

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

DEPARTMENT NO. 106

HON. RAYMOND CHOATE, JUDGE

THE PEOPLE OF THE STATE OF CALIFORNIA,  
Plaintiff,

vs.

CHARLES MANSON,

Defendant.

101

No. A0267861

JURY SELECTION

REPORTERS' DAILY TRANSCRIPT

Wednesday, June 23, 1971

VOLUME 1APPEARANCES:

For the People:

JOSEPH P. BUSCH, JR., District Attorney  
BY: ANTHONY C. MANZELLA  
Deputy District Attorney

For Defendant Manson: IRVING A. KANAREK, Esq.

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

COPY

LOS ANGELES, CALIFORNIA, WEDNESDAY, JUNE 23, 1971 10:10 AM

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THE COURT: All right, the record will show that the defendant and his counsel are present in chambers, and Mr. Kanarek wishes to make a motion before we proceed this morning before the selection of a jury.

MR. KANAREK: Yes, your Honor.

My motion is that counsel will stipulate to the foundation that Mr. Manson has been in jeopardy. Mr. Manson has wanted to go to trial for many months on this matter. The case has now been delayed further, without belaboring it. It is our position Mr. Manson is in jeopardy as a result of these proceedings, and that we do wish to make a plea of once in jeopardy, without taking up a lot of time, if the foundation is stipulated to that the plea has been properly entered. It is our request for a jury trial on the plea of once in jeopardy, and if the stipulation is that all of that foundation is supposed to be uttered a certain way in the -- according to the Penal Code -- all that be stipulated be deemed to have occurred, we can proceed.

THE COURT: Well --

MR. KANAREK: Because it is our belief that Mr. Manson has been in jeopardy.

THE COURT: You have the right, I suppose, to enter such a plea, and the Court to accept such a plea, but is it that you are submitting the issue to me at this time?

MR. KANAREK: No, what we are doing is, we are asking

1 for a plea of once in jeopardy to go before the jury. We  
2 want the jury to decide -- because the Constitution does  
3 provide it is a general-type of verdict which is solicited  
4 from the jury -- either the defendant is once in jeopardy or  
5 he is not once in jeopardy and he is entitled to a jury trial  
6 on that issue.

7 And as I say, we can take -- enunciate it with  
8 particularity, because the Code does provide it must be  
9 stated with particularity as to what, where and how the  
10 jeopardy came about. And we'll be glad to do it.

11 I know your Honor wants to proceed with dispatch,  
12 and if the prosecution will stipulate that that foundation has  
13 been laid, we can dispense with the --

14 THE COURT: All right, the Court --

15 MR. KANAREK: But I want to make sure the prosecution  
16 stipulates to that.

17 THE COURT: The Court doesn't believe the prosecution  
18 is required to enter into any such stipulation.

19 The Court does not believe that you are entitled  
20 to have this question submitted to the jury. It is not in  
21 the Court's opinion a question for the jury to decide the  
22 issue of once in jeopardy.

23 MR. KANAREK: There's no question. I can show the  
24 Court. If there is a jeopardy issue, there's no question  
25 the Constitution provides -- your Honor and I are in agreement  
26 on that, I hope.

27 THE COURT: The Court, however, believes that there's  
28 no question of fact that remains for the jury to be decided.

1a fls.

1 The Court is fully aware of what has happened in the course  
2 of this proceeding, and as to your plea of once in jeopardy,  
3 the Court accepts it at this time. The Court takes judicial  
4 knowledge of what has occurred in the case, and the Court  
5 strikes the motion -- strikes the plea of once in jeopardy.

6 MR. KANAREK: Well, may it be deemed to have been made?

7 THE COURT: Yes.

8 MR. KANAREK: In accordance with the Penal Code  
9 requirements: the time, place and the court and details as  
10 to what the plea is predicated upon? May that be deemed to  
11 have been done in accordance with the Penal Code? That's  
12 why I want to be sure of that.

13 MR. MANZELLA: Yes, your Honor, we'll stipulate that  
14 it was properly proffered.

15 THE COURT: And it was based upon the Court's dismissal  
16 of the jury yesterday, after the Court granted the severance,  
17 is that correct?

18 MR. KANAREK: Well, it is based upon all of the  
19 proceedings.

20 In other words, jeopardy -- it is not just a  
21 one single event. It is our position that in taking evidence  
22 on the jeopardy matter we would submit to the jury, and the  
23 jury would then decide whether there's been once in jeopardy  
24 or not once in jeopardy.

25 THE COURT: Well, it is all the proceedings?

26 MR. KANAREK: Right.

27 THE COURT: Up to this point, which has taken place in  
28 this department?



1 MR. KANAREK: In connection with this case.

2 THE COURT: Yes.

3 MR. KANAREK: And we have previously had this once in  
4 jeopardy aspect as to another matter.

5 THE COURT: As to what had occurred --

6 MR. KANAREK: Tate-La Bianca.

7 THE COURT: -- in 104 and the penalty phase there; is  
8 that correct?

9 MR. KANAREK: That's correct, your Honor.

10 THE COURT: Very well.

11 Well, the Court's decision is the same. It  
12 allows the entry of the plea, and after consideration of what  
13 has occurred, the Court taking judicial knowledge of what has  
14 preceded the plea, strikes the plea.

15 All right, off the record.

16 (A discussion was had off the record.)  
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1 THE COURT: All right. Back on the record.

2 DEFENDANT MANSON: Then let me say this to you --

3 THE COURT: The Court has been off the record for a  
4 moment or two, and we have been talking, back and forth, in  
5 chambers, Mr. Manson and Mr. Kanarek both being present.

6 The Court has just heard from Mr. Manson that he  
7 wishes to proceed as his own attorney.

8 Do you have anything further to say on that, Mr.  
9 Manson?

10 DEFENDANT MANSON: Your Honor, I have lived within you,  
11 from in back, all my life. I have been without Father, and I  
12 have looked up, in your direction, since my mother left me  
13 with you.

14 And I have reached my own thought, and my own  
15 understanding and my own reality. I have moved below the law,  
16 as you move above the law.

17 I try to exercise my own judgments, only in  
18 relation to myself. I have never told anyone to do anything,  
19 other than they think -- what they think they should do.

20 Now, I have watched, and I have waited. I have  
21 been arrested, abused, misused, in every direction that your  
22 men could possibly do. And I have looked at this with  
23 understanding.

24 I am probably one of the most clever human  
25 beings you'll ever meet. I have lived under procedure, and  
26 I know procedure. I can fight. I can fight. I don't wish  
27 to. I am a peaceful man by nature.

28 I haven't stood up in my life but two, three

1 times; and each time, a strange thing happened: People  
2 couldn't function properly.

3 They seemed to be just part of a tapestry  
4 (indicating) that didn't move. And I'd look at it, and I'd  
5 say, "My goodness!" and I'd think -- and I think your Honor  
6 understands what I am trying to say: That to rise in wisdom  
7 and knowledge and understanding is to pass a judgment on  
8 someone.

9 I have no judgments. Everyone passes judgment  
10 on me. I stay in the desert. I don't wish to be judged.  
11 I'm just trying to get away from old thought, that reaches  
12 out and grabs me, shakes me, and puts me up against a wall,  
13 and says, "What are you doing?"

14 And I say, "Nothing."

15 "You must be doing something." Keep calling me  
16 up, keep calling me up to do wrong.

17 And I say, "I'm not doing anything." They keep  
18 calling me up. The thought keeps calling me up. The thought  
19 is calling up quite a few things. Because people are  
20 projecting into the head.

21 THE COURT: Let me ask you this, Mr. Manson. Do you  
22 have anything to add to what you've already said in connection  
23 with your desire to represent yourself?

24 DEFENDANT MANSON: I don't know whether your Honor  
25 knows what you have got shold of here or not. You know,  
26 you've got -- you have got a lot of years of experience, that  
27 you are setting on.

28 It would be very difficult -- oh, it would be

1 almost impossible -- if you decided to move, in whatever  
2 direction it decided to move to. But it doesn't want to move  
3 in any other direction than what your Honor would wish it to  
4 move to."

5 All I ask for is the very same justice that I've  
6 suffered for. I've -- whenever I did something before, I've  
7 stood up to you and said, "Yes, my father, I did it."

8 And you said, "Well, that's five years."

9 And I said, "Well, I knew that when I did it."

10 And you said, "Well, I am going to put you in  
11 jail."

12 And I said, "Okay." So I go to jail. And I  
13 never strike back at you. I -- I do what you say to do.

14 I've always been a good child. In fact, my  
15 perfection reaches maybe beyond your understanding.

16 I am trying to explain to you that there is much  
17 going on, and the only way I can explain to you is through  
18 the courtroom. The only way that I can -- that I can forge  
19 a reality, that is fast coming, is to be allowed to speak for  
20 myself, to be allowed to question the witnesses.

2a fls.

2a-1

1 THE COURT: Well, the Court has no reason at this point  
2 to change the rulings heretofore made in respect to your  
3 motion to represent yourself.

4 DEFENDANT MANSON: I didn't think so. But what I said  
5 was reality.

6 And then I must add this: That I think, when you  
7 find that you've lost your image, that the whole image has  
8 been shaken, I think you'll see that --

9 THE COURT: Well --

10 DEFENDANT MANSON: -- that there is -- there is much  
11 thought, beyond the thought that you might think is the  
12 thought.

13 THE COURT: Well, the Court doesn't see any reason to  
14 change its previous order in respect to -- its previous  
15 finding.

16 DEFENDANT MANSON: It's for you that I move.

17 THE COURT: Pardon?

18 DEFENDANT MANSON: It's for you that I move.

19 THE COURT: And therefore, the motion again is denied.

20 The Court does wish to repeat to you what it has  
21 said before: That I think that it's harmful to you, for you  
22 to shout out in the courtroom and carry on in the courtroom,  
23 and to wear that kind of a costume.

24 DEFENDANT MANSON: Well, when some symbols fall, we  
25 must have something --

26 THE COURT: Well, a black shirt with a swastika on  
27 the collar -- if it is a swastika; and I don't want to  
28 quarrel with that -- but it certainly can alienate some

1 people on the jury.

2 And the Court would suggest to you that you find  
3 some other costume -- not because of anything other than the  
4 possibility that it might prejudice somebody against you.  
5 And all I am interested in is your having a fair trial.

6 DEFENDANT MANSON: A fair trial?

7 THE COURT: Yes.

8 DEFENDANT MANSON: You should have started in the last  
9 trial.

10 THE COURT: Well, let's talk about this one. I haven't  
11 any control over the last one. Let's talk about this one.

12 DEFENDANT MANSON: I already have seven gas chambers.  
13 If there's anything else you'd like me to do, I will.

14 THE COURT: No, I am interested in having a fair trial  
15 for you. And as far as I know, this is the best system in  
16 the world, and you -- if you have any suggestions as to how  
17 this fair trial can be implemented in any way --

18 DEFENDANT MANSON: Well, I think if the Court could  
19 stand to face me in its own courtroom, I am sure it would  
20 work itself out.

21 THE COURT: What do you mean by that?

22 DEFENDANT MANSON: Well, like I should be allowed to  
23 ask questions; I should be allowed to walk and speak and have  
24 movement in the courtroom.

25 Is it not my courtroom as much as yours?

26 THE COURT: Well, you've written to me and indicated  
27 that you felt you were not getting a fair trial. And you  
28 have made statements on the record to indicate that you believe

1 that the procedures are unfair to you.

2 But they are procedures which have been developed  
3 over centuries, and everyone in the courtroom is concerned  
4 with seeing that you do receive a fair hearing.

5 DEFENDANT MANSON: Necessity.

6 THE COURT: And I have found that you should be repre-  
7 sented by counsel, and you have competent counsel.

8 DEFENDANT MANSON: Necessity sometimes -- necessity  
9 sometimes moves things faster than two or 3,000 year old  
10 procedures.

11 It's based on the foundation that -- that really  
12 doesn't hold to any -- any belief in this time, this period  
13 in time, in space.

14 My brother, things are moving so fast. There is  
15 a thought below it. There's a justice below us. There's a  
16 system below us that moves so rapidly that it's going to take  
17 much more than probation and County Jail sentence and laying  
18 up in the penitentiary, playing handball.

19 You know, I've lived in that heaven all my life.  
20 That's not punishment.

21 THE COURT: Well, what I'm interested in is the problem  
22 at hand.

23 DEFENDANT MANSON: Well, it's --

24 THE COURT: And the reason I am talking to you --

25 DEFENDANT MANSON: It's like you pick me up, and you  
26 tear up your whole system to send me home. The penitentiary  
27 is my home. It's heaven. And my angels all live in there.

28 THE COURT: I think you understand me. And I think



1 what I've tried to make clear --

2 DEFENDANT MANSON: Yeah.

3 THE COURT: -- is that I think that, if you'll  
4 cooperate with your attorney and with the Court, it will be  
5 in your interests, in that you won't -- you won't serve to  
6 prejudice anybody on the jury, because of disruptions that  
7 you may --

2b fls.

2b

1 DEFENDANT MANSON: Well, can I be completely honest?

2 THE COURT: Yes.

3 DEFENDANT MANSON: I don't care about anybody on the  
4 jury.

5 THE COURT: What?

6 DEFENDANT MANSON: I don't care about anybody on the  
7 jury.

8 THE COURT: Well, maybe your attorney does, and the  
9 Court does.

10 DEFENDANT MANSON: Well, that's his case. He has been  
11 fighting his case all along. I haven't had a case.

12 THE COURT: Well, the Court doesn't want you to  
13 prejudice yourself.

14 DEFENDANT MANSON: You see, the circle is complete.

15 THE COURT: Very well. Let's proceed to select this  
16 jury, then.

17 Are they waiting in the courtroom?

18 THE BAILIFF: Yes, sir.

19 THE COURT: Let's go out.

20 DEFENDANT MANSON: Sir, thank you.

21 (Whereupon the following proceedings were had in  
22 open court, within the presence and hearing of the prospective  
23 jury panel:)

24 (Proceedings had on unrelated matters.):

25 THE COURT: The case of People vs. Charles Manson.

26 The record will show that Mr. Manson is present,  
27 Mr. Manzella for the People, and Mr. Kanarek representing Mr.  
28 Manson, and the prospective jurors are in the courtroom.

1 Will those of you who are prospective jurors please  
2 rise and raise your right hands?

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

8 THE PROSPECTIVE JURORS: I do.

9 THE COURT: Call 12 names, please.

10 THE CLERK: Perry D. Stegall; P-e-r-r-y; last name,  
11 S-t-e-g-a-l-l.

12 THE COURT: I'm sorry. I didn't get that spelling.

13 THE CLERK: S-t-e-g-a-l-l.

14 Mrs. Mattie M. Reed; M-a-t-t-i-e; last name  
15 R-e-e-d.

16 Mrs. Evelyn Phillips; E-v-e-l-y-n; P-h-i-l-l-i-p-s.

17 Mrs. Meda L. Mylerberg; M-e-d-a; last name,  
18 M-y-l-e-r-b-e-r-g.

19 THE COURT: Repeat that name.

20 THE CLERK: M-y-l-e-r-b-e-r-g.

21 Kenneth E. Weber; W-e-b-e-r.

22 Edgar G. Walker; W-a-l-k-e-r.

23 Miss Inez D. Perez-Fraga; I-n-e-z; last name,  
24 P-e-r-e-z hyphen F-r-a-g-a.

25 Alfred W. Stoebe; S-t-o-e-b-e.

26 William M. Nelson; N-e-l-s-o-n.

27 Mrs. Mary D. Bullen; M-a-r-y; B-u-l-l-e-n.

28 Mrs. Anna Pilik; A-n-n-a; P-i-l-i-k.

Patrick McCabe; M-c-C-a-b-e.

THE COURT: I'm sorry, I didn't get the last two names.

THE CLERK: McCabe.

THE COURT: Let's see, the lady in seat No. 11, how do you pronounce your name?

JUROR NO. 11: Pilik.

THE COURT: Pilik.

Ladies and gentlemen, this case before the Court is a criminal case.

The title of the case is The People of the State of California vs. Charles Manson.

Mr. Manson is the gentleman in the black shirt at the end of the counsel -- far end of the counsel table from you, and he is represented by Mr. Irving Kanarek, the gentleman next to him.

The People in this action are represented by Deputy District Attorney Anthony Manzella.

The case charges -- the indictment charges Mr. Manson with, in the first Count, Count I, of murder, in violation of Section 187 of the Penal Code, a felony, in that on the 27th day of July, 1969, it is alleged that in the County of Los Angeles, State of California, Mr. Manson did unlawfully, willfully and feloniously and with malice aforethought, murder Gary Alan Hinman, a human being.

The second Count charges that Mr. Manson committed a violation of Section 182.1 of the Penal Code of the State of California, conspiracy, in that he did conspire to commit murder and robbery on that date. And there are three overt

1 acts alleged as part of the Count II. The Count charges  
2 conspiracy.

3 Count III charges that Mr. Manson did, between  
4 the -- on or about the 16th day of August, and the 1st day  
5 of September, 1969, in the County of Los Angeles, commit an  
6 act of murder, in violation of Section 187, in that he did  
7 willfully, unlawfully and feloniously and with malice afore-  
8 thought, murder a Donald Jerome "Shorty" Shea, a human  
9 being.

10 To those three Counts Mr. Manson has entered  
11 pleas of not guilty, and this is the time set for trial.

12 It is anticipated that this trial will take  
13 approximately five months to try, five months or longer.

14 The Court will tell you that it does not  
15 anticipate that you will be sequestered.

16 The Court does not intend to sequester you during  
17 the period of trial.

18 By "sequestered," sequestration, I mean it is not  
19 intended that you be placed in a hotel every evening. You  
20 will be allowed to return to your homes.

21 Of course, during deliberation, should you be  
22 chosen as a juror, you will be sequestered. At least, it  
23 is the Court's intention to sequester you only during that  
24 time.

3a fls.

1           The Court wishes to emphasize to you that this  
2 indictment which I have paraphrased, told you about in the  
3 three Counts, is not evidence. You are not to take it as  
4 evidence. It is simply a means of bringing this matter  
5 before the court and before the jury for trial.

6           The Court will tell you that there is a presump-  
7 tion of innocence on behalf of the defendant. That presumption  
8 of innocence places upon the People the burden of proving him  
9 guilty beyond a reasonable doubt.

10           A defendant in a criminal action is presumed to  
11 be innocent until the contrary is proved, and in case of a  
12 reasonable doubt whether his guilt is satisfactorily shown,  
13 he is entitled to an acquittal. But the effect of this  
14 presumption is to place upon the State the burden of proving  
15 him guilty beyond a reasonable doubt. Reasonable doubt is  
16 defined as follows: It is not a mere possible doubt; because  
17 everything relating to human affairs, and depending on moral  
18 evidence, is open to some possible or imaginary doubt. It is  
19 that state of the case which, after the entire comparison and  
20 consideration of all the evidence, leaves the minds of the  
21 jurors in that condition that if they cannot say they feel  
22 an abiding conviction, to a moral certainty, of the truth of  
23 the charge.

24           It is an instruction which you will hear again  
25 from the court. The Court will tell you about that doctrine  
26 of reasonable doubt in its instructions at the conclusion of  
27 the evidence.

28           The Court will also give you further instructions

1 in regard to the law.

2 Is there anyone on the jury who believes that  
3 he or she would not be able to follow the instructions as  
4 the Court gives them to you, regardless of what he or she  
5 believes the law to be or what you believe it should be?

6 (No response.)

7 THE COURT: Will you all follow the Court's instruc-  
8 tions without deviation from those instructions? Will you  
9 do that?

10 May I see affirmative nods or a hand from each  
11 of you?

12 (There was a show of hands by the prospective  
13 jury panel.)

14 THE COURT: The Court notes that there is such a sign  
15 from each of you.

16 Now, is anyone of you acquainted with either of  
17 the attorneys who has been introduced?

18 Mr. Kanarek?

19 (No response.)

20 THE COURT: Mr. Manzella?

21 (No response.)

22 THE COURT: Thank you, Mr. Kanarek, for standing.

23 Is there anyone -- is there anyone who has been  
24 represented by Mr. Kanarek or Mr. Manzella or any firm that  
25 they have been partners or associated with?

26 (No response.)

27 THE COURT: Is there anyone of you who knows anything  
28 whatever about this -- these charges except what you may have



1 learned through various publicity media?

2 (No response.)

3 THE COURT: Is there anyone of you who knows the  
4 defendant or anyone closely associated with the defendant?

5 (Whereupon, prospective juror No. 4 raised her  
6 hand.)

7 THE COURT: Is there anyone of you --

8 MR. MANZELLA: Your Honor.

9 THE COURT: Excuse me, I see a hand, and that is from  
10 Mrs. Mylerberg.

11 JUROR NO. 4: Mylerberg, yes.

12 THE COURT: Just a minute, we'll get the microphone  
13 for you.

14 JUROR NO. 4: My family is acquainted with the Beauso-  
15 leil family in Santa Barbara.

16 THE COURT: With the Beausoleil family?

17 JUROR NO. 4: (Nods head.)

18 THE COURT: Do you personally know that family in  
19 Santa Barbara?

20 JUROR NO. 4: I have met them, yes.

21 THE COURT: Do you think that would affect your judg-  
22 ment in this case?

23 JUROR NO. 4: I think so.

24 THE COURT: Do you think as a result of that associa-  
25 tion and relationship that you could not be fair and impartial  
26 in the case?

27 JUROR NO. 4: Yes.

28 THE COURT: Any questions, gentlemen?

1 MR. KANAREK: Well, I gather, your Honor, this is not  
2 because of the publicity, am I correct?

3 THE COURT: It is a personal knowledge of someone who  
4 is alleged to have been involved in one of these alleged  
5 killings.

6 MR. KANAREK: I wonder if we might pass that for a  
7 moment, your Honor.

8 THE COURT: I think not.

9 If you have any questions, however, you may ask  
10 them.

11 MR. KANAREK: All right, if I may.  
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3b fls.

3b-1

1 THE COURT: Miss Mylerberg, is it?

2 JUROR NO. 4: Yes.

3 THE COURT: Am I pronouncing it correctly?

4 JUROR NO. 4: Yes, yes.

5 THE COURT: Did you know personally Bobby Beausoleil?

6 JUROR NO. 4: When he was a small boy.

7 THE COURT: And it would be difficult for you, if not  
8 impossible for you to be fair and impartial, is that correct?

9 JUROR NO. 4: Yes.

10  
11 VOIR DIRE EXAMINATION

12 BY MR. KANAREK:

13 Q Is it a fair statement that knowing Mr. Beausoleil  
14 there is some feeling in your mind as to whether or not he  
15 got a fair trial?

16 Is that a fair statement that that subject matter  
17 is certainly within the area of what you are thinking about?

18 A I think I would be prejudiced.

19 MR. KANAREK: Very well.

20 THE COURT: Without inquiring as to which side the  
21 prejudice may lie, I'm simply going to allow you to be excused.

22 The Court does excuse you.

23 JUROR NO. 4: Thank you, your Honor.

24 THE COURT: Now, have you completed your term of  
25 service, of jury duty?

26 JUROR NO. 4: No, I am just starting.

27 THE COURT: Then, would you return to Room 253.

28 JUROR NO. 4: Thank you.

1 THE COURT: The jury assembly room.

2 MR. KANAREK: Thank you, Miss Mylerberg.

3 THE COURT: Another name, will you, please?

4 THE CLERK: Klepper M. Scott, K-l-e-p-p-e-r, last name,  
5 S-c-o-t-t.

6 THE COURT: Mr. Scott, you have been present since  
7 the Court explained the nature of this case, has been  
8 discussing this matter with the jury; is that correct?

9 JUROR NO. 4: Yes.

10 THE COURT: Is there anyone of you on the jury that  
11 has ever been a victim of a violent crime?

12 (No response.)

13 THE COURT: Is there anyone of you on the prospective  
14 jury, I should say, that has ever been a witness in a criminal  
15 case?

16 (No response.)

17 THE COURT: Is there anyone of you who has ever been  
18 connected with law enforcement in any way?

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

20 THE COURT: Excuse me, I see two hands. That's Mrs.  
21 Bullen, is it?

22 JUROR NO. 10: Yes, Bullen, yes.

23 THE COURT: And another lady, Mrs. Reed.

24 What's been your connection with law enforcement?

25 JUROR NO. 10: I am a parole agent. I don't know what  
26 kind of connection you meant.

27 THE COURT: You are currently a parole agent in the  
28 State of California?

1 JUROR NO. 10: Yes.

2 THE COURT: Do you think that would affect your judgment  
3 in the case, Mrs. Bullen?

4 JUROR NO. 10: No, I don't.

5 THE COURT: Do you think you can be fair and impartial  
6 in spite of that?

7 JUROR NO. 10: Yes, I do.

8 THE COURT: Let's find out from Mrs. Reed.

9 Wait until we get that microphone to you.

10 You have to hold it an inch from your face.

11 JUROR NO. 2: I have been a child welfare worker for  
12 the County, filing on children to be made wards of the court.

13 THE COURT: Do you think that would affect your  
14 judgment in the case?

15 JUROR NO. 2: No, I do not.

16 THE COURT: Someone else raised his or her hand.

17 It is Mr. Scott.

18 JUROR NO. 4: My father was a policeman.

19 THE COURT: Is he currently alive?

20 JUROR NO. 4: Yes.

21 THE COURT: And where -- is he currently engaged in  
22 police work now?

23 JUROR NO. 4: No, he is retired.

24 THE COURT: Where was he a policeman?

25 JUROR NO. 4: Wynne Wood, Oklahoma.

26 THE COURT: Have you, yourself, ever been connected  
27 with law enforcement?

28 JUROR NO. 4: No.

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1 THE COURT: Do you think that that relationship and  
2 that circumstance would affect your judgment in this case?

3 JUROR NO. 4: No.

4 THE COURT: You can be fair and impartial?

5 JUROR NO. 4: Yes.

6 THE COURT: Is there anyone on the jury who would be  
7 more inclined to believe a law enforcement officer simply  
8 because of his status as a law enforcement officer, simply  
9 because of that reason over somebody who does not hold that  
10 status?

11 Or would the reverse be true in anyone's mind,  
12 would someone be less likely to believe a police officer or  
13 law enforcement officer simply because of his status than  
14 someone who is not a police officer?

15 I see no response to that.

16 All right, is there anyone on this prospective  
17 jury now that he or she, by reason of something he or she  
18 may have heard, seen or read in the news media, over radio,  
19 television or through the newspapers, could not set aside  
20 that matter and be fair and impartial in deciding any issue  
21 that might be raised in this case?

22 Mr. Stoebe.

23 How do you pronounce your name?

24 JUROR NO. 8: Stoebe.

25 THE COURT: Stoebe.

26 What is your answer?

27 JUROR NO. 8: My answer is I would be -- there would be  
28 influences. I am a retired minister from the New Apostolic

1 Church, and I could say that I would be influenced.

2 THE COURT: By what you have heard, seen or read?

3 JUROR NO. 8: Pardon me?

4 THE COURT: By what you have heard, seen or read?

5 JUROR NO. 8: Yeah.

6 THE COURT: Do you gentlemen wish to approach the bench  
7 just briefly?

8 MR. KANAREK: Does your Honor wish the reporter?

9 THE COURT: No.

10 (Whereupon, proceedings were had at the bench  
11 among Court and counsel, outside the hearing of the  
12 prospective jury, which was not reported.)

13 (Whereupon, the following proceedings were had  
14 in open court within the presence and hearing of the  
15 prospective jury:)

16 THE COURT: The People -- strike that.

17 We will talk with you about that Mr. -- is it  
18 Stoebe?

19 JUROR NO. 8: Stoebe.

20 THE COURT: Stoebe.

21 We'll talk with you about that, Mr. Stoebe, later  
22 on. The Court's plan is to ask about that individually.

23 In a case in which the offense charged is  
24 punishable by death, as the offenses are punishable in this  
25 case, the Court is required to ascertain whether any  
26 prospective juror entertains any conscientious opinions as  
27 would preclude his finding the defendant guilty if the evidence  
28 would justify such a finding or if the juror would, under no



1 circumstances, vote for the death penalty.

2 If you entertain such conscientious opinions or  
3 if you entertain such an opinion about the death penalty that  
4 you would automatically vote to impose it upon a conviction of  
5 murder of the first degree, then you should not be permitted  
6 or compelled to serve as a juror in this case.

7 The Court will say at the outset of this trial  
8 it has no way of knowing whether or not you will be called  
9 upon to determine the issue of penalty, as that will depend  
10 upon what your findings are in the so-called guilt phase,  
11 in the first phase of the trial, which determines -- or in  
12 which you determine guilt or innocence.

13 So in arriving at a verdict in this case as to  
14 guilt or innocence, the subject of penalty or punishment is  
15 not to be discussed or considered by the jury, as that is a  
16 matter which, under our law, must be considered and determined  
17 in a separate proceeding.

18 If your findings should require such a proceeding,  
19 and that separate proceeding we'll refer to as the "penalty  
20 phase," if the defendant is acquitted or found guilty of  
21 a lesser crime than murder of the first degree, then there is  
22 nothing further to submit to the jury on the issue of penalty  
23 and the trial never enters the penalty phase.

24 If the defendant is found guilty of murder of the  
25 first degree, an offense punishable by life imprisonment or  
26 death, then the trial will enter the penalty phase and the jury  
27 is called upon to fix the penalty of death or life imprisonment.

28 The law does not impose either death or life

1 imprisonment, but presents the two alternatives, two  
2 alternatives to the absolute discretion of the jury.

3 The Legislature has formulated no rules to control  
4 the exercise of the jury's discretion. Therefore, the Court  
5 makes these inquiries of you, those of you who are in the box  
6 and those of you who are beyond the rail, and the Court asks  
7 you to examine your mind and your conscience in connection  
8 with these questions.

9 Are your opinions concerning the death penalty  
10 such that you would automatically refuse to impose it without  
11 regard to any evidence that might be developed?

12 Or do you entertain such conscientious opinions  
13 concerning the death penalty that would preclude you from  
14 finding a defendant guilty if the evidence should justify  
15 such a finding?

16 Are your views concerning the death penalty such  
17 that you could not be fair and impartial in determining  
18 guilt or innocence?

19 Are your views concerning the death penalty such  
20 that if the defendant is convicted of murder of the first  
21 degree that you would automatically vote to impose the death  
22 penalty, vote to impose the death penalty without regard to  
23 any evidence that might be developed in the case?

24 Are your views such that you would never vote to  
25 impose the death penalty?

26 Are your views such that you would refuse even  
27 to consider imposing the death penalty in this case or in  
28 any case?

1           Those are questions that the Court wants you to  
2 be thinking about at this time.

3           Now, I'm going to begin in this corner with Mr.  
4 Stegall, is it?

5           JUROR NO. 1: Yes.

6           THE COURT: I'm going to be asking him some questions.  
7 When I ask him questions, they'll be about his background,  
8 beginning with his jury experience.

9           Will you all remember the questions which I ask  
10 and the order in which I ask them so I won't have to repeat  
11 them when I come to you, so I'll just expect you to pick up  
12 and give me the answers without all the repetition that is  
13 necessary.

14          MR. KANAREK: Your Honor, before your Honor proceeds,  
15 we would like to say before further information is solicited  
16 that we do accept this jury on behalf of Mr. Manson.

17           I don't know what the prosecution's position is.

18           We accept these 12 people, and based upon what  
19 we have enunciated to the Court in the presence of the  
20 prosecution previously, our basis for that, we do accept these  
21 12 people.

22           I don't know the prosecution's --  
23  
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VOIR DIRE EXAMINATION OF  
PERRY D. STEGALL

BY THE COURT:

Q Mr. Stegall, would it be any hardship to you to serve on this jury?

A I don't think so.

Q Either a financial hardship or a personal hardship?

A No. I draw Social Security. I would still draw it anyway. I don't work.

Q I see.

So there would be no financial or personal hardship in service on this jury?

A No, sir.

Q What has been your jury duty?

A I never had any out here. I just -- where I was born and raised --

Q Remember to keep that about an inch from your mouth.

A I never was on the jury here in Los Angeles at all.

Q This is your first experience as a juror in Los Angeles?

A Yes, sir.

Q All right. And before that time had you served on a criminal jury anywhere?

A Oh, yeah.

Q Will you set aside --

I'll ask all of you, is there anyone who cannot

1 set aside -- who believes that he or she could not set  
2 aside what he or she may have learned in any criminal case,  
3 any civil case in which he might -- he or she might have  
4 sat as a juror, and decide this case only on the evidence  
5 that's presented in this courtroom and the law as I shall  
6 state it to you?

7 (No response.)

8 THE COURT: Is there anyone who feels that they cannot  
9 do that?

10 JUROR NO. 1: No.

11 BY THE COURT:

12 Q How about you, Mr. Stegall? Will you set  
13 aside what you may have learned in any other case?

14 A Naturally the burden is on the State to prove  
15 he is guilty anyhow.

16 Q Listen to the question.

17 Will you set aside what you may have learned in  
18 any other case?

19 A Oh, yeah.

20 Q And decide this case solely on the evidence and  
21 the instructions of law as I shall give it to you?

22 A Yes, sir.

23 Q All right.

24 And that suffices as to your jury experience.

25 Let me ask you what your employment was?

26 A I was a machinist for Douglas for -- since I've  
27 been out here.

28 Q In Los Angeles?

1 A Yes, sir.  
2 Q Los Angeles County?  
3 A Yes, sir.  
4 Q And is there a Mrs. Stegall?  
5 A No, sir.  
6 Q Is she employed?  
7 A No --  
8 Q "No, sir," did you say?  
9 A "No, sir."  
10 Q Have you ever been married?  
11 A Yes, sir.  
12 Q Would you tell me what general area you reside?  
13 A I live in, I guess you call it, Hollywood District,  
14 Alexander and Beverly.  
15 Q Are you acquainted with or related to any law  
16 enforcement officer?  
17 A No, sir, not as I know of.  
18 Q Can you think of any reason why you couldn't be  
19 fair and impartial in this case?  
20 A No, sir, I sure can't.  
21 THE COURT: Pass it on to Mrs. Reed.  
22  
23 VOIR DIRE EXAMINATION OF  
24 MRS. MATTIE M. REED  
25 BY THE COURT:  
26 Q Mrs. Reed, would there be any hardship on you  
27 if you were to serve on this jury for a period of five months  
28 or longer?

1 A Yes, it would.

2 Q Tell us what that would be.

3 A I am presently under the care of a physician,  
4 whom I see approximately every two or three weeks regarding  
5 a throat condition.

6 Q I'm sorry, I didn't catch the nature of the  
7 condition.

8 A Throat.

9 And then, I recently had a heart attack on  
10 Good Friday, 1971.

11 Q And you think that this service on this jury duty  
12 would be a too strenuous --

13 A I think so.

14 Q -- job for you?

15 A Yes.

16 Q For such a long period of time?

17 A Yes, I do.

18 THE COURT: Gentlemen?

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1 MR. KANAREK: Your Honor, in view of --

2 THE COURT: Mr. Manzella?

3 MR. MANZELLA: The People will so stipulate, that there  
4 is a hardship.

5 MR. KANAREK: So stipulate.

6 THE COURT: All right. The Court then will excuse you.

7 The Court thanks you, Mrs. Reed.

8 Do you have any more time left on jury duty?

9 JUROR NO. 2: I have served only one day, so I have  
10 about 18 days.

11 THE COURT: You have got a lot of time left.

12 JUROR NO. 2: Yes.

13 THE COURT: All right. Perhaps you can go to work this  
14 afternoon. Go to the jury assembly room.

15 Perhaps you can be picked up for another court-  
16 room.

17 Thank you, Mrs. Reed.

18 JUROR NO. 2: Thank you.

19 THE COURT: Select another name, then, to fill prospec-  
20 tive juror Reed's seat.

21 THE CLERK: Walter M. McWhirter; M-c-W-h-i-r-t-e-r.

22  
23 VOIR DIRE EXAMINATION OF

24 WALTER J. McWHIRTER

25 BY THE COURT:

26 Q Mr. McWhirter, take No. 2 seat, if you would,  
27 please.

28 Have you been present during all the proceedings

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1 thus far?

2 A Yes, sir.

3 Q You've heard all the Court's explanations of the  
4 nature of this case, and you've heard -- you have heard the  
5 answers -- the Court's questions and the responses of  
6 the jurors, have you not?

7 A Yes, sir.

8 Q Would your answers be any different than the  
9 majority have responded to the Court's questions put to the  
10 group as a whole?

11 A Well, to the group as a whole, it would not be  
12 too much. But I think, over a long period of time, your Honor,  
13 that my health wouldn't permit such an ordeal.

14 Q We are speaking now of a possible hardship to you?

15 A Yes.

16 Q In service for a period of five months or longer?

17 A Yes, sir.

18 Q Tell me about your condition.

19 A Well, I have high blood pressure, and I have a  
20 circulation problem. And my -- and then on the other hand,  
21 my company that I work for figures that 20 days is sufficient  
22 time.

23 Q Let me state this to all of you who may have that  
24 problem with your employer. Between now and the time when  
25 you get in the box, if you are beyond the rail, I would like  
26 you to check with your employer, via telephone or otherwise,  
27 and find out for yourselves whether you would be paid during  
28 any period of time that you may be serving as a juror, even

1 if it should extend beyond the usual period of 30 days.

2 If there is any difficulty with your employment  
3 or with your being paid, or if you will suffer a financial  
4 loss, then the Court wants to know about it. But the Court  
5 believes that some measure of hardship is involved in every-  
6 one's service on jury duty, and you should not, simply  
7 because of a minor hardship, ask to be excused.

8 You should, in the Court's opinion, be -- because  
9 of your responsibilities as jurors, because you do have some  
10 obligation in that respect, you should be willing to endure  
11 some hardship.

12 All right. Mr. McWhirter, are you under the care  
13 of a doctor?

14 A Yes.

15 Q And how often do you see him?

16 A Well, on an average, maybe about -- about three  
17 weeks ago, I saw him. And I take -- I have to take medicine.

18 Q On an average of what? Every three weeks?

19 A Yes, about on an average of every three weeks.  
20 And then I have -- I take medicine constantly, all the time.

21 Q I see. You understand that you would not be  
22 precluded from seeing him; that you would be serving during  
23 the day, --

24 A Yes.

25 Q -- and it would not be the Court's intention to  
26 sequester you.

27 A Um-hmm.

28 Q It may develop that you would be sequestered, if

1 something unusual should happen during the trial; but the  
2 Court does not anticipate that you would be sequestered.

3 You would be able to see the doctor. Even if you  
4 were sequestered on a daily basis, it would be the Court's  
5 intention to see that you had access to the doctor.

6 Would that make any difference in your --

7 A Well, I think -- it wouldn't make any difference,  
8 that part. But I still don't think --

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1 THE COURT: You don't think that physically you'd be  
2 able to withstand --

3 A That's right.

4 Q -- that period of time?

5 A I don't think so.

6 THE COURT: Any question?

7 MR. KANAREK: Certainly, I would be willing to so  
8 stipulate.

9 MR. MANZELLA: The People will stipulate there's a  
10 hardship, your Honor.

11 THE COURT: These gentlemen again have stipulated that  
12 there is a hardship of a nature which you shouldn't be  
13 expected to endure; and so therefore, the Court will excuse  
14 you.

15 Thank you, Mr. McWhirter.

16 JUROR NO. 2: Thank you.

17 THE COURT: Call another name for Mr. McWhirter.

18 Do you have time left on jury duty?

19 JUROR NO. 2: Yes, sir.

20 THE COURT: All right. Then would you report to Room  
21 253 today?

22 JUROR NO. 2: Thank you.

23 MR. KANAREK: Thank you, Mr. McWhirter.

24 THE CLERK: George D. Woods, Jr.; W-o-o-d-s.

25  
26 VOIR DIRE EXAMINATION OF

27 MR. GEORGE D. WOODS, JR.  
28

1 BY THE COURT:

2 Q Mr. Woods, you have been present during all of  
3 the proceedings thus far, since the Court explained the nature  
4 of this case, and has been asking questions and explaining the  
5 matter to the jury?

6 A Yes, I have.

7 Q Would your answers be any different than the  
8 majority of the jurors have responded to the general questions  
9 put to the group as a whole?

10 A No, they wouldn't.

11 Q All right. Would there be any hardship for you  
12 to serve for a period of five months?

13 A I am due to have an operation on my knee --

14 Q Get that microphone up closer.

15 A I am due to have an operation on my knee in about  
16 four -- four weeks.

17 Q In about four weeks, you are going to have an  
18 operation on your knee?

19 A Yes, I am.

20 Q What is that, a cartilage operation or something  
21 of that nature?

22 A Yes, they are. They're going to take the  
23 cartilage out.

24 Q How long has that condition existed?

25 A Well, I just had an operation in February, and  
26 I tore the muscles apart again, so they're going to lock the  
27 knee, to keep it from doing any further damages.

28 Q Would you be willing to set it off to another

1 date, when you can have it done? Or is this a matter of  
2 some urgency that must be done in a month's time?

3 A It must be done in a month's time.

4 MR. KANAREK: May I ask a question, your Honor?

5 THE COURT: Certainly.

6  
7 VOIR DIRE EXAMINATION

8 BY MR. KANAREK:

9 Q Sir, is it possible that that could be done on  
10 the weekend?

11 A No, no way.

12 Q It has to be done during the regular work week?

13 A Well, that -- I will be hospitalized for about --  
14 oh, 12, 14 days.

15 Q Oh, I see.

16 THE COURT: It's quite a serious operation, --

17 JUROR NO. 2: Yes, it is.

18 THE COURT: -- as the Court understands it.

19 MR. KANAREK: I see. Thank you. Thank you. I  
20 understand, your Honor. I would be willing to stipulate.

21 MR. MANZELLA: The People will so stipulate, as to  
22 hardship.

23 THE COURT: Very well. These gentlemen have stipulated  
24 that you may be excused, and the Court does find that you  
25 should be. Thank you.

26 Let's see. Report to Room 253 forthwith, please.

27 THE CLERK: Mrs. Connie I. de la Vara; last name,  
28 d-e l-a V-a-r-a.

1 THE COURT: We could turn on one of those air condi-  
2 tioners. It's very warm in here, I realize, but we are just  
3 going to have to endure it.

4 A JUROR: We can't hear. We have difficulty hearing  
5 back here.

6 THE COURT: Do you?

7 THE JURORS: Yes.

8 THE COURT: Thank you for letting me know. If at  
9 any time you can't hear either what the Court's saying or  
10 what the prospective jurors are saying, will you raise your  
11 hands? Just let us know.

12 I understand that it's warm back there. It's just  
13 as warm up here, so we'll have to endure it, I'm afraid, because  
14 if we turn on these air conditioners, you may not be able to  
15 hear.

16 We could try it. Let's try turning on that back  
17 one (indicating).

4b fls.



4b-1

VOIR DIRE EXAMINATION OF  
MRS. CONNIE I. de la VARA

BY THE COURT:

Q Mrs. de la Vara -- am I pronouncing your name correctly?

A de la Vara.

Q de la Vara. You have been present during all the proceedings thus far?

A Yes.

Q And can you think of any respect in which your answers would be different than the majority of jurors have responded to the Court's questions of a general nature?

A No.

Q Beginning with those questions that I had asked of the individual jurors, would it be any hardship to you to serve on this jury for a period of five months or longer?

A Yes, it would.

Q Would you tell us what that would be?

A Well, I work in the General Hospital, and I take care of four programs. I am the only one at that desk --

Q You work in the General Hospital and take care of what?

A Of four programs, TB, the Day Care, Psychiatric, and Mother and Infant Care; and --

Q You work for the County?

A Yes, I do.

Q Well, your pay would go on. What you are concerned about is that someone would not be present to carry on those

1 programs; is that correct?

2 A Yes. I am the only one that knows that desk.  
3 Other than that, I would -- I would; but I know that there's  
4 no one else that knows it.

5 Q How long have you been engaged in that job or  
6 that position?

7 A Around seven months.

8 Q Would there be any personal hardship otherwise?

9 A No.

10 Q I think the Court would not excuse you, then.  
11 I believe that the County is just going to have to forego  
12 your presence there on those programs, even though it -- you  
13 might be concerned about them.

14 How about your experience? Have you been a juror  
15 before?

16 A No.

17 Q Never sat on a civil or a criminal case?

18 A No.

19 Q You have told us your employment is with the  
20 County of Los Angeles. Do you have a title of some kind?

21 A Intermediate Typist.

22 Q All right. And you work in the General Hospital  
23 here in Los Angeles?

24 A Yes, I do.

25 Q All right. And do you have any friends or  
26 relatives who are law enforcement officers?

27 A No.

28 Q In what general area do you reside?

1 A In La Puente.

2 Q Can you think of any reason why you couldn't be  
3 fair and impartial in this case?

4 A No.

5 Q All right. Then pass the microphone -- well, I'll  
6 ask you two or three more questions.

7 Do you have opinions concerning the death penalty  
8 such that you would automatically refuse to impose it, regard-  
9 less of the evidence?

10 A No.

11 Q Or do you have such views concerning the death  
12 penalty that you would automatically vote to impose it, to --  
13 that you would automatically vote for the death penalty,  
14 regardless of the evidence, upon a conviction of murder of the  
15 first degree?

16 A I really don't know.

17 Q Do you understand my question?

18 A Not very well, no.

19 Q Well, do you understand that this trial is  
20 possibly divided into two phases, the first phase being the  
21 phase in which the jury will determine the innocence or the  
22 guilt of Mr. Manson; and that thereafter, should there be a  
23 finding of murder of the first degree, the jury would enter  
24 into what is known as the -- or what we have termed the penalty  
25 phase.

26 Do you understand that?

27 A Yes.

28 Q Now, in the penalty phase, as the Court has

1 explained to you, it is the jury's discretion, absolute  
2 discretion, to determine whether a defendant who is convicted  
3 of murder of the first degree should receive life imprisonment  
4 or death as a punishment or penalty.

5 Do you understand that --

6 A Yes.

7 Q -- thus far? Would your reaction be, upon a  
8 conviction of murder of the first degree, an automatic one?  
9 Voting automatically, in other words, for the death penalty,  
10 upon a conviction of murder of the first degree, without  
11 regard to the evidence?

12 A (Indicating negatively.)

13 Q You are shaking your head. And that means yes or  
14 no?

15 A I wouldn't, on the death penalty; I'm pretty sure  
16 I wouldn't vote on it. Maybe even life imprisonment; but  
17 not the death penalty.

18 Q I don't think --

19 A It's hard for me to say, because -- well, I just  
20 don't know.  
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1 Q Well, let's go back to the last question, then.  
2 Are your views concerning the death penalty such that you  
3 would automatically refuse to impose it? In other words,  
4 you would automatically vote for life imprisonment?

5 A I think I would -- yes.

6 Q Without regard to the evidence that might be  
7 produced?

8 A Yes, I think so.

9 Q You are not certain?

10 A No, I am not.

11 Q Well, would you consider the evidence that's  
12 presented before making a decision as to life imprisonment  
13 or death?

14 A Well, yes, I would.

15 Q You would consider it?

16 A Yes, I would.

17 Q Very well. So that you would neither vote  
18 automatically for or against the death penalty; is that right?

19 A That's right, yes.

20 Q All right. Your views are not such, I take it,  
21 from what you have said, that you would never vote to impose  
22 the death penalty?

23 A (No response.)

24 Q Am I correctly stating your views?

25 A Yes.

26 Q So that in view of the fact that you would  
27 consider the evidence in the case to determine whether, in  
28 your discretion, the defendant should receive life imprisonment

1 or death, you would not automatically vote for either; am  
2 I --

3 A Yes, that's right.

4 Q -- making it clear? Very well.

6 FURTHER VOIR DIRE EXAMINATION OF  
7 PERRY D. STEGALL

8 BY THE COURT:

9 Q Mr. Stegall -- let's go back to Mr. Stegall.

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

13 A No, sir.

14 Q Or do you have such views concerning the death  
15 penalty that you would automatically impose it, regardless of  
16 the evidence, upon a conviction of murder of the first  
17 degree?

18 A No.. You wouldn't be supposed to do that.

19 Q All right. Are your views such that you would  
20 never vote to impose the death penalty?

21 A No, sir.

22 Q Are your views concerning the death penalty such  
23 that you could not be fair and impartial in determining the  
24 guilt or innocence?

25 A No, I wouldn't do that.

26 Q All right. Back to Mrs. de la Vara, please.

## FURTHER VOIR DIRE EXAMINATION OF

MRS. CONNIE L. de la VARA

BY THE COURT:

Q Mrs. de la Vara, are your views such concerning the death penalty that you could not be fair and impartial in the first phase of the trial, the determination of guilt or innocence?

A No.

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

## VOIR DIRE EXAMINATION OF

EVELYN PHILLIPS

BY THE COURT:

Q Mrs. Phillips, would you endure any hardship of an unusual nature if you were to serve on this jury?

A Well, my vacation starts in September.

Q Where do you work?

A Los Angeles County.

Q You work for the County of Los Angeles. In what capacity?

A Department of Public Social Service, Eligibility Supervisor.

Q You haven't bought airplane tickets or anything of that nature yet, have you?

A No.

Q Do you have plans to be on vacation, though?

A Yes.

1 Q Would you be willing to give up that -- those  
2 plans for the purpose of sitting on this jury, should you be  
3 chosen?

4 A I -- I would. But then there's my family to  
5 consider also.

6 Q Tell us what your family consists of.

7 A A husband and two children.

8 Q Have you sat as a juror before?

9 A Yes, I have.

10 Q In a criminal case?

11 A No, civil.

12 Q All civil. The Court will tell you that -- will  
13 tell all of you that there is a difference between the burden  
14 of proof that's required in order to have a conviction in a  
15 criminal case and that which is required for the plaintiff to  
16 receive a verdict in a civil case.

17 In a civil case, you will remember, you were  
18 instructed that the plaintiff must sustain its burden of  
19 proof by a preponderance of the evidence.

20 In a criminal case, the People must establish  
21 the burden of proof beyond a reasonable doubt, and to a moral  
22 certainty, and in accordance with the standards that I have  
23 instructed the jury about.

24 Do you understand that difference?

25 A Yes.

26 Q And will you follow that instruction?

27 A Yes.

28 Q Very well. And you would make that distinction



1 in your mind, would you not?

2 A Yes.

3 THE COURT: All right. And the Court instructs all  
4 of you to make that distinction.

5 We'll come back to Mrs. Phillips. I realize that  
6 I've kept you overlong here, in view of the fact that many  
7 of you have been out in the hallway for a long period of time.  
8 We'll take a 15-minute recess at this time.

9 At the end of 15 minutes, will the 12 of you be  
10 back in the box where you were, and the rest of you beyond  
11 the rail?

12 We are in recess. During this recess, and during  
13 other subsequent recesses of this trial, if chosen as a juror,  
14 you are admonished that you are not to converse amongst  
15 yourselves nor with anyone else, nor permit anyone to converse  
16 with you on any subject connected with this matter, nor are  
17 you to form or express any opinion on the matter until it's  
18 finally submitted to you, should you be chosen as a juror.

19 About 15 minutes.

20 We're in recess now. Will you turn those air  
21 conditioners on during the recess?

22 THE BAILIFF: Yes, sir.

23 (Midmorning recess.)  
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4d fls.

6-1

1 THE COURT: The record will show the defendant to be  
2 present with counsel; all the prospective jurors are present  
3 in the box.

4 BY THE COURT:

5 Q Had I asked you about your employment, Mrs.  
6 Phillips?

7 A Yes.

8 Q And are you related to or a friend of any law  
9 enforcement officer?

10 A No.

11 Q In what area do you reside?

12 A Southwest.

13 Q Is there a button on that, that needs to be  
14 pushed?

15 A Southwest.

16 Q Thank you. Can you think of any reason, other  
17 than the fact that you'll miss your vacation, as to why you  
18 should not sit as a juror in this trial?

19 A (No response.)

20 Q Can you?

21 A Capital punishment.

22 Q Concerning capital punishment, do you have such  
23 opinions concerning the death penalty that you would auto-  
24 matically, because of those opinions, refuse to impose the  
25 death penalty, regardless of the evidence?

26 A Oh, I don't believe in capital punishment.

27 Q Well, that's really not the question. The  
28 question is: Even though you may not believe in it, and

1 have some feelings against it, whether your reaction would be  
2 automatic in refusing to consider the evidence, and simply  
3 imposing the death penalty, or on the reverse, refusing to  
4 impose the death penalty.

5 A I don't feel that I could impose it.

6 Q You don't believe that you could, regardless of  
7 the evidence? Whatever the evidence might be, you don't  
8 believe that you could ever vote for the death penalty?

9 A I don't believe I could.

10 Q Would you refuse to even consider the evidence?  
11 And would you simply vote for the -- vote against the death  
12 penalty -- is that what you are telling me? -- in any case?

13 A In any case, I don't feel that I really could.

14 Q Well, when you say, "I don't think," that indicates  
15 to me that you are --

16 A That I could not.

17 Q -- that even though you may have some feelings  
18 against it, that you possibly would be able to vote for the  
19 death penalty.

20 A No, I could not.

21 Q Are your views concerning the death penalty such  
22 that you could not, because of those views, be fair and  
23 impartial in the first phase of the trial, the guilt or  
24 innocence phase?

25 A If I felt that it would result in the death  
26 penalty? I don't think that I could.

27 Q In other words, if you believed that as a result  
28 of your deliberations in the first phase, that it might go

1 on to a second phase where death might be the result, the  
2 death penalty might be the result, you could not be fair and  
3 impartial in the first phase?

4 A I don't feel I could.

5 Q Are your views such concerning the death penalty  
6 that you would refuse to even consider imposing it?

7 A Yes.

8 Q In this case or in any case?

9 A In any case.

10 MR. MANZELLA: Your Honor, the People would --

11 MR. KANAREK: Your Honor, may we approach the bench  
12 for some guidance from the Court?

13 THE COURT: Very well. You may.

14 MR. KANAREK: Thank you.

15 (Whereupon, the following proceedings were had  
16 at the bench among Court and counsel, outside the  
17 hearing of the prospective jury panel:)

18 MR. KANAREK: Your Honor, if I may, may I gather that  
19 we have the same continuing objection to all of the Court's  
20 questions, on all conceivable grounds, including all federal  
21 and state constitutional grounds, as we did in --

22 THE COURT: Automatically, --

23 MR. KANAREK: -- previous --

24 THE COURT: -- concerning the penalty?

25 MR. KANAREK: Yes.

26 THE COURT: All right. Yes.

27 MR. KANAREK: And -- and as a matter of fact, as to  
28 all of them, hardship and publicity and penalty, if we could

1 have that continuing objection, then it will cut down the --

2 THE COURT: Very well. The Court so deems.

3 Mr. Kanarek -- the necessity here for --

4 The Court deems that you have made such objections  
5 concerning excusal of a juror for cause concerning attitudes  
6 regarding the death penalty. And also on the hardship.

4e fls.

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1 MR. KANAREK: And also publicity. In other words, as to  
2 all of the -- because the Court's questions are many times  
3 conclusionary, and we deem them to be proper. But if we may  
4 have the same ground rules as before, that is -- that these  
5 questions may be deemed to be objected to on all possible  
6 grounds, including federal constitutional and state  
7 constitutional, as we have said, then we --

8 THE COURT: Very well.

9 MR. KANAREK: As I say, it will certainly cut down  
10 the tendency to --

11 THE COURT: Very well.

12 MR. KANAREK: -- take up so much time.

13 THE COURT: Very well. The Court deems that you have  
14 made objection. Although I haven't heard a challenge for  
15 cause.

16 MR. MANZELLA: I was going to make one to this juror.

17 MR. KANAREK: But I meant, even -- that is, preliminary  
18 to the challenge for cause, the Court is asking questions  
19 that, it's our belief -- most respectfully, however -- but  
20 it's our belief that these are leading and suggestive, and  
21 they're improper in many respects.

22 But if we have these -- if we have these grounds,  
23 as your Honor has indicated --

24 THE COURT: The Court will overrule your objection to  
25 this type of Witherspoon question, which the Court believes  
26 is a proper type of question.

27 MR. MANZELLA: Do you want me to challenge at the bench,  
28 for cause?

1 THE COURT: If you wish to, you may.

2 MR. MANZELLA: Well, I respectfully challenge Mrs.  
3 Phillips for cause, under Section 1073, Subdivision 2 and  
4 Section 1074, Subdivision 8 of the Penal Code.

5 THE COURT: All right. The Court grants the challenge.

6 MR. KANAREK: Well, I would ask -- I would want to  
7 interrogate on it. Is your Honor foreclosing me from  
8 interrogating --

9 THE COURT: If you wish to, you may. I thought you  
10 were submitting it.

11 MR. KANAREK: No, no. My point was that, in your  
12 Honor's questions -- not just on -- not just on --

13 THE COURT: I see your point. But the Court will allow  
14 you to ask her some questions.

15 MR. KANAREK: Oh. Very well. But then, I gather that  
16 these continuing objections that we have enunciated may go  
17 as to all matters, not just the Witherspoon type?

18 THE COURT: I think your record is clear on it.

19 MR. KANAREK: Thank you.

20 (Whereupon, the following proceedings were had  
21 in open court, within the presence and hearing of the  
22 prospective jury panel:)

23 THE COURT: Does either counsel wish to ask questions?

24 MR. KANAREK: Yes, your Honor, if I may.  
25  
26  
27  
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## VOIR DIRE EXAMINATION OF

MRS. EVELYN PHILLIPS

BY MR. KANAREK:

Q Mrs. Phillips, actually, you haven't heard the evidence in this case; right?

A Right.

Q And this principle of law, you say you have -- that you have a certain feeling about the death penalty?

A Yes.

Q Perhaps -- are there other laws that you may know of, that you may not approve of, that the Legislature has enacted? That's not the only one, is it?

THE COURT: Well, that would be immaterial.

Q BY MR. KANAREK: But is it a fair statement that, as you sit there, you certainly would be willing to listen to the evidence, and discuss with your fellow jurors whatever might happen in the courtroom by way of evidence?

A Sure.

Q And you would be willing to go into the jury room and discuss it with them, and -- and listen to their reasons, and hopefully, they would listen to your reasons, and you would come up with what you considered to be a proper result?

A I don't know if it would be proper.

Q Well, you would certainly intend for your result to be proper; right?

A Yes, I would intend for it to.

Q Right. And if you -- and if the Court instructed



1 you that it's in your absolute discretion, to decide whether  
2 or not someone should get the death penalty or whether or  
3 not someone should get life, then you -- actually, you are  
4 a jury of -- of one in yourself? You recognize that there are  
5 12 separate jurors, each giving an individual opinion?

6 A Right.

5 Fls.

5-1

1 Q And so in a very real sense you are the judge of  
2 the case, because there can't be a result unless all 12 come  
3 up with the same result?

4 A Right.

5 Q So, actually you would be willing to discuss  
6 these matters with your fellow jurors, right?

7 A Yes.

8 Q And if the evidence indicated to you that a --  
9 that in a particular case that the death penalty should --  
10 was warranted, you would certainly, if down deep in your  
11 heart you felt that was correct, you would so vote; right?

12 A No.

13 Q You wouldn't?

14 A No.

15 Q Well, you've said that you would discuss it.

16 A Yes, I would discuss it.

17 Q And, then, let's say that you felt it warranted  
18 a certain result, wouldn't you vote for that result?

19 A As long as the result was not the death penalty.

20 THE COURT: Any further questions?

21 MR. KANAREK: No, your Honor.

22 I wonder if we could approach the bench briefly?

23 THE COURT: I don't think it is necessary.

24 MR. MANZELLA: The People would respectfully challenge  
25 Mrs. Phillips for cause under Section 1073, Subdivision 2,  
26 and Section 1074, Subdivision 8 of the Penal Code.

27 MR. KANAREK: Oppose the challenge, your Honor.

28 THE COURT: The Court thanks Mrs. Phillips, and the

1 Court grants the challenge for cause.

2 Thank you, Mrs. Phillips. You are excused.

3 (Whereupon, a loud noise emanated from the air  
4 conditioner.)

5 THE COURT: That wasn't you, was it, Mrs. Phillips?

6 (Laughter.)

7 THE COURT: Mrs. Phillips, do you have any time left?

8 JUROR NO. 3: Yes, I just started.

9 THE COURT: On jury duty?

10 JUROR NO. 3: I just started.

11 THE COURT: Report to Room 253 at 1:30, the jury  
12 assembly room, and thank you for being here.

13 JUROR NO. 3: All right.

14 THE COURT: I thought that was a cry of happiness from  
15 Mrs. Phillips.

16 THE CLERK: Miss Pauline Wallace, P-a-u-l-i-n-e,  
17 W-a-l-l-a-c-e.

18 THE COURT: I see that Mrs. de la Vara has raised her  
19 hand.

20 Miss de la Vara.

21 JUROR NO. 2: I feel the same way that Mrs. Phillips  
22 does. I don't think in my conscience, even though -- I  
23 know I just couldn't do it, regardless of the evidence.  
24 I mean, it would be another form of a life-- but like I say --  
25  
26  
27  
28

VOIR DIRE EXAMINATION OF  
MRS. CONNIE I. de la VARA

BY THE COURT:

Q What do you mean you just couldn't do it?

A I just couldn't sentence to the death penalty.

Q In other words, if you were given the choice to impose the death penalty or to impose life imprisonment, would you automatically vote against the death penalty?

A Yes, I would.

Q Regardless of the evidence?

A Yes, I would.

Q Would you ever vote to impose the death penalty in this case or in any case?

A No.

MR. KANAREK: Your Honor, may we approach the bench?

THE COURT: Yes, you may.

MR. MANZELLA: Does Mr. Kanarek want the reporter, your Honor?

MR. KANAREK: Yes, your Honor.

THE COURT: Mrs. de la Vara, I'll ask you one more question concerning this.

Q Would your views concerning the death penalty be such that you could not be fair and impartial in determining guilt or innocence in that first phase of the trial?

A Yes.

Q In other words, you believe that you couldn't act fairly and impartially in determining guilt or innocence?

A Well, on the guilt and innocence, I know that I

1 could, but when it would come to the end, when it --

2 THE COURT: When it came to what?

3 JUROR NO. 2: The death sentence, my conscience -- I  
4 just couldn't do it.

5 THE COURT: You could never impose the death penalty?

6 JUROR NO. 2: No, I couldn't.

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

10 MR.KANAREK: Your Honor, this is the very reason that  
11 we asked that this matter be handled with each juror  
12 separately, because of the triggering effect that has now,  
13 obviously, taken place. And we -- it is our position that  
14 it denies Mr. Manson a fair trial under due process and  
15 equal protection of the 14th Amendment for this to be -- for  
16 this interrogation concerning the death penalty not to be  
17 individual, where the rest of the panel -- there is a limiting  
18 -- because it is very -- it is a matter -- well, it is so  
19 obvious what happened and we did ask for this, of course, as your  
20 Honor well knows. We asked for this to be done individually  
21 and separately because it is manifestly unfair what has  
22 happened, for instance.

23 THE COURT: Well, the Court believes that the juror  
24 simply had time to think about it and clarified her thoughts  
25 on the matter.

26 MR. KANAREK: Yes, but listening to somebody immediately  
27 in the jury box -- I think immediately adjacent to her, it  
28 just -- it has that triggering effect and it denies Mr. Manson

1 a fair trial. That's why we asked that this be covered  
2 individually with these jurors just the same way as the  
3 publicity, and we had previously requested that, of course,  
4 and the Court has not allowed that.

5 MR. MANZELLA: The whole thing depends on whether Mr.  
6 Kanarek's assumption is right. We have no way of proving  
7 that. We have no way of knowing whether or not jurors  
8 actually adopt what they've seen result in the excusal of  
9 another juror as their answers, just to be excused. We  
10 have no way of knowing that.

11 MR. KANAREK: Well, the circumstantial evidence here  
12 is obvious. This lady immediately raises her hand after  
13 Mrs. Phillips is excused. I think it is apparent to everyone  
14 that this is what --

15 MR. MANZELLA: It is not.

16 MR. KANAREK: I think it is a phenomenon which will  
17 continue, and it just is incredibly unfair.

18 MR. MANZELLA: It is not obvious in this case, because  
19 this juror expressed doubts about the death penalty before  
20 the other juror was questioned.

21 THE COURT: That's true. The Court believes that she  
22 simply had time to think about it. It was thrust upon her  
23 rather suddenly, as it must be, I suppose, when a juror is  
24 faced with these types of questions.

25 MR. KANAREK: Well, then --

26 THE COURT: And I think that she is reflecting what she  
27 truly means.

28 MR. KANAREK: Well, just so that I may make my record,

1 your Honor --

2 THE COURT: In other words, I don't think that she is  
3 stating that she would automatically vote against the death  
4 penalty merely to be relieved from jury duty. I believe she  
5 honestly means it, don't you?

6 MR. KANAREK: Well -- no, your Honor. I believe that  
7 it is a trigger effect of what Mrs. Phillips does or did.

8 But I do make the motion so it will be crystal  
9 clear in this regard.

10 THE COURT: You wished to have the death penalty  
11 inquired about individually?

12 MR. KANAREK: Right, where each juror is separated from  
13 all the other prospective jurors, interrogated in open  
14 court alone.

15 THE COURT: The motion is denied.

16 The Court has not heard a challenge for cause  
17 here.

18 Would you tell me --

19 MR. MANZELLA: Yes, I do.

20 The People would respectfully challenge Mrs.  
21 de la Vara for cause under Section 1073, Subdivision 2,  
22 and Section 1074, Subdivision 8 of the Penal Code.

23 MR. KANAREK: I would like to interrogate her, ask her  
24 some questions, if I may, your Honor.

25 THE COURT: The Court -- well, I'll permit you to do  
26 so, if you wish.

27 MR. KANAREK: Thank you, your Honor.

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

THE COURT: Mrs. de la Vara, we will continue the voir dire, the questioning with respect to this matter of the death penalty -- and other matters -- later on.

We will take a recess now, ladies and gentlemen, until 2:00 o'clock -- until 1:45. You are admonished that, during the recess, that you are not to converse among yourselves nor with anyone else, nor permit anyone to converse with you on any subject connected with this matter, nor are you to form or express any opinion on the matter until it is finally submitted to you, should you be chosen as a juror.

See you at 1:45. And you will all be back in the box and beyond the rail at 1:45.

(Noon recess.)



1 LOS ANGELES, CALIFORNIA, WEDNESDAY, JUNE 23, 1971 1:55 P.M.

2 - - - -

3  
4 THE COURT: All right. The record will show Mr.  
5 Manson to be present, together with Mr. Kanarek.

6 With respect to the jurors that are in the box --  
7 let's leave the air conditioners on. We will leave the air  
8 conditioners on and see whether they interfere with your  
9 hearing and if they do -- I'm speaking now to those of you  
10 who are beyond the rail. If you have any problems in connec-  
11 tion with it, with hearing, raise your hand, and we'll have  
12 to turn them off and suffer through it.

13 I believe, Mr. Kanarek, as we were about to  
14 recess this morning, we were about to take the morning  
15 recess, you wanted to question Mrs. de la Vara.

16 MR. KANAREK: Yes, your Honor. Thank you.

17 THE COURT: Go ahead. Keep -- let me remind both  
18 counsel, to keep your voices up, because of the -- fine.

19 Well, that's a little awkward for you, Mr.  
20 Kanarek. Perhaps if you could go over on the other side?

21 MR. KANAREK: Yes, your Honor. Thank you.

22 THE COURT: You may be seated, if you wish.

23 MR. KANAREK: Yes. Thank you, your Honor.

24 VOIR DIRE EXAMINATION OF

25 MRS. CONNIE I. de la VARA

26 BY MR. KANAREK:

27 Q Mrs. de la Vara -- am I pronouncing that  
28 correctly? Mrs. de la Vara?

1 A Yes.

2 Q Now, first of all, you recognize that you are not  
3 a defendant here, and you are sort of on the spot, in the  
4 presence of all these people.

5 You are not going to use that in deciding this  
6 case in any way; right?

7 A No.

8 Q Now, previously, you told us that your mind was  
9 sort of -- that you had an open mind in connection with the  
10 death penalty. Do you remember telling us that previously,  
11 this morning?

12 A Yes.

13 Q Now, would you tell us, what is your state of  
14 mind, or your opinions concerning the death penalty?

15 A Well, I don't believe that I can -- that I could --  
16 how do I say? I just don't believe in the death penalty. I  
17 couldn't do it.

18 I just couldn't give my opinion.

19 Q You don't believe in it?

20 A No, I don't.

21 Q But that doesn't mean that you couldn't be a fair  
22 and impartial person?

23 A Well, like I said, if it was -- if it was life,  
24 it would be different. But not -- I just -- even though I --  
25 all the evidence here, I mean -- I know, whether you're  
26 right or wrong -- right now, I'm extremely nervous.

27 I just know I couldn't do it.

28 Q I see. And really, like you say, you are

1 extremely nervous. Is that because all of us are gathered  
2 here in this room at this time; is that the reason for it?

3 A No. I'm just -- I just know that I couldn't  
4 do it, even though I know it's the right thing. I couldn't.  
5 I just couldn't -- uh -- like I say, it would be life, if  
6 that was the case.

7 But other than that, I couldn't say that.

8 Q But is it a fair statement that you would intend,  
9 as far as this court or any court, no matter what matter you  
10 were deciding, you would intend to administer the law as  
11 conscientiously as you could?

12 A Yes.

13 Q Right.

14 A Yes.

15 Q And that's your state of mind?

16 A Yes.

17 Q And there's no reason that --, that you could see  
18 why you couldn't administer any law that the Court has given  
19 to you impartially; is that correct?

20 A Will you please say that over again?

21 Q Yes. There's no reason why -- the Court has given  
22 you several principles of law to consider. There's no reason  
23 that you couldn't impartially administer any of those  
24 principles of law; is that correct?

25 A Yes. As long as it's not the death penalty.

6b fls.

6b-1

1 Q And what is there -- what is your thinking in  
2 connection with the death penalty?

3 A I just -- just my conscience; and that's it.  
4 Just me, myself, I couldn't -- I wouldn't be able to.

5 Q But you haven't heard the evidence, and so you  
6 really don't know; is that a fair statement?

7 A Well, no. Even if I did, even if I did, I  
8 couldn't do it.

9 MR. KANAREK: Thank you.

10 THE COURT: The People?

11 MR. MANZELLA: Yes. Just one question, your Honor.

12  
13 VOIR DIRE EXAMINATION

14 BY MR. MANZELLA:

15 Q Mrs. de la Vara, are you saying that you feel  
16 now that you would automatically refuse to impose the death  
17 penalty, regardless of the evidence?

18 A Yes.

19 MR. MANZELLA: Thank you. Your Honor, the People  
20 would respectfully challenge Mrs. de la Vara for cause,  
21 under Section 1073, Subdivision 2 --

22 MR. KANAREK: Oppose the --

23 MR. MANZELLA: -- and Section 1074, Subdivision 8 of  
24 the Penal Code.

25 MR. KANAREK: Oppose the challenge, your Honor.

26 THE COURT: Very well. The Court grants the challenge.

27 Mrs. de la Vara, thank you very much for being  
28 here. Do you still have time left as a juror?

1 JUROR NO. 2: Yes.

2 THE COURT: All right. Would you report, then, to  
3 Room 253 of the jury assembly room this afternoon? Thank  
4 you.

5 Call another juror for Mrs. de la Vara.

6 THE CLERK: Robert C. Seppey; S-e-p-p-e-y.

8 VOIR DIRE EXAMINATION OF

9 MR. ROBERT C. SEPPEY

10 BY THE COURT:

11 Q State your name for us again, please?

12 A Robert C. Seppey; S-e-p-p-e-y.

13 Q Mr. Seppey, have you been present during all the  
14 proceedings thus far, --

15 A Yes.

16 Q -- in which the Court explained the nature of this  
17 case?

18 A Yes, I have.

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

22 A No, your Honor.

23 Q Put to the group as a whole?

24 A No, they wouldn't.

25 Q All right. Would there be any hardship if you  
26 were to serve as a juror for a period of five months or  
27 longer?

28 A Yes, there would.

1 Q And would you explain that to us?

2 A This morning, during the recess, I phoned my  
3 employer, and they said if I were gone for that length, I  
4 would be replaced.

7 Els.

28

7-1

1 Q Who is your employer?  
2 A The American Broadcasting Company.  
3 Q How long have you been with them?  
4 A Three years. Three years and four months.  
5 Q And they would not pay you, but would discharge  
6 you, as a matter of fact?

7 A Discharge me.

8 THE COURT: Gentlemen.

9  
10 VOIR DIRE EXAMINATION

11 BY MR. KANAREK:

12 Q May I ask you, Mr. Seppey, what type of work you  
13 do there?

14 A I am an assistant film editor.

15 THE COURT: Assistant what?

16 JUROR NO. 2: Film editor.

17 MR. KANAREK: Thank you, Mr. Seppey.

18 THE COURT: Stipulate, gentlemen?

19 MR. MANZELLA: Yes, your Honor.

20 MR. KANAREK: Yes.

21 MR. MANZELLA: That there is a hardship.

22 THE COURT: Thank you, Mr. Seppey. These gentlemen have  
23 stipulated that you may be excused.

24 MR. KANAREK: Thank you.

25 THE COURT: Room 253 for you, or have you terminated --

26 JUROR NO. 2: No.

27 THE COURT: You have more jury duty left.

28 Would you go there right now, if you would, please.

1 THE CLERK: Irving A. Solomon, I-r-v-i-n-g, last name,  
2 S-o-l-o-m-o-n.

3  
4 VOIR DIRE EXAMINATION OF

5 IRVING A. SOLOMON

6 BY THE COURT:

7 Q Mr. Solomon, have you been present during all of  
8 the proceedings thus far?

9 A Yes, I have.

10 Q And would your answers be any different than the  
11 majority have responded to the Court's questions of a general  
12 nature put to the group of jurors, prospective jurors?

13 A I think I would be a little bit prejudiced against  
14 the defendant.

15 Q Is it because of pretrial publicity?

16 A That, and his demeanor during the time I saw him.

17 Q Do you think that you would allow those things  
18 that you may have heard, seen or read to interfere with your  
19 judgment in the case, then, and likewise you believe that you  
20 would not be able to disregard certain conduct that you may  
21 have observed; is that correct?

22 A Conduct and signs. I didn't particularly care  
23 for the signs he was wearing. They go against my grain,  
24 deeply, and I don't think I could be impartial.

25 Q Well, you realize that -- the record should show  
26 that he now -- Mr. Manson is now in a plain shirt.

27 A He's seen the light.

28 Q Pardon?



1           A       He's seen the light.

2           DEFENDANT MANSON: I am the light, you fool.

3           Q       Well, Mr. Solomon, in any event, you don't think  
4 you could be fair and impartial as a juror in the case?

5           A       No, I don't.

6           MR. KANAREK: Challenge for cause, your Honor.

7           MR. MANZELLA: No opposition, your Honor.

8           THE COURT: All right, the Court grants the defendant's  
9 challenge for cause.

10           Thank you, Mr. Solomon, for being straightforward.

11           MR. KANAREK: Your Honor, I would ask your Honor to  
12 inform all of the prospective jurors what Mr. Manson was  
13 wearing was a peace sign.

14           THE COURT: Use the microphone and they'll hear it.

15           MR. KANAREK: That Mr. Manson was wearing was a peace  
16 sign. It appeared to be a swastika but, in fact, this is an  
17 Indian peace sign. And it is, in fact, opposite from a  
18 swastika, and we would like -- and if your Honor would care  
19 to make any statements, we would welcome that.

20           THE COURT: Well, it has been stated to the Court  
21 yesterday that that was the case, as Mr. -- was stated by  
22 Mr. Kanarek yesterday, that that was the symbol.

23           It also has been stated to the Court, if I am  
24 correct, Mr. Kanarek, on one side of the collar was a swastika.  
25 On the other side, on the other collar, was a peace symbol.  
26 And that Mr. Manson was in between.

27           Is that --

28           MR. KANAREK: I think --

1 THE COURT: Is that correct, essentially correct?

2 MR. KANAREK: I think what was -- it was war and peace,  
3 your Honor. I don't think it was represented --

4 THE COURT: In that way.

5 The peace symbol, the swastika representing war  
6 and Mr. Manson was in between --

7 MR. KANAREK: Was caught in between these two. And  
8 certainly Mr. Manson wasn't indicating any such -- whatever  
9 the swastika stands for. In fact, it's just the opposite.

10 THE COURT: I think that will clarify the explanation  
11 which has heretofore been given as to what those symbols were  
12 on the collar.

13 All right, let's go ahead, then. Select another  
14 juror for Mr. -- Mr. Solomon's place, and let's move on.

7aFls.

7a-1

1 THE CLERK: Charles A. Mansfield, M-a-n-s-f-i-e-l-d.

2  
3 VOIR DIRE EXAMINATION OF

4 CHARLES A. MANSFIELD

5 BY THE COURT:

6 Q Mr. Mansfield, have you been present during all  
7 of the proceedings thus far?

8 A Yes, I have.

9 Q Would your answers be any different than the  
10 majority of the jurors have responded to the Court's  
11 questions put to the group as a whole?

12 A No.

13 Q All right.

14 Would you suffer any hardship should the Court  
15 call upon you to serve as a juror for a period of five  
16 months?

17 A Not financially, no.

18 Q Well, in any other way, personally or otherwise?

19 A Well, we have a vacation pretty well firmed up  
20 for the month of August. I would be very reluctant to give  
21 it up.

22 Q Well, nearly everyone of us has to give up  
23 something in order to -- in order to serve as a juror. I  
24 do realize that it is a hardship.

25 I would ask you, unless there is something  
26 extremely unusual about this vacation, to consider giving it  
27 up. I think nearly anyone who participates in this, including  
28 the Court and counsel, are about in the same situation in

1 regard to that.

2 There was an American Bar Association Convention  
3 in London that both Court and counsel would probably have  
4 liked to have attended. It begins two weeks hence, so the  
5 Court would not find sufficient excuse in that situation.

6 Have you been a juror before?

7 A Uh, yes. Yes, I have.

8 Q In criminal cases?

9 A Yes.

10 Q All right.

11 Would you tell me what was the type of criminal  
12 case and was there a verdict in it, without stating whether  
13 it was a verdict for guilty or not guilty. Just whether or  
14 not there was a verdict.

15 A I served on three criminal cases.

16 One was a manslaughter. The verdict was not  
17 guilty.

18 I served on one rape case --

19 Q Well, don't tell us what the verdict was.

20 A Oh, I thought you asked us for the verdict.

21 I served on one rape case and I served on one  
22 grand theft.

23 Q And were there verdicts in each case?

24 A Yes.

25 Q Will you set aside what you may have learned in  
26 those cases and determine this case solely on its evidence and  
27 on the law as I shall state it to you?

28 A I think I could.

1 Q Very well.

2 As to your employment, what is your business or  
3 occupation?

4 A I am retired.

5 Q From what occupation?

6 A I was in -- pardon me.

7 I was in administrative work for an insurance  
8 company.

9 Q Are you connected -- have you ever been connected  
10 with law enforcement or are you related to or a friend of any  
11 law enforcement officer?

12 By "law enforcement officer," ladies and gentlemen,  
13 I mean any policeman, any deputy sheriff, Highway Patrolman,  
14 deputy prosecutor of any type, prosecutor, sheriff, such  
15 officers as that.

16 A I have a son who is a police officer.

17 Q For what agency?

18 A San Diego Police Department.

19 Q And how long has he been so employed?

20 A About 11 years.

21 Q Have you discussed cases with him from time to  
22 time?

23 A Uh, only on a very general nature.

24 Q Do you think that would affect your judgment,  
25 Mr. Mansfield?

26 A Well, it's hard to say. I -- if I was going to  
27 be biased, I would certainly be biased on the side of the law.

28 Q Well, can you keep yourself from being biased --

1 everyone, of course, is on the side of the law.

2 But if you are speaking about favoring the  
3 testimony of a policeman, do you think that you can keep  
4 yourself from doing so simply because somebody is a policeman?

5 Let me put it another way.

6 Would you give more credence to the testimony of  
7 a person because he is a police officer, simply because of that  
8 status, as against someone who is not a police officer?

9 A I think I would.

10 THE COURT: Mr. Kanarek, any questions?

11 MR. KANAREK: Yes, thank you.

12 THE COURT: Pull that microphone down.

13 MR. KANAREK: May I most respectfully challenge for  
14 cause, your Honor?

15 MR. MANZELLA: No opposition, and no questions, your  
16 Honor.

17 THE COURT: Thank you, Mr. Mansfield. The Court will  
18 excuse you.

19 MR. KANAREK: Thank you, Mr. Mansfield.

20 THE COURT: And room 253. The jury assembly room, Mr.  
21 Mansfield. Thank you.

22 That seat No. 2 is kind of a hot seat.

7b fls.

7b-1

1 THE CLERK: Mrs. Marian Stearn, M-a-r-i-a-n,  
2 S-t-e-a-r-n.

3 THE COURT: All right, Mrs. Stearn, come forward.

4  
5 VOIR DIRE EXAMINATION OF  
6 MRS. MARIAN STEARN

7 BY THE COURT:

8 Q Mrs. Stearn, have you been present during all  
9 the proceedings so far?

10 A Yes, I have.

11 Q And would your answers be any different than the  
12 majority of jurors have responded to the Court's questions of  
13 a general nature, put to the group as a whole?

14 A No, they wouldn't.

15 Q Can you think of a good reason why you could not  
16 be fair and impartial in the case?

17 A No, I don't.

18 Q Keep that up.

19 A Oh.

20 Q It has to be --

21 A No, I don't.

22 Q You hear it pick up when it is close to your  
23 mouth?

24 A Yes.

25 Q Fine.

26 Would it entail any personal or financial  
27 hardship to you were you to serve for a period of five  
28 months or longer?

1 A Yes, it would.

2 Q Tell us about that?

3 A Well, I am a widow and I have to support myself,  
4 and I was excused for a month.

5 Q What type of work?

6 A I work at the hospital at UCLA, in the clinical  
7 labs.

8 Q You work at the hospital?

9 A Hospital.

10 Q UCLA Hospital?

11 A In the clinical labs.

12 Q And is that a -- that's a state employment, is it?

13 A No, I don't think that belongs to --

14 Q That's private employment?

15 A Yes, uh-huh.

16 Q And to the best of your knowledge you would not  
17 be paid beyond 30 days?

18 A No.

19 Q And you have ascertained that that is the case?

20 A Well, they did excuse me for a month.

21 Q For a month?

22 A Uh-huh.

23 Q Well, if you were to seek further time on jury  
24 duty, do you know what the answer would be?

25 A I don't think so.

26 Q Have you asked?

27 A No, I'll call tonight and find out.

28 Q And should you ascertain -- will you do that,



1 then?

2 A Yes, I will.

3 Q The Court will ask you to do that, then, this  
4 evening, and let us know about that possibility as to whether  
5 or not, if it is a possibility, if you would not be paid  
6 beyond the 30 days.

7 A Okay.

8 Q Have you had previous jury experience?

9 A No, I haven't.

10 Q And you stated that you're employed in a  
11 laboratory?

12 A Yes, clinical laboratories.

13 Q Clinical laboratory at UCLA?

14 A UCLA, at the hospital.

15 Q What do you do in a clinical laboratory?

16 A Well, I do the purchasing for all the labs.

17 Q The what?

18 A All the laboratories. I do the purchasing, and  
19 then I do the accounting.

20 Q All right, get that microphone directly in front  
21 of your mouth.

22 A Oh.

23 Q And the last thing you said?

24 A And then, I do the accounting.

25 Q Oh, I see.

26 And how long have you been employed there?

27 A Two years and nine months.

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

1 enforcement officer?

2 A No, I am not.

3 Q In what general area do you reside?

4 A West side.

5 Q What?

6 In respect --

7 What?

8 A West side.

9 Q In respect to the death penalty, do you entertain  
10 such conscientious objections to the death penalty that you  
11 would not thereby be able to be fair and impartial in  
12 determining the issue of guilt or innocence?

13 A Yes, I really don't think I would be fair.

14 Q In determining the first phase, the first phase  
15 of the case, which concerns guilt or innocence, do you  
16 believe that you could not be fair?

17 A Well, I could be fair in that, but I don't think  
18 the death penalty -- because I'm sure I would have a guilt  
19 conscience.  
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1 Q You mean by that you do have some feelings  
2 contra to the death penalty, is that it?

3 A Yes, I do.

4 Q Now, are those feelings such that you would  
5 automatically refuse to impose the death penalty regardless  
6 of the evidence?

7 A I think so.

8 Q You're not certain?

9 A No.

10 Q There are cases -- strike that.

11 You would, then, consider the evidence, weigh the  
12 evidence in the case to determine whether or not you would  
13 oppose the death penalty; is that what you are saying, even  
14 though you may feel some feeling against the -- or have some  
15 feeling against it?

16 A Against it, yes.

17 Q You would not refuse to consider the death  
18 penalty?

19 A Well, I think I would. I would really have a  
20 guilt conscience.

21 Q Well, even though you might have a guilt  
22 conscience, are you stating to us that you would, if chosen  
23 as a juror, consider the death penalty and if in your  
24 judgment the evidence merited the death penalty, you would  
25 vote for it?

26 A No, I wouldn't.

27 Q Well, I'm not sure I understand what your state  
28 of mind is, then.

1 A Well, I don't believe in the death penalty.

2 Q I understand that.

3 A Oh.

4 Q But I'm understanding -- what I want to understand  
5 from you is whether or not, even though you are of the opinion  
6 that a death penalty should not be imposed, whether you would  
7 be, if you are chosen as a juror, able to listen to the  
8 evidence?

9 A Yes.

7c 10 Q And make a determination -- make a determination  
11 regardless of that feeling that you might have, that the  
12 death penalty should be imposed, if the evidence warranted it,  
13 in your judgment?

14 A I don't think so.

15 Q Are your views such that you would never vote to  
16 impose the death penalty in any type of case?

17 A No.

18 Q Pardon?

19 A No.

20 Q All right. That's why I am asking you now.

21 If your reaction would not be automatic, just an  
22 automatic refusal to consider the death penalty, well, then,  
23 the Court will not excuse you.

24 Then, you would consider the evidence and make a  
25 determination in spite of this feeling against the death  
26 penalty, am I correct?

27 A Yes.

28 Q Very well.

1 All right, Mrs. Stearn, pass it on to Mrs. Wallace.

2  
3 VOIR DIRE EXAMINATION OF

4 MRS. PAULINE WALLACE

5 BY THE COURT:

6 Q Mrs. Wallace, have you been present during all  
7 of the proceedings thus far?

8 A Yes, I have.

9 Q Would your answers be any different than the  
10 majority have responded to the Court's questions put to the  
11 group?

12 A No, they would not.

13 Q All right. Would it entail any great hardship  
14 on your part to serve as a juror in this case?

15 A Not at all.

16 Q Personal or financial, you have --

17 A No, sir.

18 Q All right.

19 And have you been a juror before?

20 A I was on a federal court jury, but I didn't  
21 serve as a juror.

22 Q You were never selected to --

23 A No.

24 Q -- to serve as a juror?

25 A No, I wasn't.

26 Q I see.

27 How long ago was that experience?

28 A That would be about three years ago.

1 Q And in this tour of jury duty you have not  
2 served on any trial?

3 A No, sir.

4 Q Well, are you employed outside the home?

5 A I am a retired teacher.

6 Q In what area did you teach?

7 A In Long Beach.

8 Q Is there a Mr. Wallace?

9 A No, Miss Wallace.

10 Q It is Miss.

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

13 A No, I am not.

14 Q In what area do you reside now, Miss Wallace?

15 A I live in Long Beach.

16 Q In respect to the death penalty, do you have such  
17 views concerning it that you would not be able thereby to be  
18 impartial in determining the question of guilt or innocence?

19 A No, sir.

20 Q Are your views concerning the death penalty such  
21 that you would automatically refuse to impose it without  
22 regard to any evidence that might be produced?

23 A No, sir.

24 Q Or are your views concerning the death penalty  
25 such that you would automatically impose it upon a conviction  
26 of murder of the first degree?

27 A No, sir.

28 Q Incidentally, I have been talking about murder of

1 the first degree here. And I should tell you what murder of  
2 the first degree is, so that we understand each other.

3 All murder which is perpetrated by willful,  
4 deliberate or premeditated -- or -- strike that.

5 Murder is the unlawful killing of a human being  
6 with malice aforethought, and all murder perpetrated by  
7 willful, deliberate or -- all murder perpetrated by willful,  
8 deliberate and premeditated killing with malice aforethought  
9 is murder of the first degree, or a murder committed by  
10 torture or a killing committed in the course of a burglary  
11 or a robbery is murder of the first degree.  
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1                   Now, would your reaction be to automatically  
2 impose the death penalty upon a conviction of murder of the  
3 first degree without reference to any other evidence?

4           A       No, sir.

5           Q       Do you have such views concerning the death  
6 penalty as would prevent you from being -- strike that.

7                   Do you have such views concerning the death  
8 penalty, such as would cause you never to vote for it?

9           A       No.

10          Q       Do you understand that question?

11          A       I think I do.

12          Q       All right. Would -- are your views concerning the  
13 death penalty such that you would refuse to even consider  
14 imposing the death penalty regardless of the evidence?

15          A       No.

16          Q       All right.

17                   Is there any reason you can think of now why  
18 you couldn't be fair and impartial?

19          A       I can't think of any.

20          Q       Very well.

21                   Pass it on, then, to Mr. Scott.

22  
23                                   VOIR DIRE EXAMINATION OF  
24                                   MR. KLEPPER M. SCOTT

25                   BY THE COURT:

26                  Q       Mr. Scott, you were present during all of the  
27 proceedings, were you not?

28          A       Yes.



1 Q And I may have asked you, and this may be  
2 repetitious, but excuse me if it is.

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

6 A No.

7 Q The questions put to the group as a whole, your  
8 answers would be no different?

9 A Correct.

10 Q Very well.

11 Beginning with the question of hardship, would it  
12 entail any hardship on your part to serve?

13 A I don't know. I tried to find out at noon, and  
14 financially I couldn't find out, although it was expressed  
15 that the company would not want to have me gone over one month  
16 duty because of projects I have in the works at the present  
17 time.

18 Q What is the nature of your employment?

19 A I am an engineer for Union Oil.

20 Q For Union Oil.

21 All right, where do you work at, Mr. Scott?

22 A Most of the time in the downtown office, across  
23 from --

24 Q And what type of engineering do you do?

25 A I am an electrical engineer.

26 Q Have you had any jury experience before?

27 A No, I have not.

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

1 enforcement officer?

2 A My father was a law enforcement officer.

3 Q Oh, you've told us that. I think I recall that.

4 A Yes.

5 Q And do you think that would affect your judgment  
6 in the case?

7 A I don't think so.

8 Q You don't think you would let it -- you don't  
9 sound sure.

10 Would you let it interfere with your judgment  
11 concerning the testimony of a police officer?

12 A Uh --

13 Q In other words, would you give a police officer  
14 more credence than someone who is a non-police officer simply  
15 because of their respective positions?

16 A No, I don't think so.

17 Q In what area do you reside?

18 A Whittier.

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

22 A Uh, no.

23 Q Or do you have such views concerning the death  
24 penalty that you would never vote to impose it in any case?

25 A No.

26 Q All right. Would you automatically refuse to  
27 impose the death penalty regardless of the evidence because  
28 of views you hold concerning the death penalty?

1 A No.

2 Q Or, on the other hand, would you automatically  
3 impose it upon a conviction of murder in the first degree?

4 A No.

5 Q Can you think of any reason now other than what  
6 you've told us about Union Oil Company and their feelings  
7 as to why you couldn't be fair and impartial in the case?

8 A Except that I would prefer not to serve five  
9 months. I do have projects going. They are interested --  
10 I am interested in them. I would like to see them completed.

11 Q Well --

12 A I have vacation, other --

13 Q All of us, presumably, are crying about that,  
14 that latter part that you have mentioned, many of us,  
15 anyhow.

16 But you wouldn't let that interfere with your  
17 duty and obligation as a juror should you be chosen, would  
18 you?

8 fls. 19 A Hmm, no.

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8-1

1 THE COURT: All right. Pass it on to Mr. Weber, then,  
2 would you, Mr. Scott?

3  
4 VOIR DIRE EXAMINATION OF

5 MR. KENNETH E. WEBER

6 BY THE COURT:

7 Q Mr. Weber, would you suffer any hardship -- would  
8 there be any hardship entailed to you, if you were selected as  
9 a juror in this case?

10 A Yes.

11 Q Tell us about that.

12 A To the best of my knowledge, my company does not  
13 reimburse me for more than 20 days.

14 Q What is your company?

15 A Lockheed Aircraft.

16 Q And you've checked that out pretty thoroughly?

17 A I have not called today, but I am reasonably  
18 familiar with the policy -- especially in view of the present  
19 financial situation the company is in.

20 THE COURT: Gentlemen? Any question? Or do you wish  
21 to leave this -- shall we leave this to tomorrow, and allow  
22 Mr. Weber to check this out?

23 MR. KANAREK: Yes, your Honor.

24 Q BY THE COURT: Let's do that. Would you check,  
25 Mr. Weber? You may --

26 A Yes, sir.

27 Q -- during the recess, be able to contact somebody  
28 via telephone. You may use the court telephone here,

1 contact your employer, and see if you can get a definite  
2 answer for us. Would you?

3 A Yes, sir.

4 Q All right. Have you served as a juror before?

5 A No, I have not. I was -- I had a tour of duty,  
6 but I was not selected as a juror.

7 Q All right. Keep that microphone very close.

8 A Yes, sir.

9 Q You can hear it pick up, when you do have it  
10 close enough.

11 What do you do for Lockheed?

12 A I am a manager of their research laboratory.

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

15 A No, I am not.

16 Q And in what area do you reside?

17 A In West Los Angeles.

18 Q All right. Do you have such views concerning the  
19 death penalty that you could not thereby be fair and impar-  
20 tial in determining guilt or innocence?

21 A Yes.

22 Q Are your views contra to the death penalty; is  
23 that it?

24 A Yes, sir.

25 Q Are your views so strong in connection with the  
26 -- strike that.

27 Are your views concerning the death penalty such  
28 that you would automatically refuse to impose it, without

1 regard to any evidence that might be developed?

2 A Yes, sir.

3 Q Incidentally, I'll ask this to you directly. You  
4 are not in any way hedging your answer as a result of your  
5 desire not to serve?

6 A No, I'm not. I have a fundamental conviction  
7 against --

8 Q I see.

9 A -- the destruction of human beings.

10 Q I see. You feel that you would automatically  
11 refuse to consider the death penalty, regardless of what the  
12 evidence may be?

13 A Yes.

14 Q In connection with determination of guilt or  
15 innocence, however, you could be fair and impartial -- you  
16 could not be fair and impartial -- or you could or could not  
17 be fair and impartial in determining the first phase of the  
18 case?

19 A Knowing that the death penalty might be contingent  
20 upon the outcome, I doubt if I could be fair about that.

21 Q Are your views such that you would never vote to  
22 impose the death penalty --

23 A Yes, sir.

24 Q -- in any case? What?

25 A Yes, sir.

26 THE COURT: Any questions?

27 MR. KANAREK: Yes, if I may.

28 THE COURT: Very quickly, if you would.

1 MR. KANAREK: Yes, your Honor.

2 THE COURT: You'll have to bring that down a little  
3 further.

4 MR. KANAREK: Yes.

5  
6 VOIR DIRE EXAMINATION OF

7 MR. KENNETH E. WEBER

8 BY MR. KANAREK:

9 Q Mr. Weber, of course you've never had occasion  
10 to judge in this kind of case before; is that right?

11 A Yes, that's right.

12 Q So you certainly intend to follow all the  
13 principles of law that the Court gave you; right?

14 A I would have that intent, with the exception of the  
15 death penalty.

16 Q Well, now, if the Court were to instruct you that  
17 it's in your absolute discretion, as a juror, to decide  
18 what you individually are going to do -- 12 people on the  
19 jury, 12 separate decisions -- is there any reason that you  
20 couldn't listen to the evidence, and fairly and impartially  
21 come to a result?

22 A I could not be impartial.

8a fls.

8a-1

1 Q When you say you couldn't be impartial, do you  
2 mean -- are you referring to anything specific?

3 A Yes. The death penalty.

4 MR. KANAREK: Thank you.

5 MR. MANZELLA: Your Honor, the People will respectfully  
6 challenge Mr. Weber for cause under Section 1073, Subdivision  
7 2 and Section 1074, Subdivision 8 of the Penal Code.

8 MR. KANAREK: Well, I don't believe -- I will object to  
9 the 1074 Subdivision 8, because I think the gentleman indicated,  
10 your Honor, on the guilt, that he could be -- he could fairly  
11 judge the guilt.

12 THE COURT: It was the Court's impression that he did  
13 not say that. Am I stating that correctly, Mr. Weber? That  
14 you, knowing that there was a possibility of a death penalty  
15 to be considered in a second phase, could not be impartial on  
16 the first phase?

17 JUROR NO. 5: That was my intent, yes, sir.

18 THE COURT: The Court grants the challenge.

19 Thank you, Mr. Weber. You are excused.

20 MR. KANAREK: May the record note an opposition to the  
21 challenge?

22 THE COURT: Yes.

23 MR. KANAREK: To both those challenges?

24 THE COURT: Yes.

25 MR. KANAREK: Thank you, Mr. Weber.

26 THE COURT: All right. Choose another juror in place  
27 of and instead of Mr. Weber, then.

28 Report back to Room 253, Mr. Weber.



1 THE CLERK: Mrs. Eddie K. Smith; E-d-d-i-e; last name,  
2 S-m-i-t-h.

3  
4 VOIR DIRE EXAMINATION OF

5 MRS. EDDIE K. SMITH

6 BY THE COURT:

7 Q Mrs. Smith, have you been present during all  
8 the proceedings today?

9 A Yes, sir.

10 Q Would your answers be any different than the  
11 majority of jurors have responded to the questions put to  
12 the group as a whole?

13 A Huh -- most of the questions, no, sir.

14 Q All right. Would it be any hardship for you to  
15 serve on this jury?

16 A Uh -- no, sir.

17 Q No financial or personal hardship?

18 A No financial or personal hardships. I do think  
19 you should know I followed the case, even through the first  
20 case, of Mr. Manson's, and --

21 Q Well, let's defer that, until we can question  
22 you individually, if you have some comment about that.

23 A Oh. All right.

24 Q Can we do that? And will all of you follow that?  
25 If you do have such a feeling, fine, you should express it.  
26 Because the Court is asking you whether or not you can be  
27 fair and impartial in all ways in this case, should you be  
28 selected as a juror.

1 But the Court would prefer that you not express  
2 anything more than that opinion, if that is the case. And  
3 we will question you later, when you are in the courtroom  
4 out of the hearing of other prospective jurors.

5 Mrs. Smith, is there any reason why you couldn't  
6 be fair and impartial in this case, that you can think of?

7 A No, sir. Other than my reference to the first --

8 Q All right.

9 Are you referring to the death penalty?

10 A No, sir. I'm referring to the first case.

11 Q Oh, I see. You are referring to what you have  
12 heard, seen or read via television, radio or the newspapers;  
13 is that correct?

14 A Yes.

15 Q All right. We'll go into that later. But let's  
16 find out about your background otherwise.

17 Have you been a juror before?

18 A No, sir.

19 Q And are you employed outside the home?

20 A Yes, sir.

21 Q In what sort of capacity?

22 A I work for the Post Office Department.

23 Q And do you work downtown here?

24 A Yes, sir.

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

27 A No, sir.

28 Q In what area do you reside?

1 A The West Los Angeles area.

2 Q And is there a Mr. Smith?

3 A Yes, sir.

4 Q And what's his employment?

5 A He is a real estate broker.

6 Q Do you have such views concerning the death  
7 penalty, Mrs. Smith, that you couldn't -- that you could not  
8 thereby be impartial in determining the first phase of the  
9 case, the guilt or innocence?

8b fls.

10 A No, sir.  
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8b-1

1 Q Or do you have such views concerning the death  
2 penalty that you would automatically refuse to impose it,  
3 without regard to the evidence?

4 A No, sir.

5 Q Would you on the other hand automatically impose  
6 it upon a conviction of murder of the first degree, without  
7 regard to the evidence? Would you automatically vote for the  
8 death penalty without regard to the evidence --

9 A No, sir.

10 THE COURT: All right, Mrs. Smith. Pass that microphone  
11 on, then, to the gentleman to your right.

12  
13 VOIR DIRE EXAMINATION OF  
14 EDWARD G. WALKER

15 BY THE COURT:

16 Q And, sir, your name?

17 A Edward G. Walker.

18 Q Mr. Walker, would it entail any great hardship  
19 to you, should you be chosen as a juror here?

20 A Well, I called at lunchtime; and according to the  
21 company, 30 days is the maximum.

22 Q What company is that?

23 A Zellerbach Paper Company.

24 Q And after that, no pay; is that correct?

25 A Yes.

26 Q Are you dependent upon your employment for your  
27 support?

28 A Right, yes, sir.

1 THE COURT: Gentlemen? Anyone, either of you gentlemen,  
2 wish to ask a question?

3 MR. MANZELLA: No questions.

4 MR. KANAREK: Submit it, your Honor.

5 MR. MANZELLA: The People will stipulate it's a hardship,  
6 your Honor.

7 THE COURT: All right. The Court agrees, that it is a  
8 hardship, which you should not be asked to endure. And  
9 therefore, the Court will excuse Mr. Walker.

10 Thank you, Mr. Walker.

11 JUROR NO. 6: Thank you, sir.

12 THE COURT: Do you still have time left on jury duty?

13 JUROR NO. 6: Yes, sir.

14 THE COURT: All right. Room 253, if you would, please.

15 THE CLERK: Gail Ann Wendell; G-a-i-l; middle name,  
16 A-n-n; last name, W-e-n-d-e-l-l.

17  
18 VOIR DIRE EXAMINATION OF  
19 MISS GAIL ANN WENDELL

20 BY THE COURT:

21 Q Is it Mrs. Wendell?

22 A Miss.

23 Q Miss.

24 Miss Wendell, you have been present during all  
25 the proceedings thus far?

26 A Yes.

27 Q Would your answers be any different than the  
28 majority of jurors have responded to the Court's questions put

1 to the group in the box as a whole?

2 A No, they wouldn't.

3 Q Would it entail any great hardship to you, should  
4 you be chosen as a juror?

5 A Possibly semi. I called my employment, which  
6 is the Downey Unified School District, and they stated that  
7 if I did serve -- starting the calendar month in September --  
8 that just half of my pay would be reimbursed to my regular  
9 pay.

10 In other words, a substitute would take my place,  
11 and then they would get -- they would get the minimum or  
12 maximum, whatever the case may be, \$22 a day, I think it is --  
13 and then what is left over, I would get the other.

14 So you might say they'd give me half pay.

15 Q So you would lose some money, then, --

16 A Yes.

17 Q -- over the months that you were caused to serve  
18 as a juror?

19 A Yes.

20 Q Would you be willing to endure this, or is it a  
21 situation where you would prefer being excused because of that

22 A I think that would be the case. Because I  
23 solely support myself. And I rely upon that as a means of  
24 support.

25 Q You are a teacher, then?

26 A Yes, I am.

27 Q And how long have you been --

28 A This is --

1 Q -- in that profession?

2 A This is the end of my seventh year with Downey.

3 Q So that the School District would not fully  
4 compensate you --

5 A No.

6 Q -- they would take from your salary whatever  
7 it would be necessary to pay a substitute?

8 A Yes.

9 THE COURT: Gentlemen?

10 MR. MANZELLA: The People will stipulate that there is  
11 a hardship, your Honor.

12 THE COURT: Any questions, Mr. Kanarek?

13 MR. KANAREK: Yes, your Honor. I -- I would -- I will  
14 -- I would submit it. I --

15 fls.

16 THE COURT: Go ahead and use the microphone.  
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1 MR. KANAREK: I would make the motion that the County  
2 reimburse this lady. She's in effect a -- a County employee,  
3 or --

4 JUROR NO. 6: Yes.

5 MR. KANAREK: You are; isn't that correct?

6 JUROR NO. 6: Yes.

7 MR. KANAREK: And why shouldn't she be -- it's a  
8 violation of equal protection and due process under the 14th  
9 Amendment, not only as to Mr. Manson, but as to her, to  
10 discharge her duties as a -- which I'm sure she wishes to do  
11 -- for her not to be paid.

12 And I think that your Honor should put this over,  
13 and I'd object to her -- to her being asked to leave.

14 THE COURT: Well, there's no mechanism that the Court  
15 knows for causing a separate school district to reimburse  
16 you, Miss Wendell.

17 Q It's actually a school district, is it not?

18 A Yes.

19 Q And not actually Los Angeles County, but a  
20 school district?

21 A Yes. Downey Unified School District is separate  
22 from L. A. County, yet I am a County employee.

23 So they make their own rules and regulations  
24 governing their employees.

25 Q And during the -- during the recess, you have  
26 ascertained this, and that it is a matter of some definiteness;  
27 is that correct?

28 A Yes.



1 MR. KANAREK: I believe, your Honor, that the Board of  
2 Supervisors, by resolution, could reimburse this lady,  
3 the same way that they would pay for any other County  
4 employee, not at his or her job during the pendency of this  
5 trial.

6 And I do move the Court that she not be asked  
7 to leave.

8 THE COURT: The Court finds that there is a hardship  
9 which she should not be required to endure, a financial  
10 hardship, and will excuse her.

11 The Court knows of no way that, with any dispatch,  
12 we could get the Board of Supervisors to so act.

13 All right. Thank you, Miss Wendell.

14 JUROR NO. 6: Thank you.

15 THE COURT: Room 253, then; if you would, forthwith.

16 MR. KANAREK: Thank you, Miss Wendell.

17 THE COURT: All right. Call another name.

18 THE CLERK: Mrs. Ruth E. Spence; S-p-e-n-c-e.

19  
20 VOIR DIRE EXAMINATION OF  
21 MRS. RUTH E. SPENCE

22 BY THE COURT:

23 Q Mrs. Spence, have you been present during all the  
24 proceedings?

25 A Yes, I have, your Honor.

26 Q And it's Mrs., is it?

27 A Yes.

28 Q Mrs. Spence, would your answers be any different

1 than the majority of the jurors have responded to the Court's  
2 questions put to them as a group?

3 A No, your Honor.

4 Q Pardon?

5 A No.

6 Q Hold that right up there. It has to be right  
7 against your mouth.

8 A No, your Honor.

9 Q All right. Thank you. Your jury experience,  
10 would you relate that, in criminal cases?

11 A I beg your pardon?

12 Q Have you had any jury experience in criminal  
13 cases?

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

15 Q Are you employed outside the home, Mrs. Spence?

16 A Right now, I am temporarily off.

17 Q From what type of job?

18 A Electronics.

19 Q And what did you do? Were you an assembler?

20 A I was an assembler of kits for (unintelligible).

21 THE REPORTER: Of kits for what?

22 Q BY THE COURT: You have to keep holding that  
23 electronic instrument right up there.

24 A I build kits to be assembled for circuit boards,  
25 to be used in computers.

26 Q I see. And you are temporarily unemployed?

27 A Right.

28 Q Would there be any hardship for you, financially,

1 were you to serve?

2 A Well, I am drawing my unemployment, and I have to  
3 report every two weeks, on Monday.

4 And my husband, he works. But I need my unemploy-  
5 ment to help --

6 Q If you were simply drawing unemployment, it would  
7 be less, of course, than --

8 A Right.

9 Q -- what you would be earning?

10 A Right.

8d fls.

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1 Q And do you anticipate going back to work?

2 A If I'm called back, I will go back.

3 Q So that there's a possible loss of earnings to  
4 you --

5 A Right.

6 Q -- should you be called back?

7 A Right.

8 Q And of course, if you are on jury duty, you would  
9 not be available for employment likewise?

10 A Right.

11 THE COURT: Gentlemen?

12 MR. KANAREK: Yes. I just have a question, your Honor.

13  
14 VOIR DIRE EXAMINATION

15 BY MR. KANAREK:

16 Q Mrs. Spence, do you know of -- well, do you have  
17 any idea as to when you might be called back?

18 A No, I don't.

19 Q What is your state of mind on your impression  
20 about that?

21 A I have been laid off since October. And I called  
22 the job about three weeks ago, and they was calling some of  
23 the girls back.

24 But I don't know how soon I will be called back.  
25 I couldn't tell you how soon.

26 Q So you have -- it's been since October that you  
27 have been --

28 A That's right.

1 Q -- unemployed in your particular profession?

2 A Right. I have been laid off since October.

3 Q And the company that you work for, do they have --  
4 what type of contracts do they have? Do you know? Are they  
5 sponsored by government? Are they United States Government?

6 A I don't really know.

7 MR. KANAREK: I see. Thank you, your Honor. Submit it.

8 MR. MANZELLA: The People will stipulate that there is  
9 a hardship, your Honor.

10  
11 VOIR DIRE EXAMINATION

12 BY THE COURT:

13 Q Will you be seeking other employment, Mrs. Spence,  
14 as well?

15 A Well, I'll -- I look all the time, you know, for  
16 work. But so far, it's -- I haven't been able to find  
17 anything.

18 Q It would be your intention, were you not chosen  
19 for this jury, to continue to seek employment?

20 A Right, I sure would.

21 Q And your employment -- your wages and your  
22 husband's wages are needed to support your entire family?

23 A Yes. I have seven children at home.

24 Q Mrs. Spence, you needn't say anything further.

25 (Laughter.)

26 JUROR NO. 6: Thank you.

27 THE COURT: We'll excuse you.

28 JUROR NO. 6: Thank you.

1 THE COURT: Thank you. The Court finds that this would  
2 be a hardship to her to serve.

3 THE CLERK: Leonard C. Rosales; R-o-s-a-l-e-s.

4  
5 VOIR DIRE EXAMINATION OF  
6 LEONARD C. ROSALES

7 BY THE COURT:

8 Q Mr. Rosales, have you heard all the proceedings  
9 thus far this morning, and this afternoon?

10 A Yes, I have, your Honor.

11 Q And would your answers be any different than the  
12 majority have responded to the questions put to the group as  
13 a whole?

14 A No, they wouldn't.

15 Q All right. Would you suffer any hardship, should  
16 you be chosen as a juror?

17 A Well, I had phoned my employer to see about it.  
18 He wasn't too sure, but he thinks they might pay me for the  
19 whole term.

20 Q What kind of employment do you have?

21 A I work for Western Electric Company, in the City  
22 of Commerce, where I live.

23 Q There wouldn't be any personal hardship otherwise,  
24 then?

25 A Well, not really, although I have -- I go to a  
26 school class, and I have --

27 Q During the day?

28 A No, at night.

1 Q Well, it would be the Court's intention not to  
2 sequester you. And it's quite likely that that would not --  
3 it would not occur that you would be sequestered. However,  
4 I cannot say that this is certain; something may arise during  
5 the course of the trial whereby the Court might, on motion,  
6 have to sequester you -- or believe that it should be done.

7 Do you understand that?

8 A Yes. Well, this, the class I am taking, would be  
9 over.

10 Q Pardon?

11 A The class I am taking will be over within a month  
12 or so.

9 fls.

9-1

1 Q Very well.

2 All right, have you had any jury experience in  
3 criminal cases?

4 A Not before this term. This is my first term of  
5 duty.

6 Q All right. The nature of your employment again,  
7 you are with Western Electric Company?

8 A Yes.

9 Q What do you do?

10 A I am an assembler for -- I make some communication  
11 units for the Western Electric Company.

12 Q Are you related to or a friend of any law  
13 enforcement officer or have you had any law enforcement  
14 training?

15 A Well, I have my sister-in-law's brother who is  
16 with the Sheriff's Department.

17 Q Sister-in-law's brother?

18 A Well --

19 Q Is he a Deputy Sheriff?

20 A Well, I'm not closely -- you know, close contact.

21 Q Do you see him?

22 A Not very often, no.

23 Q Do you think that would affect your judgment?

24 A No, it wouldn't.

25 Q What general area do you reside?

26 A In the City of Commerce.

27 Q Can you think of any reason why you couldn't --  
28 strike that.



1 I'm going to ask you about your opinions concern-  
2 ing the death penalty, if any.

3 Do you have opinions concerning the death  
4 penalty, such that you could not thereby be impartial in  
5 determining the question of guilt or innocence?

6 A Well, I'm not really for any kind of death at  
7 all, but if it has to be I have to look at all the evidence  
8 and whatever is concerned with it.

9 Q I see. So you would not, because of your feelings  
10 concerning the death penalty, automatically refuse to impose  
11 it?

12 A No.

13 Q Would you, on the other hand, automatically  
14 impose it upon a conviction of murder of the first degree  
15 without regard to the evidence?

16 A No, I would have to regard the evidence.

17 Q Are your views concerning the death penalty  
18 such that you could not -- strike that.

19 Are your views concerning the death penalty such  
20 that you could never vote to impose it in any case, regardless  
21 of the evidence?

22 A Not never. Like I said, it depends on the  
23 evidence.

24 Q Very well.

25 All right, can you think of any reason why you  
26 couldn't be fair and impartial in the case, Mr. Rosales?

27 A No.

28 THE COURT: Pass that microphone back to Mr. McCabe, if

1 you would, please.

2  
3 VOIR DIRE EXAMINATION OF  
4 MR. PATRICK McCABE

5 BY THE COURT:

6 Q Mr. McCabe, would you suffer any hardship by  
7 reason of serving on this jury?

8 A Yes, your Honor. I am a school teacher.

9 Q Pardon?

10 A I am a school teacher, Los Angeles City Schools.

11 Q And do you believe that the Los Angeles City  
12 School System would not pay you?

13 A Yes, it is my belief.

14 Q Have you checked with the School System?

15 A No. I received it from somebody else who had jury  
16 duty.

17 Q Well, the Court will ask you to check with the  
18 Board of Education to determine whether or not they will pay  
19 it.

20 It was the Court's impression -- it is the Court's  
21 impression that you could be paid for any jury service. I  
22 mean, they would keep your salary going during the time that you  
23 were involved -- that you might be involved in a jury trial of  
24 this length.

25 A I will.

26 Q Check with them and let us know.

27 Aside from that, would there be any hardship?

28 A No.

1 Q Have you had any jury experience?

2 A No.

3 Q This is the first case of any type that you have  
4 ever been called --

5 A Yes.

6 Q All right.

7 You are a teacher, you say?

8 A Yes.

9 Q Where?

10 A Eagle Rock High School.

11 Q How long have you been so employed?

12 A About four years.

13 Q Are you related to or a friend of any law  
14 enforcement officer or have you had any legal training or  
15 been connected with law enforcement?

16 A Uh, no, not that I know of. And no.

17 Q All right.

18 And you live in what general area?

19 A Northeast Los Angeles.

20 Q Is there a Mrs. McCabe?

21 A Yes.

22 Q And is she employed outside the home?

23 A No.

24 Q In regard to the death penalty, do you have such  
25 views concerning it that you could not be impartial in  
26 determining the first phase of the case, the phase concerning  
27 guilt or innocence?

28 A Yes, I would -- I would not vote for the death

1 penalty directly or indirectly. I consider it a form of  
2 social murder.

3 Q In other words, you would automatically refuse to  
4 impose it regardless of the evidence that might be produced?

5 A Yes.

6 Q Is your state of mind such that you would never  
7 vote to impose the death penalty?

8 A I'm sorry, would you repeat that.

9 Q Is your state of mind such that you would never  
10 vote to impose the death penalty?

11 A Yes.

9a fls.

9a-1

1 Q Are your views concerning the death penalty such  
2 that you would never vote to impose it -- that you would  
3 never even consider imposing the death penalty?

4 A Yes.

5 THE COURT: Mr. Manzella.

6 MR. MANZELLA: Yes, your Honor, the People would  
7 respectfully challenge Mr. McCabe for cause because of his  
8 views concerning the death penalty under Section 1073,  
9 Subdivision 2, and 1074, Subdivision 8 of the Penal Code.

10 THE COURT: Any questions?

11 MR. KANAREK: Yes, your Honor.

12 THE COURT: Very briefly, if you would, please.

13 MR. KANAREK: Yes.

14  
15 VOIR DIRE EXAMINATION

16 BY MR. KANAREK:

17 Q Mr. McCabe, is there any reason why you couldn't,  
18 on the guilt or innocence phase, which doesn't involve  
19 punishment or penalty, is there any reason why you couldn't  
20 sit and impartially determine that aspect of the case?

21 A There is not too much difference between an  
22 indirect influence and a direct influence on having something  
23 to do with the death penalty. They're both -- uh -- result  
24 in the same thing.

25 Q But recognizing that when you sit as a juror  
26 you can decide -- you have the decision individually as to  
27 whether it is life or death.

28 Having that in mind, could you sit and impartially

1 look at the evidence?

2 A No, I could not, with the back of my mind saying  
3 that the death penalty is wrong. I could not be impartial.

4 MR. KANAREK: We would oppose the challenge, your Honor.

5 THE COURT: Is there a challenge, Mr. Manzella?

6 MR. MANZELLA: Yes, your Honor. I have already stated  
7 it.

8 THE COURT: Pardon?

9 MR. MANZELLA: Yes. I will state it again, if you  
10 would like.

11 THE COURT: Very well, the Court grants the challenge,  
12 Mr. Manzella.

13 Mr. McCabe, the Court excuses you and thanks you.

14 Do you have any time left for jury -- jury duty?  
15 Do you have some time left?

16 JUROR NO. 12: Yes, sir.

17 THE COURT: Report to Room 253, the jury assembly room,  
18 please.

19 Generally -- I don't want to embarrass you, Mr.  
20 McCabe, but generally if you are a juror you should wear a  
21 coat and tie.

22 JUROR NO. 12: Yes.

23 THE COURT: Call another name.

24 THE CLERK: Akira Akamine, A-k-i-r-a, last name,  
25 A-k-a-m-i-n-e.  
26  
27  
28

VOIR DIRE EXAMINATION OF  
AKIRA AKAMINE

BY THE COURT:

Q Mr. Akamine, is that the correct pronunciation of your name?

A Akira Akamine.

THE COURT: Akamine?

A Akamine.

Q Mr. Akamine, you have been present during all of the proceedings thus far?

A Yes, your Honor.

Q Would your answers be any different than the majority of the Court's questions put to the group in the box?

A No, your Honor.

Q All right. Would it entail any hardship on your part to serve as a juror in this case?

A I called the company during lunch hour and I talked to a manager.

Q Keep that microphone right close.

A Yes.

Uh, they didn't mind -- well, I am a refrigeration and air conditioning man and this is the peak of the season, and so up to my 30 days they wouldn't mind.

Q They would not pay you after 30 days?

A They didn't reply that.

Q And what company do you work for?

A General Electric.

Q How long have you been employed with them?

1 A Going on my second year.

2 Q And you did ascertain that your pay stops at 30  
3 days of jury duty, is that correct?

4 A No, they didn't reply that. They didn't say  
5 that.

6 Q They didn't --

7 A He did not say that.

8 Q "He did not say that"?

9 A (Nods head.)

10 Q I'm not sure, then, what you mean.

11 Will they continue to pay you?

12 A Probably they will.

13 Q Well, what you are saying is that it would be a  
14 hardship to the company to have you absent during the peak of  
15 the summer season?

16 A That's right, sir.

9b fls.



9b-1

- 1 Q But they would, nevertheless, continue to pay you?
- 2 A I'm sure they would.
- 3 Q Very well.
- 4 Would there be any other hardship that you can
- 5 think of, any personal hardship?
- 6 A Well, I'm in charge of a group that I am taking
- 7 to a convention in July.
- 8 Q A convention?
- 9 A Yes, Seattle.
- 10 Q What convention is that?
- 11 A It has to do with our church.
- 12 Q How long is that convention?
- 13 A It is three days, the 23rd, 24th and the 25th.
- 14 We will be returning on the 26th.
- 15 Q Well, nearly everyone of us is giving up something
- 16 of that nature, a vacation or some period of time.
- 17 I know for some lawyers, and some judges, it is
- 18 the Bar Convention in London, as I mentioned, so the Court
- 19 wouldn't find that, Mr. Akamine, to be a great hardship.
- 20 Have you served as a juror before?
- 21 A No, sir.
- 22 Q You are employed by General Electric in what
- 23 capacity did you say?
- 24 A Refrigeration and air conditioning serviceman.
- 25 Q In service.
- 26 All right, are you related to or a friend of any
- 27 law enforcement officer?
- 28 A No, sir.

1 Q What general area do you reside?

2 A Central Los Angeles.

3 Q Do you have such views concerning the death  
4 penalty that you couldn't, by reason of those views, be  
5 fair and impartial in determining guilt or innocence in the  
6 first phase of this trial?

7 A No, sir.

8 Q All right.

9 Do you have such views concerning the death penalty  
10 that you could automatically refuse to impose it without  
11 regard to the evidence?

12 A No, sir.

13 Q Or do you have such views concerning it that you  
14 would automatically impose it upon a conviction of murder of  
15 the first degree, as I have defined it for you?

16 A No, sir.

17 Q All right.

18 Can you think of any reason why you couldn't be  
19 fair and impartial in the case, Mr. Akamine?

20 A Well, I have a situation here where I would -- I  
21 would not prefer to have it recorded, if I could just maybe  
22 talk to you in private.

23 Q Well, could you give us some inkling, in a word,  
24 as to what it is? Perhaps we will ask you --

25 A Yes.

26 Q -- ask you about it privately.

27 A It has to do with my church and Mr. Manson.

28 Q All right. We will ask you about that privately,

1 then, if you wish, if both counsel agree.

2 MR. KANAREK: Yes.

3 MR. MANZELLA: People will stipulate that he may be  
4 questioned privately about that, your Honor.

5 THE COURT: Mr. Kanarek, is that satisfactory with you?

6 MR. KANAREK: Oh, certainly, certainly.

7 THE COURT: All right, we'll ask about that privately.

8 Q BY THE COURT: Other than that reason, you have  
9 no other reason that you can think of, is that right --

10 A No, sir.

11 Q -- why you couldn't be fair and impartial?

12 A No, sir.

13 THE COURT: Pass that along to Mrs. Pilik.

14 I think before we go on, however, I think I'll  
15 give you a break. We have been going for quite sometime.

16 Remember the admonition I have heretofore given  
17 you, you are not to converse amongst yourselves, nor allow  
18 anyone to converse with you on any subject connected with this  
19 matter, nor are you to form or express any opinion on the  
20 matter until it is finally submitted to you, should you be  
21 chosen as a juror.

22 About ten minutes, ladies and gentlemen.

23 Be back in the box in about ten minutes.

24 (Afternoon recess.)

10 fls.

25

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9C-1

1 THE COURT: The record will show Mr. Manson to be  
2 present with Mr. Kanarek.

3 Mr. Manzella for the People.

4 The court notes that the prospective jurors are  
5 beyond the rail and in the box.

6  
7 VOIR DIRE EXAMINATION OF

8 MRS. ANNA PILIK

9 BY THE COURT:

10 Q Mrs. Pilik, would you suffer any hardship were  
11 you to serve as a juror?

12 A Yes, your Honor.

13 Q Tell us about it.

14 A I am expecting a visit of my sister-in-law in  
15 August from behind the Iron Curtain, and I am supposed to show  
16 her -- this is her first and only time in the United States,  
17 and those people are not free to travel as they please.

18 Q How long will she be here?

19 A A month.

20 We have been waiting for this visit for over a  
21 year now.

22 Q Well, that, the Court believes, would not be  
23 sufficient showing of hardship to excuse you from your  
24 obligation as a juror, Mrs. Pilik.

25 I would certainly sympathize with you, although  
26 you would be free in the evenings to see her and guide her  
27 around, and on the weekends.

28 So other than that, is there any hardship involved --

1 A No, sir.

2 Q -- to you?

3 Have you been a juror before?

4 A No.

5 Q Are you employed outside of the home?

6 A No.

7 Q Is there a Mr. Pilik?

8 A Yes, your Honor.

9 Q What does he do?

10 A My husband is a bartender.

11 Q In what area or place?

12 A Hollywood.

13 Q All right.

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

16 A No.

17 Q And in what general area do you reside?

18 A In Hollywood.

19 Q Do you have such views concerning the death  
20 penalty that you could not thereby be fair and impartial  
21 in determining the first phase of the trial, in determining  
22 guilt or innocence?

23 A Yes, sir, I have very strong feelings about the  
24 death penalty.

25 Q Are your views concerning the death penalty such  
26 that you would automatically refuse to impose it without  
27 regard to any evidence that might be developed in the case?

28 A Yes.

1 Q Are your views concerning the death penalty  
2 such you would never vote to impose it?

3 A Yes, I would never vote to impose it.

4 Q Regardless of the evidence?

5 A Regardless of the evidence.

6 Q Would you even consider imposing the death penalty  
7 in this case or any case?

8 A No, I would never consider it.

9 THE COURT: Any questions, gentlemen?

10 MR. KANAREK: Yes, may I just ask a few.

11  
12 VOIR DIRE EXAMINATION

13 BY MR. KANAREK:

14 Q In connection with the guilt or innocence, have  
15 you thought about that, as to whether, let's say, you didn't  
16 have to decide penalty, just decide whether somebody is guilty  
17 or not guilty?

18 A Well, if the charge is first degree murder, I  
19 would be too emotional to be able to decide fairly guilt or  
20 innocence.

21 MR. KANAREK: Thank you.

22 MR. MANZELLA: Your Honor, the People would respectfully  
23 challenge the juror for cause under Section 1073, Subdivision  
24 2, and Section 1074, Subdivision 8 of the Penal Code.

25 MR. KANAREK: Oppose the challenge.

26 THE COURT: The Court grants the challenge, Mrs. Pilik.  
27 Thank you very much. The Court does excuse you.

28 MR. KANAREK: Thank you, Mrs. Pilik.

1 THE COURT: And Mrs. Pilik, you have further time left  
2 on jury duty?

3 JUROR NO. 11: Yes.

4 THE COURT: You need not report today, but report --

5 JUROR NO. 11: Tomorrow morning?

6 THE COURT: When is it, Mrs. Holt?

7 Report tomorrow, Room 253.

8 JUROR NO. 11: Yes, your Honor.

9 THE COURT: Find another juror to take Mrs. Pilik's  
10 place.

11 THE CLERK: Miss Mable Moody, M-a-b-l-e, last name,  
12 M-o-o-d-y.

9d fls

VOIR DIRE EXAMINATION OF  
MISS MABLE MOODY

BY THE COURT:

Q All right.

Would your answers be any different than the majority of the jurors have responded to the Court's questions put to the group as a whole?

A No.

Q All right. Would there be any hardship to you to serve as a juror?

A Yes, it would be.

Q In what way?

A I've only been given 30 days off from work. I have to report back on the 20th of July.

Q For whom do you work?

A Uh, Post Office Department.

Q What you are saying is that it would cause you -- cause the Post Office some inconvenience?

A No, no, me, because I wouldn't be getting any pay. They'll only pay me for 30 days off.

Q It is the Court's impression the federal government would pay.

A I have a slip, if you would like to see it, that they gave me. This is what they told me.

THE COURT: Mrs. Smith, you are with the Post Office?

JUROR NO. 5: Yes, they gave me the same slip with 30 days on it. I guess the new organization that's taken over the Post Office and they're not sure what's going to happen.



1           It takes over on July 1st, the new corporation,  
2 of the Post Office.

3           Q       BY THE COURT: All right, Mrs. Moody, the Court  
4 will check that on your behalf, and on behalf of Mrs. Smith,  
5 and find out about that.

6           A       That's all right.

7           Q       Have you been on a jury before?

8           A       No.

9           Q       You're employed in the Post Office where, in  
10 Los Angeles?

11          A       Yes, sir.

12          Q       And you are related to or a friend of any law  
13 enforcement officer?

14          A       No, I am not.

15          Q       In what area do you reside?

16          A       Southwest area.

17          Q       Southwest Los Angeles?

18          A       Yes.

19          Q       All right. Do you have any views concerning the  
20 death penalty, such that you could not be impartial by  
21 reason of those views in determining the question of guilt  
22 or innocence?

23          A       For this particular case I do.

24          Q       Pardon?

25          A       For this case I do. Mr. Manson's case.

26          Q       You mean by that that you have some prejudice  
27 in favor of the death penalty?

28          A       No -- well, what I have seen in the newspapers

1 and heard on the radio, I don't think I could judge --

2 Q You don't think you could be fair and impartial  
3 in connection with it?

4 A That's right, sir.

5 Q Now, I'm not speaking of any bias you might have  
6 regarding publicity which has arisen as a result of publicity.  
7 What I am talking about is the death penalty.

8 Do you have views concerning the death penalty?

9 A Yes, I have.

10 Q All right.

11 And are those views concerning the death penalty  
12 such that you would automatically refuse to impose it? You  
13 would automatically vote against the death penalty regardless  
14 of what evidence might be produced?

15 A Yes.

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

18 A Yes, that's true.

19 Q In this case or in any case would you ever vote  
20 for the death penalty?

21 A No, I would not.

22 Q Are your views such concerning the death penalty  
23 that you could not be impartial in determining the first phase  
24 of the case, the phase concerning guilt or innocence?

25 A No.

26 Q You could be impartial, then, in determining that  
27 part of the case?

28 A The death -- the sentence part, yes.

1           Q       The first phase of the case is what I am speaking  
2 of, Mrs. Moody. Follow my question, if you will.

3                    Could you be fair and impartial in determining  
4 that phase of the case, the first phase of the case?

5           A       Yes.

6           Q       It is when you got to the death penalty or the  
7 penalty, rather, -- and the Court is not implying, in asking  
8 this question, that it will ever be necessary for you to come  
9 to that phase, because the defendant may never be convicted  
10 of murder of the first degree.

11                   You understand that?

12          A       Yes.

13          Q       And then, the Court instructs you, and all of you,  
14 that the Court does not, in questioning you about the death  
15 penalty, imply that it will ever become necessary for you  
16 to make any decision in the penalty phase.

17                   But the point that you are raising, is that in  
18 the penalty phase you would automatically refuse to impose  
19 the death penalty, is that correct?

20          A       That's correct, sir.

21          THE COURT: All right, any questions?

22          MR. MANZELLA: I have no questions, your Honor.

23          MR. KANAREK: Yes, your Honor.

24                   I believe, your Honor, under 1073, Subsection 2,  
25 based upon this lady's observations from the publicity, we  
26 would interpose a challenge, not based upon the death penalty  
27 issue. I think she has stated that, and I would challenge  
28 on that ground, your Honor, and maybe Mr. Manzella on the

1 other hand has a viewpoint as to the death penalty.

2 Q BY THE COURT: Very well, your feeling is, Mrs.  
3 Moody, because of what you have seen, heard or read, that  
4 you could not be fair and impartial in this case?

5 A Yes, sir.

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1 THE COURT: It would be impossible for you, because of  
2 publicity, advance publicity, for you to be impartial; is that  
3 correct?

4 JUROR NO. 11: Yes, sir.

5 THE COURT: Am I stating your state of mind correctly?

6 JUROR NO. 11: Yes, that's right.

7 THE COURT: All right. I will grant the defendant's  
8 challenge for cause. So you are excused, Mrs. Moody. The  
9 Court thanks you and excuses you.

10 MR. KANAREK: Thank you, Mrs. Moody.

11 THE COURT: Mrs. Smith, you are raising your hand.

12 JUROR NO. 5: That was the same point I had, about the  
13 prior publicity of the first case verdict, on the death  
14 penalty.

15 THE COURT: I'm not quite sure I understand. In regard  
16 to the death penalty, you've already responded what your views  
17 are.

18 JUROR NO. 5: My views on the death penalty is that I --  
19 I'm neither for nor against it, according to the evidence,  
20 but --

21 THE COURT: You will make a decision depending upon  
22 the evidence?

23 JUROR NO. 5: Depending upon the evidence, but in this  
24 particular case, the evidence -- as a result of the first case,  
25 I could not vote for another death penalty, is what I am  
26 saying. In this case.

27 THE COURT: If the Court should instruct you that you  
28 are to set aside whatever you may have learned, whatever you

1 may have learned from the pretrial publicity, and that -- as  
2 you've termed it "that other case" -- and decide the case only  
3 on the evidence that's presented here in this case, and the  
4 Court's instructions of law that are presented in this case,  
5 would you be able to follow that instruction?

6 JUROR NO. 5: Uhh -- I don't think I could convict a  
7 man twice to die.

8 THE COURT: Well, do you think that you would be unable  
9 to follow the Court's instructions in respect to the law?

10 JUROR NO. 5: That is, not in that case -- not in this  
11 particular case.

12 THE COURT: You believe that in this case, then,  
13 regardless of what the evidence may show, that you could not  
14 vote for the death penalty? Is that what you are saying?

15 JUROR NO. 5: I am saying that I couldn't vote for the  
16 death penalty for him again.

17 THE COURT: All right.

18 JUROR NO. 5: In this particular case.

19 THE COURT: Then you would be unable to disregard what  
20 you have learned through the press? Or through radio or  
21 television?

22 The Court would tell you that you should disregard  
23 completely, set aside completely whatever you may have learned,  
24 seen or read from pre-trial publicity; anything that's --  
25 that you've heard, seen or read.

26 A Well, I don't think I could --

27 THE COURT: And decide this case solely on what you hear  
28 from the witness stand, what you hear in this courtroom

1 regarding the evidence -- hear or see in this courtroom  
2 concerning the evidence.

3 You can't do that?

4 JUROR NO. 5: No, sir. You can't erase your mind like  
5 that.

6 THE COURT: You don't believe you could?

7 JUROR NO. 5: No, sir.

8 THE COURT: So that you could not thereby be fair and  
9 impartial in determining even the issue of guilt or innocence?

10 JUROR NO. 5: I could determine the guilt or innocence,  
11 but I couldn't convict him to die again.

12 THE COURT: You've learned, then, that Mr. Manson has  
13 been convicted of murder of the first degree?

14 JUROR NO. 5: Yes, sir.

15 THE COURT: And that he has been sentenced to death?

16 JUROR NO. 5: Yes, sir.

17 THE COURT: And you could not set that aside?

18 JUROR NO. 5: I could not convict him again to die.

19 I could find him guilty again, but not to  
20 convict him to die, twice. That was what I meant by, "based  
21 on the first case evidence."

22 THE COURT: So, would you automatically refuse to  
23 impose the death penalty in this case?

24 JUROR NO. 5: Yeah, for the second time, yes, sir.

10a fls.

10a-1

1 THE COURT: You would not be able to follow the Court's  
2 instructions and set aside what you may have learned?

3 JUROR NO. 5: No, sir, I can't forget that easily.

4 THE COURT: And your reaction, then, would be to  
5 automatically refuse to impose the death penalty in this  
6 case, because of the nature of what you have learned concern-  
7 ing another case?

8 JUROR NO. 5: Yes, sir, in this particular case.

9 THE COURT: And that would be without regard to the  
10 evidence that might be produced in this case?

11 JUROR NO. 5: Yes, sir.

12 THE COURT: Any questions?

13 MR. KANAREK: Your Honor, I have no questions of this  
14 prospective juror.

15 THE COURT: Mr. Manzella?

16 MR. MANZELLA: Yes, your Honor. The People would  
17 respectfully challenge Mrs. Smith for cause under Section  
18 1073 Subdivision 2 and Section 1074, Subdivision 8 of the  
19 Penal Code.

20 MR. KANAREK: Your Honor, if I may, I would oppose  
21 that challenge, in that I don't believe that the lady  
22 testified concerning what the law requires.

23 She is not speaking about any kind of conscientious  
24 scruples she has concerning the death penalty. And we are  
25 not supposed to get specific in connection with that interroga-  
26 tion.

27 I think that -- I don't think that the challenge  
28 is a valid challenge; because certainly, she has previously



1 stated that she has no particular feeling, one way or the  
2 other, against the death penalty.

3 So I don't think that that challenge lies, your  
4 Honor.

5 THE COURT: The Court finds that she would, by reason  
6 of what she stated, automatically refuse to impose the death  
7 penalty in this case.

8 You would not consider the death penalty in this  
9 case, regardless of the evidence; is that correct, Mrs. Smith?

10 JUROR NO. 5: Yes, sir.

11 THE COURT: The Court therefore grants the challenge.

12 You are excused, Mrs. Smith. Report to Room  
13 253 tomorrow, if you would, please, at 9:00 o'clock.

14 JUROR NO. 5: Thank you.

15 THE COURT: Call two jurors, one for Mrs. Moody and  
16 one for Mrs. Smith. Call No. 5 first, for Mrs. Smith.

17 THE CLERK: Jack H. Waggoner, Jr.; W-a-g-g-o-n-e-r.

18 Joseph G. Prior; P-r-i-o-r.

19 THE COURT: Mr. Waggoner, and Mr. Prior, have each of  
20 you been present during all the proceedings thus far in this  
21 case today?

22 JUROR NO. 5: Yes, sir.

23 JUROR NO. 11: Yes, sir.

24 THE COURT: Would your answers, Mr. Waggoner, be any  
25 different than the majority of the jurors, the manner in which  
26 they have responded to the questions put to them as a group?

27 JUROR NO. 5: No, sir.

28 JUROR NO. 11: Yes, sir.

1 THE COURT: In what way would your answers be  
2 different?

3 JUROR NO. 11: Oh. No, sir.

4 THE COURT: In what way would your answers be  
5 different.

6 JUROR NO. 11: No, I mean.

7 THE COURT: Yours would be the same as those responses  
8 made by the jurors, to the questions put to the group as a  
9 whole?

10 JUROR NO. 11: Yes, sir.

11  
12 VOIR DIRE EXAMINATION OF  
13 JACK H. WAGGONER, JR.

14 BY THE COURT:

15 Q Mr. Waggoner, would this involve any hardship  
16 to you, were you to serve as a juror in this case?

17 A Well, I called my department chairman this noon  
18 hour. He said that I could continue to get my full salary  
19 during the five months. On the other hand, he said that  
20 since I am employed in a private college, that's a little  
21 hard up for funds, that they would have to just overload the  
22 rest of the staff; and to make that plain to everybody here.

23 But that they would still pay my salary.

24 Q I see. Where are you employed?

25 A Harvey Mudd College, Physics Department.

26 Q And how long have you been so employed?

27 A Ten years.

28 Q And the nature of your employment is what?

1 A Physics professor.

2 Q Would there be any other hardship, that you can  
3 think of, any personal hardship to you?

4 A Not that I can really complain about, if you are  
5 not going to London.

6 THE COURT: All right.

7  
8 VOIR DIRE EXAMINATION OF  
9 JOSEPH G. PRIOR

10 BY THE COURT:

11 Q Mr. Prior, what would be your answers?

12 A Well, to the hardship, I was planning to take a  
13 rest. And then I came down to get this over, so that I could  
14 take a rest. But I was thinking of making it a couple days,  
15 because I was getting tired of work, but I don't think I could  
16 make five months.

17 And another thing: I've worked outdoors all my  
18 life, and I find when I'm inside over three weeks, I just  
19 can't concentrate.

20 I was on the Municipal Court jury panel, and I  
21 found that the fourth week, it took every bit of effort I had.  
22 I am just not used to being inside. I never have --

23 Q What type of work do you do?

24 A I work in the Parts Department, in the Nursery,  
25 and I raise ornamental plants, you know. And I've never been  
26 inside two days in a row in my life, you know. And I find  
27 that -- I would be a nervous wreck before I got done.

28 Q Are you under a doctor's care of any kind?

1 A Oh, no, no. Nothing like that.

2 Q Well, the Court doesn't believe that you set forth  
3 -- unless you can --

4 A Oh, I mean, if I had to do it, I can do it, but --

5 Q You can do it.

6 A But I'm almost afraid I'll start missing a couple  
7 of days. I do at work every once in a while miss a couple of  
8 days, when I just can't last.

9 Q What's the cause of that, Mr. Prior?

10 A I just sort of get tired. As long as I get  
11 outdoors, I'm all right. But -- and as long as they keep me  
12 outdoors, I'm all right. But when I get indoors, I just --  
13 my superintendent, he can verify that, if you want to call him.

14 Q Well, I won't bother to phone. I'll take your  
15 word for it, Mr. Prior.

16 But if you'll try and observe your oath as a juror,  
17 that's sufficient for the Court, to allow you to serve as a  
18 juror.

19 I think that if you'll conscientiously make an  
20 effort, that would be sufficient.

21 A But see, I can last for -- I can do it for 20 days  
22 or 30 days at a time. But the last week, it's an awful effort  
23 for me.

24 Q You are employed where?

25 A The Parks Department, in the nursery.

26 Q By whom?

27 A The City Parks, Los Angeles City.

28 Q Oh, I see. It's a -- you are employed by the City?

1 A Yes, uh-huh.

2 Q Have you ever been involved with law enforcement  
3 in any way, or are you related to or a friend of any law  
4 enforcement officer?

5 A No.

6 Q In what general area do you reside?

7 A Right around Wilshire and Crenshaw.

8 Q All right. Do you have views concerning the death  
9 penalty such as would keep you from being fair and impartial  
10 in determining the first phase of the case?

11 A No, I don't.

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

15 A No.

16 Q Other than that reason that you just spelled out,  
17 is there any reason why you couldn't be fair and impartial as  
18 a juror in this case?

19 A No.

20 THE COURT: All right. Pass that back, then, to Mr.  
21 Waggoner.

22  
23 FURTHER VOIR DIRE EXAMINATION OF

24 JACK H. WAGGONER, JR.

25 BY THE COURT:

26 Q Professor Waggoner, would you tell me, are you  
27 related to or a friend of any law enforcement officer?

28 A Not that I know of.

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Q And in what general area do you reside?

A Claremont.

Q Have you had jury experience before?

A No, sir.

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1 THE COURT: Did I ask you that, Mr. Prior? Have you  
2 served as a juror in a criminal case?

3 JUROR NO. 11: On the municipal court, yes.

4 THE COURT: And ever in the Superior Court?

5 JUROR NO. 11: No, no.

6 THE COURT: Very well. All right.

7 Q Mr. Waggoner, can you think of -- Professor  
8 Waggoner, can you think of any reason why you couldn't be  
9 fair and impartial in this case?

10 A Well, to be really honest, I never know what I may  
11 really think. I can just say: I'll do my best.

12 Q Do you have views concerning the death penalty  
13 such as would keep you from being fair and impartial in  
14 deciding the first phase of the trial?

15 A My views aren't really that strong. I feel both  
16 sides of the question, actually, so -- to be really honest,  
17 I feel some ways some days; I feel one way other days,  
18 depending on what side of the bed I get up on.

19 Q Mr. -- Professor Waggoner, in connection with the  
20 death penalty, are your views today, at this moment, such that  
21 you would thereby be unable to be impartial in connection with  
22 deciding that first phase of the case?

23 A As far as I can see, I can be impartial.

24 Q All right. Now, do you hold such views concerning  
25 the death penalty that they would cause you to automatically  
26 refuse to impose the death penalty --

27 A No.

28 Q -- without regard to the evidence in the case?

1 A No.

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

5 A I would want to hear the evidence.

6 THE COURT: All right. Thank you, both you gentlemen.

7 Pass that microphone, then, to Mrs. Bullen.

8  
9 VOIR DIRE EXAMINATION OF

10 MRS. MARY D. BULLEN

11 BY THE COURT:

12 Q Mrs. Bullen, would there be any hardship to you,  
13 should you be chosen as a juror?

14 A Not to me personally, but to my case load. There's  
15 no one to cover my --

16 Q To your case load?

17 A My case load, yes. I have a case load of 71  
18 parolees, and there's no one to cover it.

19 Q What office are you in?

20 A Compton. McCarthy's my supervisor.

21 Q What are they doing during the 30 days that you  
22 are absent?

23 A Well, they cover emergencies. You know, just  
24 real emergencies only. And then I do -- after I leave jury  
25 duty, then I'll go in and -- you know, to my contacts, jails,  
26 juvenile halls and so forth.

27 Q Well, would this situation in any way distract  
28 you from your obligation as a juror? Were you to take the oath



1 as a juror here?

2 A No, it wouldn't -- I don't think so. I really  
3 would be thinking about them, though, because I have some in  
4 custody that will have to remain in there until I'm off jury  
5 duty, if I'm not there to get them out.

6 Q Let's talk to you about some other aspects here.  
7 Have you served as a juror before?

8 A Yes, I have.

9 Q In criminal cases?

10 A Yes.

11 Q What was the nature of -- the natures of those  
12 cases?

13 A Oh, an accident, a rape, a kidnap; real bad  
14 cases.

15 Q Were there verdicts in those cases?

16 A Yes.

17 Q And can you set aside what you may have learned  
18 in those cases, and decide this case solely on the evidence  
19 and the law as I shall state it to you?

20 A Yes.

21 Q How long did you say you had been a parole officer?

22 A For five years.

23 Q Do you think that being a parole officer would be  
24 such that you would be more inclined to align yourself with  
25 law enforcement than with --

26 A Definitely not.

27 Q You would not?

28 A No.

1 Q All right.

2 Is there a Mr. Bullen?

3 A No.

4 Q Is it Miss Bullen, then?

5 A Mrs. I'm a widow.

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1 Q In what general area do you reside?

2 A From Redondo Beach to Norwalk; I have to cover  
3 12 different areas, Lynwood, Lakewood, Paramount, Downey,  
4 Norwalk --

5 Q That's the area that you cover as a parole officer?

6 A Right.

7 Q Where do you reside?

8 A In Los Angeles. West L. A.

9 Q Do you have such views concerning the death  
10 penalty that you could not thereby be impartial in determining  
11 the first phase of the case?

12 A I could be impartial in determining the first  
13 phase, yes.

14 Q Now, in regard to the penalty phase, do you have  
15 such views concerning the death penalty that you would  
16 thereby automatically refuse to impose it, regardless of  
17 the evidence that might be produced?

18 A I definitely would.

19 Q You would be unable to vote for the death penalty  
20 in this case or any case?

21 A I would.

22 Q "I would" or "I would not"?

23 A I would.

24 Q You would be able to impose it, then?

25 A No, I would not be able to impose it.

26 Q I see.

27 A Uh-huh.

28 Q So that your views are such concerning the death

1 penalty that you would never vote to impose it?

2 A I would never vote to impose it.

3 Q Would you refuse to consider imposing the death  
4 penalty in this case or in any case?

5 A I would.

6 Q And your reaction, were you to be picked as a  
7 juror, and were you in the jury room deliberating, and were you  
8 at that point where you were to consider that death penalty,  
9 would be to automatically vote against it, regardless of the  
10 evidence; is that correct?

11 A Yes.

12 MR. MANZELLA: Your Honor, the People would respectfully  
13 challenge Mrs. Bullen for cause under Section 1073 Subdivision  
14 2 and Section 1074 Subdivision 8 of the Penal Code.

15 THE COURT: Any questions?

16 MR. KANAREK: Yes, if I may, your Honor.

17 THE COURT: Briefly, if you would, please.

18  
19 VOIR DIRE EXAMINATION

20 BY MR. KANAREK:

21 Q Yes.

22 Mrs. Bullen, directing your attention, then,  
23 to the first phase, there's no question but what you could  
24 fairly decide the guilt or innocence phase; is that correct?

25 A I feel that I could, sure.

26 MR. KANAREK: Thank you.

27 THE COURT: All right. The Court grants the challenge  
28 for cause.

1 Thank you, Mrs. Bullen. You are excused, then.  
2 And the Court thanks you.

3 MR. KANAREK: Your Honor, that's only under Section  
4 1073, Subsection 2; is that correct? And not 1074, Subsection  
5 8? She --

6 THE COURT: Well, the Court finds that she is of such  
7 a mind that she would automatically refuse to impose the death  
8 penalty, regardless of the evidence.

9 MR. KANAREK: Then is your Honor doing it under --  
10 excusing her under 1073, Subsection 2?

11 THE COURT: 1073, Subsection 2, and 1074, Subsection 8.

12 MR. KANAREK: Well, I think she did indicate, your  
13 Honor, that she could be --

14 THE COURT: Oh, yes. You are correct. It would be  
15 1073, Subsection 2.

16 MR. KANAREK: Thank you.

17 THE COURT: Choose another juror.

18 THE CLERK: John T. Sandoval; S-a-n-d-o-v-a-l.

19  
20 VOIR DIRE EXAMINATION OF

21 JOHN T. SANDOVAL

22 BY THE COURT:

23 Q Mr. Sandoval, have you been present during all  
24 of the proceedings thus far?

25 A Yes, your Honor.

26 Q Would your answers be any different than the  
27 majority of the jurors have responded to the Court's questions  
28 put to the group?

1 A No, sir.

2 Q All right. Would your jury service on this case  
3 entail any hardship to you, should you be chosen to serve as  
4 a juror?

5 A Yes, sir.

6 Q Tell us about it.

7 A Well, I am unemployed, and --

8 Q And you would be looking for a job?

9 A Yes, sir.

10 Q And if you are on jury duty, you would be unable  
11 to seek employment.

12 Is your employment your sole source of income?

13 A Yes, sir.

14 THE COURT: Any questions?

15 MR. MANZELLA: No questions, your Honor.

16 MR. KANAREK: Submit it, your Honor.

17 MR. MANZELLA: The People will stipulate that this is a  
18 hardship.

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1 THE COURT: The Court finds that this would entail  
2 hardship that Mr. Sandoval should not be asked to endure,  
3 and the Court excuses him.

4 Thank you, Mr. Sandoval.

5 JUROR NO. 10. Thank you.

6 MR. KANAREK: Thank you, Mr. Sandoval.

7 THE CLERK: Mrs. Helen Thompson; T-h-o-m-p-s-o-n.  
8

9 VOIR DIRE EXAMINATION OF

10 MRS. HELEN THOMPSON

11 BY THE COURT:

12 Q I'm sorry. State your name again for me, please?

13 A Helen Thompson.

14 Q Mrs. Thompson, have you been present during all  
15 the proceedings thus far in this case?

16 A Yes, your Honor.

17 Q And would your answers be any different than the  
18 majority of jurors that responded to the Court's questions  
19 put to the group?

20 A No.

21 Q All right. Would it entail any hardship to you,  
22 Mrs. Thompson, to serve as a juror in this case?

23 A No.

24 Q Have you served as a juror before?

25 A Only on the municipal court.

26 Q And on criminal cases?

27 A Yes.

28 Q And civil as well? Demands for money?

1 A Yes.

2 Q And you will follow the Court's instructions and  
3 the cautionary words concerning the burden of proof, will you  
4 not?

5 A Yes.

6 Q Are you employed outside the home, Mrs. Thompson?

7 A Yes.

8 Q Tell us about that.

9 A Uh -- I'm a County employee. I am employed by  
10 the Department of Public Social Services.

11 Q And how long have you been so employed?

12 A 23 years.

13 Q And where do you work? Here in the City?

14 A Yes. In the Appropriations and Cost Accounting  
15 Section at the Department of Public Social Services.

16 Q Where do you reside?

17 A In the Southwest area.

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

20 A I have a nephew who is a police officer.

21 Q For what department?

22 A The Los Angeles Police Department, at -- at 77th  
23 Street Precinct?

24 Q There is such a place.

25 Do you talk to him often?

26 A Yes.

27 Q And has he discussed cases with you?

28 A No.

10e fls.



10e-1

1 Q Can you think of any reason why you couldn't be  
2 fair and impartial in this case?

3 A No.

4 Q Do you have views concerning the death penalty  
5 such as would keep you from being impartial in determining  
6 guilt or innocence?

7 A No, I don't.

8 Q Or do you have views concerning the death penalty  
9 such as would cause you to automatically refuse to impose it,  
10 regardless of the evidence?

11 A No.

12 Q Or on the other hand, would you have views  
13 concerning the death penalty such that you would automatically  
14 impose it, vote for it, regardless of the evidence?

15 A No, I don't.

16 THE COURT: All right. Thank you, Mrs. Thompson.

17 I'll pass on to Mr. Nelson.

18  
19 VOIR DIRE EXAMINATION OF

20 MR. WILLIAM M. NELSON

21 BY THE COURT:

22 Q Mr. Nelson?

23 A Yes, your Honor.

24 Q Mr. Nelson, if you were called upon to serve  
25 as a juror, would you suffer any hardship thereby?

26 A Your Honor, I have a job -- or a position that  
27 I would be in deep trouble with.

28 Q Tell us about that.

1           A       I am a manufacturing manager, and I report  
2 directly to --

3           Q       A manufacturing --?

4           A       Manager. A manufacturing manager for North  
5 American-Rockwell.

6           Q       I see.

7           A       And part of my responsibility is to act as general  
8 manager of our division; and we are just now setting up two  
9 new production lines, and phasing in people.

10                   Now, I've scheduled my time so that I can handle  
11 this for a month.

12                   I can go in in the evenings and on Saturdays,  
13 and keep going.

14                   But beyond that, sir, I'm in deep trouble; because  
15 the personnel of it are going to go up to four or five hundred  
16 people. And I just have to be there to get the plans set up.

17           Q       And this employment is your sole means of liveli-  
18 hood?

19           A       Yes, sir.

20           Q       And if you were not there, is it likely that you  
21 would suffer some demotion or that someone would have to be  
22 placed in your position?

23           A       They would have to. Somebody would have to be  
24 placed --

25           Q       And that might conceivably cost you some position  
26 in the company?

27           A       Yes, sir.

28           THE COURT: Any questions?

1 MR. KANAREK: Just very briefly.

3 VOIR DIRE EXAMINATION

4 BY MR. KANAREK:

5 Q Mr. Nelson, with what facility of North  
6 American-Rockwell are you connected?

7 A The Saver-Line Division.

8 Q Pardon?

9 A The Saver-Line Division.

10 Q Where is it located?

11 A It's in the Los Angeles Division.

12 Q I see.

13 A The Saver-Line Division is within the Los Angeles  
14 Division. It is now moving out of Building 202, across  
15 Imperial, and the Facility of Engineering. I have got to  
16 go over there with -- part of my concerns about this thing,  
17 we have new buildings, new lines, everything.

18 Q May I just ask: How many years have you been  
19 employed there?

20 A 31.

21 Q 31 years?

22 A Yes, sir.

23 Q And is it a fair statement that you would -- you  
24 don't feel that you would be terminated by reason of --

25 A No, sir. But I -- somebody has to fill that  
26 job.

27 Q I see.

28 A And do it adequately. Because there's nobody else

1 there. And I -- I don't have the supervisory structure  
2 organized to the point, that I have anybody back of me that  
3 can take over.

4 We have been on a low ebb of manufacturing for  
5 the last year, and we are just building up.

6 MR. KANAREK: Thank you, Mr. Nelson.

7 JUROR NO. 9: Yes, sir.

8 THE COURT: Mr. Manzella?

9 MR. MANZELLA: No, I have no questions, your Honor.

10 THE COURT: Do either of you wish to offer a stipula-  
11 tion?

12 MR. MANZELLA: The People will offer to stipulate that  
13 there is a hardship, your Honor.

14 MR. KANAREK: Submit it, your Honor.

15 THE COURT: The Court finds that because Mr. Nelson  
16 might conceivably be replaced, and that -- that there is good  
17 likelihood, rather, that he will be -- that he would be  
18 replaced, if he were to be on this jury for five months or  
19 longer -- or if he were to be here serving as a juror for  
20 many months -- and accordingly, because of that likelihood,  
21 the Court would relieve him, and find that there is a  
22 hardship.

23 Thank you, Mr. Nelson.

24 MR. KANAREK: Thank you, Mr. Nelson.

11 fls.

11-1

1 THE CLERK: Roy A. Wakefield, W-a-k-e-f-i-e-l-d.

2 THE COURT: Mr. Nelson, you have time left? This  
3 isn't your last day?

4 JUROR NO. 9: No, sir.

5 THE COURT: You report at 9:00 o'clock, Room 253.

6 JUROR NO. 9: Oh, I have to get a slip, your Honor.

7 THE CLERK: I'll send it back.

8  
9 VOIR DIRE EXAMINATION OF

10 MR. ROY A. WAKEFIELD

11 BY THE COURT:

12 Q Mr. Wakefield, have you been present during all  
13 the proceedings?

14 A Yes.

15 Q Would your answers be any different than the  
16 majority of the jurors have responded to the questions put  
17 to the group --

18 A I --

19 Q Go ahead.

20 A I feel my answers would more or less go along  
21 with their feelings and thoughts.

22 Q Do you think that your answers would be any  
23 different than the majority have responded to the questions  
24 that I put to the group as a whole?

25 A Not appreciably different, no.

26 Q Would you suffer any hardship if you were to serve  
27 as a juror in the case?

28 A None at all.

1 Q That would be neither personal nor financial, is  
2 that correct?

3 A None that I can think of.

4 Q All right. Have you served as a juror before?

5 A Never.

6 Q What is the nature of your employment?

7 A I am with the City of Los Angeles in the Sewer  
8 Design Department.

9 Q How long have you been employed with the City?

10 A Uh, three and a half years.

11 Q Have you ever been involved in law enforcement in  
12 any way, or are you related to or a friend of any law  
13 enforcement officer?

14 A I have been involved with law enforcement in one  
15 particular instance.

16 I was -- well, I was robbed once.

17 Q Well, were you a witness in the case, is that it?

18 A Well, I was the victim.

19 Q You were a victim in the case, in a robbery case?

20 A Yes.

21 Q Did you ever work for law enforcement, other  
22 than perhaps testifying?

23 A No, I did not, never.

24 Q I see.

25 You've never had a close friend or relative who  
26 is a law enforcement officer?

27 A No, I haven't.

28 Q All right.

1 Now, as to this robbery did somebody hold you up  
2 at gun's point or something of that nature?

3 A That's exactly what happened.

4 Q And how long ago was that?

5 A March 8, 1971.

6 Q What time of day?

7 A 10:00 o'clock in the evening.

8 Q You pinpoint that pretty well. That's so recent.

9 And would it -- would your state of mind be such  
10 that, Mr. Wakefield, that because of that, you couldn't be  
11 fair and impartial to somebody who is accused of a crime?

12 A I don't feel that I could -- would -- uh, this  
13 would render me, uh, to be capable of fair and impartial  
14 judgment.

15 Q You understand Mr. Manson is presumed to be  
16 innocent and that the charges I have read against him are  
17 not in any way evidence in this case?

18 A I understand this, yes.

19 Q And do you think that you could be fair and  
20 impartial in deciding all issues in this case?

21 A I believe I could.

22 Q Regardless of your experience?

23 A Right.

24 Q Was the person who robbed you, as far as you know,  
25 apprehended?

26 A Uh, both of them were, yes.

27 Q And have you been to court in respect to it?

28 A I have.

1 Q And you've testified in Municipal or Superior or  
2 both?

3 A I have testified in Juvenile Court and Municipal  
4 Court.

5 Q All right, then.

6 Do you think in spite of that experience that you  
7 could be fair and impartial as a juror in the case?

8 A This is my feeling, yes.

9 Q All right.

10 And is there a Mrs. Wakefield?

11 A There is.

12 Q And is she employed outside the home?

13 A Yes, she is.

14 Q In what capacity?

15 A As a public health nurse.

16 Q All right.

17 And where does she work?

18 A At the Maravilla Health Center, the County of Los  
19 Angeles.

20 Q Where is that?

21 A That's in East Los Angeles. It is close to --  
22 well, it is off the San Bernardino Freeway near Hazard and  
23 Fairmount Avenues.

24 X8a f  
11a fls.



11a-1

1 Q Now, can you think -- let me ask you concerning  
2 your views about the death penalty.

3 Do you have such views concerning the death  
4 penalty that you could not thereby be fair and impartial in  
5 determining guilt or innocence?

6 A I do not have any reservations in this respect.  
7 I feel I could render an impartial opinion.

8 Q And do you have views concerning the death penalty,  
9 such as would cause you to refuse to impose it regardless of  
10 the evidence?

11 A I have none of those feelings.

12 Q Or, on the other hand, would you have such views  
13 concerning the penalty that you would automatically impose it  
14 upon a conviction of murder of first degree without regard to  
15 other evidence?

16 A My judgement would never be automatic.

17 Q You would consider the evidence that would be  
18 involved?

19 A Very carefully, sir.

20 THE COURT: All right, how about passing that on, then,  
21 to Mr. Stoebe.

22  
23 VOIR DIRE EXAMINATION OF

24 MR. ALFRED W. STOEBE

25 BY THE COURT:

26 Q Mr. Stoebe --

27 A Mr. Stoebe,

28 Q Mr. Stoebe, there would be a hardship to you if

1 you were to serve in this case?

2 A It would be a physical hardship because I have a  
3 nervous heart and I'm taking pills.

4 Q Are you under doctor's care?

5 A Yes. Now, the last time I was there was one month  
6 ago and he said I should watch out for over excitement.

7 Q And you are taking medication?

8 A Yeah.

9 Q Are you taking it --

10 A Two pills a day. I have them in my pocket.

11 Q What are they?

12 A Phenobarbital.

13 Q I see.

14 And it is in the nature of a heart ailment?

15 A Yeah, irregular heartbeats at times when I get  
16 excited.

17 Q I see.

18 A Yeah.

19 MR. KANAREK: Stipulate, your Honor.

20 MR. MANZELLA: People will stipulate that there is a  
21 hardship, your Honor.

22 THE COURT: These gentlemen have very kindly stipulated  
23 that you may be excused from jury service. Thank you, Mr.  
24 Stoebe, and you are excused.

25 MR. KANAREK: Thank you, Mr. Stoebe.

26 THE COURT: Thank you, Mr. Stoebe.

27 Room 253, then, tomorrow, Mr. Stoebe, at 9:00  
28 o'clock.

1 THE CLERK: Lolita McCrimmon, L-o-l-i-t-a, M-c-C-r-i-m-m-o-n.

2 THE COURT: Give me that again, will you?

3 (Whereupon, the clerk conferred with the Court.)

4  
5 VOIR DIRE EXAMINATION OF

6 LOLITA McCRIMMON

7 BY THE COURT:

8 Q Mrs. McCrimmon, you have been present during all  
9 of the proceedings thus far?

10 A Yes.

11 Q Would your answers be any different than the  
12 majority of the jurors have responded to the Court's questions  
13 put to the group as a whole?

14 A Yes.

15 Q All right.

16 Get that microphone closer and we'll find out.

17 A Yes.

18 Q All right.

19 Do you hear it, through? You have to get it back  
20 close in order to make it come through.

21 A Okay.

22 Q All right. In what respect would your answers  
23 differ?

24 A No, I mean they are the same.

25 Q They would be the same?

26 A Uh-huh.

27 Q All right. Would it entail any hardship to you  
28 to serve as a juror in this case?

1 A Well, the only thing is I would feel very depressed  
2 if I missed my vacation.

3 Q We all would, Mrs. McCrimmon.

4 A After working a whole year, I don't think I could  
5 go any longer.

6 Q For whom do you work?

7 A Uh, for Metro Family Services, Department of  
8 Public Social Services.

9 Q When were you planning your vacation?

10 A The 1st of September.

11 Q Well, you don't receive a very sympathetic ear  
12 here, Mrs. McCrimmon.

13 The Court believes that you should serve as a  
14 juror in this case.

15 And regardless of that --

16 And the Court will ask you to serve.

17 I do know that it is some hardship, but jury duty  
18 is an extremely important thing. In acting as a juror you  
19 afford a defendant a most important right, constitutional  
20 right to a jury trial. A juror's position is like a judge  
21 in the community during the period of time that a juror is  
22 serving, and the Court considers it a major importance.  
23 Although you may think the Court is taking it lightly in  
24 refusing it, refusing to recognize the hardship of your not  
25 being able to take a vacation, I don't take it lightly at all.  
26 It is just that jury duty appears to me to be a prime  
27 importance.

28 Let me ask you this about your background.

1 Other than that jury -- other than jury duty  
2 interfering with your vacation, would there be any other  
3 hardship that you can think of, any personal hardship or  
4 financial hardship?

19b fls.5

A No.

13b-1

1 Q Have you served as a juror before in a criminal  
2 case?

3 A No.

4 Q You stated to us the nature of your employment.  
5 Where are you employed, in what --

6 A Metro Family Services.

7 Q In what geographical area?

8 A Oh, 2707 South Grand.

9 Q All right. And are you related to or a friend of  
10 any law enforcement officers?

11 A Well, I know quite a few. My sister works  
12 Foothill Detectives.

13 Q I see. Do you think that that would interfere  
14 with your judgment in the case?

15 A I am very much police oriented by her being there.

16 Q Oh, you mean that she is employed --

17 A She works Foothill Detectives.

18 Q As a detective or --

19 A No, she works with the detectives as a senior  
20 stenographer.

21 Q I see. And how long has she been so employed?

22 A 20 years.

23 Q And by "police oriented," what do you mean by  
24 that?

25 A Well, I have heard of their views on different  
26 cases they've gone on. I've been down there to her place  
27 of employment. I've helped her type different reports.

28 Q I see. So that you've actually worked in that

1 department yourself?

2 A Well, just once in a while.

3 Q Assisting her in typing police reports?

4 A Yes.

5 Q Would you be more inclined to believe a police  
6 officer because of his status as a police officer than  
7 someone who is not a police officer?

8 A I would.

9 Q Now, you've not just saying this because you like  
10 to go on vacation, are you?

11 (Laughter.)

12 A No, I know a lot of detectives and I know how they  
13 work and they feel.

14 Q And your orientation and your feeling would be that  
15 you would be prejudiced toward the police officer and toward  
16 law enforcement?

17 A Yes.

18 Q Well, you understand that part of law enforcement  
19 is finding somebody not guilty when the evidence is such that  
20 the People have not proved the case beyond a reasonable doubt  
21 and to a moral certainty?

22 A Yes, I understand that.

23 THE COURT: Mr. Kanarek.

24 MR. KANAREK: I have no questions, your Honor.

25 MR. MANZELLA: No questions, your Honor.

26 BY THE COURT:

27 Q Mrs. McCrimmon, in connection with the death  
28 penalty, do you have views concerning the death penalty,

1 such as would cause you to be -- cause you to automatically  
2 impose the death penalty without regard to the evidence?

3 A Yes, I do. When I first received a summons for  
4 jury duty I wrote a letter to the Jury Commissioner explaining  
5 that I had very strong feelings against imposing the death  
6 sentence or life --

7 Q Imposing it?

8 A I didn't want to, and I had written this letter.

9 Q Are your views concerning the death penalty such  
10 that you would automatically refuse to impose the death  
11 penalty in any case?

12 A Yes. That's what I had explained in my letter.

13 Q So that should you be called upon in the penalty  
14 phase to determine life --

15 (Whereupon, a very loud noise emanated from the  
16 air conditioner.)

17 THE COURT: Miss Frank, if that happens again, would  
18 you turn and click that switch off along the window there?

19 Is it that one, Mr. Kuczera, or this one?

20 THE BAILIFF: I believe it is this one, your Honor.

21 THE COURT: All right. Those air conditioners are  
22 veterans, have been through it. And they need some repairs,  
23 quite obviously.

24 Q BY THE COURT: Would your views concerning the  
25 death penalty be such, Mrs. McCrimmon, that you would not  
26 impose the death penalty in any case?

27 A In any case. I would never.

28 Q So that irregardless of the evidence, you would



1 automatically refuse to impose the death penalty; is that  
2 correct?

3 A That's correct.

4 Q Would you refuse to even consider the death  
5 penalty?

6 A No, I wouldn't consider the death penalty.

7 Q Pardon?

8 A I would never consider the death penalty.

9 MR. MANZELLA: Your Honor, the People would respectfully  
10 challenge Miss McCrimmon for cause under Section 1073,  
11 Subdivision 2, and Section 1074, Subdivision 8, because of her  
12 views regarding the death penalty.

13 BY THE COURT:

14 Q Mrs. McCrimmon, concerning the first phase of the  
15 trial, the penalty phase of the trial, would you, by reason  
16 of your feeling concerning the death penalty, be unable to  
17 be impartial in determining guilt or innocence in the case?

18 A I would.

19 THE COURT: The Court grants the challenge for cause.

20 Mrs. McCrimmon, the Court thanks you and excuses  
21 you.

22 MR. KANAREK: Thank you, Mrs. McCrimmon.

23 THE COURT: Let's see, do you have any further time  
24 left?

25 JUROR NO. 8: Yes.

26 THE COURT: All right, report tomorrow morning, Room  
27 253, the jury assembly room.

28 It is 25 after 4:00, let's take one more juror in

1 place of Mrs. McCrimmon.

2 THE CLERK: Ann K. Baker, A-n-n, B-a-k-e-r.

3  
4 VOIR DIRE EXAMINATION OF

5 ANN K. BAKER

6 BY THE COURT:

7 Q Mrs. Baker.

8 A Yes.

9 Q Have you been present during all the proceedings?

10 A Yes, I have, sir.

11 Q Thus far?

12 A Yes, your Honor.

13 Q Thank you.

14 Would your answers be any different than the  
15 majority of the jurors have responded to the Court's questions  
16 put to the group as a whole?

17 A I am very prejudiced, very much so.

18 Q In what way?

19 A I formed an opinion already.

20 Q Concerning guilt or innocence?

21 A Yes, your Honor.

22 Q And have you done that from something you've  
23 read, heard or seen in the newspaper?

24 A I have given it a lot of thought.

25 Q Pardon me?

26 A I have given it a lot of thought.

27 Q Has that opinion been arrived at as a result of  
28 something you've heard or read or seen in the newspaper or

1 radio or television?

2           A       That may have been a little bit of it, but I have  
3 given it a lot of thought on both sides. I have weighed both  
4 sides and I am very prejudiced, I'm sorry, your Honor.

14 fls.

last take

Q Well, don't be sorry. But just be frank and --

A I am.

Q -- objective in examining your state of mind. And listen to the question.

Has that prejudice been formed as a result of something that you've read, heard or seen, before this trial?

A I believe it could have been, partially, yes.

Q Is it as a result of something that you know -- without saying what it is -- know about the case, or about the parties involved?

A No, your Honor. It's just the way I -- just what I feel.

Q I see.

A I can't help it.

Q And as a result of that prejudice, you don't believe that you could be fair and impartial --

A No.

Q -- to the People, or to Mr. Manson?

A No, I couldn't. I'm sorry.

THE COURT: Mr. Kanarek, any challenge?

MR. KANAREK: Yes, your Honor. 1073, Subsection 2.

THE COURT: All right. The Court grants the challenge.

JUROR NO. 8: Thank you.

THE COURT: And the Court thanks you, Mrs. Baker.

Do you have time left on jury duty?

JUROR NO. 8: Yes, I do. Quite a bit of time. I just started.

THE COURT: All right. Perhaps you can be picked up

1 in another courtroom, to serve on another jury. So if you  
2 will be available tomorrow morning at 9:00 o'clock in Room  
3 253?

4 MR. KANAREK: Thank you, Mrs. Baker.

5 THE COURT: Let's pick one more to replace Mrs. Baker.

6 THE CLERK: Mrs. Dorothy D. Craig; C-r-a-i-g.

7  
8 VOIR DIRE EXAMINATION OF

9 MRS. DOROTHY D. CRAIG

10 BY THE COURT:

11 Q Miss Craig, have you been present during all the  
12 proceedings?

13 A Yes.

14 Q Would your answers be any different than the  
15 majority of jurors have responded to the Court's questions,  
16 put to the group in the box?

17 A No, they would not.

18 Q All right. Would you suffer any hardship in  
19 serving on this jury?

20 A Yes, I would.

21 Q Tell us about it.

22 A Well, financially, I wouldn't be able to pay for  
23 a baby sitter. I'm a housewife, and my husband is the only  
24 one -- is the only income coming in.

25 Q Oh, I see. So that you have a child at home you  
26 have to care for?

27 A Yes.

28 Q How old is the child?

1           A       She's -- one's three, and one's 15. The  
2 15-year-old is taking care of her while I am on jury duty.

3           Q       And won't you have the 15-year-old -- no, you  
4 won't have --

5           A       Not when school starts.

6           Q       -- when school starts, when she will be in  
7 school?

8           A       Uh-huh.

9           Q       And do you have any other relatives that would be  
10 able to make -- who would be able to make some arrangements,  
11 so that that relative could care for your child?

12          A       No. All close relatives works.

13          Q       So there would be no child care that you --

14          A       No child care.

15          Q       -- that you could think of?

16          A       No.

17       THE COURT: Gentlemen?

18       MR. KANAREK: Well, your Honor, I do make the motion.  
19 I think -- with the baby sitters that are in this community,  
20 I make a motion that the County certainly -- in the interests  
21 of having a good objective juror -- the County certainly can  
22 arrange to take care of this -- in the -- actually, there  
23 will be many months, when her own daughter will be able to  
24 take care, because the summer vacation's coming up.

25               And I think that, with a little bit of imagination,  
26 that the County could well take care of this lady's baby  
27 during the few hours that she's in court.

28          Q       BY THE COURT: Miss Graig, how old is the child?

1 A The baby? Three years old.

2 Q Would there be any possibility to get him or her  
3 into a child care center of some type?

4 A No. It's too expensive.

5 Q Any that's near you?

6 A No, it's too expensive. We wouldn't be able to  
7 afford it.

8 Q Even if it were publicly run, there are still  
9 fees involved, are there not?

10 A Yes.

last tape  
file.

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1 Q And you and your husband would not be able to  
2 financially carry that burden?

3 A Right.

4 MR. MANZELLA: The People will stipulate that it is  
5 a hardship, your Honor.

6 THE COURT: All right. The Court believes that it is  
7 a hardship, which Mrs. Craig should not be required to  
8 endure; and accordingly, would --

9 Are you requesting to be excused, Mrs. Craig?

10 JUROR NO. 8: Yes, I am.

11 THE COURT: I will grant your request to be excused.

12 Without going any further, other than picking  
13 a name, the Court will ask you to draw another name, and  
14 we'll proceed from this point tomorrow.

15 Mrs. Craig, report to Room 253 tomorrow at 9:00  
16 o'clock, if you would, please.

17 MR. KANAREK: Thank you, Mrs. Craig.

18 THE CLERK: Mrs. Libbie Miller; L-i-b-b-i-e;  
19 M-i-l-l-e-r.

20 THE COURT: Are you Mrs. Miller?

21 PROSPECTIVE JUROR NO. 8: Yes.

22 THE COURT: Mrs. Miller, you will be seated in the 8th  
23 seat tomorrow morning, at 9:45. The Court will call this  
24 case at 9:45 tomorrow morning, and we'll begin promptly at  
25 that time.

26 There may be other matters that will be called  
27 while you are present. The Court will advise you and instruct  
28 you at this time that those matters have nothing whatsoever



1 to do with this trial; they're not in any way -- they are not  
2 in any way, those other matters, to enter into any judgment  
3 that you might be called upon to make on any issue in the  
4 course of this trial.

5 So although it's -- because the Court has other  
6 matters to deal with, sometimes in the morning before this  
7 case is called, I do make that -- I hope I make that clear  
8 to you. I hope that I've made it clear to you, that you are  
9 not in any way to allow any of those matters, that you over-  
10 hear, to enter into your judgment.

11 All right, ladies and gentlemen.

12 During the course of this recess, you are admonished  
13 not to converse amongst yourselves, nor with anyone else, nor  
14 permit anyone to converse with you on any subject connected  
15 with this case, nor to form or express any opinion on the  
16 matter until it is finally submitted to you, should you be  
17 chosen as jurors.

18 Don't see or hear or read anything in connection  
19 with this case. During the course of the time that you are  
20 a prospective juror, don't view television, read any newspaper  
21 articles. If anyone mentions anything to you, and you are  
22 apprised of what he or she is talking about, tell him that you  
23 are obliged to not talk about it, and you'd rather not hear  
24 it.

25 Follow that instruction during the time that you  
26 are a prospective juror, and during all the time while you  
27 are a juror, should you be chosen.

28 Good night. I'll see you at 9:45.

1 (Whereupon the members of the jury panel exited  
2 the courtroom, and the following proceedings were had:)

3 THE COURT: Mr. Kanarek, Mr. Manson has indicated he  
4 wanted to speak to the Court.

5 MR. KANAREK: Oh.

6 THE COURT: This can be off the record.

7 (Whereupon, proceedings were had at the bench  
8 among the Court, counsel and the defendant, outside  
9 the presence and hearing of the prospective jury  
10 panel, which was not reported.)

11 (Whereupon, at 4:34 o'clock p.m., an adjournment  
12 was taken until the following morning, Thursday,  
13 June 24, 1971, at 9:45 o'clock a.m.)  
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