own mind what  
4 he believes at the moment.

5 MR. BUGLIOSI: Right.

6 MR. STOVITZ: However, he did express other  
7 statements about not wanting to serve, et cetera, and  
8 from his appearance and his demeanor in answering the  
9 Court's questions, we were anticipating exercising a  
10 peremptory.

11 THE COURT: On the basis of People vs. Pilbro,  
12 it appears to me that the People are entitled to at  
13 least 24 challenges. Hopefully, we will never get to  
14 that question.

15 MR. STOVITZ: Thank you.

16 THE COURT: Now, we have six alternate prospective  
17 jurors sitting in their seats at the moment.

18 MR. STOVITZ: We intend, at this time, to exercise  
19 a challenge for cause as to Mr. Mattis, the gentleman  
20 that was just here.

21 THE COURT: On what ground?

22 MR. STOVITZ: On the ground that he has an implied  
23 bias against capital punishment, and under the Witherspoon  
24 case he should be excused.

25 MR. FITZGERALD: We will object to the juror being  
26 excused for cause.

1           We think the juror's answers, or the  
2 prospective alternate juror's answers, taken in total  
3 do not make it unmistakably clear or unambiguously  
4 clear.

5           He used terms such as "I am of the opinion  
6 that," "I would be against imposing," "I would be  
7 opposed to," "I think that," "I don't think."

8           I think, by semantic definition alone, the  
9 use of those qualifying adjectives render his statements  
10 ambiguous.

11          MR. STOVITZ: Counsel himself just used the words  
12 "I think" in announcing his position. People quite  
13 normally use such words as "think." We don't form an  
14 opinion out of bricks and mortar.

15          MR. FITZGERALD: I suggest that the Appellate  
16 Court has only the printed word before it.

17          THE COURT: I am convinced that is true, and  
18 after reading opinions on the Witherspoon question,  
19 I feel the Appellate Court had to second guess what  
20 happened at the trial. It was undoubtedly clear to  
21 all those present at the time, but on the cold record  
22 it is another thing.

23               Well, I am not completely satisfied and I  
24 will not allow the challenge for cause as to Mr. Mattis--  
25 at least on the Witherspoon question -- and I don't see  
26 any other ground for a challenge for cause.

1 So, the challenge will be disallowed.

2 MR. STOVITZ: Counsel is not making a challenge for  
3 cause as to Mr. Mattis?

4 MR. FITZGERALD: No, your Honor.

5 THE COURT: That would appear to complete our  
6 chambers voir dire with respect to these six prospective  
7 jurors.

8 So, unless there is some other reason, we  
9 should now go out, then, back into open court and you can  
10 complete your voir dire in open court, and we can proceed.

11 (Whereupon the following proceedings occurred  
12 in open court. All defendants, counsel, jury and prospec-  
13 tive alternate jurors being present:)

14 THE COURT: All parties and counsel are present.  
15 The jury is in the jury box.

16 You may continue the examination, if you care  
6b fls. 17 to, Mr. Fitzgerald.

1 MR. FITZGERALD: I don't, your Honor. We will  
2 pass -- or I will pass the six alternate jurors for cause.

3 THE COURT: Mr. Hughes?

4 MR. HUGHES: I will pass for cause.

5 THE COURT: Mr. Shinn?

6 MR. SHINN: Pass for cause.

7 THE COURT: Mr. Kanarek?

8 MR. KANAREK: I will go one step further and accept  
9 the panel, or the prospective alternates, your Honor.

10 THE COURT: All right.

11 Mr. Bugliosi, do you have any further examin-  
12 ation?

13 MR. BUGLIOSI: Mr. Stovitz does, your Honor.

14 THE COURT: Mr. Stovitz?

15 MR. STOVITZ: Thank you.

16  
17 VOIR DIRE EXAMINATION OF DENNIS A. FRICKER  
18 BY MR. STOVITZ:

19 Q Mr. Fricker, you were in this courtroom for  
20 what? About three days?

21 A I came in last Thursday.

22 Q Last Thursday?

23 A Yes.

24 Q And did you have an opportunity to hear  
25 Mr. Bugliosi's questions of the alternate jurors?

26 A Yes.

6B2

1 Q And you understand that it is conceivable that  
2 any time during the course of the trial, just as there was  
3 a change of attorneys after four or five weeks, there might  
4 be a change of a juror.

5 Do you understand that?

6 A Yes.

7 Q And the fact that a juror becomes ill or  
8 incapacitated, or if there is a change, one of you six  
9 might take over for that juror; right?

10 A Right.

11 Q Now, sir, assume a hypothetical state of  
12 facts.

13 Assume that the regular jury has voted one or  
14 more of these defendants guilty of first-degree murder,  
15 and that during the penalty phase one of the jurors becomes  
16 ill. In fact, I recall a case where a juror tripped going  
17 up and down the stairs and had to be hospitalized for that.

18 And assume your name is selected as a member  
19 of the trial jury now.

20 You understand that you are going to have to  
21 sit on the penalty phase.

22 A Yes.

23 Q Now, if you hadn't participated in the guilt  
24 phase.

25 A Yes.

26 Q And assume that the jury had found the

1 defendants guilty of first-degree murder, and that wouldn't  
2 have been your verdict. Now --

3 MR. KANAREK: Your Honor, could we approach the  
4 bench?

5 THE COURT: Not at this point, Mr. Kanarek. Wait  
6 until the question is finished.

7 MR. STOVITZ: Q Do you think that you could  
8 accept the verdict of the other jurors and continue on in  
9 deliberating on the proper penalty to be imposed?

10 A (Pause.)

11 Q Do you follow the question?

12 A Yes.

13 Q Do you have the hypothesis?

14 A Yes.

15 I could agree with the verdict probably from  
16 that point, but I don't know if I could go on.

17 Q And vote for the penalty?

18 A Vote for death over life imprisonment.

19 Q You would have to vote for one or the other.

20 MR. HUGHES: Objection, your Honor.

21 THE COURT: Sustained.

22 MR. STOVITZ: Q Well, let's put it this way, sir:  
23 You would be able to accept the verdict of the regular  
24 trial jury?

25 A Yes.

26 Q Even though that was not your verdict, you  
had only come in on the penalty phase?

1 A Yes.

2 Q All right.

3 Mr. Fricker, one of the questions that counsel  
4 asked last week of all of the alternate jurors was that  
5 going back to your background, all of the things that have  
6 happened to you in your lifetime, your service in the  
7 Army or Navy, whatever it was, your friends, relatives,  
8 everything of that nature, and now you are sitting as a  
9 prosecutor in this case, and you know everything about  
10 your background that you know of, is there any reason that  
11 you would want to tell us about that you couldn't give  
12 the People a fair trial? Anything that you want to tell us  
13 about, Mr. Fricker?

14 A No.

15 Q All right.

16 So, putting the hat on the other side of your  
17 head, suppose you were in the defendants' position and you  
18 wanted a fair trial for them, and you know your own state  
19 of mind. Is there anything that you would want to tell the  
20 defense counsel about your background?

21 A No.

22

23

24

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26



6c-1

1 Q No brothers or relatives in the Sheriff's  
2 Department or anything like that, or the Police Department  
3 or anything like that?

4 A No.

5 Q Now, Mr. Fricker, assume for the moment that  
6 you were a juror and that you did vote for the verdict  
7 of murder in the first degree, and then you were faced  
8 with the decision that you have to vote for the penalty in  
9 this case. Could you conceive of any circumstance what-  
10 soever in which you could vote for the death penalty for  
11 a female, or one of these three females?

12 A No.

13 Q You could not?

14 A No.

15 MR. STOVITZ: All right. Now, Mr. Mattis.

16  
17 VOIR DIRE EXAMINATION OF KENNETH L. MATTIS  
18 BY MR. STOVITZ:

19 Q I believe we asked you quite a number of  
20 questions back there, so we are not going to ask you too  
21 many out here.

22 Did you hear all the questions of Mr. Bugliosi  
23 last week?

24 A Yes.

25 Q If each of those questions were asked of you,  
26 would your answers be any different?

1 A I think the only different one would be as  
2 to the girls here on the death penalty.

3 Q You don't think you could vote for the death  
4 penalty?

5 A No.

6 Q But you think you could vote for the death  
7 penalty for a man?

8 A I don't think so either.

9 Q What is that, sir?

10 A I don't think I could for a man either; but I  
11 think in the case of a girl, it is even more so.

12 Q How many children do you have, sir?

13 A Two.

14 Q What are their sexes?

15 A A boy and a girl.

16 Q Their ages?

17 A Three and eight.

18 Q And I believe you told us that you lived in  
19 Covina?

20 A Whittier.

21 Q Whittier?

22 A Yes.

23 Q But you read a San Gabriel newspaper?

24 A Right.

25 Q If I were to ask you the question I just asked  
26 Mr. Fricker, putting yourself in the position of the

1 prosecution in this case, knowing all you know about your  
2 background, do you think you could give the People a fair  
3 trial?

4 A Well, if I could concentrate on the trial,  
5 I could, but I would be thinking about my work, I am afraid.

6 Q You think that you would be thinking about your  
7 work, sir?

8 A Yes.

9 Q Why don't you try to do this: Put yourself  
10 in the position of all of those people that you are  
11 investigating for income tax violations. Put yourself in  
12 their position and look how happy they will be.

13 A I can't argue with that.

14 Q All right.

15 Now, suppose you were in the position of the  
16 defense attorneys, knowing everything you know about your  
17 own background, do you think you could give the defendants  
18 a fair trial?

19 A I think I could give the defendants the same  
20 benefit of the doubt that I could give to the prosecution.

21 Q And you actually think that thinking about your  
22 work would cause you to let your mind wander away?

23 Is there no way that you could take your work  
24 to the hotel and work on it over there?

25 A No. Because like we have statutory problems  
26 involved where we have to complete the examinations within

1 certain time periods. To a degree it is discretionary  
2 with the taxpayer if they will extend the statutory  
3 period.

4 In my particular cases that I am working on,  
5 we have some six months, approximately, on certain cases,  
6 at which time we must have some decision. If we don't,  
7 the statutory period could expire if the taxpayer doesn't  
8 extend the period, and there is an indication that they  
9 might not.

10 MR. STOVITZ: Thank you, Mr. Mattis.

11 The People pass for cause as to Mr. Fricker.

12 And abiding by the Court's ruling on Mr.  
13 Mattis, we will also pass for cause on his account.

14 THE COURT: You are passing for cause as to all of  
15 the alternates?

16 MR. STOVITZ: Yes.

17 THE COURT: Do the defendants also pass for cause as  
18 to the alternates?

19 MR. FITZGERALD: Yes.

20 MR. KANAREK: Mr. Manson accepts them, your Honor.

21 THE COURT: Mr. Fitzgerald, you may exercise a  
22 peremptory challenge if you care to.

23 MR. FITZGERALD: Patricia Krenwinkel will accept the  
24 alternates.

25 THE COURT: Mr. Hughes?

26 MR. HUGHES: Defendant Leslie Van Houten will accept

1 the alternates.

2 THE COURT: Mr. Shinn?

3 MR. SHINN: Defendant Susan Atkins will accept the  
4 alternates.

5 THE COURT: Mr. Kanarek?

6 MR. KANAREK: Yes, your Honor, we will accept the  
7 alternates.

8 THE COURT: Very well.

9 MR. STOVITZ: The People thank and excuse Mr. Mattis,  
10 your Honor.

11 THE COURT: Thank you, Mr. Mattis. You are excused.

12 All right. We will now go back in the chambers  
13 and I will ask counsel and the parties to join me there,  
14 and we will then call in the next prospective alternate  
15 juror.

7 fls.

7-1  
1 (The following proceedings were had in the  
2 chambers of the Court out of the presence of the jury and  
3 the prospective alternate jurors, all defendants and all  
4 counsel being present:)

5 THE COURT: All parties and counsel are present.

6 Bring in the next prospective juror.

7 (Prospective juror enters the chambers of the  
8 Court.)

9 THE COURT: Good morning, sir, would you sit over  
10 here, please.

11 THE CLERK: The name of the prospective alternate  
12 juror is Darrel H. Mahnke, D-a-r-r-e-l, H. M-a-h-n-k-e.

13  
14 VOIR DIRE EXAMINATION OF DARREL H. MAHNKE  
15 BY THE COURT:

16 Q Mr. Mahnke, you were one of those persons who  
17 stood up and gave your name the other day when I asked if  
18 there were any prospective jurors who could not be fair  
19 and impartial.

20 A Yes.

21 Q What was that opinion based on, sir?

22 A General news.

23 MR. KANAREK: I cannot hear.

24 THE COURT: Will you keep your voice up, please, so  
25 everyone can hear you.

26 MR. MAHNKE: Just general news.



1 THE COURT: You are not just talking to me  
2 personally, all these lawyers have to hear you, too.

3 A I'm sorry.

4 Q Have you ever read or heard any statement or  
5 material which appeared to be a description by someone who  
6 was present at the time any of these people were alleged  
7 to have been killed?

8 A It seems to me that there was a story like that  
9 in the paper.

10 Q What are you referring to?

11 A Wasn't there a confession or something?

12 Q That is what I want you to tell me. What did  
13 you read?

14 A Well, that is what I read, the confession was  
15 in the paper which colored my thinking.

16 Q Whose confession was it?

17 A I believe it was Miss Atkins.

18 THE COURT: Any questions, Mr. Fitzgerald?

19 MR. FITZGERALD: No, your Honor.

20 THE COURT: Mr. Hughes?

21 MR. HUGHES: No questions.

22 MR. SHINN: No questions.

23 MR. KANAREK: No questions.

24 MR. STOVITZ: No questions, your Honor.

25 THE COURT: I will ask you to go back in the court-  
26 room, Mr. Mahnke. Would you refrain from discussing with

7-3  
1 anyone what has been said in here?

2 MR. MAHNKE: Yes.

3 THE COURT: Thank you.

4 (Mr. Mahnke leaves the chambers of the court.)

5 MR. FITZGERALD: Challenge the juror for cause, your  
6 Honor, actual bias.

7 MR. HUGHES: Join, your Honor.

8 MR. SHINN: Join, your Honor.

9 MR. KANAREK: Join, your Honor.

10 THE COURT: The challenge will be allowed.

11 (A prospective alternate juror enters the room.)

12 THE COURT: Good morning.

13 THE CLERK: The name of the prospective alternate  
14 juror is Miss Olive C. Mitchem, O-l-i-v-e, M-i-t-c-h-e-m.

15  
16 VOIR DIRE EXAMINATION OF MISS OLIVE C. MITCHEM  
17 BY THE COURT:

18 Q Miss Mitchem, you were one of the persons who  
19 stood up and gave your name the other day when I asked if  
20 there were any prospective jurors who could not be fair  
21 and impartial, is that right?

22 A Yes.

23 Q What is your status?

24 A I don't think I understood you. I did not mean  
25 to say I would not be fair and impartial. I must not have  
26 understood the question.



7-4

1 Q That is what I asked the prospective jurors, if  
2 there were any who believe they could not be fair and  
3 impartial.

4 Do you believe you can be fair and impartial if  
5 you are selected as a juror, as an alternate juror?

6 A Oh, yes, yes, I would not be unfair to anybody.  
7 I misunderstood that.

8 Q All right. If you were selected as an  
9 alternate juror would you be able to serve?

10 A No.

11 Q What is your situation?

12 A I just don't think I could stand it. In fact,  
13 I am a heart patient and I have to see a doctor at least  
14 once a month, and at times I have to be out in the open  
15 air.

16 I just have to be out, and I don't believe I  
17 could be shut up for that long a time.

18 Q Well, if you were permitted to see a doctor  
19 once a month and if you did get outside, how long do you  
20 have to be outside?

21 A Oh, not long, the thing is -- I will try to  
22 explain what I am saying.

23 Some mornings I get up and I stay in my house,  
24 I've got something to do in the house.

25 All of a sudden I've got to get out where there  
26 is some air, just for a few minutes, for a little while.

1           Most often I just go out and work in my yard  
2 a while, but it just seems like things closing in on me,  
3 and I cannot get my breath or something.

4           I cannot explain just exactly how I feel,  
5 but that is the reason I don't want to be closed in.

6           MR. BUGLIOSI: I believe there will be a stipulation  
7 on this, your Honor.

8           MR. FITZGERALD: Yes, there will be.

9           THE COURT: All right, then you will be excused,  
10 Miss Mitchem, and will you refrain from discussing with  
11 anyone what has been said here this morning?

12          MISS MITCHEM: Oh, yes, I sure will.

13          THE COURT: Thank you.

14                   (Miss Mitchem leaves the chambers of the court.)

15          MR. FITZGERALD: We offer to stipulate that the juror  
16 may be excused.

17          MR. KANAREK: So stipulated because of her physical  
18 condition.

19          MR. HUGHES: So stipulated.

20          MR. SHINN: So stipulated.

21          MR. STOVITZ: So stipulated.

22          THE COURT: She will be excused by stipulation of  
23 all counsel.